

THIRTEENTH MEETING OF THE BUREAU OF THE MEETING OF THE PARTIES TO THE AARHUS CONVENTION

Palais des Nations, Geneva
26 January 2007

Attendance:

Bureau members: Ms. Hanne Inger Bjurstrøm (Chair), Ms. Maud Istasse (Belgium), Mr. Alzhan Braliev (Kazakhstan), Ms. Evita Stanga (Latvia), Ms. Elzbieta Kur (Poland).

NGO Observer: Mr. John Hontelez (European Environmental Bureau representing European ECO Forum).

Apologies: Mr. Faig Sadigov (Azerbaijan), Ms. Giuliana Gasparini (Italy).

1. Adoption of agenda

The provisional agenda was adopted

2. Status of ratification

The secretariat circulated an updated table on the status of ratification, covering the Convention, the amendment to the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTR). The Bureau noted with satisfaction that the ratification of the Convention by Germany would bring the number of Parties to the Convention to 40.

3. Preparation of the seventh session of the Working Group of the Parties

The Bureau discussed the preparations for WGP-7, in conjunction with its consideration of agenda items 4-16 of its agenda. It reviewed a draft of the provisional agenda for the WGP-7 meeting prepared by the secretariat, and mandated the Chair and the secretariat to finalise the draft on the basis of the Bureau's discussions. The Bureau agreed that the WGP-7 meeting should start at 11.30 am on 2 May 2007 so as to allow for the Bureau to meet earlier that morning (see item 18 below) while still allowing enough time for the WGP to complete its work.

4. Pollutant release and transfer registers

The secretariat reported on the preparations for the fourth meeting of the PRTR Working Group (Geneva, 14-16 February 2007). The secretariat also reported on the expectations regarding future ratifications of the Protocol on PRTR and the implications for the date of its entry into force. It was noted that as agreed at the previous meeting, the Chair had written on behalf of the Bureau to all Parties to the Convention and Signatories to the Protocol encouraging them to make efforts to ratify the Protocol in time to bring about its entry into force before the sixth 'Environment for Europe' Ministerial Conference (Belgrade, 10-12 October 2007), not least in the hope that this would allow for the first session of the Meeting of the Parties to the Protocol to take place back-to-back with the third meeting of the Parties to the Convention in June 2008.

In response to the report, the NGO representative stressed that the resistance against applying under the Protocol the same kind of rules of procedure and compliance rules as had been established for the Convention was difficult to accept and threatened to seriously undermine the credibility of the Convention as well as the Protocol.

5. Financial report

The secretariat provided an interim report on the financial position, including provisional figures for a) the contributions received during 2006 as compared with pledges made, and b) the expenditure incurred during 2006. It pointed out that whereas at the Bureau's previous meeting, an approximate balance between income and expenditure had been predicted for the year 2006, the latest figures indicated a fairly strong surplus of income over expenditure for the year. This was partly due to very welcome and unforeseen contributions towards the end of the year by Parties and Signatories some of which were contributing for the first time, but partly due to the fact that some expenditures that had been expected to occur during the last quarter of 2006 had in fact been postponed to the first quarter of 2007. For this latter reason, the significance of the surplus should not be over-estimated. The final figures, once available, would be incorporated in the financial report for 2006, which would be presented at WGP-7.

After reviewing the financial report by the secretariat and the overall balance between income and expenditure, the Bureau expressed satisfaction at the fact that the income had exceeded earlier expectations and urged the secretariat to proceed expeditiously with those activities that had been deferred from 2006 to 2007. It noted that the situation would allow the secretariat to proceed with the implementation of some other activities that had been held back for financial reasons (see item 11 below).

The Bureau agreed that the financial report for WGP-7 should follow the same format as the one submitted to WGP-6. It requested the secretariat consult closely with the Chair when preparing the report.

6. Financial arrangements

Since its previous meeting, the Bureau had worked electronically to prepare a preliminary draft of options for a draft decision on financial arrangements that had been circulated for comment to the national focal points in December 2006. Comments had been received on 24 January 2007 from Germany on behalf of the European Union. In addition, some comments that had been submitted by the UK in September 2006 under the previous commenting round had been mislaid within the secretariat and were only circulated to the Bureau earlier in January 2007, for which the secretariat expressed its apologies.

The Bureau considered the statement from the EU as well as the earlier UK comments. It concluded that at the present stage no options for financial arrangements should be left out of the draft proposal and agreed to circulate its proposal having made a small amendment to the preamble on the basis of the comments received so as to refer to the principles of accountability and sound financial management. It agreed that Parties

should be invited to indicate during WGP-7 their more and less preferred options, with a view to the WGP being able to reduce the number of options on the table and then further develop only those which enjoyed significant support. It agreed to discuss at its next meeting the procedure for further developing options after WGP-7.

7. Public participation in international forums (PPIF)

The secretariat reported on the results of the written phase of the PPIF consultation process and the progress in preparing a synthesis report summarising the responses to the PPIF questionnaire for review by the WGP. It also presented the plans for the proposed international meeting on PPIF, scheduled to be held in Geneva on 20-21 June 2007, as discussed by the PPIF Task Force and further developed by the Chairperson of the Task Force in consultation with the secretariat.

The Bureau discussed and provided guidance on the proposed activities in this area and especially the international meeting on PPIF. It mandated the Chair to consult with the Chair of the PPIF Task Force over the further development and finalization of the programme for the meeting. It furthermore agreed that the WGP should consider inviting the Task Force to assist the WGP in its task of reviewing the Guidelines and making recommendations, as appropriate, for consideration by the Parties at their third ordinary meeting (cf. Decision II/4, para. 8).

Finally, the Bureau agreed to propose to the WGP that Parties, Signatories, other interested States, NGOs and other relevant actors be invited to submit comments relating to their experience regarding the application of the Guidelines within a specific deadline in due time for consideration by the PPIF Task Force (Decision II/4, para. 7).

8. Genetically modified organisms

The secretariat presented a draft of a memo to the 'Article 14 group' on the issue of clarifying the amendments provisions of the Convention. The memo addressed the main options for interpreting the relevant provisions of article 14 as well as the decision-making process required in order for the Depositary to recognise and implement the Parties' preferred option.

The Bureau briefly reviewed the draft and agreed with the secretariat upon the following procedure: first, the secretariat would further develop the draft paper and send out a new draft to the Bureau members for comments. The Chair and the secretariat would develop a proposal on how to proceed which would be circulated together with the new draft. The secretariat would then finalise the draft taking into account the comments of the Bureau members, including the comments on the procedure, and send it to the Article 14 group, copying the Bureau. The Article 14 group would then be invited to comment on the paper and in particular to respond to a number of specific questions contained in it, with a view to narrowing down the available options. The Bureau agreed that the Article 14 group should be given several weeks to respond.

Regarding the plans for an international expert meeting on GMOs in 2008 which the WGP had proposed should be held back-to-back with the Cartagena Protocol CoP/MoP (Bonn, 12-16 May 2008), the Bureau requested the secretariat to start the preparations as agreed at its previous meeting and to report on progress at its next meeting on the eve of WGP-7.

9. Access to justice

The secretariat reported on the progress made in implementing this part of the work programme, including the plans for capacity building workshops, the analysis of information gaps and the question of remedies. The first capacity-building workshop would target senior members of the judiciary from six EECCA countries and was provisionally scheduled to take place either in Ukraine or Georgia in May 2007. The secretariat was in discussion with OSCE concerning the possibility that the local OSCE office might serve as local organiser for the event. The Bureau was informed about a survey/study in the area of access to justice involving EU member states that was launched by the European Commission.

10. Electronic information tools and Clearinghouse

The secretariat reported on the outcome of EIT TF-5 (23-24 Nov 2006), including the questionnaire through which Task Force members were reporting on implementation of the recommendations in Decision II/3; the preparations for the postponed capacity building workshop aimed at strengthening national nodes of the Aarhus Clearinghouse in EU, EFTA and SEE countries (Szentendre, Hungary, March 2007); and the plans for a re-launch of the Clearinghouse.

11. Public participation in strategic decision-making

The Bureau reviewed developments pertaining to the proposed workshop on PPSD and the compendium of good practices in PPSD. In December 2006, Austria had provided an earmarked contribution of EUR 10,000 for the workshop, which without being sufficient to cover all the projected costs nonetheless gave an important stimulus to begin preparations. It was decided that a consultant should be hired, ideally before May 2007, to start the preparations for the proposed workshop. In order to identify the most convenient date for the event, the Bureau recommended further consultations with the Espoo Convention bodies as well as with Austria and Bulgaria, as potential funder and host of the event respectively. The Bureau considered that the optimum time would be towards the end of 2006 or in the first few months of 2007, while taking account of the MOP-3 preparatory schedule which would create a lot of pressure during February and early March 2008. Consultations over the programme would come later, but in time to present an outline draft at the next meeting of the Bureau and at WGP-7.

12. Reporting mechanism

The Bureau discussed the procedures for the preparation of national implementation report by Parties for MoP-3, in particular in the light of an advance copy of a paper providing guidance on the topic prepared by the Compliance Committee for WGP-7. It welcomed the paper as a useful contribution and agreed upon a number of suggestions for amendments which the Committee might wish to incorporate before finalising the paper. The Bureau also discussed the issue of imposing length limits on the reports, and whether such limits should apply to the new material or to the consolidated report. The secretariat agreed to look further into the matter and report back at the next Bureau meeting so that a proposal could be presented at WGP-7.

13. Compliance mechanism

The secretariat provided information on the work of the Compliance Committee.

14. Capacity building

The secretariat reported on the outcome of the annual meeting of capacity-building partners and provided additional information on capacity-building activities, including the dissemination of a questionnaire to national focal points and other contact points in December 2006 on the capacity-building needs of countries. The secretariat pointed out that no responses had been received and it was agreed that a reminder should be sent to the recipients of the questionnaire, making it clear that it was addressed to all Parties, not just those having economies in transition.

15. Long-term strategic planning

The Chair reported on the results of the first meeting of the Expert Group on Long-Term Strategic Planning (Oslo, 9-10 Oct 2006) and the subsequent progress made to prepare elements of a long-term strategic plan. The Bureau noted that according to the timetable drawn up by the Expert Group, WGP-7 would fall within the period that the draft elements being prepared by the Expert Group were available for public consultation, and that delegations at WGP-7 would be free to comment on the draft. Those comments could then be taken into account by the Bureau in preparing the first draft of the strategic plan for discussion at WGP-8.

The secretariat reminded the Bureau that the WGP had indicated that at least one of the LTSP Expert Group members should come from outside the ECE region (ECE/MP.PP/WG.2/2006/2, para. 71). The Bureau asked the secretariat, in consultation with the Chair of the Expert Group, to assist it in identifying a suitable candidate from outside the region to join the group as soon as possible. The importance of involving the Bureau of the PRTR Working Group at the appropriate time with respect to those elements of the strategic plan dealing with PRTR was mentioned.

16. Preparation of MOP-3

The Bureau discussed the preparations for MoP-3, taking into account information provided by the representative of the host country and by the secretariat. It agreed that a full week would be needed for MoP-3 and the associated and preparatory meetings. It provisionally set the dates as 8-13 June 2008, with the first and third weeks of June as back-up options. It was agreed that during this time a WGP meeting and a compliance committee meeting would also be held back-to-back with MOP-3, as well as the 10-year anniversary event. There might also be MoP-1 for the PRTR Protocol and a final PRTR WG preparatory meeting. Finally, the European ECO Forum would probably organize an NGO conference, before or in parallel with the other events.

The Bureau agreed that there should be a general discussion on the elements for the programme and agenda and on the level of representation (whether Ministerial) at WGP-7 and that the first actual draft of the provisional agenda for MOP-3 should be prepared in time for discussion at WGP-8 (Oct/Nov 2007).

17. Belgrade Conference and Joint Bureaux meeting

The Bureau discussed the latest draft of the paper on implementation of ECE MEAs being prepared for the Belgrade Conference and agreed to forward comments to the secretariat by 4 February 2007. Ms. Giuliana Gasparrini (Italy) as Vice-Chair and Ms. Mona Aarhus (Norway, due to the Chair having a conflicting engagement) would represent the Aarhus Bureau at the meeting.

18. Calendar of meetings

The Bureau reviewed and approved the forthcoming meeting schedule. It agreed to hold its fourteenth meeting on the morning of 2 May 2007, starting at 9.00. It agreed that the fifteenth meeting of the Bureau should be held back-to-back with the PPIF international meeting and that the sixteenth meeting should take place immediately before WGP-8.

19. Any other business

(a) Appointment of new Vice-chair

Following the stepping down of the Vice-Chair of the Bureau from Kazakhstan, namely Ms. Saltanat Abdikarimova, the Chair raised the issue of appointing her replacement. Following his nomination and acceptance, the Bureau appointed Mr Alzhan Braliev (Vice-Minister for Environmental Protection, Kazakhstan) as a Vice-Chair.

(b) Impact of the UN mobility scheme on the secretariat

The Chair reported that she had received no reply to the letter sent on behalf of the Bureau to the Executive Secretary of UNECE conveying the Bureau's concerns about the impact of the UN staff mobility scheme on the secretariat. The Bureau mandated the Chair to follow up on the matter as appropriate.