

18 February 2019

# Case law on Access to justice rights

This section contains relevant access to justice case law, from the Court of Justice of the EU and the General Court along with findings of the Aarhus Convention Compliance Committee (ACCC).

## Judgments of the Court of Justice of the EU

C-25/62, Plaumann v Commission: Definition of “individual concern”;

C-72/95 Kraaijeveld and C-416/10 Križan and Others: standard of review under the EIA Directive;

C-276/01, Steffensen: fair court procedures

C-201/02 Wells: Remedies for unlawful acts (EIA)

C-127/02 Waddenzee: standard of review under the Habitats Directive;

C 237/07 Janecek, and C-404/13 ClientEarth : Plans under the Air Quality Directive;

C-427/07 Commission v Ireland and C-530/11 Commission v UK: limits to court discretion on costs

C-75/08 Mellor: challenging the absence of an EIA;

C-263/08 Djurgarden: prior public participation no precondition for standing and NGO standing criteria.

C-204/09, Flachglas Torgau GmbH v Bundesrepublik Deutschland and C-279/12, Fish Legal and Emily Shirley v Information Commissioner and Others: Definition of "public authority";

C-115/09 Trianel, C-137/14 European Commission v Germany, C-72/12 Gemeinde Altrip,

18 February 2019

C-240/09 Lesoochranárske zoskupenie, (Slovak Bears): Standing;

C-165 to C-167/09 Stichting Natuur en Milieu: Programmes under the National Emissions Ceiling Directive;

C-128/09 Boxus and others: permitting decisions following EIA adopted by legislative act;

C-279/09 DEB: legal aid

C-416/10 Križan and Others: Interim relief

C-41/11 Inter-Environnement Wallonie and Terre wallonne: Assessments under the SEA Directive and remedies for unlawful acts (SEA)

C-420/11 Leth: State liability

C-260/11 Edwards and Pallikaropoulos: Article 47 of the Charter and effective remedies

C-274/12, Telefonica SA v Commission and C-456/13P T&L Sugars Ltd, Sidul Acucares, Unipessoal Lda v Commission: further on “implementing measures”;

Joined Cases C-401/12 P to C-403/12 P, Council and Others v Vereniging Milieudefensie and Stichting Stop Luchtverontreiniging Utrecht and Joined Cases C-404/12 P and C-405/12 P, Council and Commission v Stichting Natuur en Milieu and Pesticide Action Network Europe: Compliance of the Aarhus Regulation with the Aarhus Convention;

C-673/13 P, Commission v Stichting Greenpeace Nederland and PAN Europe and C-442/14, Bayer CropScience SA-NV and Stichting: Definition of “emissions into the environment”;

C-570/13 Gruber: limitations to standing & scope of challenges under the EIA Directive;

C-71/14, East Sussex County Council v Information Commissioner and Others: Charges for supplying information.

C-399/14 Grüne Liga Sachsen and Others: Remedies for unlawful acts (Habitats)

C-243/15 Lesoochranárske zoskupenie VLK (Slovak Bears II): standing and scope of challenges under the Habitats Directive;

18 February 2019

C-348/15 Stadt Wiener Neustadt: Effectiveness and equivalence

C-664/15 Protect: challenging water permits under the Water Framework Directive and standing.

C-529/15 Folk and C-129/16 Túrkevei Tejtermelő Kft: Environmental damage under the Environmental Liability Directive;

C-379/15 Association France Nature Environment: Maintaining irregular acts in force to prevent further harm

C-470/16 North East Pylon Pressure Campaign and Sheehy: indirect effect of Article 9(4)

## Judgments of the General Court

T-219/95 R, Marie-Thérèse Danielsson and Others v Commission, C-50/00, Unión de Pequeños Agricultores v Council; T-177/01, Jégo-Quéré v Commission; C-321/95 P, Greenpeace and Others v Commission and T-236/04, EEB and Stichting Natuur en Milieu v Commission: Application of “individual concern” to NGOs;

C-583/11P, Inuit Tapiriit Kanatami v Parliament and Council and T-262/10, Microban International and Microban (Europe) v Commission: *Definition of “regulatory act”, “implementing measures” and “direct concern”*;

T-177/13, TestBioTech and Others v Commission: Consequences of internal review;

T-600/15, PAN Europe and Others v Commission: Application of “direct concern” to NGOs;

T-33/16, TestBioTech v Commission: Definition of “environmental law”;

C-416/17, European Commission v French Republic: Obligation to refer under Article 267 TFEU.

T-12/17, Mellifera eV, Vereinigung für wesensgemäße Bienenhaltung v European Commission  
Measure of individual scope

18 February 2019

## Findings of the Aarhus Convention Compliance Committee

ACCC/C/2004/06 (Kazakhstan): fair court procedures

ACCC/C/2005/11 (Belgium): Definition of challengeable acts and criteria for standing and applicability of the Convention to the judiciary

ACCC/C/2006/18 (Denmark): EU law as “national law related to the environment”;

ACCC/C/2007/21 (European Community): financing agreements as environmental information and public interest in disclosure;

ACCC/C/2008/30 (Republic of Moldova): binding effect of court judgements.

ACCC/C/2008/31 (Germany): scope of a challenge and standing in rights-based systems;

ACCC/C/2008/33 (United Kingdom): scope and standard of review;

ACCC/C/2008/24 (Spain), ACCC/C/2012/69 (Romania) and ACCC/C/2013/81 (Sweden): timely court procedures

ACCC/C/2008/32, Parts I and Part II (European Union): Non-compliance of the EU with the Aarhus Convention;

ACCC/C/2008/23 (United Kingdom): contribution of the defendant to costs

ACCC/C/2008/33 (UK): and ACCC/C/2014/111 (Belgium): limits to court discretion on cost awards

ACCC/C/2009/36 (Spain): legal aid

ACCC/C/2009/43 (Armenia): NGO standing criteria.

ACCC/C/2010/51 (Romania): confidentiality of proceedings, internal communications and public security;

18 February 2019

ACCC/C/2010/48 (Austria) & ACCC/C/2010/50 (Czech Republic): standing in rights-based systems;

ACCC/C/2010/50 (Czech Republic) and ACCC/C/2011/58 (Bulgaria): challenging EIA screening decisions and subsequent permits;

ACCC/C/2011/57 (Denmark): objective assessment of costs

ACCC/C/2011/58 (Bulgaria): challenging plans and programmes;

ACCC/C/2011/63 (Austria) and ACCC/C/2013/85 & 86 (United Kingdom): Definition of “national law related to the environment”;

ACCC/C/2012/76 (Bulgaria): prior public participation no precondition for standing and interim relief

ACCC/C/2013/93 (Norway): Duty to state reasons and timely appeals;

ACCC/C/2013/91 (United Kingdom): identifying the public concerned by an activity;

ACCC/C/2013/81 (Sweden): standing in interest-based systems.

Anaïs Berthier  
Senior Lawyer, Environmental  
Democracy project lead  
aberthier@clientearth.org  
[www.clientearth.org](http://www.clientearth.org)

ClientEarth is a non-profit environmental law organisation based in London, Brussels and Warsaw. We are activist lawyers working at the interface of law, science and policy. Using the power of the law, we develop legal strategies and tools to address major environmental issues.

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**Brussels**

Rue du Trône 60  
3ème étage  
1050 Bruxelles  
Belgique

**London**

274 Richmond Road  
London  
E8 3QW  
UK

ClientEarth is a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office 10 Queen Street Place, London EC4R 1BE, with a registered branch in Belgium, N° d'entreprise 0894.251.512, and with a registered foundation in Poland, Fundacja ClientEarth Prawnicy dla Ziemi, KRS 0000364218.