



Access to Justice in Sustainability Transformation

European Expert Workshop, Berlin, 16. and 17. June 2022

The Aarhus Convention has induced considerable extensions of court access in environmental matters, not least in the EU and its Member States. The Convention's claim for wide access to justice (A2J) especially for NGOs rests on the conviction that judicial protection is crucial in enforcing environmental laws and particularly those which protect the environment as such. In that perspective, A2J and the judiciary can be appraised as important drivers of sustainability transformation, and in line with this, the EU Commission has included plans to further enforce A2J in its European Green Deal programme.

On the other hand, wider A2J is also meeting with opposition, at least in some countries, and with the apprehension that it overstrains the role of the judiciary, leads to excessive litigation and overly delays infrastructural, industrial and urban development. Critics claim that this may even impede swift transformation towards carbon neutral energy, industry and mobility structures. In light of this apprehension, the new German coalition has, for example, recently announced a set of legislative initiatives to curb court access and speed up court procedures.

Against this backdrop, the workshop aims to explore expert and country perspectives as well as case-studies in order to discuss, amongst others, the following questions:

- Where do we currently stand and what are the benchmarks and perspectives in A2J on international, European and national levels?
- Is it true that wider A2J is seriously hampering green transformation projects? How is that the case and what are adequate means to prevent dilatory effects and manage conflicts effectively?
- How is extended A2J used proactively to proceed against government inaction and to enforce environmental targets and management schemes?
- How should A2J be further developed with a view to both swift development and effective law enforcement and conflict management?

Venue: The Workshop is taking place at the "Harnack House" in Berlin-Dahlem, the former headquarters and nowadays conference venue of the Max-Planck-Society:

<https://www.harnackhaus-berlin.mpg.de/en>

– Programme –

Day 1, 16 th June 2022	
12:00	Arrival and lunch
13.00	Welcome and introduction to the network and venue <i>Christian Calliess, Free University of Berlin</i>
13:05	Introduction to the topic <i>Moritz Reese, Helmholtz Centre for Environmental Research</i>
Aarhus and European perspectives <i>Chair: Christian Calliess, Free University of Berlin</i>	
13:15	Legal implementation and political trends from an Aarhus viewpoint <i>Jerzy Jendroska, Opole University, Aarhus Compliance Committee</i>
14.00	A2J - State of play and challenges in light of the European Green Deal <i>Adam Nagy, EU Commission, DG Environment</i>
14:45	Break
15:00	A2J as a brake shoe for sustainable development? Perspectives and Aspects to discuss. <i>Chris Backes, Utrecht University</i>
15.45	Coffee and Tea
National implementation & perspectives <i>Chair: Kurt Faßbender, Leipzig University, Germany</i>	
16:15	Germany <i>Matthias Keller, Administrative Court of Aachen, Germany</i>
16:45	France <i>Ivano Alogna, British Institute of Intern. and Comparative Law / University of Paris 1 Panthéon-Sorbonne</i>
17:15	Break
17:30	England <i>Maria Lee, UCL, London, England</i>
18:00-18:30	Comparative Discussion
19:30	Dinner
Day 2, 17 th June 2022	
A2J and conflict management in energy transition <i>Chair: Moritz Reese, UFZ</i>	
9:00	A2J and conflict management in energy transition projects - Danish perspective <i>Helle Tegner Anker, Copenhagen University, Denmark</i>
9:30	A2J and conflict management in energy transition projects - German perspective <i>Wolfgang Köck, UFZ / University of Leipzig, Germany</i>
10:00	Discussion
10:30	Coffee & Tea
A2J against insufficient protection in the environmental crisis <i>Chair: Wolfgang Durner, University of Bonn, Germany</i>	
11:00	A2J against state inaction: Climate targets and air quality <i>Matteo Fermiglia, Hasselt University, Belgium</i>
11:45	Access to Justice and Environmental Human Rights in ECHR Perspective <i>Gerd Winter, Bremen University, Germany</i>
12:30	Light lunch
13:15	Discussion - Developing lines for A2J and conflict management in sustainability transition
14:00-18:00	Excursion: Prussian Landscapes – From Glienicke Castle to Peacock Island