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**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  
(Second meeting, 21-24 May 2002)

**PROVISIONAL AGENDA FOR THE MEETING**

to be held at the Palais des Nations, Geneva, Switzerland  
starting at 10 a.m. on Tuesday, 21 May 2002

1. Adoption of the agenda (CEP/WG.5/2002/1).
2. Ratification status and prospects.
3. Organizational preparations for the first meeting of the Parties:
  - (a) Programme of events;
  - (b) Publicity and promotional activities;
  - (c) Practical arrangements;
  - (d) Financial resources;
  - (e) Schedule of preparatory meetings.

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4. Substantive preparations for the first meeting of the Parties:
  - (a) Provisional agenda and list of documentation (CEP/WG.5/2002/3);
  - (b) High-level panel discussion;
  - (c) Rules of procedure (CEP/WG.5/AC.1/2001/2 and 6);
  - (d) Compliance mechanism (CEP/WG.5/AC.1/2001/2 and 6);
  - (e) Reporting regime (CEP/WG.5/2002/9);
  - (f) Clearing-house mechanism and capacity-building service (CEP/WG.5/2002/7);
  - (g) National focal points (CEP/WG.5/2002/8);
  - (h) Pollutant release and transfer registers (CEP/WG.5/2002/12);
  - (i) Report of the Working Group on Genetically Modified Organisms (CEP/WG.5/AC.3/2002/2, 3 and 4);
  - (j) Electronic information tools (CEP/WG.5/2002/10);
  - (k) Access to justice (CEP/WG.5/2002/11);
  - (l) Procedures for the preparation and adoption of Work programmes (CEP/WG.5/2002/5);
  - (m) Work programme and budget for 2003-2005;
  - (n) Financial arrangements (CEP/WG.5/2002/4);
  - (o) Intersessional body (CEP/WG.5/2002/6);
  - (p) Report on the preparation of a protocol on strategic environmental assessment to the Espoo Convention (MP.EIA/AC.1/2001/2, 6 and 8, MP.EIA/AC.1/2002/2);
  - (q) Preparatory process for the World Summit on Sustainable Development and further steps to promote principle 10 of the Rio Declaration;
  - (r) Public participation in international forums and the links between the Aarhus Convention and other ECE environmental instruments;
  - (s) Other issues.

5. Activities promoting the implementation of the Convention.
6. Any other business.
7. Adoption of the report.

**Provisional timetable**

Tuesday, 21 May 2002	Morning	Items 1, 2, 3 (a)-(c), 4 (b)
	Afternoon	Item 4 (a), (f)-(i)
Wednesday, 22 May 2002	Morning	Item 4 (j)-(m)
	Afternoon	Item 4 (c)-(d)
Thursday, 23 May 2002	Morning	Item 4 (e)
	Afternoon	Item 4 (n)-(o)
Friday, 24 May 2002	Morning	Item 4 (p)-(s)
	Afternoon	Items 3 (d)-(e), 5, 6, 7
	5 p.m.	Close of meeting

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## EXPLANATORY NOTES

At its second meeting, the Working Group for the preparation of the first meeting of the Parties will continue preparing both the substantive and the organizational aspects of the first meeting of the Parties. The Working Group's documentation has been prepared by the secretariat, taking into account the outcome of the open-ended meeting of the Bureau of the Working Group, which took place in Bled, Slovenia, from 28 February to 1 March 2002.

### Item 1    Adoption of the agenda

The Working Group is invited to adopt the agenda as set out in the present document.

### Item 2    Ratification status and prospects

The secretariat will provide the latest information on the number and identity of the Parties. Delegations from States not yet Party to the Convention but intending to become so will be invited to briefly inform the Meeting of when they expect to ratify, accept, approve or accede to the Convention.

### Item 3    Organizational preparations for the first meeting of the Parties

#### (a) Programme of events

At the open-ended meeting of the Bureau, it was agreed in consultation with the host country that the first meeting of the Parties should take place in Lucca, Italy, on Monday-Wednesday, 14-16 October 2002. It was felt that it would not be a good idea to organize a separate conference or pre-conference outside the framework of the Meeting of the Parties or a round-table dialogue between Ministers and representatives of non-governmental organizations (NGOs) as had been proposed at the first meeting of the Working Group, but rather that some high-profile topics should be incorporated within the agenda of the Meeting of the Parties for Ministers and others to debate, using the format of a panel discussion (see agenda item 4 (b)).

The following programme outline was provisionally agreed:

- 14 October, morning: opening statements, adoption of the agenda, election of chairperson, statements on activities (Parties, non-Parties, Intergovernmental Organizations, NGOs)
- 14 October, afternoon: high-level panel discussion(s)
- 14 October, evening: formal dinner
- 15 October, morning: adoption of ministerial statement
- 15 October, rest of morning and afternoon, and 16 October: remaining agenda items

The Bureau also considered a proposal by Interactive Health and Ecology Access Links (IHEAL), an NGO network dedicated to promoting electronic access to environmental and health information, for a side event on electronic information tools. It agreed that a side event close to the meeting place to demonstrate good practices with electronic information tools, preferably taking account of different language needs, could be organized. The side event should

be accessible to the Ministers and not on such a large scale that it would pose security problems.

The European ECO Forum informed the Bureau at its open-ended meeting of provisional plans to hold an NGO conference in Lucca immediately before the meeting of the Parties.

The Working Group will be informed of any additional developments, after which it is expected to endorse the general outline proposed by the Bureau and to offer direction or guidance to the Bureau and the secretariat in the further development of the programme.

(b) Publicity and promotional activities

The secretariat and the host country will present their ideas for publicizing and promoting the event, and the Working Group will be invited to provide feedback and/or additional suggestions. It was agreed at the open-ended Bureau meeting that the Meeting of the Parties should in principle be open to the public and the press. Security arrangements would need to be addressed at a later stage (taking into account the possibility of some high-profile participants being present).

(c) Practical arrangements

The secretariat and the host country will inform the Working Group of any practical arrangements related to the meeting, e.g. concerning travel and accommodation, registration, etc. Delegations from Parties and prospective Parties will be reminded of the need to obtain the necessary credentials in due time.

(d) Financial resources

Delegations from donor countries will be invited to inform the Meeting as to whether they are in a position to contribute towards covering the costs of participation in the meeting of the Parties and in the preparatory process by delegates requiring, and eligible for, financial support, so that as many countries as possible share the burden.

(e) Schedule of preparatory meetings

At its first meeting, the Working Group identified the week of 8-12 July 2002 as a possible date for a third meeting. The Working Group will be invited to consider, in the light of the number of outstanding issues, whether such a meeting is needed and, if so, to decide on its duration, timing and venue. Depending upon the progress of the preparations, it might also be necessary to convene a preparatory meeting during the last days of the week before the meeting of the Parties (e.g. 10-11 October 2002) and perhaps also during part of the weekend.

Item 4     Substantive preparations for the first meeting of the Parties

(a)     Provisional agenda and list of documentation

A provisional annotated draft agenda for the first meeting of the Parties, incorporating a

provisional list of documents for the meeting, has been prepared by the secretariat (CEP/WG.5/2002/3). The Working Group may wish to use this as a starting point for discussion. It is envisaged that a number of unofficial documents will also be available at the meeting, and that the secretariat will maintain a list of these and ensure that they are accessible to delegations.

(b) High-level panel discussion

At its recent open-ended meeting, the Bureau discussed various options for a high-profile event accompanying the meeting of the Parties which had been introduced at the first meeting of the Working Group. There was a clear preference for a high-level panel discussion to be held within the framework of the Meeting of the Parties. This would take place during the afternoon of the first day of the meeting (see agenda item 3 (a)) and would involve the participation of Ministers, top United Nations and European Union officials and representatives of non-governmental organizations. Invitations might also be sent to representatives from countries outside the ECE region. Possible themes for the panel discussion are: human rights and the environment (or environmental rights); implementation of the Convention in practice ('making Aarhus work'); the relevance of the Aarhus Convention to efforts to implement principle 10 of the Rio Declaration on Environment and Development in other regions and the follow-up to the World Summit on Sustainable Development; and the links between poverty and environmental democracy.

The secretariat and the host country will inform the Working Group on steps taken to elaborate on the concept proposed by the Bureau and on preliminary contacts made with potential speakers. The Working Group is expected to endorse the outline proposed by the Bureau and to provide direction regarding further steps to develop the event.

The Working Group may wish to discuss the procedure to be used for preparing the text of a draft ministerial statement if one is to be prepared.

(c) Rules of procedure

At its first meeting, the Working Group reviewed the work of the Working Group on Compliance and Rules of Procedure, noted that certain issues remained unresolved and undertook to address those issues at its second meeting (CEP/WG.5/2001/2, paras. 27 and 29). The Working Group is therefore expected to continue the work of preparing a draft decision on the adoption of rules of procedure for the Meeting of the Parties, taking as a basis for discussion annex I to document CEP/WG.5/AC.1/2001/2 as amended by annex I to document CEP/WG.5/AC.1/2001/6. The discussion is expected to focus on the question as to whether representatives of NGOs should be present in the Bureau of the Meeting of the Parties and, if so, in what capacity.

(d) Compliance mechanism

The Working Group is expected to continue the work of preparing a draft decision on the establishment of a compliance mechanism, taking as a basis for discussion annex II to document CEP/WG.5/AC.1/2001/2 as amended by annex II to document CEP/WG.5/AC.1/2001/6. The discussion is expected to focus on whether the proposed compliance committee should be made

up of Parties to the Convention or of independent experts serving in a personal capacity, and, if the latter, whether NGOs as well as Parties should be entitled to nominate experts for election by the Parties, and whether the opt-out possibility concerning communications from the public with respect to a Party's compliance with the Convention should be indefinite in time or limited to a specific time period of, for instance, four years.

The Working Group may also wish to discuss the procedures for nominating and electing the members of the compliance committee, given the likelihood that such an election will take place at the first meeting of the Parties.

(e) Reporting regime

At its first meeting, the Working Group agreed that preparatory work on a draft decision establishing a reporting mechanism as envisaged in article 10, paragraph 2, of the Convention should commence. It was originally envisaged that a task force would undertake preliminary work on this. However, following discussion at its open-ended meeting, the Bureau decided that the issue could be immediately addressed within the framework of the Working Group. The Working Group is expected to use document CEP/WG.5/2002/9 as the basis for preparing the draft decision. The Working Group may wish to concentrate on the reporting system and the timing for its implementation and not go into the details of the specific reporting format, which could be worked out at a later stage.

(f) Clearing-house mechanism and capacity-building service

The Working Group is expected to prepare a draft decision on a clearing-house mechanism and capacity-building service, using as a basis document CEP/WG.5/2002/7.

(g) National focal points

The Working Group is expected to use document CEP/WG.5/2002/8 as a basis for preparing a draft decision on national focal points.

(h) Pollutant release and transfer registers

At its first meeting, the Working Group reviewed a draft decision on pollutant release and transfer registers (CEP/WG.5/2001/3) and undertook to carry out further work on it (CEP/WG.5/2001/2, paras. 30 and 31). The Bureau identified the need to make a more explicit reference to a decision of the Meeting of the Parties to convene an extraordinary meeting, taking account of the relevant provisions of the Convention and having regard to the draft rules of procedure. A revised version of the draft decision has consequently been prepared by the secretariat for consideration by the Working Group (CEP/WG.5/2002/12). The proposed extraordinary meeting of the Parties could also be used to address other issues requiring the attention of the Meeting of the Parties between its first and second meeting.

(i) Report of the Working Group on Genetically Modified Organisms

The Working Group on Genetically Modified Organisms (GMOs) held its second

meeting on 18-20 February 2002 where further work to prepare a draft decision and draft guidelines on GMOs for adoption by the Meeting of the Parties was undertaken (CEP/WG.5/AC.3/2002/2, 3 and 4). The secretariat will report on the outcome of the meeting and subsequent steps taken to prepare the draft guidelines. The Working Group is expected to review the work carried out by the Working Group on GMOs and to consider the best approach to coordinating responsibilities between the two Working Groups in the further process so as to ensure satisfactory completion of the preparatory work before the meeting of the Parties.

(j) Electronic information tools

The Working Group is expected to prepare a draft decision on electronic information tools, using as a basis document CEP/WG.5/2002/10.

(k) Access to justice

The Working Group is expected to prepare a draft decision on access to justice, using as a basis document CEP/WG.5/2002/11.

(l) Procedures for the preparation and adoption of work programmes

The Working Group is expected to prepare a draft decision on procedures for the preparation and adoption of work programmes, using as a basis document CEP/WG.5/2002/5.

(m) Work programme and budget for 2003-2005

It is envisaged that a draft decision on a work programme and budget for 2003-2005 will be prepared by the secretariat, in consultation with the Bureau, following the meeting. To provide input to that process, the Working Group may wish to exchange ideas on which elements, other than those which are the subject of draft decisions of the Meeting, might be included in the work programme, as well as on the question of prioritization.

(n) Financial arrangements

Following the request of the Working Group at its first meeting, the secretariat, in consultation with the Bureau, has prepared document CEP/WG.5/2002/4, which provides an overview of financial arrangements under various multilateral environmental agreements, including other ECE Conventions, and annexed a draft decision on financial arrangements. The Working Group is expected to use this document as a basis for preparing a draft decision on financial arrangements. The budgetary elements would be developed in conjunction with the work programme following the meeting, and would be annexed to the decision on the work programme for 2003-2005.

(o) Intersessional body

The Working Group is expected to use document CEP/WG.5/2002/6 as the basis for preparing a draft decision of the Meeting of the Parties on establishing an intersessional body.

- (p) Report on the preparation of a protocol on strategic environmental assessment to the Espoo Convention

The Vice-Chairperson of the Espoo Convention's Working Group on the Protocol on Strategic Environmental Assessment, Mr. Jerzy Jendroska, will inform the Meeting of its progress (MP.EIA/AC.1/2001/2, 6 and 8, MP.EIA/AC.1/2002/2).

- (q) Preparatory process for the World Summit on Sustainable Development and further steps to promote principle 10 of the Rio Declaration

The Working Group may wish to discuss the aspects of the preparatory process for the World Summit on Sustainable Development which are relevant to the Aarhus Convention and to consider ways of raising awareness of the Convention as a possible model for implementing principle 10 of the Rio Declaration on Environment and Development within that context.

- (r) Public participation in international forums and the links between the Aarhus Convention and other ECE environmental instruments

At its eighth session, the Committee on Environmental Policy agreed that two analyses should be carried out, the first on the links between the Aarhus Convention and the other ECE environmental conventions and protocols, the second examining good practices in public participation in international forums. The second study would be reviewed by a task force and might serve as a basis for the development of guidelines on public participation in international forums, for possible adoption at the Kiev Ministerial Conference (ECE/CEP/80, paras. 34-35).

The secretariat will inform the Working Group of the progress achieved to date and the Working Group will be invited to consider the relationship between these activities mandated by the Committee and future activities under the auspices of the Meeting of the Parties.

- (s) Other issues

The Working Group may wish to consider whether any other topics would be appropriate for the agenda of the Meeting of the Parties.

#### Item 5      Activities promoting the implementation of the Convention

The secretariat will briefly inform the Working Group of the activities to promote the implementation of the Convention, including a workshop for the five Central Asian ECE member States scheduled to take place in Dushanbe on 5-8 June 2002.

#### Item 6      Any other business

Delegations wishing to propose points under this item are requested to inform the secretariat as soon as possible.

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Item 7    Adoption of the report

The Working Group will be invited to adopt the report of the meeting, subject to finalization by the Chairperson and the secretariat.