



**Economic and Social
Council**

Distr.
GENERAL

CEP/WG.5/2002/9/Add.1
27 June 2002

ENGLISH ONLY

ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON ENVIRONMENTAL POLICY

Working Group for the preparation
of the first meeting of the Parties to
the Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Third meeting, Pula, Croatia, 8-10 July 2002)

**DRAFT FORMAT FOR AARHUS CONVENTION
IMPLEMENTATION REPORT***

CERTIFICATION SHEET

The following report is submitted on behalf of _____ [name
of the Party] in accordance with Decision I/..

Name of officer responsible for submitting national report:	
Signature:	
Date:	

* Prepared by the Secretariat. This document is intended to substitute for the references to annexes I and II in document CEP/WG.5/2002/9.

This document has not been formally edited.

IMPLEMENTATION REPORT**Please provide the following details on the origin of this report**

Party	
National Focal Point	
Full name of the institution:	
Name and title of officer:	
Mailing address:	
Telephone:	
Fax:	
E-mail:	
Contact officer for National Report (if different)	
Full name of the institution:	
Name and title of officer:	
Mailing address:	
Telephone:	
Fax:	
E-mail:	

Please provide summary 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.

Please provide information on any particular circumstances in your State which are relevant for understanding the report, e.g. whether the State has a federal or decentralized decision-making structure, whether the provisions of the Convention have direct effect in the State upon its entry into force for that State, whether financial constraints are a significant obstacle to implementation, etc. (optional).

1. Objective of the Convention (Article 1)					
1.1 Is the right of every person to live in an environment adequate to their health and well-being protected by law in your State?					
1. Yes		2. To some extent		3. No	
Please describe how:					
1.2 Further comments on the implementation of article 1 in your State					
1.3 Relevant web site link to implementing provision (if available):					

2. Definitions (article 2)					
2.1 Has the definition of 'public authority' been implemented in your State?					
1. Yes		2. To some extent		3. No	
Please describe how, mentioning whether the 'public authorities' covered are explicitly listed:					
2.2 Has the definition of 'environmental information' been implemented in your State?					
1. Yes		2. To some extent		3. No	
Please describe how, mentioning any significant differences from the Convention's definition:					

2.3 Has the definition of 'the public' been implemented in your State?									
1. Yes		2. To some extent		3. No					
Please describe how:									
2.4 Has the definition of 'the public concerned' been implemented in your State?									
1. Yes		2. To some extent		3. No					
Please describe how:									
2.5 Overall, to what extent are the definitions in article 2 applied in your State?									
Fully		Almost fully		To some extent		Little		Not at all	
2.6 Further comments on the application of the provisions in article 2 in your State:									
2.7 Web site link(s) to implementing provision(s) (if available):									

3. General provisions (article 3)					
3.1.1 To what extent do public authorities assist and provide guidance to the public in seeking access to information? (paragraph 2)					
1. Fully		2. To some extent		3. Not at all	
Please describe how, mentioning whether there is a legal requirement to do so:					

3.1.2 To what extent do public authorities provide assistance and guidance to the public concerning their participation in environmental decision-making?					
1. Fully		2. To some extent		3. Not at all	
Please describe how, mentioning whether there is a legal requirement to do so:					
3.1.3 To what extent do public authorities provide assistance and guidance to the public seeking access to justice?					
1. Fully		2. To some extent		3. Not at all	
Please describe how, mentioning whether there is a legal requirement to do so:					
3.2 Does your State promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters? (paragraph 3)					
1. Yes		2. To some extent		3. No	
Please describe how:					
3.3 Does your State provide for recognition and support to associations, organizations or groups promoting environmental protection (paragraph 4)?					
1. Yes		2. To some extent		3. No	
Please describe how, distinguishing legal provisions from practical (e.g. financial) measures:					
3.4 Has your state taken specific measures to promote the application of the principles of the Convention in international environmental decision-making processes and/or within the framework of international organizations in matters relating to the environment (paragraph 7)?					
1. Yes		2. To some extent		3. No	

Please describe how:									
3.5 Does your State ensure that persons seeking access to information, participating in environmental decision-making and seeking access to justice in conformity with the provisions of the Convention are not penalized, persecuted or harassed in any way for their involvement (paragraph 8)?									
1. Yes		2. To some extent		3. No					
Please describe how:									
3.6 Overall, to what extent have the general provisions in article 3 been implemented in your State?									
Fully		Almost fully		To some extent		Little		Not at all	
Further comments on the implementation of article 3 in your State:									
Web site link(s) to implementing provision(s) (if available):									

4. Access to environmental information (article 4)									
4.1.1 What specific legislative and other measures have been taken to implement the provisions on access to environmental information in article 4 been implemented in your State?									
4.1.2 Overall, to what extent have the provisions on access to environmental information in article 4 been implemented in your State?									
Fully		Almost fully		To some extent		Little		Not at all	

4.1.3 Web site link(s) to implementing provisions (if available):				
4.2 Have paragraphs 1 and 2 on general access to information upon request been implemented in your State?				
1. Yes		2. To some extent		3. No
If yes or to some extent, please describe how:				
4.2.1 Does any person have rights of access to environmental information? Are additional rights accorded to some groups (e.g. journalists, NGOs)?				
1. Yes		2. To some extent		3. No
If yes or to some extent, please describe how:				
4.2.2 Are public authorities required to provide, upon request, copies of documents, the information contained in documents or both?				
1. Yes		2. To some extent		3. No
If yes or to some extent, please describe how:				
4.2.3 Are public authorities always required to provide information in the form requested (e.g. electronic)?				
1. Yes		2. To some extent		3. No
If not, in what circumstances may they decline to do so?				
4.3 Are the time limits in accordance with the provision of the paragraphs 2 and 7?				
1. Yes			3. No	

If yes, please specify the time limits for:		Number of days:			
a) responding to a request					
b) providing the information					
c) refusal					
4.4.1 Have paragraphs 3 and 4 (exemptions) been implemented in your State?					
1. Yes		2. To some extent		3. No	
Please describe how:					
4.4.2 Are public authorities required to take the public interest served by the disclosure into account when deciding whether to refuse a request for information?					
1. Yes		2. To some extent		3. No	
If so, how:					
4.4.3 Are public authorities required to apply any of the exemptions when requested information falls under them or simply permitted to do so?					
1. required		2. permitted		3. other	
Please specify:					
4.4.4 Has your State opted not to make one or more of the exemptions available to public authorities?					
1. Yes		2. To some extent		3. No	
Please specify:					

4.5 In your state, are public authorities not holding the requested information required to inform the applicant of the public authority which holds the information requested or to transfer the request to that authority and inform the applicant accordingly? (paragraph 5)					
1. Yes		2. To some extent		3. No	
Please describe how:					
4.6 When public authorities decides to withhold information falling in any exemption category, are they required to separate out the information that can be disclosed without prejudice to the confidentiality of the exempted information and make it available? (paragraph 6)					
1. Yes		2. To some extent		3. No	
Please describe how:					
4.7.1 In your State is it required that a refusal of a request by a public authority be in writing if the request was in writing or if the applicant so requests? (paragraph 7)					
1. Yes		2. To some extent		3. No	
If yes or to some extent, please describe how:					
4.7.2 Where a request is refused, are public authorities required to state the reasons for refusals and give information on procedures for reviewing the decision?					
1. Yes		2. To some extent		3. No	
If yes or to some extent, please describe how:					
4.8 Are public authorities required, permitted or not permitted to make a charge for supplying information in your State? (paragraph 8)					
1. Required		2. Permitted		3. Not permitted	

If charges are requested or permitted, please describe how, specifying whether or not a common schedule of charges is applied, and the level of charges expressed in EUR or USD:				
4.9 In actual practice, is environmental information accessible to the public in accordance with the provisions of the Convention and the national implementing legislation?				
1. Yes		2. To some extent		3. Not at all
4.10 Please provide further information on the practical application of the provisions on access to information in your State, e.g. statistics on number of requests made, number of refusals and their reasons:				

5. Collection and dissemination of environmental information (article 5)									
5.1.1 What specific legislative and other measures have been taken to implement the provisions on collection and dissemination of environmental information in article 5?									
5.1.2 Overall, to what extent have the provisions on collection and dissemination of environmental information in article 5?									
Fully		Almost fully		To some extent		Little		Not at all	
5.1.3 Web site link(s) to implementing provision(s) (if available):									
5.2.1 Has paragraphs 1 (a) and 1 (b) on collection of information been implemented in your State?									
1. Yes		2. To some extent		3. No					

Please describe how:					
5.2.2 Has paragraph 1 (c) on immediate dissemination of information in the case of an imminent threat to human health or the environment been implemented in your State?					
1. Yes		2. To some extent		3. No	
Please describe how:					
5.3 Has paragraph 2 on the way in which public authorities make environmental information accessible been implemented in your state?					
1. Yes		2. Some (specify which)		3. No	
Please describe how:					
5.4 Is environmental information progressively made available in electronic form?					
1. Yes		2. To some extent		3. No	
Please specify which environmental information is available in electronic databases via Internet:					
Type of information		Yes	Some (specify which)		No
Reports on the state of the environment					
Texts of legislation					
Policies					
Plans					
Programmes					
Other information, please specify:					

5.5 Does your State publish and disseminate national reports on the state of the environment? (paragraph 4)					
1. Yes		3. No			
How frequently are such reports published?					
5.6 Has your State taken measures within the framework of its legislation to disseminate:					
	Yes	Some (specify which)		No	
Legislation and policy documents relating to the environment (a)					
International treaties, conventions and agreements on environmental issues (b)					
Other significant international documents on environmental issues (c)					
Please describe how and to whom:					
5.7 Does your State encourage operators of activities which have a significant impact on the environment to inform the public regularly of the environmental impact of their activities? (paragraph 6)					
1. Yes		2. To some extent		3. No	
Please describe how (e.g. within the framework of voluntary eco-labelling or eco-auditing schemes):					
5.7.1 Does your State publish relevant facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals?					
1. Yes		2. To some extent		3. No	

5.7.2 Does your State publish available explanatory material on its dealings with the public in matters falling within the scope of the Convention?					
1. Yes		2. To some extent		3. No	
5.7.3 Does your State provide information on the performance of public functions or the provision of public services relating to the environment by government at all levels?					
1. Yes		2. To some extent		3. No	
Please describe how:					
5.8 Has your State developed mechanisms with a view to ensuring that sufficient product information is available to the public in a manner which enables consumers to make informed environmental choices?					
1. Yes		2. To some extent		3. No	
Please describe which mechanisms:					
5.9 Has your state taken steps to establish a nationwide pollution register?					
1. Significant steps		2. Some steps		3. No steps	
Please describe which steps have been taken, if any:					
5.10 To what extent do public authorities collect and disseminate information in accordance with the provisions of the Convention?					
1. Fully		2. To a large extent		3. To some extent	
				4. To a little extent	
5.11 Further information on the practical application of the provisions:					

6. Public participation in decisions on specific activities (article 6)									
6.1.1 What specific legislative and other measures have been taken to implement the provisions on public participation in decisions on specific activities in article 6 been implemented in your State?									
6.1.2 Overall, to what extent have the provisions on public participation in decisions on specific activities in article 6 been implemented in your State?									
Fully		Almost fully		To some extent		Little		Not at all	
6.1.3 Web site link(s) to implementing provision(s) (if available)									
6.2 Has paragraph 1 (scope) been implemented in your State?									
1. Yes		2. To some extent		3. No					
Please describe how:									
6.3 Has paragraph 2 (notification of the public concerned) been implemented in your State?									
1. Yes		2. To some extent		3. No					
Please describe how the public concerned is informed and of which information:									
6.4 Does the public participation procedure in your state allow for reasonable time-frames for the different phases? (paragraph 3)									
1. Yes		2. To some extent		3. No					

Please describe how, and include information on the time-frames for the different phases of the decision-making procedure:			
6.5 Does your State provide for an early public participation, when all options are still open and effective public participation can take place? (paragraph 4)			
1. Yes		2. To some extent	3. No
Please describe how:			
6.6 Are there incentives for prospective applicants to enter into discussions with the public concerned regarding the objectives of their applications before applying for a permit (paragraph 5)?			
1. Yes		2. To some extent	3. No
If yes or to some extent, please describe which and how they work:			
6.7 Has paragraph 6 (information) been implemented in your State?			
1. Yes		2. To some extent	3. No
Please describe which information is made available for examination by the public concerned at this stage and how:			
Type of information	Yes	No	Comments
A description of the site and the physical and technical characteristics of the proposed activity (<i>a</i>)			
A description of the significant effects of the proposed activity on the environment (<i>b</i>)			
A description of the measures envisaged to prevent and/or reduce the effects, including emissions (<i>c</i>)			
A non-technical summary of the above (<i>d</i>)			
An outline of the main alternatives, studied by the applicant (<i>e</i>)			
In accordance the national legislation, the main reports and advice issued to the public authority (<i>f</i>)			

6.8 Do public participation procedures in your State allow the public to submit any comments, information, analyses or opinions that it considers relevant to the proposed activity? (paragraph 7)					
1. Yes		2. To some extent		3. No	
Please describe how:					
6.9 Are public authorities in your state required to take due account of the outcome of the public participation? (paragraph 8)					
1. Yes		2. To some extent		3. No	
What guidance – and criteria – are available to the public authority on how to take account of the results of the public participation?					
6.10 Is the public promptly informed when a decision has been taken by the public authority, and is the text of the decision made available to the public along with the reasons and considerations on which the decision is based (paragraph 9)?					
1. Yes		2. To some extent		3. No	
Please describe how:					
6.11 Are paragraphs 2-9 of article 6 applied with the necessary changes when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1 (paragraph 10)?					
1. Yes		2. To some extent		3. No	
Please describe how:					

6.12 Are the provisions of article 6 applied to the extent feasible and appropriate to decisions on whether to permit deliberate release of genetically modified organisms (paragraph 11)?					
1. Yes		2. To some extent		3. No	
Please describe how:					
6.13 Has your State implemented the guidelines on public participation in decision-making on GMOs as adopted by the first meeting of the Parties (Decision I/[..])					
1. Yes		2. To some extent		3. No	
Please describe how:					
6.14 How would a member of the public exercise their rights to participate under the implementing provisions for this article?					
6.15 Further information on the practical application of the provisions, e.g. statistical data illustrating the extent of usage by the public:					

7. Public participation concerning plans, programmes and policies relating to the environment (article 7)

7.1 What specific legislative and other measures have been taken to implement the provisions on public participation concerning plans, programmes and policies relating to the environment (article 7)?

--

7.2 Overall, to what extent have the provisions in article 7 been implemented in your state?									
Fully		Almost fully		To some extent		Little		Not at all	
7.3 Further comments on the implementation of article 7 in your state									
7.4 How would a member of the public exercise their rights to participate under the implementing provisions for this article?									
7.5 Further information on the practical application of the provisions:									
7.6 Web site link(s) to implementing provisions (if available)									

8. Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments (article 8)									
8.1 What specific legislative and other measures have been taken to implement the provisions on Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments (article 8)									
8.2 Overall, to what extent have the provisions in article 8 been implemented in your state?									
Fully		Almost fully		To some extent		Little		Not at all	

8.3 Further comments on the implementation of article 8 in your state
8.4 How would a member of the public exercise his/her rights to participate under the implementing provisions for this article?
8.5 Web site link to implementing provision(s) (if available)

9. Access to justice (article 9)									
9.1.1 What specific legislative and other measures have been taken to implement the provisions on access to justice in article 9 been implemented in your state?									
9.1.2 Overall, to what extent have the provisions on access to justice in article 9 been implemented in your state?									
Fully		Almost fully		To some extent		Little		Not at all	
9.1.3 Web site link(s) to implementing provision(s) (if available)									
9.1.1 Has paragraph 1 been implemented in your state?									
1. Yes		2. To some extent		3. No					
Please describe how:									
9.1.2 Is the final appeal via a court of law or an independent and impartial body?									
1. Court of law			2. Independent and impartial body						

9.1.4 Has paragraph 2 been implemented in your state?				
1. Yes		2. To some extent		3. No
Please describe how:				
9.1.5 Is the final appeal in connection with decision-making processes which are subject to article 6 via a court of law or an independent and impartial body?				
1. Court of law	Yes		No	
2. Independent and impartial body	Yes		No	
9.1.6 Is sufficient interest or impairment of a right required for members of the public to have standing in cases concerning their participation in decisions on specific activities?				
1. Sufficient interest	Yes		No	
2. Impairment of a right	Yes		No	
9.1.7 Can members of the public challenge the procedural or substantive legality of any decision, act or omission subject to other provisions of the Convention, e.g. article 7 or 8?				
9.2 Does the national law in your state provide for a preliminary review procedure before an administrative authority?				
1. Yes		2. To some extent		3. No
If yes or to some extent, please describe how:				
9.3 Has paragraph 3 been implemented in your state?				
1. Yes		2. To some extent		3. No
If yes or to some extent, please describe how:				

9.4 Has any criterion for standing of members of the public been laid down in national law?					
1. Yes		2. To some extent		3. No	
Please describe how:					
9.5 Are decisions of courts and other bodies available in writing and publicly accessible (paragraph 4)?					
1. Yes		2. To some extent		3. No	
Please describe how:					
9.6 Is information on access to administrative and judicial review procedures provided to the public in your state (paragraph 5)?					
1. Yes		2. To some extent		3. No	
If yes or to some extent, please describe how:					
9.7 Has your State considered establishing appropriate assistance mechanisms to remove financial and other barriers to access to justice (paragraph 5)?					
1. Yes		2. To some extent		3. No	
Please describe which mechanisms:					
9.8 How would a member of the public exercise their rights to access to justice under the implementing provisions of this article?					

9.9 Further information on the practical applications of the provisions, including any available statistical information on cases brought before the court or other independent and impartial body:

10. Please describe any aspects of the implementation of the Convention by your State, which in your opinion goes significantly beyond the minimum requirements of the Convention: (article 3, paragraph 5)
11. Please describe activities taken to promote the implementation of the Convention, excluding any information already presented in a previous report under Decision I/..(suggested max 600 words) :

Articles 10-22 are not for national implementation.