

Aarhus Regulation FAQs

1. What is the Aarhus Convention?

The [Aarhus Convention](#) is an international UN Convention adopted in 1998 and ratified by 46 countries and the EU. The core idea of the Convention is **environmental democracy**, that people should have a say in decisions made that affect the environment in which they live. It enshrines the right of the public (NGOs and individuals) to go to court to protect the environment and also the right to access environmental information.

These three core rights (**environmental participation, information, and access to justice**) create important oversight and accountability over State body decision-making in all areas affecting the environment including climate action.

The Convention has an attached [Aarhus Convention Compliance Committee](#). Its job is to ensure all parties comply with their obligations under the Convention.



2. What is the problem with the Aarhus Regulation?

The **Aarhus Regulation was flawed from the start** because it only allowed NGOs (and not individuals) the right to challenge an extremely limited category of decisions and it **didn't give individuals any rights to challenge acts of EU institutions before the EU Courts**.

[ClientEarth](#) made a complaint to the ACCC that this breached the Aarhus Convention and in findings from [2011](#) and [2017](#) the ACCC found that it did. The EU Commission [proposed amendments](#) to the Regulation to address the issues raised before the ACCC. **In February 2021 the ACCC advised that the proposed changes were not satisfactory** as they still omitted rights for individuals and introduced new restrictions on the categories of reviewable decisions.

The EU must act now to amend the legislative proposal or it will remain in breach of international law.



3. What is the effect of the [proposed draft amendment of the Aarhus Regulation](#)?

Many environmental decisions will be excluded from Court review in the current draft of the legislative proposals. These include:

- EU decisions to authorise [pesticides/herbicides](#) such as [glyphosate](#) for use on the market.
- EU decisions to allow countries to provide privileged financial support ([State Aid](#)) to certain types of projects e.g. [Hinkley Point nuclear power station](#).
- EU decisions to designate certain large scale infrastructure projects as Projects of Common Interest in the EU, allowing them fast tracked permitting and special financial supports (this can include fossil fuel infrastructure e.g. [Shannon LNG](#)).