



Environmental Liability Directive

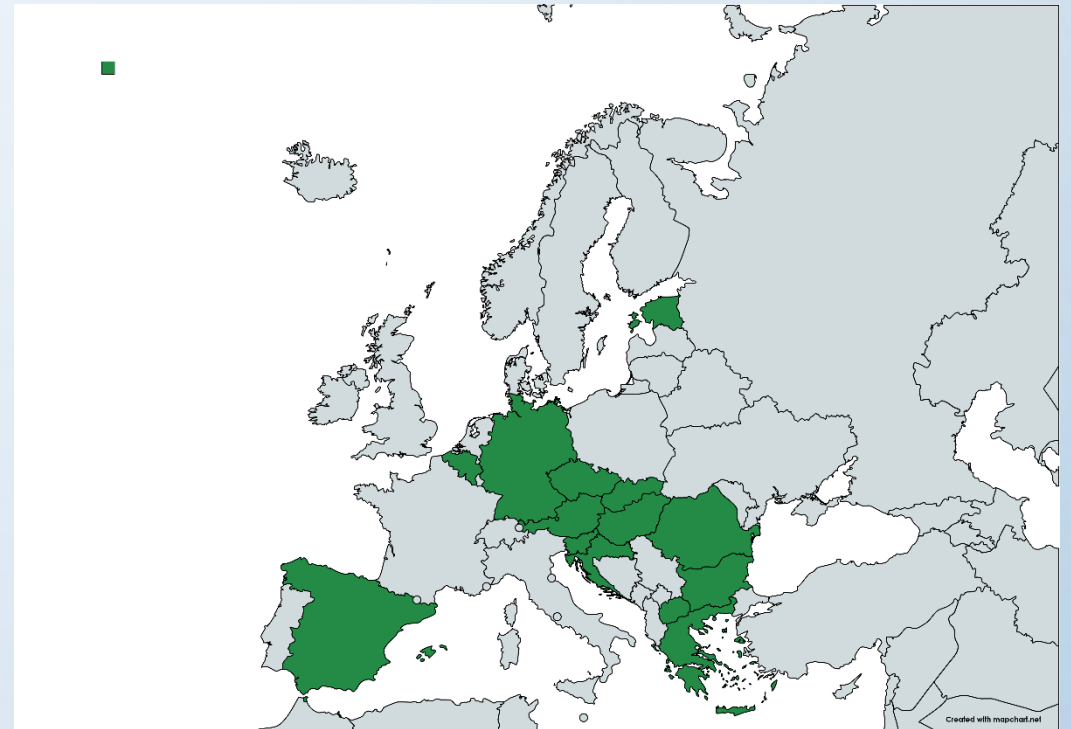
Stakeholder Workshop

22 November 2022
Albert Borschette Conference Centre, Brussels

Csaba Kiss
Justice & Environment

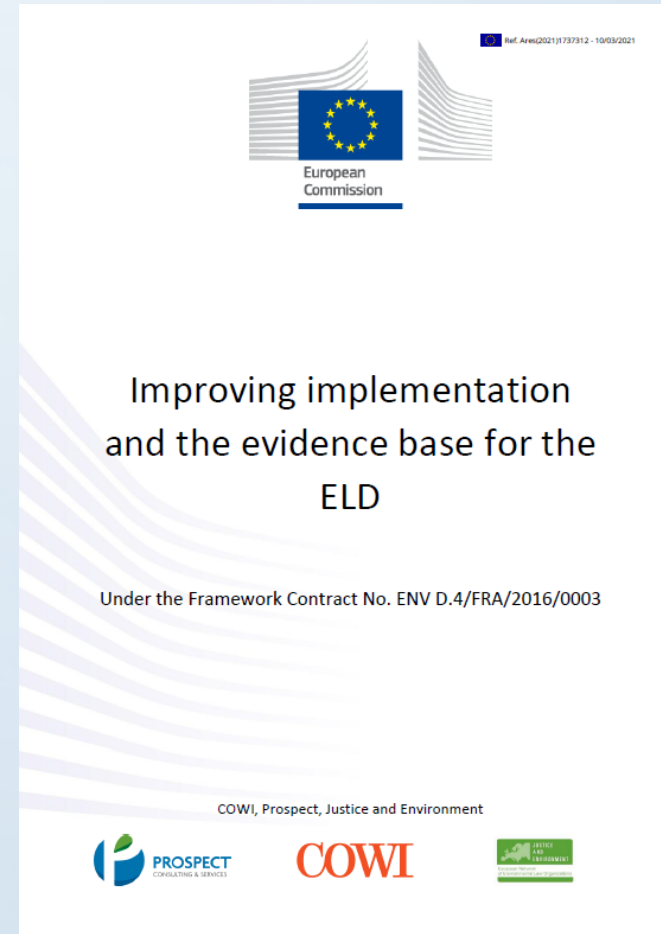
Justice & Environment introduction

- Established: 2003
- Founding members: V4 region
- Currently: 14 members (13 EU MS + 1 SEE)
- Environmental legal NGOs (+ SLAPP)
- Transposition analyses, court cases, case studies, position papers, strategic complaints
- Major donors: EU LIFE, CEI, IVF



J&E vs. ELD

- Study on national experiences with ELD 2017
- V4 case studies on ELD 2017
- Study on accessibility of ELD data 2020
- Study on improving the implementation of the ELD and the evidence base (2021)



ELD related findings

- ❑ Transposition and application gaps are at the heart of the implementation problems
- ❑ Specifically on public participation and access to justice
 - ❑ Request for Action – seldom used as trigger of ELD procedures
 - ❑ Less formal reports from communities useful for administration
 - ❑ CSOs prefer informal dialogue with administration
 - ❑ Role of CSOs as intermediary between communities and administration
 - ❑ Few CSOs specializing or focusing on ELD cases
 - ❑ Administration consults CSOs having relevant knowledge
 - ❑ Demand for evidence from CSOs by administration sometimes excessive
 - ❑ Access to justice: diverse practice on standing and link with prior participation in administrative procedure

Recommendations

- ❑ Take steps to end dichotomy and ineffective co-existence of „old” liability rules and ELD rules / transposing laws
- ❑ Make sure information on ELD cases is publicly available, including status of cases and opportunities for members of the public and CSOs to intervene / participate
- ❑ Allow public participation in every stage of the administrative procedure
- ❑ Be realistic with expectations to provide evidence on cases by CSOs
- ❑ Support CSOs and raise public awareness on ELD

Thank you for your attention!

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