## **Guidance Document**

## Online tool for national implementation reports of the Aarhus Convention



AARHUS CONVENTION for our environment

2014



## **Aarhus Convention**

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

# PART I. Browsing through the National Implementation Reports' (NIR) webpage

#### Introduction

Pursuant to Article 10, paragraph 2, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and Decision I/8 adopted by the Meeting of the Parties to the Convention, requiring the continuous review of the implementation of the Convention on the basis of regular reporting by the Parties, the Parties to the Aarhus Convention produce and make publicly available National Implementation Reports. The revised format for the Aarhus Convention implementation report was endorsed through decision IV/4 adopted by the Meeting of the Parties to the Aarhus Convention at its fourth session (Chisinau, 29 June – 1 July 2011).

The Aarhus Convention secretariat has developed an online tool to facilitate the Parties in preparing and uploading their reports. Parties are strongly encouraged to upload their National Implementation Reports in all official ECE languages (ENG/FRE/RUS).

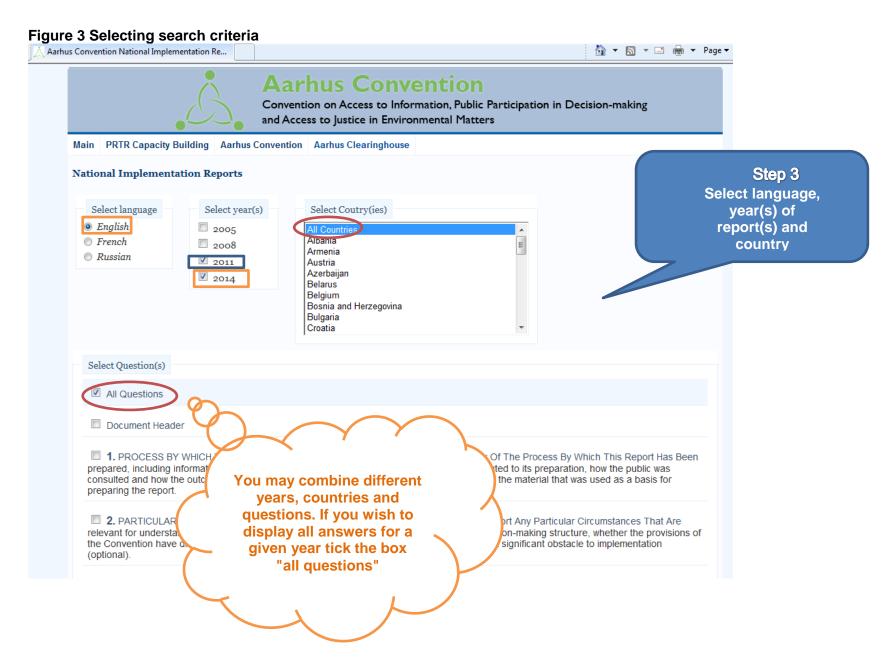


Alternatively, go directly to http://apps.unece.org/ehlm/pp/NIR/index.asp The screen in *Figure 2* will be displayed.

Figure 2 National implementation reports page

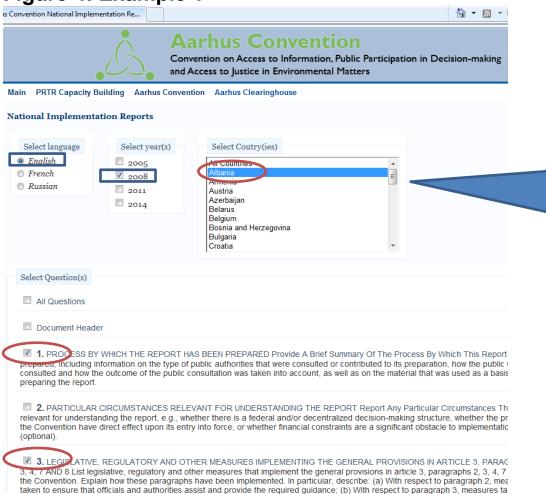


The following screen will be displayed (Figure 3)



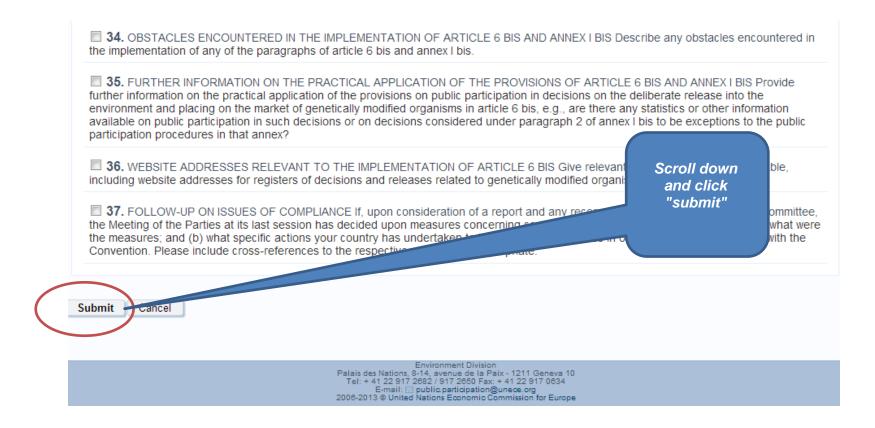
The following examples will illustrate the different options available:

## Figure 4: Example 1



## Example 1

Single year, single country, multiple questions/answers Language=English, NIR Year=2008, Country=Albania, Answers to questions=1, 3



The results will be displayed as in the following screen (Figure 5: Example 1 Results)

#### Figure 5: Example 1 Results

#### National Implementation Reports

#### Albania

#### 1 PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material, which was used as a basis for preparing the report.

#### Year: 2001

- 1. This report was prepared by the Ministry of Environment, Forestry and Water Management (MoE).
- 2. This report was discussed with other ministries, including the Ministry of Health and the Ministry of Agriculture, Transport and Tourism. It was also made available on the MOE website and sent for comments to non-governmental organizations (NGOs).

#### 7 LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4. Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant feritions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe: (a) With respect to paragraph 1, measures taken to ensure that:

- (i) Any person may have access to information without having to state an interest;
- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
- (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;
- (c) With respect to paragraphs 3 and 4, measures taken t
- (i) Provide for exemptions from requests:
- (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

#### Year: 2008

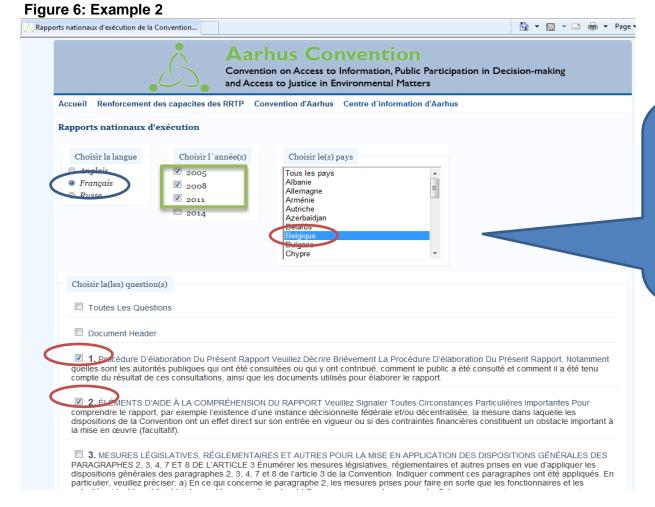
#### Article 4, paragraph 1

- 17. The Convention's requirements have been reflected in the Constitution of the Republic of Albania, rendering them in constitutional articles. In addition, the Law for the Right to Information on Official Documents, and the Law for People's Ombudsman were approved.

  Public information and its participation in decision-making have also been treated within the Administrative Procedures Code, the Law for Organization and Functioning of Local Governance and the Law for Civio Emergencies. In all these legal acts, the right for information is ensured without an interest having to be stated. The time limit for answering the request for information is stated in the Law for the Right to Information on Official Documents and is 40 days after receiving the request. The answers to these requests have been immediate, as the number of written requests has been low. The most important percentage of the requests is individuals making requests in person to the Information and Communication Department (8-7 persons each day) of the MoE and taking any kind of material, according to the needs. Another form of information is the environmental publication of the MOE Electronic Environmental Bulletin (a monthly), which communicates the most important decisions and activities of the Ministry. The website of the Ministry is always available to the public Article 4, paragraph 2
- 18. There have been no cases of postponing the timeline of one month after receiving the request.

## Example 2

If you wish to compare various reports submitted by a single country go to the main page, repeat steps 1 and 2 and once on the search page tick the boxes corresponding to the years you wish to be displayed.



### Example 2

Multiple years, single country, multiple questions/answers Language=French, NIR Year=2005, 2008, 2011 Country=Belgium, Answers to questions=1, 2

Click submit (soumettre)

The results appear in the following screen

#### Figure 7: Results Example 2



#### **Aarhus Convention**

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

Accueil Renforcement des capacites des RRTP Aarhus Convention Centre d'information d'Aarhus Revenir à la page précédente

Rapports Nationaux D'Exécution

#### **■** Belgique

#### 1 PROCÉDURE D'ÉLABORATION DU PRESENT RAPPORT

#### L'Année: 2005

Plusieurs autorités sont responsables de l'exécution de la Convention, à savoir l'Autorité fédérale et les trois entités fédérales (Région wallonne, Région de Bruxelles-Capitale et Région flamande). Chaque autorité a donc répondu au niveau national aux questions relevant de sa propre compétence. Par suite, le rapport national officiel de la Belgique est composé en fait de quatre rapports différents. Afin de respecter la limite de 8 500 mots fixés par l'ONU, le présent document a été établi comme synthèse des quatre rapports. La Belgique ne le considère donc pas comme son rapport officiel, mais comme le reflet des points principaux des rapports officiels. Pour faciliter la compréhension du rapport national, des hyperliens avec les réponses complètes ont été inclus pour chaque question.

Le rapport national a été coordonné par le réseau Aarhus, qui dépend du Comité pour la politique internationale de l'environnement, lequel rassemble les autorités politiques et administratives compétentes sur les questions d'environnement. Le réseau Aarhus est chargé de préparer et suivre les négociations internationales relatives à la Convention. Il a coordonné les préparatifs des consultations nationales afin d'assurer une harmonisation à l'échelle du pays. Il a décidé de tenir deux types de consultations, à savoir une consultation nationale coordonnée des quatre grandes fédérations belges de protection de l'environnement (qui couvre donc l'ensemble des rapports belges) et une consultation du public par

Les fédérations d'ONG ont présenté des observations communes sur le rapport fédéral et des observations individuelles sur les rapports régionaux. Comme ces observations n'ont pas de lien direct avec le processus de présentation des rapports, mais sont davantage axées sur des questions générales (par exemple, les améliorations qui peuvent être apportées à l'accès à la justice, compte tenu de la jurisprudence restrictive), on peut y accéder par l'hyperlien fédéral pour le rapport fédéral et par les hyperliens régionaux pour les rapports régionaux.

S'agissant du public, chaque autorité a organisé une consultation en ligne au cours du mois de novembre 2004. Très peu d'observations ont été reçues, mais chaque autorité a répondu aux membres du public, soit individuellement, soit de manière générale sur le site Web.

#### L'Année: 2011

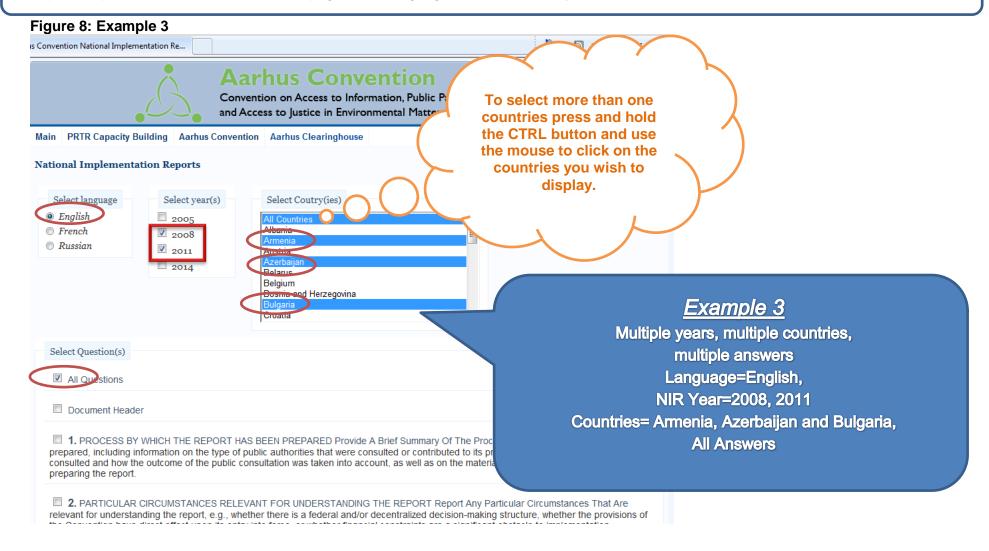
La Convention sur l'accès à l'information, la participation au processus décisionnel et l'accès à la justice en matière d'environnement est une convention « mixte » au niveau belge, c'est-à-dire que sa mise en oeuvre dépend de plusieurs autorités. In concreto, il s'agit de l'autorité fédérale et de trois entités fédérées (Région wallonne, Région de Bruxelles-Capitale et Communauté flamande). Chaque autorité a donc répondu en interne au présent rapport pour ce qui relève de ses compétences. C'est ainsi que le rapport national de la Belgique est constitué de quatre rapports distincts.

Etant donné que certaines compétences restent nationales et donc sont gérées par l'autorité fédérale, les rapports régionaux peuvent renvoyer sur certains points au rapport fédéral (particulièrement en ce qui concerne l'aspect juridictionnel de l'accès à la justice). A l'inverse, certaines compétences sont exclusivement régionales. Dans ce cas, le rapport fédéral le mentionne expressément.

La coordination du rapport national s'est faite dans le cadre du réseau Aarhus qui appartient au Comité pour la Politique internationale de l'Environnement (C.C.P.I.E), lequel est un comité qui rassemble les autorités politiques et administratives compétentes au niveau belge en matière d'environnement. Ce réseau « Aarhus » est chargé de la préparation et du suivi des négociations internationales liées à la

## Example 3:

Repeat steps 1 and 2. Once on the search page select language and one or more years.



Click submit and the results will be displayed as follows (figure 9):

#### Figure 9: Results Example 3



#### **Aarhus Convention**

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

Main PRTR Capacity Building Aarhus Convention Aarhus Clearinghouse Back

#### **National Implementation Reports**

#### Albania

#### 2 PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decisionmaking structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

#### Year: 2008

3. This is the second report for Albania, and the institution responsible for implementation of the Convention is the Ministry of Environment (MoE), including its structures in the Prefectures (Regional Environmental Agencies). Lack of funds from the State budget makes the implementation of the Convention difficult, especially on issues that directly affect the general public and/or the interested part of civil society.

#### Armenia

#### Year: 2008

- 6. Armenia is still, although to a lesser extent, facing financial difficulties related to the implementation of the Convention: there is a lack of computers and photocopy machines; not enough has been done to educate officials on the Convention's provisions; progress in incorporating the provisions into national legislation is slow; there is a lack of specialists in this field; and there are other obstacles to implementation. All these obstacles are particularly acute at the regional level.
- 7. According to the Constitution, executive power is exercised by the Government, which is responsible for implementation of State policies on science, education, culture, health, social security and environmental protection (art. 89). International agreements concluded on behalf of Armenia are applied only after ratification. Ratified international agreements are a composite part of the judicial system of Armenia. If such agreements establish rules different from those envisaged by the country's laws, the rules of the international agreements shall prevail. The Constitution has supreme juridical force and its rules are directly applicable (article 6 of the Constitution). As stated in article 10 of the Constitution, "The State shall ensure the protection and regeneration of the environment and the sound use of natural resources".

#### Year: 2011

- 1. Armenia is a unitary state. Under article 62 of the Constitution, "Legislative power in the Republic of Armenia shall be exercised by the National Assembly." The Armenian Government holds executive power. Under article 89 of the Constitution, "The Government shall implement state policy in the fields of science, education, culture, health care, social welfare and environmental protection."
- 2. The Armenian legal system has three levels. Under paragraph 1 of article 91 of the Constitution, "Justice in the Republic of Armenia shall be administered solely by the courts in accordance with the Constitution and laws." Article 92 of the Constitution states that the courts operating in the Republic of Armenia are the first instance court of general jurisdiction, the Court of Appeal and the Court of Cassation, which ensures uniformity in the application of the law. It is forbidden to establish emergency tribunals. One special administrative court and one special administrative appeal court are currently operational in Armenia. Under article 93 of the Constitution, "Constitutional justice in the Republic of Armenia shall be administered by the Constitutional Court." Under article 6 of the Constitution, "The Constitution of the Republic has shall have supreme legal force and the norms thereof shall apply directly... International treaties shall come into force only after being ratified or approved. International treaties are a constituent part of the legal system of the Republic of Armenia. If a ratified international treaty stipulates norms other than those stipulated in



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# PART II. Uploading a National Implementation Report

#### **Uploading a National Implementation Report**

#### STEP 1

Send an email to public.participation@unece.org to request a username and password to the National Implementation Report web application.

Please include your full name, professional title, name of organization, address, and contact details (email, phone and skype).

## Step 2

When you receive your username and password go to http://aarhusclearinghouse.unece.org and click on National Reports

#### Before uploading your report

please bear in mind the following:

**ALWAYS** <u>remove text formatting</u> before pasting any information.

This page cannot accept track changes. Any pre-existing formatting, needs to be removed.

Copy **clean text ONLY** into this application

Step 3
UPLOAD
YOUR
REPORT



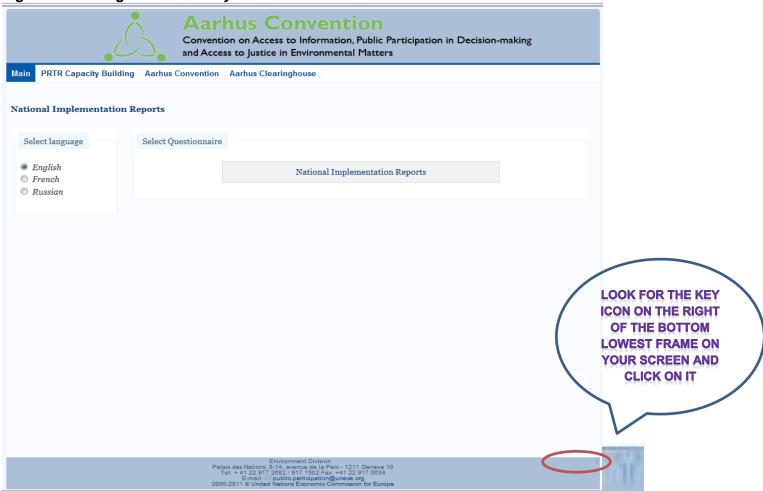


Figure 11 National implementation reports page



3.

Figure 12 Finding the access key



4. Once you click on the key, the following screen appears that asks for your username and password (Figure 13).

Figure 13 Log in to the National Implementation Reports



5. Enter your Username and Password and click the 'Log in' button - the screen in Figure 5 will then be displayed.

Figure 14 Selecting NIR



Figure 15 Editing NIRs

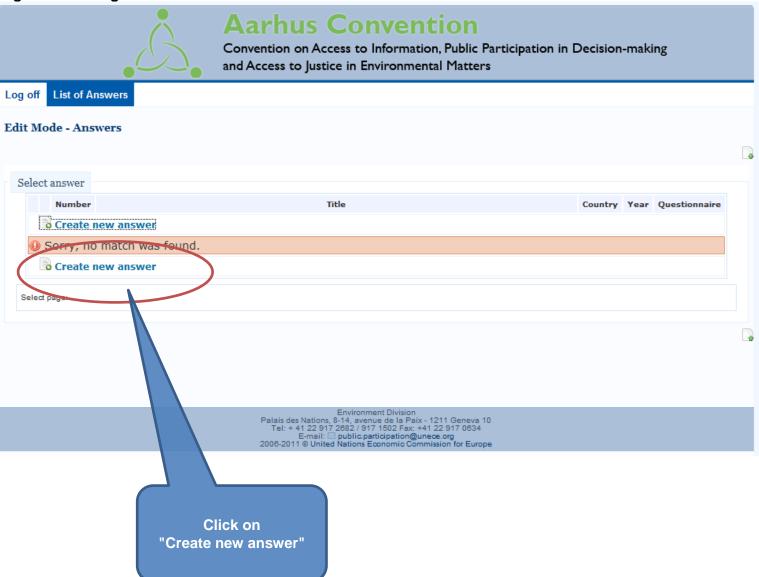


Figure 16

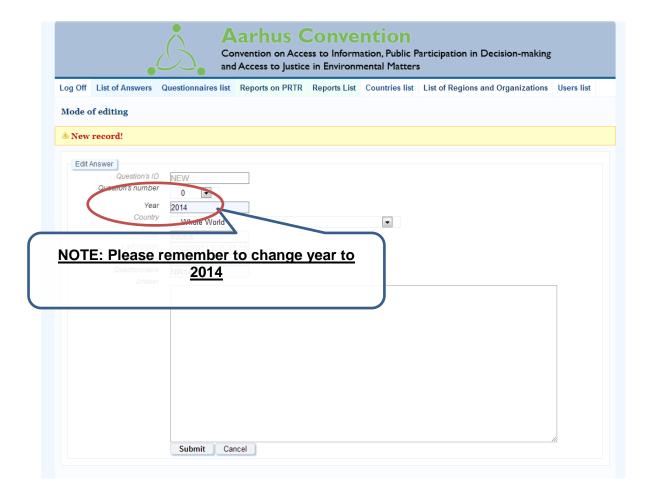
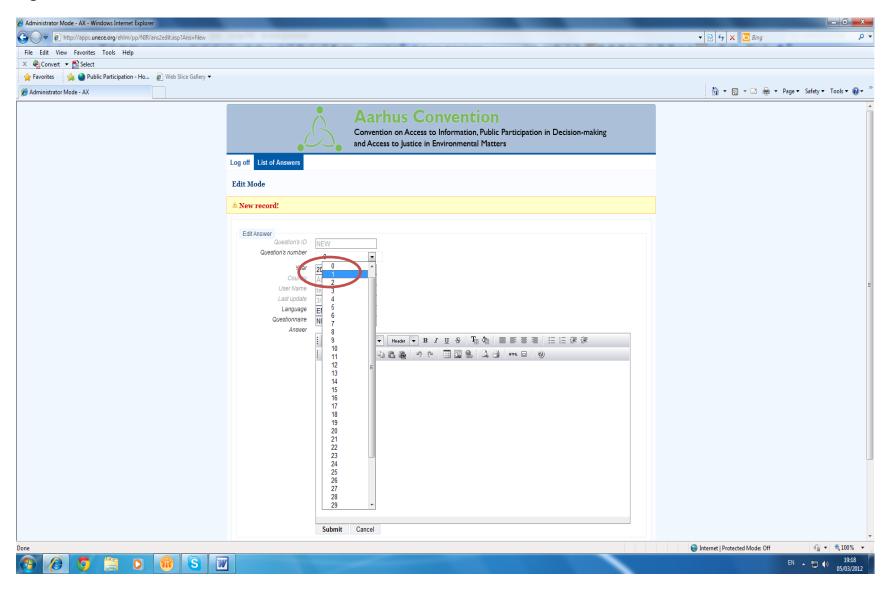


Figure 17



Select the question number you wish to upload (Bear in mind that the question numbers correspond to the 2014 reporting format)

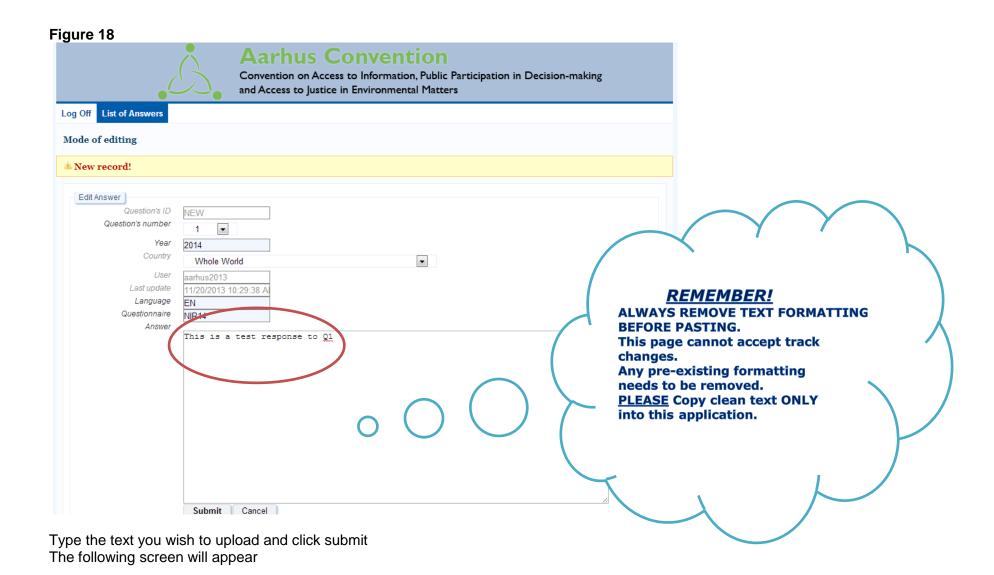


Figure 19

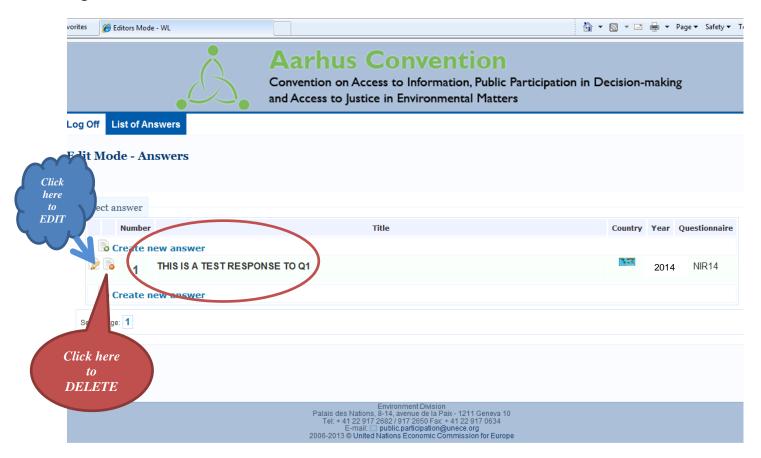
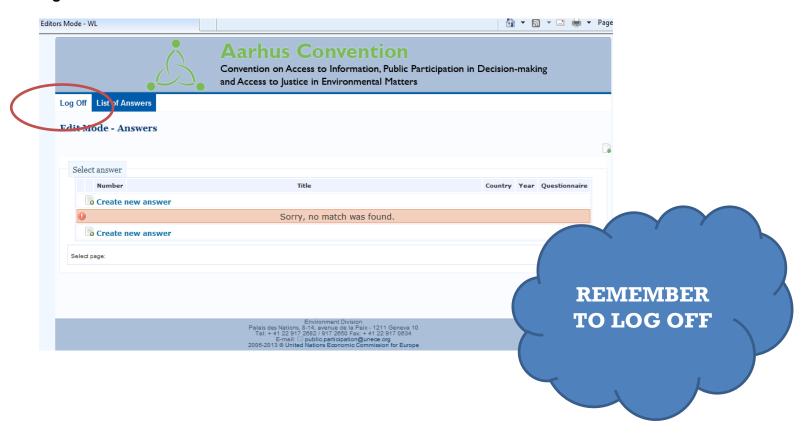


Figure 20

•4	Aarhus Convention  Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
Log Off List of Answers  Mode of deletion	
Question's ID Question's sember Year Country User Last update Language Questionnaire Answer	6846 1 2014  Whole World aarhus2013 11/20/2013 10:41:27 A EN NIR14  This is a test response to Q1
	Submit Cancel

Click submit and you will see the following screen

#### Figure 21



For further information, please contact the secretariat at: public.participation@unece.org