



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, Geneva, 21-24 May 2002)
(Item 4 (e) of the provisional agenda)

ELEMENTS FOR A DRAFT DECISION ON REPORTING REQUIREMENTS

Prepared by the secretariat following consultation with the Bureau

Introduction

1. Article 10, paragraph 2, of the Aarhus Convention stipulates that

“At their meetings, the Parties shall keep under continuous review the implementation of this Convention on the basis of regular reporting by the Parties ...”
2. At its first meeting, the Working Group agreed to commence preparatory work on a draft decision setting out a reporting mechanism, following the recommendation of the Working Group on Compliance and Rules of Procedures. The secretariat was requested to prepare a draft, taking into account the objective of a simple, concise and not excessively burdensome reporting mechanism. The example of a multiple-choice questionnaire used in other contexts was put forward. Delegations were invited to submit comments to the secretariat if they so wished, preferably by the end of January 2002. The secretariat received comments from the World Resources Institute (WRI) and a proposal for a reporting regime from the United Kingdom.

3. At its open-ended meeting on 28 February – 1 March 2002, the Bureau discussed an informal draft decision which had been prepared by the secretariat taking account of the suggestions received. The idea of distinguishing between an implementation report, which would be prepared following the entry into force for the reporting Party and updated as necessary, and an activity report, which would be presented at each meeting of the Parties and cover the intersessional activities, was considered to be useful. It was generally felt that the reporting should cover actual practices as well as legislation. Each country's national reports should be made available to the public in that country, e.g. through the government's web site. It was suggested that the Meeting of the Parties might wish to decide to focus on a particular aspect or theme of the Convention for any given meeting. The Bureau agreed that it would not be necessary to convene a task force meeting on reporting and that the issue would be handled by the Preparatory Working Group itself.

4. The present document has been prepared on the basis of the discussions at the Bureau's meeting, taking into account comments received subsequently from WRI and from Denmark, the latter referring to a questionnaire developed by the United Nations Development Programme (UNEP)/GRID-Arendal. It is envisaged that the draft decision would be completed with the addition of annexes setting out the reporting formats for the implementation and activity reports. A preliminary outline of these reporting formats is being prepared by the secretariat and will be circulated in advance of the meeting together with other reference material as informal documents in English only, having in mind the need to save costs and the fact that the discussions on this issue are at an early stage.

5. The intention is that the proposed formats for reporting should be simple and not overly burdensome to complete, and yet should still provide some detail on the implementation of each of the provisions of the Convention and related activities. The implementation report should attempt to distinguish, where appropriate and feasible, between the legal implementation of the provisions and their practical application. It is envisaged that obligations (of a more or less binding nature) arising under decisions of the Meeting of the Parties, e.g. on guidelines on genetically modified organisms, will be reflected in the reporting requirements.

DRAFT DECISION I/[...]

REPORTING REQUIREMENTS

The Meeting,

Recalling article 10, paragraph 2, of the Convention, which states that at their meetings, the Parties shall keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties,

Recognizing that reporting is a vital element in ensuring that the Meeting of the Parties is informed about activities undertaken by Parties pursuant to the Convention,

Recognizing also that regular reporting by Parties provides important contextual information which will facilitate the assessment of compliance under the Convention and thereby contribute to the work of the Compliance Committee,

Believing that public involvement in the process of reporting is likely to improve the quality and accuracy of reports as well as to strengthen the credibility of the reporting process,

Noting that regular reporting by Parties may also serve as a means to keep the public informed of measures taken by Parties to implement the Convention,

Taking into account the objective of a simple, concise and not excessively burdensome reporting mechanism,

Recognizing that using a standard format for reporting will provide a useful structure for organizing the information received and will facilitate the incorporation of relevant parts of the reports into a database, as well as contribute to the comparability of reports,

Emphasizing the importance of timely submission of reports,

1. Requests each Party to submit to the secretariat, in advance of the second ordinary meeting of the Parties, or in advance of the first ordinary meeting of the Parties following the entry into force of the Convention for that Party, whichever is the later:
 - (a) A report on the legislative, regulatory and administrative measures that it has taken to implement the provisions of the Convention (“implementation report”); and
 - (b) A report on any other activities undertaken to further the implementation of the provisions of the Convention and their practical application (“activity report”), in accordance with the formats set out in annexes I and II respectively [to be completed];

2. Also requests each Party to prepare and submit to the secretariat in advance of each subsequent meeting of the Parties, an activity report covering the intersessional period since the previous meeting of the Parties and, if changes have been made to the implementation framework, an updated implementation report;

3. Furthermore requests Parties to prepare their reports through a transparent and consultative process involving the public;

4. Requests that such reports should be submitted to the secretariat in electronic form in one of the official languages of the Convention, as well as in the language(s) of the Party, so as to arrive no later than 120 days before the meeting of the Parties for which they are submitted in the case of implementation reports, and no later than 50 days before the meeting of the Parties for which they are submitted in the case of the activity reports;

5. Requests the secretariat to prepare an analytical report for each meeting of the Parties summarizing the progress made and identifying significant trends, challenges and solutions (“summary report”);

6. Invites Signatories and other States not Party to the Convention, pending their ratification or accession, to submit reports on measures taken to apply the Convention, in accordance with the aforementioned procedures;

7. Invites international, regional and non-governmental organizations engaged in programmes or activities providing support to Parties and/or other States in the implementation of the Convention to provide the secretariat with reports on their programmes or activities and lessons learned;

8. Requests the secretariat to:

(a) Circulate the summary report, implementation reports and activity reports, as well as reports submitted to it in accordance with paragraphs 6 and 7, to the Meeting of the Parties;

(b) Display these reports on the UNECE web site in the languages in which they are available; and

(c) Keep the format of the reports under review and, where appropriate, provide further advice to the Meeting of the Parties on its revision;

9. Invites Parties and other States preparing implementation reports to consider adapting these to provide guidance to members of the public on the exercise of their rights under the Convention and the relevant implementing legislation.

Annex I

FORMAT FOR IMPLEMENTATION REPORT

[to be completed]

Annex II

FORMAT FOR ACTIVITY REPORT

[to be completed]