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Environmental Justice Network Ireland

Access to Justice Observatory
Technical Report

A chance for enhanced environmental accountability? The Aarhus Regulation review

Technical Report

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The Aarhus Regulation amendment is currently being negotiated in Brussels. It represents an unparalleled opportunity for the EU to demonstrate its commitment to the rule of international law and its global leadership in improving environmental democracy and climate governance worldwide, and forms part of its commitments under the EU Green Deal. However, in a draft decision issued in January 2021, the Aarhus Convention Compliance Committee (ACCC) has found that current proposals fall short of what is required for the EU to meet its compliance obligations under the Aarhus Convention. The current legislative proposals increase the complexity and uncertainty of the rules. A simpler approach, mirroring the wording of the Aarhus Convention, would resolve many of these difficulties. It is in the EU and Ireland's interests that the Aarhus Convention is respected and strengthened generally, as it has an important role to play in the maintenance of an environmental 'level playing field' post Brexit and in activating citizens/NGOs to have oversight over EU institutions decision-making in areas covered by the Protocol on Ireland/Northern Ireland where they affect the environment. Redrafting the Aarhus Regulation to implement the ACCC's recommendations is important for ensuring environmental and climate action accountability at EU level. The potential accountability and oversight provided by the Aarhus Regulation could play a vital role in protecting the environment and ensuring that EU bodies and institutions act in a manner consistent with the EU's ambitions in the area of Climate Change (evidenced by the EU Green Deal and the proposed EU Climate Law).

1. **In 2017, the EU was found by an international UN body, the Aarhus Convention Compliance Committee (ACCC), to be in breach of its obligations under an international convention, the Aarhus Convention 1998 UNECE**. The Aarhus Convention is an international convention which ensures environmental accountability by setting out rights for public participation in environmental decision making and associated rights for access to environmental information and to the courts. It is of key strategic importance on the island of Ireland, with potential to provide elements of an environmental 'level playing field' post-Brexit, and also strengthens environmental democracy and environmental accountability in Ireland. The EU ratified the Convention in 2005 but has yet to achieve full implementation. Ireland ratified the Convention in 2012 and has been the subject of multiple complaints of breach. The Aarhus Convention Compliance Committee (ACCC) is a decision-making body established under that Convention (Art 15) charged with receiving 'communications' (complaints) regarding breaches of the Convention's terms by State Parties. It can hear these from other State Parties, but also more unusually from NGOs and individuals. This makes it a type of watchdog, ensuring consistent and effective application across all the 47 State Parties. The ACCC's interpretations of the Convention are acknowledged to be authoritative.[i]

2. **EU legislation ('the Aarhus Regulation' 1367/2006 EC) has been designed to implement the Aarhus Convention at EU level and provide access to the EU courts for NGOs, but in practice denies the public/NGOs the right to challenge the decisions of its institutions that have environmental protection implications.** ClientEarth complained to the ACCC in 2008 that the Aarhus Regulation was not fit for purpose on two main grounds, namely that it placed: (a) restrictions on the categories of reviewable decisions and (b) restrictions on the standing rights of NGOs and individuals. ClientEarth presented evidence that NGOs were effectively never granted the right to ask for administrative review of an EU institution or body. For example, NGOs have been refused the right to challenge decisions relating to the authorisation of glyphosate. The ACCC considered the complaints of ClientEarth very carefully, issuing a preliminary decision in 2011, and then adjourning to give the CJEU time to reconsider its jurisprudence in light of the Aarhus Convention, the Aarhus Regulation (which had not been in force at the time of some of the cited case law), and the Lisbon Treaty changes to certain relevant Treaty provisions affecting standing (Art 263(4)TEFU formerly Art 230(4)TEU). They reconvened the matter and in 2017 made further findings of non-compliance regarding the EU. However, the EU refused to approve the findings at the 2017 Meeting of the Parties (MoP) and they were adjourned until the 2021 MoP. In October 2020, the EU drafted legislative proposals to address some of the shortcomings identified by the ACCC. The ACCC gave draft advices on these proposals on the 18th January 2021, which identified important shortcomings in ensuring compliance with the ACCC's earlier ruling in 2017, (see below). These three ACCC rulings from 2011, 2017 and 2021 together comprise a decision on a single case, ACCC/C/2008/32.

3. **The ACCC rulings in 2011 and 2017 were clear that the EU needed to act immediately to change their laws.** This is a position widely agreed by Europe's leading environmental lawyers, including Kramer and others and many leading environmental NGOs such as ClientEarth and the EEB.

   These two decisions of the ACCC indicated that the main issues were:

   3.1 The class of decisions which could be reviewed was found by the ACCC in 2017 to be unduly restrictive, allowing review only of administrative acts adopted 'under environmental law' of 'individual scope' and which had 'legally binding and external effects'. All these limitations were found by the ACCC to be incompatible with the Aarhus Convention.

   3.2 The ACCC also found in 2017 that individuals ought to be granted standing to challenge administrative acts of EU institutions and bodies. This was not provided for by the Aarhus Regulation, which only provided for the right of NGOs to challenge such decisions.

   3.3 Finally, the ACCC found that the way the CJEU interpreted the basic Treaty provisions governing access to the EU Courts effectively denied access to justice for both individuals and NGOs. Art 263(4) governs access to the EU Courts for review of administrative decisions, which is also the type of decision covered by the Aarhus Regulation. Therefore, the CJEU's case law concerning the operation of Art 263(4) is relevant to the operation of the Aarhus Regulation. In 1963 in a case known as *Plaumann*, the CJEU decided to interpret the Treaty provision governing standing in Art 263(4) TFEU 'individually concerned' as meaning 'uniquely' affected[ii] by the measure (instead of the broader, more obvious plain meaning, 'having rights which are affected by the measure'). This meant that individuals and NGOs who wanted to access the EU Courts had to show they were uniquely affected in a way no one else was. This interpretation was criticised by the ACCC as not compatible with the type of broad access to justice required by Articles 9(2) and (3) of the Aarhus Convention. The restrictive interpretation of standing rights before the CJEU is a broader issue affecting a wider range of decisions than just those under the Aarhus Regulation, but this is particularly concerning from a climate/environmental perspective, as the decisions which should be challengeable under the Aarhus Regulation but are not because of the *Plaumann* rules are environmental ones. Environmental and climate matters always affect large groups of people, not just one actor uniquely.

4. **The European Commission produced draft legislation on the 20th October 2020 intended to address the findings of the Compliance Committee by proposed amendment of the Aarhus Regulation. This was carried out after a consultation process and a large study commissioned by the EU, the** 'Study on EU Implementation of the Aarhus Convention particularly in the area of Access to Justice in Environmental Matters', hereinafter 'the EU Study'. This process resulted in the current proposals. This draft legislation seeks to amend Art 2(1)(g) and Art 10 to affect the definition of 'administrative acts', removing some problematic phrases such as 'individual scope' and 'under environmental law' identified as too limiting by the ACCC. It did not remove the phrase 'legally binding and external effects' also highlighted as problematic by the ACCC. It also adds additional restrictions to the category of reviewable acts, excluding those acts requiring implementing measures. It further went on to extend the time limits for NGOs to make a request for internal review from 6 to 8 weeks. It extends the time for EU institutions to reply to request from 12 to 16 weeks, and the outer time limit from 18 to 22 weeks.

5. **The ACCC indicated in their draft findings issued on the 17th January 2021 that the EU Commission's current proposals fall short of what is required to meet the obligations of the Aarhus Convention. Even though they remove the 'individual scope' and 'under environmental law' provisos they do not fully resolve the access to justice issues identified by the ACCC, namely that**:

   5.1 **The draft legislation does not address the problem of an overly restrictive approach to standing rights**. Under the *Plaumann* case law on Art 263(4)) and individuals/NGOs, the CJEU continues to interpret Art 263(4) in a manner incompatible with broad access to justice. As mentioned above at 3.3 above, the CJEU has interpreted the Art 263(4) standing criteria 'individually concerned' as meaning 'uniquely' affected by the

measure, instead of the broader and more obvious plain meaning, 'having rights which are affected by the measure'. The ACCC suggested (at para 37) that 'individually concerned' would be a satisfactory criterion for access to the EU Courts, provided it was interpreted in a broader manner than it currently is. However, the prevailing view within the Commission is that this is not a matter which can be legislated for by 'secondary' legislation such as the Aarhus Regulation, and that it is up to the CJEU to interpret the Treaty provisions. More worryingly it is also the view of the Commission that the CJEU should not amend its jurisprudence following a finding of non-compliance.[iii] This appears to be supported by the jurisprudence of the CJEU itself since the 2017 findings, where it dismissed the ACCC ruling from 2017 as a 'simple project' without explaining what that meant.[iv] Furthermore, the Commission has argued that the Convention should not apply to the EU in the same way it does to a State Party.[v]

The latest decision in 2021 criticises the *Plaumann* standing rules and their interaction with the Aarhus Regulation mainly on the ground that it denies individual rights of access to the EU Courts (para 32 -28). The 2021 decision also references passages from the previous decision on the same case in 2017 where the *Plaumann* standing rules were heavily criticised for how they impacted NGO standing before the EU Courts (2017 decision, para 46-82) and previously in 2011 (paras 81-86). This ACCC in its finding in Part I (2011) at para 86 stated that in their view, it was possible for the CJEU to take a different approach to standing rights under Art 263(4) TFEU(formerly Art 230(4) TEU): 'It is clear to the Committee that TEC article 230, paragraph 4, on which the ECJ has based its strict position on standing, is drafted in a way that could be interpreted so as to provide standing for qualified individuals and civil society organisations in a way that would meet the standard of article 9, paragraph 3, of the Convention.' The ACCC also stated at para 91 of the 2011 decision: 'The jurisprudence examined was not actually implied by the TEC, but as a result of the strict interpretation by the EU Courts.' It does seem however, that this matter cannot be addressed during the current legislative process.

5.2 **The proposals do not resolve the absence of standing rights for individuals in the Aarhus Regulation.** The ACCC has also criticised the fact that individuals are entirely absent from the Aarhus Regulation (para 32 – 38 of the 2021 advices). Individuals have never been granted any standing rights under the Aarhus Regulation, which only gave standing rights to NGOs to review administrative decisions before the EU Courts. The Commission attempted to justify this in their latest legislative proposal as being based on the Aarhus Convention which they asserted 'privileged' NGOs. This was rejected by the ACCC in 2011, 2017 and more recently in the 2021 advices on the EU's draft legislation. It is clear from the case law on Art. 9 that the CJEU generally strives for what Ryall[vi] describes as the Doctrine of Consistent Interpretation (an established principle of international law). For example, in *Fish Legal*, Case 279/12, the CJEU stated (when discussing access to environmental information) that in becoming a party to the Aarhus Convention, the EU undertook to ensure the general principles would be given effect to. In adopting Directive 2003/4 the EU legislature intended to '… ensure consistency of European Union law with the Aarhus Convention' (para 36). The conflicting approaches to individual and to NGO standing in the Aarhus Regulation, and the conflicting approaches by the CJEU to the application of the Aarhus Convention at Member State level and at EU level (see point 6 below), would seem to violate the Doctrine of Consistent interpretation.[vii]

5.3 **The proposals still overly restrict the categories of decisions that are subject to administrative review**:

5.3.1 They do not remove the impugned restriction that the measure must have '**legally binding and external effects**'. The ACCC found that there was no basis in the Convention for including the phrase 'legally binding' effects. They felt that this potentially limited the categories of decisions which are reviewable. This phrase 'legally binding and external effects' was also singled out for criticism in the 2017 decision. The ACCC felt that it would exclude acts that properly fell within the terms of Art 9(3) of the Aarhus Convention. ClientEarth gave the ACCC several examples[viii] of decisions which had been refused review on ground that they didn't entail 'legally binding and external effects'. These included:

(i) A decision adopting the list of candidates to be proposed by the Commission to the Management Board of the European Chemicals Agency for the appointment by the latter of the Executive Director of the Agency.
(ii) The decisions approving Operational Programme Transport for certain Member States
(iii) An implementation measure for a provision of the Fuel Quality Directive
(iv) Decisions by the Commission on state aid for environmental protection and energy 2014-2020.
(v) Decisions by the Commission to issue a statement concerning the implementation of a provision of the EU ETS Directive specifying the way Member States may use revenues generated from auctioning of allowances to support the construction of certain plants.

5.3.2 The Commission's legislative proposals for revising the Aarhus Regulation also introduce further restrictions, limiting the categories of reviewable acts to **'non-legislative act adopted by a Union institution or body**' and excepting '**those provisions of this act for which Union law explicitly required implementing measures at Union or National leve**l'.

5.3.3 '**Adopted**': The ACCC raised issue with the term 'adopted' by a Union institution or body. They considered that it might be accorded an interpretation which might cause exclusion of decisions not deemed to be 'adopted' by that institution or body, if a particular technical meaning was accorded to it. ClientEarth in their position paper responding to the Commission's proposals also highlight that this wording does not align with the Treaty requirements in Art 263(4) of 'binding legal effects'. This conflicting wording adds further uncertainty to the meaning of the terms.

5.3.4 '**Implementing Measures**': The ACCC also highlighted that excluding provisions for which 'implementing measures' were required at Union or National level was unnecessarily restrictive. The EU Study on implementation of access to justice found at p120 that 'most types of acts will result in implementing measures'. The justification offered by the EU Commission for this exclusion was that the measure could be later challenged by individuals/NGOs when the implementing measure was challenged (when eventually adopted), and in particular, implementing measures at Member State level could be challenged effectively through the Art 267 reference procedure whereby a National Court refers a question of law to the CJEU. It was argued that this mechanism provided adequate access to justice (Para 39, Part II, 2017). But as pointed out by ClientEarth this requirement introduces the potential for unacceptable delays waiting for an 'implementing measure' to be adopted. It also means that the right to challenge a measure might vary from country to country due to uneven implementation of access to justice rights across the EU as highlighted in the EU's study on the implementation of access to justice principles in the EU. If an NGO or individual cannot get standing before their National Court, they would not be able to challenge the measure. If access to justice is prohibitively expensive, they will be similarly excluded. The ACCC was very clear in the 2017 decision that the Art 267 reference procedure for a preliminary ruling did not provide sufficient access to justice (para 90, Part II, 2017). There also seems to be a fundamental illogicality in requiring that a measure that contravenes environmental law must be implemented before it can be challenged. The implementation of a bad measure will not be a positive development. It would be better governance to tackle the problem at source. ClientEarth gave the example of the authorisation for a herbicide such as glyphosate – should this be challenged at EU level, or does the NGO have to wait until individual products containing this substance are authorised at MS level? This lack of clarity and uncertainty is undesirable.

5.4 The ACCC report states that these added qualifications add layers of complexity to determining what decisions can be reviewed, generates uncertainty, and in some cases clearly exclude certain decisions which fall within the provisions of the Aarhus Convention.

5.5 Additionally while not addressed directly in the most recent section of the ACCC's findings, the findings of Part II indicated that exemption of administrative review was an issue – Art 2(2) excludes acts/omissions by an EU institution/body acting in its capacity as an administrative review body. This was found not to be supported by

the Convention's wording (which disapplies the measures when acting in a legislative or judicial capacity, but not administrative review capacity. The exclusion in the Aarhus Regulation relies on conflating judicial and administrative review which the Committee does not accept. No concrete examples of administrative review in a non-judicial capacity, so no finding of non-compliance was made on this point. Example of Administrative review in a judicial capacity that would be excluded included the Ombudsman. (Para 111, Part II, 2017). This was not addressed by the legislative proposal.

6. **The approach of the EU to access to justice rights at EU level stands in marked contrast to the EU's strict approach to implementing the Access to Justice provisions of the Aarhus Convention vis-à-vis Member States.** The failure of the CJEU to take account of the Aarhus Convention's provisions and in particular to read the Art 263(4) requirement of individual concern in light of the provisions of Art 9(3) and the Aarhus Regulation conflicts directly with the CJEU's own approach in *LZ* C-240/09 and other cases[ix] dealing with the national courts role in the implementation of the Convention. In *LZ* the CJEU stated at para 50 '…it is for the national court, in order to ensure effective judicial protection in the fields covered by EU environmental law, to interpret national law in a way which, to the fullest extent possible, is consistent with the objectives laid down in the Aarhus Convention'. The Compliance Committee specifically point to this passage in Para 81 of Part II, 2017 expressing regret that the CJEU does not consider itself bound by the same principle, despite its findings with regard to the National Courts. The CJEU has consistently held that Art 47 of the Charter of Fundamental rights triggers an 'interpretation obligation' on Member State courts to interpret national and EU law in light of Art 9(3) of the Aarhus Convention, even though it has not been specifically implemented/is not directly effective. As mentioned in point 5.2 above, this conflict of approaches would seem to violate the Doctrine of Consistent Interpretation. This anomaly must be resolved. The ACCC recommends using language which reflects that of the Convention itself to implement it. ClientEarth's position paper[x] on the EU Commissions' proposals for amending the Aarhus Regulation offers practical proposals for same.

7. **The EU is considering implementation of access to justice rights in two crucial legislative files, the EU Climate Law and the Aarhus Regulation**. Ensuring access to justice at EU level is an important oversight and accountability mechanism. The access to justice provisions in both pieces of legislation are parallel, complementary systems of oversight which would ensure accountability and strengthen decision making at EU and Member State level. It is important to note neither would replace the other as they work at different levels. The proposed access to justice provisions of the EU Climate Law would allow access to justice at Member State level only (for example to challenge National Energy and Climate Plans (NECPs) Long Term Strategies (LTSs) made in pursuance of climate mitigation). The access to justice provisions of the Aarhus Regulation allows for access to justice at EU level only, to challenge acts or omissions of EU institutions or bodies. The ACCC has held that acts of EU institutions or bodies can only be effectively challenged at EU level (para 90, Part I, 2011, and para 62, Part III, 2021). NGOs and individuals are the watchdogs of the environment. The EU Commission in its 2020 Note on Access to Justice acknowledged the importance of oversight of individuals and NGOs in helping the EU achieve its targets in the EU Green Deal. The EU's own Study on implementation of access to justice found current measures to be inadequate to allow NGOs and individuals to exercise such oversight in environmental matters. It stated at p78: 'the possibility for environmental NGOs to challenge EU acts on environmental matters directly before the CJEU thus remains very limited. Of the 35 direct actions before the General Court on environmental matters, only one was initiated by an environmental NGO'. Until these problems are rectified the EU will be unable to take its place as a global leader in environmental governance and climate action.

8. **It is in Ireland's interests to promote a strengthened Aarhus Regulation, as well as the full implementation of and respect for the Aarhus Convention (in particular the ACCC).** The Aarhus Convention Compliance Committee will play a pivotal role in ensuring (synergistically with the Good Friday/Belfast Agreement 1998) the maintenance of cross-border environmental standards post-Brexit. Brexit poses a threat to environmental governance on the island of Ireland, due to the possibility of significant differences in environmental regulation on either side of the border, and the loss of the oversight provided by the EU in Northern Ireland.[xi] Management of border habitats for endangered

species will become more difficult in this scenario, and there is a danger of transboundary environmental damage from Northern Ireland if regulations are lowered there. There is explicit provision for cross-border collaboration on the environment in the Good Friday/Belfast Agreement. Brexit means that there is now a particularly strong incentive for a coherent all-island approach to environmental protection. The Aarhus Convention, as an international treaty equally applicable in Ireland and Northern Ireland, offers hope for coherent approaches to environmental protection on the island, particularly post-Brexit[xii]. The Compliance Committee mechanism offers the prospect of enforcement of common standards. The proposed Aarhus Regulation amendment (in reaction to the ACCC's findings in ACCC/C/2008/32) is an important point in the history of the ACCC. The recommendations of the Compliance Committee have up to now always been respected and implemented by the parties. Failure by the EU to amend the Aarhus Regulation in a manner which respects the ACCC's findings represents a dangerous precedent which could weaken the effectiveness of the Compliance mechanism. This is particularly undesirable from an Irish perspective if Ireland wants to later rely on the ACCC to help maintain an environmental 'level playing field' on the island of Ireland after Brexit.

In relation to this particular draft amendment, ensuring that the EU has strong environmental governance mechanisms enhances Ireland's attractiveness as an English-speaking jurisdiction within the EU where governance is open, transparent, stable and green. This will be of huge importance in attracting Foreign Direct Investment, given the current emphasis on sustainability and green credentials in all kinds of investment. Implementation of the Aarhus Convention in Ireland is widely regarded as unsatisfactory.[xiii] Failure to support the Aarhus Convention and its Compliance Mechanism will be damaging to Ireland's 'green credentials' which are already at risk due to mounting concerns about declining environmental quality across the island.[xiv] Additionally, the EU institutions and bodies such as the EU Commission, have an important role to play in overseeing the implementation of the Protocol on Ireland/Northern Ireland. As can be seen from the recent controversy over the proposed decision by the EU Commission to activate Article 16 restrictions in the Protocol, this may lead to politically contentious decisions. Individuals/NGOs may wish to be able to challenge decisions of EU institutions/bodies by internal review and court review before the CJEU, where they have environmental implications under the Protocol. Therefore, it is important that the Aarhus Regulation is strengthened to allow such access to justice as is required by the Aarhus Convention.

9. **The importance of the opportunity before the EU Legislature cannot be overstated.** It has never been more urgent that EU institutions and bodies are transparent and accountable for the decisions that they make, particularly in the area of the environment. The revision of the Aarhus Regulation clearly has strong implications for the quality of access to justice across all aspects of environmental policy, however it is impossible to overstate its importance in the context of the climate change and related biodiversity crises facing Ireland and the EU as a whole. Strong oversight and accountability make the EU stronger and enhances institutional legitimacy. It is also important that the EU is not seen to 'cherry pick' between international norms it is willing to adhere to, as this puts at risk its leverage in global climate diplomacy as the world prepares for the crucial Glasgow Climate COP in October 2021. In the current climate crisis, it is vital that all EU Institutions and bodies fully implement climate action and environmental protection measures in areas as diverse as energy market integration, State Aid, public procurement, agriculture, land use management and approval of various substances under REACH. Strong oversight and accountability will protect the EU from the risk of policy failure and will reinforce public support for the EU's mandate to lead on climate. This is essential if the EU is to achieve its ambitious targets for climate action laid out in the EU Green Deal and the EU Climate Law. It is also essential for Ireland as a country that prioritises sustainable business in terms of ensuring that they are competing on even ground with other EU countries for investment, that the EU prioritises sustainability, environmental democracy and accountability.

References

[i] Conway v Ireland & Attorney General, [2017] 1IR 53 at para 61 (Irish Supreme Court).
[ii] In *Plaumann* the Court stated that directly and individually concerned meant 'by reason of certain attributes which are peculiar to them or by reason of circumstances in which they are differentiated from all other persons and by virtue of these factors distinguishes them individually just as in the case of the person addressed'.
[iii] See Comments on the draft findings in ACCC/C/2008/32 Part II from the Party Concerned 18th October 2016, para 22: Nor can the jurisprudence of the CJEU somehow be modulated following compliance Findings'
[iv] Case T-102/107, Mellifera Ev, Vereinigung für wesensgemaäbe Bienenhaltung v Commission, 27 September 2018, CURIA - Documents (europa.eu). The findings in the CFI decision were affirmed by the General Court in C-784/18 P Mellifera v Commission.
[v] Also see Comments on the draft findings in ACCC/C/2008/32 Part II from the Party Concerned 18th October 2016, para 19: 'Both these recommendations ignore, with all due respect, the specific features of a regional economic integration organisation like the EU, with its special institutional framework and unique legal order, being a Party to the Convention, as already highlighted by the EU in its previous submissions.' And Para 21: 'Therefore, when looking at the question whether the Union has properly implemented the Convention with respect to its institutions and bodies in areas that actually fall within the Convention's scope, the ACCC cannot treat it in the same way as a State Party'
[vi] Aine Ryall, Access to Justice in Environmental Matters: The Evolving EU Jurisprudence, IPELJ 2016 23(4) pp. 115-124. p.11
[vii] Betlem highlights the three levels on which the doctrine operates – on the national law, giving effect to EU law in Member States, and within EU law, giving effect to primary EU law over secondary EU law, and finally EU law in relation to international law. G. Betlem, The Doctrine of Consistent Interpretation – Managing Legal Uncertainty, 2002, Oxford Journal of Legal Studies, 22(3) pp. 397 - 418.
[vii] COM(2019) 640 'The EU Green Deal' available here.
[viii] paras 62 – 68 of the Communication from the Communicant 23 Feb 2015, available at Invu79658 (unece.org)
[ix] For example see para 45 of Case C 664/15 'Protect Natuur' or para 57 of Case C470/16 'NEPP'.
[x] ClientEarth 23rd Nov 2020,'Amending the Aarhus Regulation: and internal review mechanism that delivers the EU Green Deal', available at position-paper_amending-the-aarhus-regulation_clientearth-eeb-je.pdf
[xi] Alison Hough, 'The Potential of the Good Friday Agreement to enhance post-Brexit environmental governance on the Island of Ireland' [2019] IPELJ (2) 55-65 available here and Ciara Brennan, Mary Dobbs, Viviane Gravey 'Out of the frying pan, into the fire? Environmental governance vulnerabilities in post-Brexit Northern Ireland' (2019) *Environmental Law Review* 21(2), 84-110, available here.
[xii] Colin Reid, 'Aarhus Convention response shows contrast in enforcing EU and international law', 3rd April 2019 available here.
[xiii] See for example: DCCAE. (2020). Draft National Implementation Report Ireland 2020. Retrieved from Department of Communications, Climate Action and Environment: https://assets.gov.ie/98991/4f53eb47-40d8-4e3b-8b70-d76586abc9c9.pdf . A. Ryall, 'Challenges and Opportunities for Irish Planning and Environmental Law' [2018] IPELJ, 3(25), 104 -111; A. Ryall, 'Pollution, the Public and the Rule of Law' [2017] IPELJ, 24(4), 143-147; and D. Browne 'Ireland's Compliance with the Aarhus Convention–Some Suggestions for Reform' [2015] IPELJ 22(2), 43-62.
[xiv] EPA, (2020) 'Ireland's Environment 2020 - An Assessment' available here and Executive Summary here.

Environmental Justice Network Ireland

The Environmental Justice Network Ireland was established in June 2019. EJNI is an all-island network which seeks to build collaboration between groups and individuals involved in the delivery or pursuit of env justice. Its goal is to connect academics, lawyers, NGOs, decisionmakers and community activists and in doing so help equip people with the knowledge and tools they need to enhance the quality of environmental justice on the island of Ireland.

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