

The **EUROPEAN ENVIRONMENTAL BUREAU**,
a network of more than 180 environmental citizens' organisations, **requests your
proposal for legal consultants on Aarhus Convention communications**

The European Environmental Bureau is the largest and most inclusive European network of environmental citizens' groups – and the only one that works on such a broad range of issues. We advocate for progressive policies to create a better environment in the European Union and beyond.

The EEB is coordinating a European Commission LIFE project consortium (Project 101148074_LIFE23-GIE-BE-BE LIFE) on environmental rights and enforcement of European Environmental law.

For more information about the EEB and our activities please consult our 2022 Annual Report available on our website: <https://eeb.org/library/eeb-annual-report-2022/>

Objectives and scope of the subcontracts

The EEB hereby launches a subcontracting call for the duration of 1 August 2024 until 31 May 2027 to support the implementation of the ongoing LIFE project. The maximum available budget is 35.000,00 EUR (excluding VAT), covering approximately 100 working days at a daily rate of 350 EUR.

The assignment will comprise the support on three specific tasks of the project (tasks 2.1, 4.2, and 4.4 see in annex 1 to this call).

In addition, the subcontractor might be required to join and contribute to project consortium calls as well as strategic project considerations.

Required experience:

- At least 15 years of experience with Aarhus Convention topics
- Previous experience with the Aarhus Convention civil society compliance support network which operated from 2007 – 2016
- Proven experience in civil society organizations
- Proven experience of engagement with Aarhus Convention configurations and meetings, especially hearings and open sessions of the Aarhus Convention Compliance Committee

- Experience with academic publications on Aarhus Convention Compliance Committee findings similar to those of the Case Law of the Aarhus Convention Compliance Committee 2004-2014¹

All proposals must include:

- i. CV
- ii. An explanation on how the required experience is met
- iii. Estimation of working days and daily rate

Date of publication of tender: 28 June 2024

Deadline: 12 July 2024

Please submit tenders in English to the following email address: **tenders@eeb.org** with **frederik.hafen@eeb.org** in CC

The contract will be awarded based on highest qualifications available under the stipulated rate.

We look forward to receiving your proposal.

¹ https://unece.org/DAM/env/pp/compliance/CC_Publication/ACCC_Case_Law_3rd_edition_eng.pdf

Annex 1:

T.2.1 Updating and expanding the Case Law of the Aarhus Convention Compliance Committee compilation (J&E):

J&E member organisation OEKOBUERO and its partner organisation prepared and published the three previous editions of the compilation of the ACCC’s jurisprudence, with the last edition covering the period 2004-2014. The Compliance Committee was created by the decision I/7 of the Meeting of the Parties (MOP) of the Convention and given the mandate to interpret the Convention and ensure compliance with its provisions⁵⁴. The 3rd edition of the case law collection includes 47 cases. By stark contrast the current total tally of filed communicants stand at 207 cases filed of which approximately 100 have led to findings (with several findings being expected during the project duration). This number does not include the additional and increasing importance of the Committee’s role in providing advice, including as to such grave matters as Ukraine’s public participation obligations during times of war, or how Kazakhstan could fulfil such duties during covid.. The Committee’s case law has evolved and expanded significantly since 2014, meaning that not only is an update urgently needed, but a new format as well. Specifically, the Committee has to date issued approximately a hundred findings concerning the compliance of nearly all of the Convention’s 47 Parties and made further significant determinations through its advice and MOP implementation procedures. The updated edition of the case law would not only provide summaries of over 50 new cases but also, for the first time, include helpful cross-references and other commentary for practitioners, academics, and environmental defenders.

The new “compilation” would accordingly not only include the Committee’s newer findings, but also selected key determinations such as on admissibility, the scope of review, and procedural matters. It would also be expanded to include annotations to make the resource more user-friendly and accessible to a broader audience and use cross references to help the reader understand the interactions between key provisions of the Convention. The new version would preserve, the older edition’s format in ordering the findings and determinations according to the specific provisions of the Convention and decision I/7, so as to allow the reader to quickly find relevant case law.

The previous editions were an invaluable resource used by complainants at the national, EU, and international level (the ACCC). They were also used by public authorities, the judiciary, and the academic community. The new expanded compilation will provide clear added value through its updates and improvements and through its structure, be a significantly more usable resource than anything currently available in the field of environmental democracy rights. The previous compilation of the ACCC’s case law only covers cases up until 2014 and is thus badly outdated. The secretariat’s compilation merely copies and pastes cases in full chronologically, with no further editing, classification, or commenting. Even experienced Aarhus Convention law practitioners have great difficulty finding the information they need from this resource, let alone understanding linkages, and consider this resource not really fit for purpose. Other resources to aid communicants and potential communicants include the Aarhus Convention Implementation Guide⁵⁵, and the Guide to the Aarhus Convention Compliance Committee⁵⁶. However, the Implementation Guide will be ten years old by the beginning of the project. The Guide to the Aarhus Convention Compliance Committee is newer (from 2019). However, it is limited in scope. Moreover, while it is in theory drafted for both the Parties to the Convention and members of the public, its practical guidance to potential communicants who are not already well versed on the text of the Convention and its processes is limited. This new updated and expanded Case Law of the Aarhus Convention Compliance Committee will accordingly serve to address a significant gap in existing resources, and thereby support environmental compliance and access to justice, the European Green Deal, and the SDGs 6, 7, 9, 11,12, 13, 14, 15, and especially 16, concerning peace, justice, and strong institutions.

⁵⁴Meeting of the Parties (MOP) Decision I/7, available at:

<https://unece.org/fileadmin/DAM/env/pp/documents/mop1/ece.mp.pp.2.add.8.e.pdf>.

⁵⁵ See “The Aarhus Convention: An Implementation Guide (second edition), United Nations, UNECE, 2014.

⁵⁶ See “Guide to the Aarhus Convention Compliance Committee (second edition)”, UNECE, 2019.

T4.1 Coordinate a select group of Aarhus Convention compliance experts from within the Aarhus ECO Forum “Compliance Network”:

The project consortium will identify a group of five to ten civil society experts who are available to support others on matters pertaining to the Aarhus Convention. This group will constitute the “Compliance Network”. Some of its experts may be drawn from the project consortium whereas others may be drawn from the Aarhus ECO Forum or other civil society contacts. Selected experts (Summer Kern, Dr Andriy Andruskevych, Yves Lador) of a similar network which was active from 2007 - 2016 will be contacted and invited to join this project’s Compliance Network. One of them is already part of the project consortium with a contractual relationship with Justice and Environment. The Compliance Network will create a memorandum of understanding for its operation and its supporting methodology to complainants.

The project consortium will coordinate the day to day work of the Compliance Network and the linking between support recipients and support providers. Regular coordination meetings with the Compliance Network will be held at least twice a year. An email list will be set up as well as a functional inbox hosted by the EEB to which the Compliance Network experts will have access to.

Whereas the experts network which was active in the past was solely focussed on communications to the ACCC, the Compliance Network of this project may be expanded to also include support for those seeking help from the RRM where appropriate.

T4.3 Compliance Network assistance:

The Compliance Network will provide advice, assistance, and possible representation in front of ACCC hearings for 1) users of the complaints portal where relevant 2) communicants and potential communicants to the ACCC and the RRM 3) young environmental defenders identified via the workshops and surveys. The Network will provide individualised ad hoc advice but not qualified legal advice. It is expected that the work of the Compliance Network will take up a total of at least 8-15 person-months. The coverage of the workload will be heavily dependent upon which specific expertise and experience will be required for which individual case. This means that the Network’s experts will be subject to a necessary level of flexibility. Given the necessary flexibility of the work, it will be financed through the consortium budget directly, through sub-contracting via the consortium budget, as well as through the separate budget of the organisations that the experts are employed by, or through volunteered time by the experts themselves, depending on the specific needs of each particular case. All coordination work of the network will be covered by the project but the network coordination may exceptionally try to call upon experts only partially covered by the project, subcontracted by the project, or not at all covered by the project where a particular expertise in law or experience in a matter of the Aarhus Convention is required and available. Financial resources outside of the project budget may be grants by foundations (e.g. the European Climate Foundation or the Environmental Defense Fund) or by governments (e.g. the Belgian government’s grants in support of environmental defenders, the Swiss government’s grants to Geneva based CSOs). Volunteer support not covered by the project’s budget may come from experts forming part of the Guta network which spans many volunteers or members of the Justice and Environment and EEB networks which are retired, are not employed at 100% full-time equivalent, or take on additional volunteer tasks in their professional capacity as pro bono consultants. In the medium term beyond the project duration, the consultancy services provided by the Compliance Network are foreseen



to be financed at least by the same foundations and governments that will support their work during the project. The intention is for the work and results of the Network during the project to demonstrate to those funders and others the important added value and necessity to at least maintain the services it provides.