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ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE
CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING AND
ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group of the Parties to the Convention

Seventh meeting
Geneva, 2 – 4 May 2007

**REPORT OF THE WORKING GROUP OF THE PARTIES
ON ITS SEVENTH SESSION**

1. The seventh meeting of the Working Group of the Parties to the Convention was held in Geneva from 2 to 4 May 2007.
 2. The meeting was attended by representatives of 27 Parties, namely Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Kyrgyzstan, Latvia, Malta, Moldova, Norway, Poland, Romania, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, and the European Community; one Signatory, Ireland; and two other States, the United States of America and Uzbekistan.
 3. The United Nations Institute for Training and Research (UNITAR) and the Regional Environmental Center for Central and Eastern Europe (REC) were also represented.
 4. The following non-governmental organizations (NGOs) were represented: Earthjustice, GLOBE Europe, and, within the framework of the European ECO-Forum, BUND eV. (Germany), Resource and Analysis Centre, Society and Environment (Ukraine), EcoPrut Association (Romania), European Environmental Bureau, Independent Institute for Environmental Concerns (Germany), Ecological Society Green Salvation (Kazakhstan) and
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Women in Europe for a Common Future (Germany). The private and public sector organizations represented were the Ecole Nationale du Génie Rural des Eaux et des Forêts (ENGREF) and the Public Research and Regulation Initiative (PRRI).

5. Ms. Hanne Bjurstrøm (Norway), Chair of the Working Group, opened the meeting.

I. ADOPTION OF THE AGENDA

6. The Working Group adopted the agenda for the meeting as set out in document ECE/MP.PP/WG.1/2007/1.

II. STATUS OF RATIFICATION OF THE CONVENTION AND THE PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS

7. The secretariat drew the attention of delegations to an informal paper that it had prepared giving an overview of the status of ratification of the Convention, the amendment to the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTRs).

8. Since the previous meeting of the Working Group, Germany and Croatia had ratified the Convention, bringing the number of Parties to 41. Ireland informed delegates that it planned to ratify the Convention as soon as possible. Uzbekistan informed the Working Group that acceding to the Convention was not an immediate priority for its Government, even though it remained on its longer-term agenda.

9. Switzerland had recently ratified the Protocol on PRTRs, bringing the number of approvals and ratifications of the Protocol to three. Three more States, namely Germany, Latvia and Sweden, indicated their intention to ratify the Protocol in 2007, and a further eight, namely Denmark, Estonia, Finland, Ireland, Malta, Norway, Romania and Slovenia, aimed to do so by the end of 2007 or at the latest early in 2008. Belgium and Armenia hoped to be able to ratify the Protocol at some point during 2008. Spain informed the Working Group that it had started the ratification process, but could not yet give any dates for completion of the process. Belarus would start the preparations for acceding to the Protocol in 2008.

10. Bulgaria, Denmark and Luxembourg had approved or ratified the amendment, bringing the number of approvals and ratifications to three. The European Community informed delegates that it had approved the amendment in December 2006, but had yet to deposit the instrument of approval. Eight countries, namely Estonia, Latvia, Malta, Moldova, Norway, Romania, Slovenia and Sweden, expected to ratify the amendment by the end of 2007 or early in 2008. Spain expected to do so in 2008. Armenia and Belgium informed delegations that they had started the ratification process but could not yet give any dates for its completion.

III. POLLUTANT RELEASE AND TRANSFER REGISTERS

11. Mr. Michel Amand (Belgium), who had been elected Chair of the Working Group on PRTRs following the resignation of the previous Chair, reported on outcomes of the fourth meeting of the Working Group (Geneva, 14-16 February 2007) and its plans for future work in preparation for the entry into force of the Protocol. Regarding ratification of the Protocol, based upon the statements made at the present meeting and previous indications given to the Working Group on PRTRs, he expressed the view that entry into force of the instrument might still occur in early 2008, i.e. in time to enable the holding of the first session of the Meeting of the Parties to the Protocol back to back with the third meeting of the Parties to the Convention (Riga, 8–13 June 2008). The fifth meeting of the Working Group on PRTRs, scheduled to be held from 22 to 24 October 2007, was expected to provide a clearer picture.

12. Regarding the substantive preparations for the first session of the Meeting of the Parties to the Protocol, the Chair of the Working Group on PRTRs reported on progress in preparing draft decisions on rules of procedure and a compliance review mechanism under the Protocol. The issues of whether NGOs should have observer status in the Bureau and whether the compliance review mechanism would allow communications from the public remained to be resolved and would be further discussed at an intersessional meeting of the Contact Group on those topics, scheduled for 18 and 19 June 2007 in Geneva. Draft decisions on financial arrangements, capacity building, the work programme, a reporting mechanism and subsidiary bodies were in various stages of preparation (see ECE/MP.PP/AC.1/2007/2). The Working Group on PRTRs had finalized and adopted the guidance document on implementation of the Protocol, which was due to be published by mid-summer 2007.

13. The secretariat reported on the outcome of the second meeting of the International PRTR Coordinating Group, which had been hosted by the Danish Environmental Protection Agency in Copenhagen on 26 February 2007. The secretariat, working with UNITAR, was preparing an online interactive database of the capacity-building activities, which it envisaged would be incorporated in the Virtual Classroom on PRTRs.

14. The Working Group of the Parties took note of the work going on under the auspices of the Working Group on PRTRs. One delegation pointed out that at its sixth meeting, the Working Group had encouraged the Working Group on PRTRs to take into account certain specific elements of the compliance mechanism under the Convention and had invited that Working Group to consider how best to reflect in the rules of procedure of the Protocol the principles of transparency and openness which characterize the Convention (ECE/MP.PP/WG.1/2006/2, para. 13). It urged that this point be restated by the Working Group of the Parties. The Chair explained that this was not necessary because the statement in paragraph 13 of the report of the sixth meeting of the Working Group of the Parties was still valid.

IV. GENETICALLY MODIFIED ORGANISMS AND INTERPRETATION OF ARTICLE 14 OF THE CONVENTION

15. The secretariat reported on the steps taken to clarify the Convention's provision dealing with the conditions for the entry into force of amendments (art. 14, para. 4). Shortly before the meeting, an informal note had been circulated to the ad hoc group of legal experts established at the sixth meeting of the Working Group (ECE/MP.PP/WG.1/2006/2, para. 20), inviting

comments by 10 June 2007. According to the envisaged procedure, the secretariat, in consultation with the Bureau, would then prepare a draft decision of the Meeting of the Parties taking account of the comments received, if necessary containing alternative options, and would circulate this to the group of legal experts in July 2007 for comment. The secretariat, in consultation with the Bureau, would revise the draft as necessary and forward it to the United Nations Office of Legal Affairs (UNOLA) for review. The draft decision, further revised as necessary in the light of comments by UNOLA, would then be submitted in the three official languages for consideration by the Working Group at its ninth session (February 2008). The Working Group of the Parties would review the progress at its eighth meeting on the basis of an oral report by the secretariat.

16. The European Union (EU) welcomed the document, but expressed concern at the delay in the process and the fact that the document had only arrived shortly before the meeting, which precluded taking any decisions on the matter. The secretariat, while acknowledging the delay, clarified that the document had only been copied to the Working Group for information and was intended for discussion within the group of legal experts at this stage rather than in the Working Group.

17. The Working Group agreed upon the procedure proposed by the secretariat and expressed a general intent that the amendment should enter into force at the earliest stage possible. The Chair invited any delegations that wished to nominate additional members to the group of legal experts to do so as soon as possible.

18. The secretariat presented an outline proposal for the proposed regional or international expert meeting/workshop on access to information, public participation and access to justice in the field of genetically modified organisms (GMOs), which had been prepared in consultation with the Bureau. The Netherlands, which had generously offered to provide financial support for the workshop, had given some preliminary views on the proposal but was not represented at the Working Group meeting, having had to cancel its participation at short notice. The proposed purpose of the workshop was to provide a forum in which interested governments (including representatives of interested Parties to the Convention and to the Cartagena Protocol on Biosafety) could meet to exchange information on good practices on access to information, public participation and access to justice with respect to genetically modified organisms, with a particular focus on identifying needs and challenges, especially in EECCA countries.

19. Background documents would include the Cartagena Protocol, the Convention, the Amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (ECE/MP.PP/2005/2/Add.2), the Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms (Lucca Guidelines) (MP.PP/2003/3) and a paper to be prepared by a consultant on needs and challenges regarding access to information, public participation and access to justice with respect to GMOs and the state of the art in addressing these.

20. It was proposed that the workshop be a two-day event and that it be as interactive as possible, with a mixture of presentations and discussion groups. The speakers would be prominent experts in the area of access to information, public participation and access to justice with respect to

GMOs. Participants might include 50–70 representatives from interested Governments (including representatives of interested Parties to the Convention and to the Cartagena Protocol), intergovernmental organizations, NGOs, business and academia. The workshop would be conducted in English, preferably with French and Russian translation and possibly Spanish subject to availability of funding. The Chair of the Meeting of the Parties would chair the workshop.

21. In line with the previous decision of the Working Group, the proposal envisaged the workshop being held back to back with the fourth Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol (COP/MOP4), which will be held in Bonn, Germany, from 12 to 16 May 2008. In this regard, the secretariat noted that Germany had recently indicated that there might be practical difficulties in holding the workshop in Bonn at that time. Therefore other venues would probably need to be explored. Otherwise, the workshop could be scheduled independently of COP/MOP-4.

22. It was noted that it would be important to decide on the scope of the workshop, and specifically whether it should deal with the issues of contained use and labelling. These issues were covered in the Lucca Guidelines, but not in the amendment adopted in Almaty. Several delegations stressed that the workshop should have a practical focus rather than a theoretical one, and should aim at supporting implementation of the Convention, the Guidelines and the amendment to the Convention. It was noted that there should be a good balance between GMO experts and experts on public participation.

23. The Working Group agreed that the outline proposal for the workshop should be further developed by the Bureau, in consultation with the Netherlands and Germany and the former Chair of the Working Group on GMOs, Mr. Helmut Gaugitsch (Austria). This would allow for the necessary preparations to be made in due time and for a progress report to be given to the Working Group at its eighth meeting.

V. PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS

24. The Chairperson of the Task Force on Public Participation in International Forums, Mr. Laurent Mermet (France), reported on the progress in the implementation of the Task Force's work plan since its adoption by the Working Group at its last meeting (ECE/MP.PP/WG.1/2006/2, paras. 23–29, and Adds. 1 and 2). The consultation process had commenced in June 2006 with a written questionnaire on the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums and the issues the Guidelines addressed. Letters enclosing the questionnaire had been sent to 97 international forums and responses had been received from 65 of these. 53 international forums had expressed interest in being involved in the consultation process and 50 of these had provided written responses to the questionnaire. As well as general comments on the Guidelines, some responses had included specific comments on the text of the Guidelines. A number of forums had enclosed copies of their own policy documents and rules of procedure.

25. The Chair of the Task Force presented a paper prepared by the Task Force with the assistance of the secretariat supported by a consultant who synthesized the responses received

from 49 of the 50 international forums that completed the questionnaire (ECE/MP.PP/WG.1/2007/L.2 and Add. 1–5).¹ He noted that the synthesis paper would be a useful reference tool for Parties to the Convention in their work in other international forums. In particular, the current and future work plans and the challenges to promoting the Convention principles identified by each forum provided opportunities for Parties to the Convention active in the forum to further their obligations under article 3, paragraph 7. A number of delegations, including Germany on behalf of the European Union, thanked the Task Force and the secretariat for their work on the synthesis paper.

26. The Chair of the Task Force also reported on the preparations for an international workshop on involving the public in international forums that was intended as the culmination of the consultation process. The workshop, to be attended by international forums and their stakeholders, would take place in Geneva on 20 and 21 June 2007. The latest version of the programme was made available to delegates.

27. Finally, the Chair proposed a procedure for the submission of comments by Parties, Signatories, other interested States, NGOs and other relevant actors relating to their experience with the application of the *Almaty Guidelines* for consideration by the Task Force in accordance with decision II/4 (ECE/MP.PP/2005/2/Add.5, para.7). In the case of Parties, the Chair noted that under decision I/8 on reporting requirements, comments relating to their experience with the application of article 3, paragraph 7, should be included in their national implementation reports. To avail of synergies, the secretariat should write to Parties inviting them to use these comments as a basis for providing feedback to the Task Force on their experiences with the application of the *Guidelines*. The secretariat should also write to NGOs, Signatories, interested States and other relevant actors inviting them to share their experiences with the application of the *Guidelines*. The deadline for all such comments would be 1 October 2007. The secretariat would then prepare a synthesis of the comments received to facilitate the work of the Task Force.

28. A number of delegations stressed the importance of internal consultation, including Germany on behalf of the EU. It was noted that only three Parties had been in a position to report on their internal consultations at the last meeting of the Task Force. Some delegations considered that Parties were not sufficiently promoting the Convention principles in other forums, e.g. the negotiation of the compliance mechanism under the Protocol on PRTRs. It was noted that it would be good for Parties to undertake internal consultations prior to preparing their reports on their experiences with the application of the *Guidelines* pursuant to decision II/4, paragraph 7. One delegation pointed out that the Task Force should build its future work on the basis of a broader understanding of international forums and in the context of the whole text of article 3, paragraph 7, of the Convention, which included international decision-making processes.

29. Germany, on behalf of the EU, pointed out that there was a need to promote greater awareness of the *Guidelines* while the consultation process was still ongoing so as to allow Parties and other relevant actors to gain further experience in the practical application of the *Guidelines*. It suggested that the secretariats of the UNECE multilateral environmental agreements could take the lead in this process by applying the *Guidelines* to their own internal

¹ One forum provided its response to the questionnaire after the synthesis paper was finalized.

procedures. In its view, there had not yet been sufficient time to gain broad practical experience with the application of the Guidelines and, as a result, there was no recognizable need for a revision of the Guidelines at this stage.

30. The Working Group welcomed the progress in the consultation process, including the preparations for the international workshop. It endorsed the voluntary procedure for obtaining feedback on the experience with the Guidelines as proposed by Chair of the Task Force. It furthermore agreed to a proposal of the Bureau to invite the Task Force to assist the Working Group in its task of reviewing the Guidelines and making recommendations, as appropriate, for consideration by the Parties at their third ordinary meeting, pursuant to decision II/4 (ECE/MP.PP/2005/2/Add.5, para. 8). Finally, it confirmed its understanding that the review of the Guidelines required under decision II/4 did not necessarily entail their revision.

VI. ACCESS TO JUSTICE

31. The Chair of the Task Force on Access to Justice, Mr. Håkan Bengtsson (Sweden), informed the meeting of the progress in implementation of the activities undertaken under the auspices of the Task Force.

32. Pursuant to his mandate (ECE/MP.PP/WG.1/2006/4, para. 33), the Chair of the Task Force, with the assistance of the secretariat and in consultation with the Task Force members, had prepared a concept paper reflecting on the procedure for preparation and content of the proposed high-level judicial workshops on access to justice. The first workshop was scheduled to take place on 4 and 5 June 2007 in Kiev in cooperation with Organization for Security and Cooperation in Europe (OSCE) and with the financial support from the Government of Sweden. The workshop participants would include supreme and appellate court judges as well as representatives of judicial training institutes from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Some members of the EU Forum of Judges for the Environment, as well as other prominent experts on the Convention and international law were involved in preparation of the workshop. Some of them would also participate in the workshop.

33. The Chair of the Task Force informed the Working Group that a workshop aimed at the higher levels of the judiciary in Central Asia would constitute a part of the upcoming EuropeAid project on implementation of the Convention. The workshop was expected to take place in 2008 in close cooperation with the Task Force and the secretariat. In addition, the Chair and the secretariat were discussing a possibility to organize a one-day session on access to justice within the United Nations Environment Programme environmental law training for judges in South-Eastern Europe (SEE) in the second half of 2007.

34. The secretariat, in consultation with the Chair of the Task Force and interested members of the Task Force, was developing an analysis of information, training and analytical materials. The analysis would be available to the Task Force members in advance of the second meeting (ECE/MP.PP/WG.1/2006/4, para. 31).

35. The next meeting of the Task Force was scheduled to take place on 10 and 11, and possibly also 12, September 2007 in Geneva. The Chair of the Task Force indicated that one of the issues

to be discussed would be future work on access to justice under the Convention after the third meeting of the Parties. He also proposed to organize, subject to availability of funds and secretariat support, a one-day mini-conference on various aspects of implementation of article 9. If organized, the conference would be an integral part of the next meeting of the Task Force and would aim, in particular, at involving representatives of ministries of justice.

36. The Working Group took note of the report on activities implemented within the framework of the Task Force and in particular welcomed the plans for the first subregional workshop on access to justice. The need to maximize the positive and practical impact of the workshop in the region was pointed out. In this regard, it was proposed that the main outcomes of the workshop discussions could be published as a useful resource for use in the region. However, it was also considered important to ensure that the possibility of any such publication did not hamper the free exchange of opinion in the workshop.

37. The Working Group supported the proposal of the Chair of the Task Force that the next meeting of the Task Force should focus on options for addressing the issue of access to justice in the future. One delegation proposed that due to substantial problems with implementation of the third pillar in the region, future work should take place within the framework of a working group on access to justice. The Task Force was asked to take note of this proposal when considering options for future activities. Other suggestions included aiming capacity-building activities at administrative appeal bodies, lawyers of environmental ministries and ombudsmen offices. The need to further consider organization of a subregional workshop in SEE was also highlighted. The importance of facilitating access to justice in individual countries was pointed out. Several interventions emphasized the need to aim capacity-building activities also at various stakeholders in Western European countries. Some also noted that lack of practical implementation of the third pillar threatened overall implementation of the Convention and called on the Task Force to explore ways to encourage implementation of access to justice provisions.

38. Several delegations supported the idea of a mini-conference to be held during the next meeting of the Task Force. In addition to ministries of justice, possible categories of participants could include academia, representatives of judicial training centres and public interest lawyers.

39. The REC informed the Task Force of several capacity-building activities on access to justice which it had implemented in the SEE region. They included a one-day regional training for judges, ombudsman offices and legal professionals as well as training for magistrates in Albania. It had also translated the *Handbook on Access to Justice under the Aarhus Convention* into Serbian.

40. On behalf of the EU, Germany welcomed the plans for subregional workshops on access to justice aimed at representatives of the higher levels of the judiciary from the Eastern Europe, Caucasus and Central Asia (EECCA) and SEE regions, but stressed that there was also a need for capacity-building activities for other legal professionals in accordance with decision II/2.

VII. ELECTRONIC INFORMATION TOOLS AND THE CLEARINGHOUSE MECHANISM

41. The secretariat reported on the outcome of the fifth meeting of the Task Force on Electronic Information Tools (ECE/MP.PP/WG.1/2007/L.3) and plans for its future work. Mr. Antoine Zahra (Malta) had been elected Vice-Chair of the Task Force.

42. The questionnaire on the implementation of decision II/3 and the upgrading of the Aarhus clearinghouse mechanism had been discussed and further developed at the meeting (ECE/MP.PP/WG.1/2007/L.3/Add.1). The Task Force had stressed that assessment of the status of implementation of the recommendations in decision II/3 could be done without conducting a fully comprehensive inventory of activities at national and regional levels. The summary report on the responses to the questionnaire (ECE/MP.PP/WG.1/2007/L.3/Add.2) provided a baseline from which to measure future progress in implementing decision II/3. The Task Force had recommended that the questionnaire be circulated annually. It asked the Working Group to consider how the information gathered could contribute to the preparation of national implementation reports in the areas covered by the survey and whether its circulation should be done in the three official languages of the UNECE to facilitate participation in the exercise.

43. The sixth meeting of the Task Force would be held in Geneva on 13 and 14 December 2007.

44. The secretariat reported on the first capacity-building workshop on electronic information tools and the clearinghouse mechanism held at the headquarters of REC, in Szentendre, Hungary, on 8 and 9 March 2007, focusing on SEE countries. Government and civil society experts from 11 countries had participated in the workshop. A second workshop targeting the EECCA region would be held at the headquarters of the Regional Environmental Center for Central Asia (CAREC) in Almaty, Kazakhstan, in June 2008. National information management and civil society experts would be invited to participate in the workshop.

45. The secretariat also reported on the further development of the clearinghouse mechanism. Working with the UNEP centre GRID-Arendal, the secretariat had prepared an upgrade of the central node of the Aarhus Clearinghouse for Environmental Democracy (<http://aarhusclearinghouse.unece.org>), which it would launch on 21 May 2007 during the World Summit on Information Society Cluster of Events being held in Geneva in conjunction with the annual meeting of the United Nations Commission on Science and Technology for Development. It gave a demonstration of how the information in the national implementation reports had been integrated into an interactive database which was available through the Clearinghouse.

46. On behalf of the EU, Germany welcomed the comprehensive work done by the Task Force under the chairmanship of the United Kingdom and supported by the secretariat. It considered the summary report based on the responses to the questionnaire as a useful tool for assessing the status of implementation of the recommendations in decision II/3, but proposed that the exercise be undertaken once in each intersessional period rather than annually. It stressed that already existing national websites with information related to the implementation of the Convention were suitable to serve as national nodes of the clearinghouse mechanism. It recalled the need for flexibility in developing the national nodes, taking account of capacity constraints and the aim of avoiding duplication of work.

47. The Working Group welcomed the comprehensive work done by the Task Force and the preparations for the re-launch of the clearinghouse mechanism. It agreed to the EU proposal that the questionnaire on the implementation of decision II/3 should be circulated once in each intersessional period. It also welcomed the innovative use of electronic information tools supporting processes under the Convention, in particular the integration of national implementation reports into an interactive online database through the Clearinghouse and the further development of the database facility using the responses to the questionnaire on the implementation of decision II/3.

VIII. PUBLIC PARTICIPATION IN STRATEGIC DECISION-MAKING

48. Austria reported on preparations for a workshop on public participation in strategic decision-making that would be hosted by Bulgaria in late autumn 2007. The workshop would be organized in line with the decision of the Working Group at its sixth meeting (ECE/MP.PP/WG.1/2006/2, paras. 41–43). Austria had consulted with the Bureau on the proposal and, following further discussions with Bulgaria, would consult with the Bureau of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, with a view to finalizing the draft outline as well as a call for submission of abstracts by the end of May.

49. The Working Group thanked Austria for its initiative and welcomed the progress made. The REC offered its support to the workshop.

IX. REPORTING REQUIREMENTS

50. The Chair of the Compliance Committee, Mr. Veit Koester, presented guidance prepared by the Committee, pursuant to its mandate under decision I/7, annex, paragraph 13(c), on the implementation of the reporting requirements in decisions I/8 and II/10 with respect to the second reporting cycle (ECE/MP.PP/WG.1/2007/L.4).

51. In the Committee's opinion, reporting was essential for the well-being of the Aarhus Convention, as it provided the only means for comprehensive, continuous and effective monitoring of the implementation. The national reports preparation process under the Convention also provided an opportunity for a dialogue between all stakeholders. In the context of its task to facilitate the implementation of reporting requirements, the Committee's guidance aimed at assisting Parties in their work on preparation of the national reports, in particular by addressing issues of timing, content and gaps identified in the review of reports submitted in the first reporting cycle. It also provided suggestions as to the modalities of reflecting in the report new information as well as making available user-friendly consolidated texts of the reports.

52. The Working Group found the guidance to be a useful contribution to the reporting process. It noted in particular the proposed timeline for the preparation process and the proposed modalities of submitting both revision-mode and consolidated texts of reports as well as the non-prescriptive checklist of issues for possible consideration in the reports.

53. Some Parties supported the Committee's view that given the overall success of the first reporting cycle, it was important to avoid introducing additional reporting obligations. One delegation proposed that it might be useful to develop the Guidance further into a more detailed document containing both mandatory and optional lists of issues with a view to presenting it for adoption at the third meeting of the Parties. Other comments referred to the particular importance of more proactive consultation with stakeholders at the national level, and in particular with major environmental civil society organizations, as well as the need for broad public consultation.

54. The secretariat informed the Working Group that although the limit of 8,500 words set for the secretariat-produced documents was not strictly applicable to documents originating with member States, it shared the Committee's view that there was a clear benefit of having all the reports adhere to the same length and level of detail. It therefore suggested that when preparing their national implementation reports for the forthcoming reporting cycle, the Parties aim to comply with the 8,500-word limit and in any case do their best to ensure that the reports do not exceed 10,700 words.

55. The Working Group endorsed the Guidance on reporting requirements prepared by the Compliance Committee, taking into account the clarification provided by the secretariat regarding the word limit, and thanked the Committee for its efforts in this regard.

X. COMPLIANCE MECHANISM

56. The Chair of the Compliance Committee reported on the work of the Committee in the period since the sixth meeting of the Working Group. The Committee had held four meetings. It had finalized, in cooperation with the parties concerned, its findings in the review of two communications from the public. Findings and recommendations with regard to one communication were in the process of being finalized, and three more communications were currently under consideration.

57. The Committee continued to be engaged in following up on the implementation of decisions II/5a, II/5b and II/5c of the Meeting of the Parties with regard to compliance by individual Parties. In this regard, it had provided its comments on the draft national implementation strategy submitted by the Government of Kazakhstan in accordance with decision II/5a. The Committee, however, regretted the failure of the two other Parties in respect to which the Meeting of the Parties had adopted decisions finding non-compliance, namely Turkmenistan and Ukraine, to engage more with the process.

58. The next meeting of the Committee was scheduled to be held from 13 to 15 June 2007, with two more meetings provisionally planned to take place before the end of the year.

59. The Working Group thanked the Chair of the Committee and took note of the information provided.

XI. CAPACITY-BUILDING

60. The secretariat reported on the implementation of capacity-building activities, in particular the outcome of the fourth inter-agency coordination meeting and the results of the recent survey on capacity-building. The detailed overview of capacity-building activities, priorities and lessons learned was presented in the report on capacity-building (ECE/MP.PP/WG.1/2007/L.5).

61. Several delegations intervened to update the Working Group on relevant activities. Armenia emphasized the success of Aarhus Centres supported by OSCE, in particular in their work at the local level, and informed the meeting about training on access to justice for legal professionals that was being carried out in Armenia.

62. The European ECO-Forum had prepared a user-friendly booklet on access to justice in English and Russian and was undertaking trainings for NGOs in the UNECE region focusing on the efficient use of the compliance review mechanism and implementation of the Convention.

63. UNITAR informed the meeting about its new Initiative for Environmental Democracy implemented in cooperation with Yale University and a side-event on effective stakeholder participation in reaching sustainable development and in realizing the goals of the fifteenth session of the Commission on Sustainable Development (CSD), which it had organized at the CSD Intergovernmental Preparatory Meeting in March 2007, and thanked UNECE for its support for both events. It also drew the Working Group's attention to the Guidance on Capacity Assessment for national Strategic Approach to International Chemicals Management (SAICM) implementation that was available on its website (www.unitar.org/cwg/whats_new.html).

64. The REC outlined some of the lessons learnt in implementation of its capacity-building activities. These included the importance of the strategic approach in identifying the most appropriate activities in cooperation with national authorities and NGOs and the need to combine activities at the local and national levels. The use of available assessments in developing implementation strategies, action plans and capacity-building activities was also important.

65. The secretariat demonstrated improvements in the way in which information on capacity-building was displayed in the Clearinghouse.

66. The Working Group took note of the various developments and activities and encouraged Parties, Signatories, other States and other relevant bodies to continue to provide support for them, taking account of the needs and priorities identified.

XII. LONG TERM STRATEGIC PLANNING

67. The Chair reminded the Working Group of the procedure it had agreed upon at its sixth meeting regarding the establishment of an expert group (ECE/MP.PP/WG.1/2006/2, paras. 70 and 71) and outlined the progress achieved and future steps regarding the drafting of a long-term strategic plan by the Bureau with support of the Expert Group. Draft elements had been prepared by the Expert Group and were in the public domain for a commenting period that had just been extended to the end of May 2007, following which the Expert Group would report to the Bureau

and the Bureau would prepare a draft plan for consideration by the Working Group at its eighth meeting.

68. With this procedure in mind, it was agreed not to discuss the draft elements of the plan in the meeting, as the Parties would be given enough time to comment on the final version of the long term strategic plan, which would be sent to them in the three official languages well in advance of the next meeting. However, it was agreed that a number of comments presented by Germany on behalf of the EU would be taken into account by the Bureau and also brought to the attention of the Expert Group for consideration at its next meeting, which would take place in Rome in June 2007.

XIII. FINANCIAL REPORT FOR 2006

69. In accordance with decision II/6, paragraph 4, and taking account of the breakdown of expected expenditure and income forecast in document ECE/MP.PP/WG.1/2006/9, the secretariat presented the report on financial contributions and expenditures in 2006 (ECE/MP.PP/WG.1/2007/L.7). It apologized for the late circulation of the report, which was partly due to having to wait until the 2006 figures were prepared by the United Nations financial services, but more particularly due to change in personnel and resulting lack of continuity in the Convention secretariat.

70. There had been a significant increase in overall income as compared with the previous year, even when contributions that were intended for use in a different calendar year were not counted. Furthermore, there had been a net increase in the number of Parties and Signatories contributing, with eight first-time contributors. However, the income received was still below the estimated core requirement and significantly below the overall requirement. Expenditures had been maintained below the levels of income, partly out of necessity due to the fact that the contributions mainly arrived during the latter months of the year, but also out of recognition that an increase in the balance of funds was needed.

71. The fact that contributions had arrived late had made planning difficult and uncertain and this was continuing to be a problem in 2007. For example, only US\$ 400 had been received in the first four months of 2007. However, in line with a decision of the Bureau, the work programme had not been changed, but rather spread out. In this regard, in order to cope with the shortfall, the secretariat, in consultation with the Bureau, had deferred activities in the area of public participation in strategic decision-making (PPSD) and had relied on separate earmarked funding for its work on the long term strategic plan (LTSP). Activities with respect to GMOs had also been deferred. If more funds had been available, it would have been possible to employ the third project staff person envisaged in decision II/7, but the funds had not been sufficient to allow for such expenditure and were unlikely to be in the coming months.

72. Germany, on behalf of the EU, thanked the secretariat for the report, but expressed regret at the significant delay in the submission of this key financial document (see also paras. 84–86 below). It welcomed the increase in the overall level of contributions, but considered that the number of contributors could still be increased, taking note of the principle of a fair sharing of the burden. Taking into account the need for reliability in planning, especially with regard to

personnel expenditures, it stated that the EU Member States as well as the European Community would strive to indicate each year the level of contributions intended for the work programme for 2009–2011 at an early stage at the beginning of each year, and encouraged similar steps by other Parties and Signatories and other donors.

73. The Working Group took note of the report and its implications for the 2006–2008 Work programme as reported by the secretariat and the Bureau.

XIV. IMPLEMENTATION OF THE WORK PROGRAMME FOR 2006–2008

74. The Chair invited the delegations to state the amount of contributions intended to be contributed by their Governments for 2007 and 2008. Their responses are summarized in the following table.

Table 1: Expected levels of contributions to the work programme for 2006–2008

Country or delegation	Amount
Armenia	Currently no clear picture on the timing and amount to be contributed. May be clearer in summer 2007 when the new Government will be in place.
Austria	€20,000 lodged in 2006, of which €10,000 earmarked for use in connection with the PPSD workshop. A further €10,000 euros to be contributed towards PPSD workshop in 2007. Will contribute €10,000 again for 2008.
Azerbaijan	Information to be provided at a later stage.
Belarus	Information to be provided at a later stage.
Belgium	€32,000 for 2007, same amount for 2008 subject to budgetary approval.
Bulgaria	\$6,000 per year for 2007 and 2008, in addition to an in-kind contribution for PPSD workshop in 2007.
Czech Republic	\$10,000 per year for 2007 and 2008.
Denmark	Already committed to contributing €25,000 per year for 2007, 2008 and 2009.
Estonia	\$10,000 per year for 2007 and 2008.
Finland	€10,000 for 2007. No information for 2008 yet but may earmark a contribution for a certain activity.
France	€60,000 for 2007, same amount for 2008 subject to budgetary approval.
Georgia	€1,000 for 2007 in May or June.
Germany	\$60,000 for 2007, same amount for 2008 subject to budgetary approval.
Hungary	\$3,000 per year for 2007, same amount for 2008 subject to budgetary approval.
Italy	Information to be provided at later stage.

Country or delegation	Amount
Ireland	Unable to formally pledge funds at present due to constitutional considerations but is prepared to consider making a contribution on an informal basis.
Kyrgyzstan	No information yet, but will make some contribution.
Latvia	\$2,000 for 2007, in-kind contribution for 2008.
Malta	Hopes to contribute 1,000 USD but still under consideration.
Moldova	Will make contribution by end of the year.
Norway	\$20,000 in 2007 and intend to contribute earmarked money to support participation of EECCA country representatives in meetings. 20,000 USD in 2008, dsubject to budgetary approval.
Poland	Information to be provided at a later stage.
Romania	\$2,500 for 2007, same for 2008 subject to budgetary approval.
Slovenia	\$3,500 for 2007, same for 2008 subject to budgetary approval.
Spain	€20,000 for 2007, same for 2008 subject to budgetary approval.
Sweden	\$20,000 for 2007, same amount for 2008 subject to budgetary approval, and extra in-kind contribution for the next Access to Justice Task Force meeting of approximately \$10,000, however no final decision yet.
United Kingdom	Still under consideration.
Uzbekistan	Unable to make contribution.
European Community	No precise figure yet, comes as soon as possible

75. The Working Group invited the Parties that had not indicated their pledges at the meeting to inform the secretariat of pledges for 2007 by 1 July 2007 and, if possible, to inform the secretariat about pledges for 2008 by 1 December 2007, or to propose a date by which they would be able to do that. The secretariat was asked to communicate this to the Parties and Signatories.

76. The Working Group noted the continuing gap between anticipated income and the estimated core requirement but again did not consider it necessary to eliminate items from the work programme at this stage. As in the previous year, the Bureau was mandated to keep the situation under close review.

XV. FINANCIAL ARRANGEMENTS

77. The Chair presented a paper which set out two legally binding and two non-legally binding options with regard to the adoption of a draft decision on financial arrangements (ECE/MP.PP/WG.1/2007/L.6) which had been prepared by the Bureau at the request of the Working Group at its sixth meeting (ECE/MP.PP/WG.1/2006/2, para. 69). The options had been prepared taking into account responses to a questionnaire that had been circulated by the secretariat and subsequent comments on drafts of the options.

78. The Chair invited the delegations to discuss the proposed options with the aim of deleting some of them and focusing on the remaining ones as a basis for further elaboration of the issue and final adoption of a decision.

79. The Parties agreed to delete options 1A and 1B due to the complexity of the proposed procedures, and to work on the basis of options 2A and 2B, without however prejudging the extent to which the proposed options might be legally binding. The Bureau was mandated to revise the draft options according to the Working Group discussions in order to lay the basis for discussion at the eighth meeting of the Working Group, where if necessary a contact group could be established to work on the precise wording. The secretariat was requested to circulate the analytical paper on options for financial arrangements under the Protocol on PRTRs (ECE/MP.PP/AC.1/2006/6).

XVI. PREPARATIONS FOR THE THIRD ORDINARY MEETING OF THE PARTIES

80. The delegation of Latvia and the secretariat provided an update on arrangements for the third ordinary meeting of the Parties. The meeting and the associated preparatory meetings would be held in Riga from 8 to 13 June 2008. A conference venue had been provisionally booked at the hotel, Reval Latvija. While the precise timetable would need to be worked out once the position regarding the timing of the entry into force of the Protocol on PRTRs becomes clearer, the general expectation was that the Working Group of the Parties, and possibly the Working Group on PRTRs, would meet from 8 to 10 June 2008, and the third meeting of the Parties to the Convention, and possibly the first session of the Meeting of the Parties to the Protocol, would take place from 11 to 13 June 2008. The Compliance Committee would hold his twentieth session in parallel with the Working Group meeting(s).

81. The Working Group took note of this information. It also discussed the political level of representation at the third meeting of the Parties to the Convention. In this regard, it agreed that in principle the meeting should be held on a ministerial or high political level, taking into account several factors such as the precedent set by the two previous meetings, the focus of the meeting on national implementation, the tenth anniversary of the adoption of the Convention, which could be a timely occasion to look ahead to the next 10 years, as well as the possibility that the first meeting of the Parties to the Protocol might take place at the same time.

XVII. SIXTH MINISTERIAL CONFERENCE “ENVIRONMENT FOR EUROPE”

82. The secretariat reported that it was involved in preparing two side-events for the Sixth Ministerial Conference “Environment for Europe” (Belgrade, 10–12 October 2007) that were relevant to the Convention and the Protocol: the first would address challenges facing the implementation of the Convention in the EECCA and SEE regions and was being undertaken in partnership with the REC; the second, being organized with the support of the Government of Switzerland, was on the theme, “UNECE Protocol on PRTRs: Ready for Take-Off”.

83. The secretariat also reported on the steps being taken by UNECE to develop a paper on the implementation of the ECE multilateral environmental agreements (MEAs) which was being prepared in connection with the opening session of the Belgrade Conference. The paper was being prepared in consultation with the Bureau of the five UNECE MEAs and the Committee on Environmental Policy. The Chair reported that the Bureau had had input to the paper at various stages, most recently at the annual meeting of representatives of the Bureaux of the five UNECE MEAs and the Committee on Environmental Policy which had taken place in February 2007. The Bureau would continue to review of the content of the paper and provide comments as appropriate, while recognizing that the final text would be decided by the secretariat.

XVIII. ANY OTHER BUSINESS

84. Many delegations expressed their concern about delays in the availability of official meeting documents. This had impeded effective work on the preparation of national positions and the overall effectiveness of the meetings. Germany in particular, speaking on behalf of the EU, raised serious concerns about the delay in the submission of reports and translations, which, in its opinion constituted a general problem not only with respect to the Aarhus Convention, but also with respect to other UNECE conventions.

85. The secretariat pointed out that the difficulties in the document preparation process over the last year had been caused by a number of factors. One of them was the frequent and unpredictable changes in the interpretation of the guidelines for documents formatting by the Document Management Section of United Nations Conference Services Division, which had resulted in documents being rejected and therefore delayed over minor presentational issues. It also explained that, while the convention secretariat was responsible for the delays with a small number of documents, most notably the financial report for 2006, most of the official documents for the meeting had been prepared and submitted within the deadline, but the United Nations translation services had not been able to complete the French translations due to that part of the Conference Services Division being overburdened. Coupled with the rule on simultaneous release of documents, which prevents a document being released in any language until it is available in all official languages, this had led to documents not being released in any of the languages until shortly before a meeting. Nine documents had still not been released two months after they had been submitted in English. The secretariat also pointed out that in accordance with general United Nations rules as well as the rules of procedure of the Meeting of the Parties to the Convention, official documents should be available at the latest six weeks in advance of the meeting (eight weeks in case of agendas). However, the relevant United Nations services had interpreted the simultaneous release rule as taking precedence over the six-week (or eight-week) rule. While the secretariat could in exceptional cases request a waiver of the simultaneous release rule, in practice such a waiver was often granted only a few days before the meeting (e.g. as in the case of some of the national implementation reports submitted to the second meeting of the Parties). The secretariat concluded by stating that there were three distinct issues: first, excess workload and shortage of staff in the Convention secretariat, which had led to three documents being significantly late; secondly, problems involving the Documents Management Section of the Conference Services Division in Geneva; and finally, the simultaneous release rule. It pointed out that this last factor was entirely in the hands of the United Nations Member States represented in the General Assembly.

86. The Chair thanked the secretariat on behalf of the Working Group for the explanation provided and emphasized the importance of seeking to avoid delays in the availability of meeting documentation in the future. She urged the secretariat to do its best to address those matters that were within its power to resolve, and encouraged the representatives of Governments present to explore the possibilities for removing or mitigating the obstacles that were within the power of the United Nations Member States to address.

87. The Chair informed the Working Group of the changes the composition of the Bureau. Due to the departure of both of its Vice-Chairs, Mr. Jerzy Jendroska (Poland) and Ms. Saltanat Abdikarimova (Kazakhstan), the Bureau had co-opted two new Vice-Chairs to fill these positions: Ms. Giuliana Gasparrini (Italy) at its twelfth meeting and Mr. Alzan Braliev (Kazakhstan) at its thirteenth meeting.

XIX. ADOPTION OF REPORT AND CLOSURE OF MEETING

88. The Working Group adopted its report based on a draft and entrusted the Chair and the secretariat with finalizing the text on the understanding that the French- and Russian-speaking delegates would reserve their positions until the report was available in French and Russian. The Chair thanked delegations for their contributions and the secretariat and interpreters for their efficient assistance, and closed the meeting.
