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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

Third meeting

Riga, 11-13 June 2008

Item 3 of the provisional agenda

Status of ratification of the Convention, the amendment to the
Convention and the Protocol on Pollutant Release and Transfer Registers

**STATUS OF SIGNATURE AND RATIFICATION OF THE CONVENTION,
OF ITS AMENDMENT AND OF THE PROTOCOL ON POLLUTANT RELEASE
AND TRANSFER REGISTERS AS OF 13 MARCH 2008**

Country	Convention			PRTR Protocol	
	Signature	Ratification, acceptance (A), approval (AA), accession (a)	GMO amendment ¹ ratification, acceptance (A), approval (AA)	Signature, succession to signature (d)	Ratification, acceptance (A), approval (AA), accession (a)
Albania	25 June 1998	27 June 2001			
Andorra					
Armenia	25 June 1998	1 Aug 2001		21 May 2003	
Austria	25 June 1998	17 Jan 2005		21 May 2003	
Azerbaijan		23 Mar 2000 (a)			

¹ The amendment to the Convention adopted by decision II/1 of the Meeting of the Parties on genetically modified organisms (Almaty, May 2005).

Country	Convention			PRTR Protocol	
	Signature	Ratification, acceptance (A), approval (AA), accession (a)	GMO amendment ratification, acceptance (A), approval (AA)	Signature, succession to signature (d)	Ratification, acceptance (A), approval (AA), accession (a)
Belarus	16 Dec 1998	9 Mar 2000 (AA)			
Belgium	25 June 1998	21 Jan 2003		21 May 2003	
Bosnia and Herzegovina				21 May 2003	
Bulgaria	25 June 1998	17 Dec 2003	30 April 2007	21 May 2003	
Canada					
Croatia	25 June 1998	27 March 2007		23 May 2003	
Cyprus	25 June 1998	19 Sep 2003		21 May 2003	
Czech Republic	25 June 1998	6 July 2004	29 Jan 2008 (A)	21 May 2003	
Denmark ^{1/}	25 June 1998	29 Sep 2000 (AA)	18 Oct 2006 (AA)	21 May 2003	
Estonia	25 June 1998	2 Aug 2001	1 Feb 2008	21 May 2003	15 Aug 2007 (AA)
Finland	25 June 1998	1 Sep 2004 (A)		21 May 2003	
France ^{2/}	25 June 1998	8 July 2002 (AA)		21 May 2003	
Georgia	25 June 1998	11 Apr 2000		21 May 2003	
Germany	21 Dec 1998	15 Jan 2007		21 May 2003	28 Aug 2007
Greece	25 June 1998	27 Jan 2006		21 May 2003	
Hungary	18 Dec 1998	3 July 2001		21 May 2003	
Iceland	25 June 1998				
Ireland	25 June 1998			21 May 2003	
Israel					
Italy	25 June 1998	13 June 2001		21 May 2003	
Kazakhstan	25 June 1998	11 Jan 2001			
Kyrgyzstan		1 May 2001 (a)			
Latvia	25 June 1998	14 June 2002		21 May 2003	
Liechtenstein	25 June 1998				
Lithuania	25 June 1998	28 Jan 2002	30 Aug 2007	21 May 2003	
Luxembourg	25 June 1998	25 Oct 2005	4 Jan 2007	21 May 2003	7 Feb 2006
Malta	18 Dec 1998	23 Apr 2002			
Moldova	25 June 1998	9 Aug 1999	7 Dec 2007 (A)	21 May 2003	
Monaco	25 June 1998				
Montenegro				23 Oct 2006 (d)	
Netherlands ^{3/}	25 June 1998	29 Dec 2004 (A)		21 May 2003	11 Feb 2008 (A)
Norway	25 June 1998	2 May 2003		21 May 2003	
Poland	25 June 1998	15 Feb 2002		21 May 2003	
Portugal	25 June 1998	9 June 2003		21 May 2003	
Romania	25 June 1998	11 July 2000		21 May 2003	
Russian Federation					

Country	Convention			PRTR Protocol	
	Signature	Ratification, acceptance (A), approval (AA), accession (a)	Signature	Ratification, acceptance (A), approval (AA), accession (a)	Signature
San Marino					
Serbia				21 May 2003	
Slovakia		5 Dec 2005 (a)			
Slovenia	25 June 1998	29 July 2004		22 May 2003	
Spain	25 June 1998	29 Dec 2004	21 Feb 2008 (A)	21 May 2003	
Sweden	25 June 1998	20 May 2005	15 Feb 2008	21 May 2003	
Switzerland	25 June 1998			21 May 2003	27 April 2007
Tajikistan		17 July 2001 (a)		21 May 2003	
The former Yugoslav Republic of Macedonia		22 July 1999 (a)		21 May 2003	
Turkey					
Turkmenistan		25 June 1999 (a)			
Ukraine	25 June 1998	18 Nov 1999		21 May 2003	
United Kingdom	25 June 1998	23 Feb 2005		21 May 2003	
United States					
Uzbekistan					
European Community	25 June 1998	17 Feb 2005 (AA)	1 Feb 2008 (AA)	21 May 2003	21 Feb 2006 (AA)
Total	40	41	10	38	6

1/ Excluding the Faroe Islands and Greenland.

2/ Excluding New Caledonia, French Polynesia and Wallis and Futuna.

3/ For the Kingdom in Europe.

I. DECLARATIONS AND RESERVATIONS FOR THE CONVENTION

Austria

Declaration made upon ratification:

“The Republic of Austria declares in accordance with article 16 (2) of the Convention that it accepts both of the means of dispute settlement mentioned in paragraph 2 as compulsory in relation to any Party accepting an obligation concerning one or both of these means of dispute settlement”.

Denmark

Declaration made upon signature:

“Both the Faroe Islands and Greenland are self-governing under Home Rule Acts, which implies *inter alia* that environmental affairs in general and the areas covered by the Convention are governed by the right of self-determination. In both the Faroe and the Greenland Home Rule Governments there is great political interest in promoting the fundamental ideas and principles embodied in the Convention to the extent possible. However, as the Convention is prepared with a view to European countries with relatively large populations and corresponding administrative and social structures, it is not a matter of course that the Convention is in all respects suitable for the scarcely populated and far less diverse societies of the Faroe Islands and of Greenland. Thus, full implementation of the Convention in these areas may imply needless and inadequate bureaucratization. The authorities of the Faroe Islands and of Greenland will analyse this question thoroughly.

Signing by Denmark of the Convention, therefore, not necessarily means that Danish ratification will in due course include the Faroe Islands and Greenland”.

Finland

Declarations made upon acceptance:

“Finland considers that provisions of article 9, paragraph 2, on access to a review procedure do not require those provisions to be applied at a stage of the decision-making of an activity in which a decision in principle is made by the Government and which then is endorsed or rejected by the national Parliament, provided that provisions of article 9, paragraph 2, are applicable at a subsequent decision-making stage of the activity.

Some activities in annex I to the Convention may require consecutive decisions by a public authority or public authorities on whether to permit the activity in question. Finland considers that each party shall, within the framework of its national legislation, determine at what stage the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6 may be challenged pursuant to article 9, paragraph 2”.

France

Declaration made upon approval:

“Interpretative declaration concerning articles 4, 5 and 6 of the Convention:

The French Government will see to the dissemination of relevant information for the protection of the environment while, at the same time, ensuring protection of industrial and commercial secrets, with reference to established legal practice applicable in France”.

Germany

Declaration made upon signature:

“The text of the Convention raises a number of difficult questions regarding its practical implementation in the German legal system which it was not possible to finally resolve during the period provided for the signing of the Convention. These questions require careful consideration, including a consideration of the legislative consequences, before the Convention becomes binding under international law.

The Federal Republic of Germany assumes that implementing the Convention through German administrative enforcement will not lead to developments which counteract efforts towards deregulation and speeding up procedures”.

Norway

Declaration made upon ratification:

“In accordance with article 16, paragraph 2 (a) of the Convention, Norway hereby declares that it will submit the dispute to the International Court of Justice”.

Sweden

Reservations:

“Sweden lodges a reservation in relation to article 9.1 with regard to access to a review procedure before a court of law of decisions taken by the Parliament, the Government and Ministers on issues involving the release of official documents.

A reservation is also lodged in relation to article 9.2 with regard to access by environmental organizations to a review procedure before a court of law concerning such decisions on local plans that require environmental impact assessments. This also applies to decisions regarding issuing permits that are taken by the Government as the first instance, under, for example the Natural Gas Act (2000:599) and after appeal under Chapter 18 of the Swedish Environmental Code. It is the Government’s ambition that Sweden will shortly comply with article 9.2 in its entirety”.

United Kingdom of Great Britain and Northern Ireland

Declaration made upon signature and confirmed upon ratification:

“The United Kingdom understands the references in article 1 and the seventh preambular paragraph of this Convention to the ‘right’ of every person ‘to live in an environment adequate to his or her health and well-being’ to express an aspiration which motivated the negotiation of this Convention and which is shared fully by the United Kingdom. The legal rights which each Party undertakes to guarantee under article 1 are limited to the rights of access to information, public participation in decision-making and access to justice in environmental matters in accordance with the provisions of this Convention”.

European Community

Declaration made upon signature:

“The European Community wishes to express its great satisfaction with the present Convention as an essential step forward in further encouraging and supporting public awareness in the field of environment and better implementation of environmental legislation in the UNECE region, in accordance with the principle of sustainable development.

Fully supporting the objectives pursued by the Convention and considering that the European Community itself is being actively involved in the protection of the environment through a comprehensive and evolving set of legislation, it was felt important not only to sign up to the Convention at Community level but also to cover its own institutions, alongside national public authorities.

Within the institutional and legal context of the Community and given also the provisions of the Treaty of Amsterdam with respect to future legislation on transparency, the Community also declares that the Community institutions will apply the Convention within the framework of their existing and future rules on access to documents and other relevant rules of Community law in the field covered by the Convention.

The Community will consider whether any further declarations will be necessary when ratifying the Convention for the purpose of its application to Community institutions”.

Declarations made upon approval:

“Declaration by the European Community in accordance with article 19 of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters.

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175 (1) thereof, it is competent for entering into international agreements, and for implementing the obligations resulting there from, which contribute to the pursuit of the following objectives:

Preserving, protecting and improving the quality of the environment;
Protecting human health;
Prudent and rational utilization of natural resources;
Promoting measures at international level to deal with regional or world-wide environmental problems.

Moreover, the European Community declares that it has already adopted several legal instruments, binding on its Member States, implementing provisions of this Convention and will submit and update as appropriate a list of those legal instruments to the Depository in accordance with article 10 (2) and article 19 (5) of the Convention. In particular, the European Community also declares that the legal instruments in force do not cover fully the implementation of the obligations resulting from article 9 (3) of the Convention as they relate to administrative and judicial procedures to challenge acts and omissions by private persons and public authorities other than the institutions of the European Community as covered by article 2 (2)(d) of the Convention, and that, consequently, its Member States are responsible for the performance of these obligations at the time of approval of the Convention by the European Community and will remain so unless and until the Community, in the exercise of its powers under the EC Treaty, adopts provisions of Community law covering the implementation of those obligations.

Finally, the Community reiterates its declaration made upon signing the Convention that the Community institutions will apply the Convention within the framework of their existing and future rules on access to documents and other relevant rules of Community law in the field covered by the Convention.

The European Community is responsible for the performance of those obligations resulting from the Convention which are covered by Community law in force.

The exercise of Community competence is, by its nature, subject to continuous development”.

Declaration by the European Community concerning certain specific provisions under directive 2003/4/EC:

“In relation to article 9 of the Aarhus Convention, the European Community invites Parties to the Convention to take note of Article 2 (2) and Article 6 of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on Public Access to Environmental Information. These provisions give Member States of the European Community the possibility, in exceptional cases and under strictly specified conditions, to exclude certain institutions and bodies from the rules on review procedures in relation to decisions on requests for information. Therefore the ratification by the European Community of the Aarhus Convention encompasses any reservation by a Member State of the European Community to the extent that such a reservation is compatible with Article 2 (2) and Article 6 of Directive 2003/4/EC”.

II. DECLARATIONS FOR THE PROTOCOL

Belgium

Declaration made upon signature:

“This signature engages also the Walloon region, the Flemish region, and the Brussels-Capital region”.

Denmark

Declaration made upon signature:

“Both the Faroe Islands and Greenland are self-governing under Home Rule Acts, which implies *inter alia* that environmental affairs in general and the areas covered by the Protocol are governed by the right of self-determination.

Signing by Denmark of the Protocol, therefore does not necessarily mean that Danish ratification will in due course include the Faroe Islands and Greenland”.

European Community

Declaration made upon approval:

“Declaration by the European Community in accordance with article 26 (4).

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175 (1) thereof, it is competent for entering into international agreements, and for implementing the obligations resulting there from, which contribute to the pursuit of the following objectives:

Preserving, protecting and improving the quality of the environment;
Protecting human health;
Prudent and rational utilization of natural resources;
Promoting measures at international level to deal with regional or worldwide environmental problems.

Pollutant release and transfer registers are appropriate tools for encouraging improvements in environmental performance, for providing public access to information on pollutants released, and for use by competent authorities in tracking trends, demonstrating progress, thereby contributing to the achievement of the above-mentioned objectives.

Moreover, the European Community declares that it has already adopted legislation, binding on its Member States, covering matters governed by this Protocol and will submit and update, as

appropriate, a list of that legislation in accordance with article 26 (4) of the Protocol.
The European Community is responsible for the performance of those obligations resulting from the Protocol which are covered by Community law in force.

The exercise of Community competence is, by its nature, subject to continuous development”.
