



Aarhus Convention

NEWS in BRIEF



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PRTR Protocol to be adopted and signed in Kiev

The new Protocol on Pollutant Release and Transfer Registers (PRTRs) will be adopted at an extraordinary meeting of the Parties to the Aarhus Convention, which will take place on 21 May 2003 as a plenary event in the Kiev Ministerial Conference. The adoption will be immediately followed by a signing ceremony for all three ECE Protocols expected to be adopted at the Conference. In addition to the PRTR Protocol, these are the Protocol on Civil Liability and Compensation for Damage caused by the Transboundary Effects of Industrial Accidents on Transboundary Watercourses, and the Protocol on Strategic Environmental Assessment.

A meeting of representatives of Parties to the Convention and prospective Signatories to the protocol will be convened in Kiev on the eve of the Ministerial conference to prepare a draft resolution of the Signatories to the protocol. The meeting will take place on 20 May 2003 from 9.30 to 13.00 at the Kiev Conference venue, the International Exhibition Centre, in Conference Hall 3.

New Parties

Belgium and Norway deposited their instruments of ratification on 21 January 2003 and 2 May 2003 respectively, bringing the total number of Parties to the Convention to 24. The Convention has already entered into force for Belgium and will do so for Norway on 31 July 2003.

Main features of the Protocol

- Each Party to the protocol will be required to establish a publicly accessible and user-friendly PRTR, based on a mandatory scheme of annual reporting.
- The register will cover information on 86 pollutants considered to pose significant threats to environment or health, including greenhouse gases, acid rain pollutants, heavy metals and cancer-causing chemicals such as dioxins.
- Reporting will be required for a wide range of activities, including refineries, thermal power stations, the chemical and mining industries, waste incinerators, wood and paper production and processing, and intensive agriculture and aquaculture among others, where these activities are carried out on a significant scale. The protocol also provides a framework for reporting on pollution from diffuse sources such as traffic, agriculture and small and medium-sized enterprises.
- Some of the reported information may be kept confidential, for example where disclosure could affect commercial confidentiality, national defence or public security, but such exemptions should be interpreted in a restrictive way, taking into account the public interest served by disclosure.
- Information should be provided and made available on the register on a facility-specific basis. The register should be accessible through the Internet.

The final draft text of the protocol is available at www.unece.org/env/pp/prtr.htm.

The PRTR Protocol finalized

The draft text of the PRTR Protocol was finally agreed after eight negotiating sessions, chaired by Karel Blaha of the Czech Republic. The two-year process culminated in four full days of tough negotiations in the last week of January 2003. Among the most controversial issues were the substances to be covered by the reporting requirements and the thresholds to be applied for triggering the reporting obligation as well as the issue of how to cover reporting on transfers. Many compromises were made at the last meeting in order to ensure that the text would be ready for adoption and signature at the Kiev Conference. It is probably fair to say that none of the participating states, or the ECO Forum who played an active role in the development of the Protocol are fully satisfied with the final result. However, as the ECO Forum stated after the meeting, even if the document has holes, it is still likely to improve access to information about pollution from local industries.

More on PRTRs – side event with prominent PRTR experts

UNECE is organizing a side event with prominent international PRTR experts to explain and illustrate what PRTRs are, how they work and how to go about establishing them. The side event will feature presentations of the long-standing North American experience with PRTRs, the upgrading of the European Pollutant Emission Register to a PRTR and experience of the EECCA countries. There will also be an on-line presentation of “What’s in your backyard?” – the PRTR in the United Kingdom - and discussion on various ways to support capacity building, including through the UNITAR Programme on Capacity Building for PRTRs and the establishment of the Virtual Classroom. The side event is open for all interested delegations.

The PRTR side event will take place at the International Exhibition Centre, Kiev, Conference Room 7, on 21 May 2003 from 13.15 to 14.30.

Kiev Ministerial Conference

The fifth pan-European ‘Environment for Europe’ Ministerial Conference will take place in Kiev on 21-23 May 2003. The agenda for the Conference contains a number of issues that are of crucial importance to the development of pan-European policy in the environmental field as well as being of relevance to the Aarhus Convention. The opening session on the state on the environment, which will be chaired by the Danish Minister for the Environment, the host of the previous Environment for Europe Conference, will feature an open discussion on the state of the environment in which the theme of the availability of environmental information is likely to feature. This will be followed by a session on compliance with and enforcement of multilateral environmental agreements, issues of crucial importance not least for the Aarhus Convention and its newly established Compliance Committee – see below. The second day will open with a long session on environmental partnerships in ECE with the main focus on Eastern Europe, the Caucasus and Central Asia (EECCA), of which all but two countries are Parties to the Convention. Finally, the last day of the Conference will feature debates on the future of the ‘Environment for Europe’ process, which has fostered inter alia the Aarhus Convention, and on the adoption of the Ministerial Declaration. www.unece.org/env/wgso/index_kyivconf.htm and www.kyiv-2003.info/main/index.php

First meeting of the ‘new’ Working Group on GMOs

The first meeting of the new Working Group on GMOs took place in Geneva on 9-11 April 2003. The Working Group was established by the Parties to the Aarhus Convention at their first meeting in Lucca, Italy, 21-23 October 2003 (Decision I/4) which gave it a mandate to select the most appropriate legally binding options for further developing the application of the Convention in the field of GMOs for possible decision and adoption at the second meeting of the Parties. During the discussions, the Working Group addressed the issues of the form that the legally

binding option might take, the scope of GMO decision-making to be covered and the range of public participation provisions to be applied. It was decided that a more detailed analysis of the implications of possible legally binding options was needed before any one of them could be selected as most appropriate. The secretariat was requested to prepare such an analysis for the next meeting on the basis of a written commenting procedure. The analysis would serve as a basis for discussion at the next meeting of the Working Group. The second meeting will take place on **1-3 October 2003** in Geneva. The report of the meeting is expected to be available shortly.

See www.unece.org/env/pp/gmo.htm.

Access to Justice - obstacles and solutions

The first meeting of the 'new' Task Force on Access to Justice took place in Belgium on 10-11 March 2003 at the invitation of the Belgian Government. The Task Force was established by the Meeting of the Parties to the Aarhus Convention by virtue of the decision on promoting effective access to justice (Decision I/5). On the basis of its mandate, the Task Force used its first meeting to focus its attention on articles 9, paragraphs 3, 4 and 5, including non-legal obstacles to the effectiveness of access to justice. The Task Force discussed and shared relevant experience on issues such as standing, administrative and judicial procedures, remedies and timeliness, public accessibility of decisions and non-legal obstacles to access to justice. The Meeting was also made aware of the Johannesburg principles and the follow-up to the Johannesburg Global Judges' Symposium (see below).

New publication: Handbook on Access to Justice

The Handbook on Access to Justice has just been published by the Regional Environmental Centre for Central and Eastern Europe. The Handbook is the result of cooperation between various organizations, coordinated by REC and funded by the United Kingdom. The Handbook can be downloaded free of charge from the Convention web site in English. The Russian version is expected to be available shortly. www.unece.org/env/pp/a.to.j.htm

The Task Force made useful progress, identifying a number of points for further reflection and coming up with ideas for further work. The second meeting will take place in Geneva on 20-21 November 2003.

www.unece.org/env/pp/a.to.j.htm

Electronic Information Tools

Under the leadership of Bulgaria, the 'new' Aarhus Convention Task Force on Electronic Information Tools will have its first meeting in Sofia on **23-24 June 2003**. The Task Force was established by the Meeting of the Parties to promote the more effective use of electronic information tools in the implementation of the Convention. During the meeting, the Task Force will, in accordance with its mandate, review recent developments and processes in the area of electronic tools, consider the list of possible actions annexed to the report of the workshop held in Arendal, Norway, in 2001 and identify priority issues and ideas for concrete activities. It will also exchange information on good practices in the use of electronic tools and consider ways to contribute to the implementation of capacity building measures in cooperation with the capacity building service and the clearing-house mechanism. In order to structure the discussion, the participants have been invited to fill out and submit to the Chairperson of the Task Force and the secretariat a questionnaire on the experiences and challenges in the use of electronic information tools in their countries. Deadline for registration and submission of the input in writing is 19 May 2003. To receive an invitation to this meeting, please contact the secretariat at public.participation@unece.org www.unece.org/env/pp/electronictools.htm

Compliance Committee

The first meeting of the Aarhus Convention Compliance Committee was held in Geneva on 17-18 March 2003. The Compliance Committee was established at the first meeting of the Parties to monitor Parties' compliance with the Convention. The Meeting of the Parties also elected the members of the Committee – all serving in their personal capacities. The first meeting

of the Committee was attended by all of its eight members. The Committee elected Mr. Veit Koester (Denmark) as its Chairperson and Ms. Svitlana Kravchenko (Ukraine) as its Vice-chairperson. At its first meeting, the Committee focussed on general issues and did not discuss any specific compliance problems. Some attention was devoted to the handling of communications from members of the public and the Committee agreed that as soon as possible information should be provided to the public on the procedures for communicating with the Committee. This information should be made available on the Convention web site in the three languages of the Convention. One of the issues discussed by the Committee during its first meeting was the question as to whether meetings should be open or closed. Reflecting the Convention itself, it was agreed that, in principle, all meetings should be open to the public, and that the parties concerned would have the opportunity to participate in discussions of their particular case. However, the Committee would hold its final deliberations in closed session when deciding on a particular case.

www.unece.org/env/pp/compliance.htm

UNEP Governing Council moves forward on Principle 10

The debate on the global application of the Rio Declaration's principle 10 got new input at the latest session of the UNEP Governing Council, which was held in Nairobi on 3-7 February 2003. During the discussion on international environmental governance, the Council decided that UNEP should intensify its efforts in key areas of capacity and institution building. UNEP should also assess the possibility of promoting, at national and international levels, the application of principle 10 "to determine if there is value in initiating an intergovernmental process to prepare global guidelines on applying principle 10." A progress report was requested for the next (23rd) session of the Governing Council. The mere mentioning of the option of developing global guidelines on access to information, public participation and access to justice is a significant step, although it is too early to say what this decision will lead to. A side

event on the issue with participation of inter alia the Convention secretariat also stressed the importance of working further on the implementation of principle 10.

www.iisd.ca/linkages/vol16/#gc22

Expert seminar in Africa

A UNEP seminar of regional experts on enhancing access to information, public participation in decision-making and access to justice in environmental matters will take place in Nairobi on **4-5 June 2003**. The meeting will focus on international and national legal regimes in the field and means for strengthening related national legal, institutional and policy regimes for the three pillars of Rio Principle 10. Participants will have the opportunity to share their experience with implementation of Principle 10. The Aarhus Convention secretariat will also participate and inform the meeting of the experience gained with the Convention.

- It just happened:

A European regional workshop on the implementation of Article 6 of the UN Framework Convention on Climate Change took place in Belgium on 6-8 May 2003 at the invitation of the Belgian Government. Article 6 concerns inter alia education, training, public participation and public awareness. The purpose of the workshop was to contribute to the development and implementation of Article 6 in Europe by evaluating needs, determining priorities for action and sharing experience and exchanging information on national activities. Participants were particularly interested to maintain close links with the Aarhus Convention and its secretariat in implementing Article 6 of the UNFCCC.

Enforcing Environmental Law

As part of the follow-up to the Global Judges Symposium which took place last year in Johannesburg and which adopted the Johannesburg Principles, a regional seminar on environmental law for judges of Central and Eastern Europe, Caucasus and Central Asia will be held in Lviv, Ukraine on 16-17 May 2003. The seminar will focus on the needs of the region for further activities to enhance the role and the capacities of the judiciaries in the field of environmental

law and environmental rights. More than 20 Chief Justices from 14 countries in the region are expected to take part in the seminar as well as the Convention secretariat.

National developments

The following is exclusively based on information that the secretariat has received through focal points and NGOs as well as academia. There might be other important developments of which the secretariat is not aware and which are therefore not included here.

Norway passes new act on the Right to Environmental Information

The new Norwegian law on the right to access environmental information puts new obligations on private enterprises (including industrial production, service industries, agriculture and forestry) to provide environmental information to citizens upon request. All public bodies will be required to have knowledge and give access to information about the consequences of their activities and decisions of public bodies, e.g. transport plans or specific road developments. The objective is to enable citizens to follow the development of environmental problems. The administrative procedures for handling requests for information are strengthened and information should normally be provided within 15 days following the request. A new appeals board, consisting of representatives of industry, NGOs, media and consumer organizations, will be established to consider complaints related to the implementation of the law.

Netherlands on the track of ratification

In April 2003, two bills allowing for Dutch ratification and implementation of the Convention were published, putting the Netherlands on the road to becoming a Party in the hopefully not-too-distant future.

Implementing freedom of information in Slovenia

A new Act on access to public sector information entered into force in Slovenia on 22 March 2003. This Act is the first step towards establishing a regulatory framework

for access to information. It will cover the entire public sector and will not be limited to environmental information.

www2.gov.si/mid/mideng.nsf

EU makes progress in harmonizing legislation

In January of this year, the European Parliament and Council adopted a new directive on public access to environmental information (Directive 2003/4/EC). Adoption of this directive, which repeals Directive 90/313/EEC, was the first major step towards implementation of the Convention by the European Union. The second big step was taken in March with the approval of a new directive on the drawing up of certain plans and programmes relating to the environment and amending, with respect to public participation and related access to justice provisions, previous EC directives. These are the EIA directive (85/337/EEC) and the IPPC directive (96/61/EC). The European Commission is also doing preparatory work on a third instrument designed to improve access to justice in environmental matters. With respect to the application of the Convention to the EU institutions and bodies, the Commission is currently developing a proposal for a legally binding instrument covering all three pillars of the Convention.

www.europa.eu.int/comm/index_en.htm

Brasilia introduces law on access to environmental information

The Brazilian Congress has just approved and the Brazilian President has sanctioned its Access to Environmental Information Law, presented as a bill to Congress back in 1998. The new law represents an internationally significant development for environmental law, being based on the Agenda 21 and Rio Declaration Principles, as well as the Aarhus Convention.

Coming up:

International Conference on Environmental Rights in Europe after the UNECE Aarhus Convention on 29-30 August 2003 at the Faculty of Law, University of Leuven, Belgium

<http://www.eel.nl/index7.htm>

Aarhus Convention meetings in 2003

Please find below a tentative list of meetings under the auspices of the Aarhus Convention for the remainder of 2003. Note that an up-dated list is available on the Convention web site: <http://www.unece.org/env/pp/calendar.htm>.

Meetings in 2003		
19 May	Kiev	Second meeting of the Bureau
20 May	Kiev	Preparatory meeting of prospective Signatories and Parties to the Aarhus Convention
21 May	Kiev	Extraordinary meeting of the Parties to the Aarhus Convention
23-24 June	Sofia	First meeting of the Task Force on Electronic Information Tools
3 July	Geneva	Joint Bureaux meeting
4 July	Geneva	Third meeting of the Bureau (tentative)
18-19 September	Geneva	Second meeting of the Aarhus Convention Compliance Committee
1-3 October	Geneva	Second meeting of the Working Group on GMOs
23-24 October	Geneva	First meeting of the Working Group of the Parties
20-21 November	Geneva	Second meeting of the Task Force on Access to Justice
15-16 December	Geneva	Third meeting of the Compliance Committee (tentative)

Aarhus Convention Secretariat

United Nations Economic Commission for Europe
Environment and Human Settlements Division
Palais des Nations, 1211 Geneva 10, Switzerland
Phone: + 41 22 917 2446
Fax: + 41 22 907 0107
public.participation@unece.org
www.unece.org/env/pp

This bulletin is intended to provide a short update on recent developments and forthcoming events, related to the Aarhus Convention. Please keep us informed of relevant news or activities to be included in future issues of this bulletin.