

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

Working Group of the Parties

Fifteenth meeting
Geneva, 3-5 September 2012

DECISIONS AND MAJOR OUTCOMES¹
as adopted by the Working Group at its fifteenth meeting

Item 1. Opening of the meeting and adoption of the agenda

The Working Group adopted its agenda as set out in document ECE/MP.PP/WG.1/2012/1

Item 2. Status of Ratification of the Convention and the PRTR Protocol

The Working Group:

- i. took note of the information provided by the secretariat on the status of ratification of the Convention, its amendment and the PRTR Protocol.
- ii. welcomed ratification of the Convention by Iceland, of the PRTR Protocol by Serbia and of the Convention, the Protocol on PRTRs and the Convention's GMO amendment by Ireland.
- iii. took note of information on recent or anticipated relevant developments by the delegations

Item 3. Substantive issues

The Working Group took note of the report on the implementation of the work programmes for 2009–2011 and 2012–2014 (ECE/MP.PP/WG.1/2012/3).

(a) Access to information

The Working Group:

- i. took note of the nomination of Mr Rodion Bajureanu by the Republic of Moldova as Chair of the Task Force on Access to Information and that the first meeting of the Task Force was scheduled to take place in Geneva on 7-8 February 2013.
- ii. encouraged Parties to take measures towards full implementation of activities under the objective I/7 of the Strategic Plan 2009-2014 (ECE/MP.PP/2008/2/Add.16) and decisions of the Meeting of the Parties related to electronic information tools and the clearinghouse-mechanism, including establishment of systems to collect environment-related health information and promoting the accessibility of environmental information held by private sector.

¹ This paper was not formally edited. The decisions and outcomes contained in the paper will be incorporated in the report of the meeting.

(b) Public participation in decision-making

The Working Group:

- i. took note of the report by the Chair of the Task Force on public participation in decision-making on the second meeting of the Task Force organized in cooperation with the Meeting of the Parties to the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, held in Geneva on 6–8 June 2012 (see report ECE/MP.PP/WG.1/2012/4).
- ii. took note of the information provided by the Chair of the Task Force on the progress achieved in developing recommendations on public participation in decision-making on environmental matters and in collecting case studies on the subject.
- iii. took note of the information provided by the Chair of the Task Force about the upcoming third meeting of the Task Force being organized in cooperation with the Bureau under the Protocol on Strategic Environmental Assessment to the Espoo Convention (Geneva, 29-30 October 2012) and the fourth meeting of the Task Force (Luxembourg, 12-13 March 2013) to be organized jointly with ANCCLI and the European Commission.
- iv. took note of relevant information provided by the delegations

(c) Access to justice

The Working Group:

- i. took note of the report by the Chair of the Task Force on Access to Justice on the fifth meeting of the Task Force held in Geneva on 13-14 June 2012 (see report ECE/MP.PP/WG.1/2012/5) and on the subregional Central Asian meeting “Implementing the Aarhus Convention today: Paving the way to a better environment and governance tomorrow” held in Almaty on 22-23 May 2012 (see report AC/WGP-15/Inf.1)
- ii. took note of relevant information provided by the delegations
- iii. called on Parties to engage in a dialogue at the national level with all relevant stakeholders to address the issue on effective access to justice and facilitate the implementation of objectives I/10, I/11 and III/6 of the Strategic Plan 2009-2014.

(d) Genetically modified organisms

The Working Group:

- i. expressed its concern that although objective II/3 of the Strategic Plan 2009-2014 envisaged that the GMO amendment of the Convention was to be approved by a sufficient number of Parties to enter into force by 2009, the objective had not been achieved.
- ii. took note of the information provided by the Chair on the responses received from Parties whose ratification of the GMO amendment would count towards its entry into force.
- iii. encouraged the following Parties, whose ratification of the GMO amendment would count towards its entry into force: Albania, Armenia, Azerbaijan, Belarus, France, Georgia, Kazakhstan, Kyrgyzstan, Malta, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine, to make progress in the process of ratification and invited the above Parties to report at the next meeting of the Working Group on the progress achieved.
- iv. requested the secretariat to follow up on the responses received from Parties, including with regard to the capacity building needs, and ensure that the amended text

- of the Convention is formally published in all UN official languages once the amendment enters into force.
- v. requested the secretariat to ensure that information on the status of ratifications of the GMO amendment are presented on the Convention's website in a way which differentiates between ratifications which count towards the entry into force of the amendment and those that do not.
 - vi. took note of relevant information provided by the delegations.

Item 4. Procedures and mechanisms

(a) Compliance mechanism

The Working Group

- i. took note of the report by the secretariat on the outcomes of the Compliance Committee's thirty-third to thirty-seventh meetings (ECE/MP.PP/C.1/2011/6; ECE/MP.PP/C.1/2011/8; ECE/MP.PP/C.1/2011/10; ECE/MP.PP/C.1/2012/2; and ECE/MP.PP/C.1/2012/5).
- ii. took note of the appointment of Ms. Dana Zhandayeva as a new member of the Compliance Committee to replace the late Ms. Svitlana Kravtchenko.
- iii. expressed its concern with regard to cases of non-compliance with the Convention's Article 3.8 reported by the European ECO-Forum and Globe Europe.
- iv. took note of relevant information provided by the delegations.

(b) National implementation reports

The Working Group

- i. took note of information provided by the secretariat regarding the status of submission of national implementation reports since the fourth session of the Meeting of the Parties.
- ii. urged the former Yugoslav Republic of Macedonia, being the only Party that has not submitted its national implementation report to do it urgently.
- iii. took note that a training on an on-line reporting tool that will be used for the preparation of the following cycle of National Implementation Reports will be provided in June 2013.

(c) Implementation Guide

The Working Group took note of the information provided by the secretariat regarding the progress made with respect to preparing the second edition of "The Aarhus Convention: An Implementation Guide."

(d) Capacity-building and awareness-raising

The Working Group:

- i. took note of the report by the secretariat on the seventh capacity-building coordination meeting (AC-WGP-15/Inf.2).
- ii. took note of the information provided by the secretariat on a survey on the implementation of the Communication Strategy (ECE/MP.PP/2011/2/Add.2).
- iii. took note of other relevant information provided by the delegations

Item 5. Accession to the Convention by States from outside the United Nations Economic Commission for Europe region

The Working Group:

- i. took note of the letter sent at the request by the Bureau by the ECE Executive Secretary to the other United Nations Regional Commissions on the outcomes of the fourth session of the Meeting of the Parties and, in particular, Decision IV/5 on accession to the Convention by non-ECE member States.
- ii. welcomed the progress made by Mongolia towards ratification of the Aarhus Convention and took note of the information provided by the Chair on the mission to Mongolia (Ulan Bator, 25–26 April 2012).
- iii. welcomed the “Declaration on the application of Principle 10 of the Rio Declaration on Environment and Development” submitted by Chile and also endorsed by other 9 Governments from Latin America and offered its support to the development of a possible regional legal instrument.
- iv. welcomed other relevant initiatives taken by Parties or stakeholders to promote the Convention beyond the ECE region, including the Green Access Project developed by the Osaka University in Japan and a project on sharing experiences on implementing Principle 10 between regions, developed by REC CEE in partnership with EEB.

Item 6. Promotion of the principles of the Convention in international forums.

The Working Group:

Opening session

- i. welcomed the continued engagement of the UNFCCC secretariat in the Parties’ work in this area, as demonstrated by the written statement by the UNFCCC secretariat to delegates at the Working Group of the Parties.
- ii. expressed concern at the potential implications for civil society engagement within UNFCCC processes in the light of the ECO-Forum report of an increased use of informal negotiating formats and a significant decrease in staff working on observer engagement within the UNFCCC secretariat.

Session I

- i. took note of information provided by the Parties on public participation before, at and after Rio+20 as well as information provided by the UN Division on Sustainable Development on possible avenues for Parties and stakeholders to promote the principles of the Convention in the processes to be put in place to implement the outcomes of the Rio+20 Conference.
- ii. took note of the efforts made by several Parties to establish a dedicated committee, and to include civil society representatives in official delegations
- iii. acknowledged the efforts made by some Parties to defend a baseline text on the subject matter in the outcome document of the Conference
- iv. committed to take concrete actions to actively promote the principles of the Aarhus Convention in the new High Level Forum, the upgrading of UNEP and other initiatives to be put in place as a result of the Rio+20 Conference, and to report on the progress achieved to the next meeting of the Working Group.
- v. took note of the concern expressed by the European ECO Forum regarding civil society reports of various challenges to public participation experienced during the Rio+20 Conference and its concern that the final outcome document of the Rio+20 Conference lacked ambition.

- vi. took note that efforts made in procedures for public participation in the Conference did not guarantee that public views were fully taken into account.

Session II

- i. took note of information provided, and welcomed measures taken, by Parties at the national level to systematically promote the principles of the Convention in international forums.
- ii. invited each Party to provide written answers to the questionnaire circulated by the secretariat on 25 August 2012, and requested the secretariat to post these answers on the Convention website, to favour the exchange of national experiences among Parties.
- iii. committed to each developing and implementing a national action plan to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment, including those under the competencies of other ministries, and not just the most high profile “purely environmental” ones, and to report on the progress achieved to the next meeting of the Working Group.
- vii. requested the secretariat, in consultation with the Chair of the session, to develop a “checklist” of the measures to be borne in mind in the development of the above action plan

Session III

- i. took note of the information provided by the international financial institutions (IFIs) and civil society on challenges to promoting the principles of the Aarhus Convention in IFI-funded projects.
- ii. urged Parties, when sitting on governing bodies of the IFIs, to promote principles of the Convention and strengthen independent accountability mechanisms.
- iii. committed to identify possible concrete actions that Parties might take, individually or collectively with other governments, to promote the principles of the Aarhus Convention in the processes, policies and projects of the IFIs taking part in the session, namely World Bank, EBRD and EIB.
- iv. requested the secretariat, under decision IV/3 to continue outreach and collaboration with IFIs in order to assist them in upgrading and harmonising their standards and policies regarding access to information and public participation

Item 7. Implementation of work programmes for 2009–2011 and 2012–2014.

The Working Group took note of the report on the implementation of the work programmes for 2009–2011 and 2012–2014 (ECE/MP.PP/WG.1/2012/3) and of the information provided by delegations in relation to the Convention’s implementation in the region.

Item 8. Financial Matters

The Working Group:

- i. took note of the information provided by the secretariat on human and financial resource situation of the secretariat and shared information on expected contributions for 2012 and 2013.
- ii. expressed its concern with regard to the shortage of contributions and low number of pledges, also recalling decision IV/7 on financial arrangements adopted by the Meeting of the Parties at its fourth session (Chisinau, 29 June-1 July 2011), which stipulates

that contributions for a given calendar year should be made by the end of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the programme of work.

Item 9. Preparations for the fifth ordinary session of the Meeting of the Parties

(a) Future strategic plan

The Working Group

- i. approved, as amended at the meeting, the proposal of the Bureau on the preparation of the Strategic Plan 2015–2020 (ECE/MP.PP/WG.1/2012/6/CRP.1).
- ii. took note of the information provided by the secretariat on the plans for preparation of the report on the status of implementation of the current Strategic Plan.

(b) Evaluation of the current functioning and implementation of the Convention

The Working Group approved, as amended at the meeting, the proposal of the Bureau on preparation of an in-depth evaluation of the current functioning and implementation of the Convention (ECE/MP.PP/WG.1/2012/7/CRP.2) and requested the secretariat to ensure that the in-depth evaluation is carried out in a coordinated way with an assessment of the current interim scheme of contributions (see item 9 (c) below).

(c) Assessment of the current interim scheme of contributions

The Working Group approved, as amended at the meeting, the proposal of the Bureau on the preparation of an assessment of the current interim scheme of contributions (ECE/MP.PP/WG.1/2012/8/CRP.3) and requested the secretariat to ensure that the assessment is carried out in a coordinated way with the in-depth evaluation (see item 9 (b) above).

(d) Hosting of the fifth session of the Meeting of the Parties

The Working Group

- i. agreed to set the last week of June 2014 as a provisional date for the next session of the Meeting of the Parties.
- ii. called on Parties to inform the secretariat by mid February 2013 about their possible interest in hosting, also taking into consideration that the session, will be organised back to back with the second session of the Meeting of the Parties to the Protocol on PRTRs, and mandated the secretariat to liaise with potentially interested Parties on the hosting matter.
- iii. mandated the Bureau to take the decision on the hosting prior to the next meeting of the Working Group, as appropriate, and to report to the next meeting of the Working Group accordingly.
- iv. took note of the proposal by the European Union, as a hold back position, to organise the next session of the Meeting of the Parties in Geneva and requested the secretariat to proceed with the booking of rooms for the session in Palais des Nations in order to secure the required facilities.

Item 10. Other business

The Working Group:

- i. took note of information regarding the next meeting of the Working Group of the Parties which is scheduled to take place on 19-21 June 2013 in Geneva, back to back with the meeting of the Task Force on Access to Justice (17-18 June 2013).
- ii. took note of the information provided by the European Environment Agency on the matter of the establishment of a regular process of environmental assessment and of the gradual development of the shared environmental information system (SEIS) across the pan-European region as an outcome of the Astana “Environment for Europe” Ministerial Conference in 2011.

Item 11. Adoption of outcomes

The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting (as contained in this document) and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate these adopted outcomes and decisions.
