

# New guidelines help citizens gain better and fairer access to their national courts on environmental cases

Today the European Commission adopted a [guidance document](#) on access to justice in environmental matters which clarifies how **individuals and associations** can challenge decisions, acts and omissions by public authorities related to EU environmental law before national courts.

The Juncker Commission has taken a step forward with the publication of these guidelines, providing the necessary guidance to citizens for better access to national justice systems. The guidance is intended to help individuals and non-governmental organisations to decide whether to bring a case before national courts. National courts can use it to help identify all the EU Court of Justice cases that they should take into account when they are faced with questions related to access to justice in environmental cases. With this guidance, national administrations are made aware of possible shortcomings in their justice systems and businesses are provided with greater clarity on what EU rights and obligations are at stake in the decisions, acts and omissions that concern them.

Frans **Timmermans**, First Vice-President responsible for the Rule of Law said: *“Legal certainty is a core principle for a Rule of Law based society, and it is important that we offer this guidance to all interested parties. Environmental law is at the forefront of our efforts to build a sustainable future for the EU, and everybody needs to have a clear understanding of their rights and responsibilities.”*

Karmenu **Vella**, Commissioner for Environment, Fisheries and Maritime Affairs, said: *“Environmental laws are about protecting people and their health. When public authorities fail to respect the rights and obligations under these laws, the public can hold them accountable. The new guidance is an important step in empowering citizens to take matters such as the quality of air, water and waste management in their own hands. By bringing environmental cases to the national courts, citizens can help ensure the correct application of environmental law across the EU.”*

The EU Court of Justice has issued a number of rulings clarifying EU requirements on access to justice in environmental matters. Examples include:

- How national courts should address pleas that municipal **air quality plans** do not provide for sufficiently effective measures to reach the air quality standards laid down in EU air legislation;
- The role of the public, notably environmental non-governmental organisations, in helping to ensure that the obligations under EU **nature** legislation are respected in the Member States;
- Assessment criteria that national courts should employ to avoid that prohibitively high litigation **costs** prevent citizens and associations

from exercising their role in upholding EU environmental law at national level.

Today's guidance note brings all of these rulings together in a single text, making it easier for people to understand them and their implications by providing one comprehensive document.

The adoption of today's guidance note will be followed by discussions with Member States which do not yet fully comply with their obligations, as interpreted by the EU Court of Justice. These discussions will also take place in the context of the process established through the [Environmental Implementation Review](#).

## **Background**

Access to justice guarantees that individuals and environmental associations, under certain conditions, can have an independent national court examine whether a public authority acted lawfully in making a decision, act or omission affecting their rights. The principle guarantees consist of the right to be heard, a sufficient scrutiny by the national judge, measures to put matters right and measures to avoid prohibitive costs.

The guidance document is based on access to justice provisions in EU secondary environmental law and provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ([The Aarhus Convention](#)), as interpreted by the EU Court of Justice. The scope of the guidance document is limited to access to justice in relation to decisions, acts and omissions by public authorities of the Member States. It does not address environmental litigation between private parties. Nor does it concern the judicial review of acts of the EU institutions.

## **For More Information**

Factsheet: [Access to Justice in Environmental matters](#)

Info Sheet: [Environmental enforcement – What's in it for you?](#)