

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

Twelfth meeting
Geneva, 30 June–2 July 2010

DECISIONS AND MAJOR OUTCOMES¹
as adopted by the Working Group at its twelfth meeting

Item 1. Opening of the meeting and adoption of the agenda

The Working Group adopted its agenda as set out in document ECE/MP.PP/WG.1/2010/1.

Item 2. Status of Ratification of the Convention and the PRTR Protocol

The Working Group:

- (a) took note of the report by the secretariat on the status of ratification of the Convention, the amendment to the Convention and the PRTR Protocol.
- (b) welcomed the proposal from the Bureau to ask the Chair of the Bureau to write a letter to Parties that did not ratify the amendment to the Convention to proceed with the ratifications as soon as possible.

Item 3: Overseeing implementation and compliance:

(a) Compliance mechanism

The Working Group:

- (a) took note of the report by the secretariat on the activities of the Compliance Committee carried out since the previous meeting of the Working Group.
- (b) reconfirmed the importance of making the reports and findings of the Compliance Committee available in the three official languages of the UNECE.

(b) Reporting requirements

The Working Group:

- (a) took note of the report by the secretariat on the outcome of the training on the preparation of national implementation reports (NIRs) that took place in the morning of 30 June.

¹ This paper was not formally edited. The decisions and outcomes contained in the paper will be incorporated in the report of the meeting.

(b) welcomed a discussion paper on the system of national reporting on implementation of the Convention (ECE/MP.PP/WG.1/2010/8) prepared by the secretariat.

(c) reconfirmed the importance of making NIRs available in the three official languages of the UNECE.

(d) agreed to mandate the Bureau to find possible solutions for making NIRs available in the three official languages of the UNECE, including outsourcing of the editing and translation of NIRs, in the event that the NIRs can not be processed by the UN due to resource constraints.

(c) Provision of country-specific needs-based advice and assistance

The Working Group:

(a) welcomed a discussion paper on elements for the 2012-2014 work programme under the Aarhus Convention (informal document Inf. 4) prepared by the secretariat, as a good basis for starting the discussion on a future work programme, while regretting that the document was made available at a late stage.

(b) took note of a presentation by a representative of the secretariat of the UNECE Convention on Transboundary Waters and International Lakes regarding the National Policy Dialogues programme carried out under the Convention.

(c) took note of the comments provided by delegations on the discussion paper.

(d) following a proposal from the Bureau, agreed to: (i) invite Parties, Signatories and observers to provide the secretariat with written comments on the discussion paper and on possible elements for the work programme 2012-2014 addressing, where appropriate, all focal areas of the Strategic Plan 2009-2014, by 20 September 2010; (ii) request the Bureau, with the assistance of the secretariat, to prepare a draft work programme for 2012-2014 well in advance (second part of November 2010) for WGP-13, in consultation with the lead countries for the various activities, taking into consideration the comments received.

(d) Updating of the Implementation Guide

The Working Group:

(a) took note of the report by the secretariat on progress made with the preparation of the updated version of the Implementation Guide, including procedural and timing aspects.

(b) requested the secretariat to distribute the text in track changes and a clean version by the end of July and agreed that Parties, Signatories and observers would provide comments on the draft Guide by the end of September 2010.

Item 4: Sharing of experiences and capacity-building

(a) Genetically modified organisms

The Working Group:

(a) took note of the report by the secretariat on the preparations for a workshop organized jointly with the secretariat of the Convention on Biological Diversity (CBD) on the topic of genetically modified organisms, scheduled to take place in conjunction with the fifth meeting of the Conference of the Parties to the CBD serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety to be held in Nagoya, Japan, on 8-9 October 2010.

(b) took note of the suggestion by the secretariat that focal points to the Aarhus Convention contact CBD focal points in their respective countries, with the aim to have statements by governments at the CBD COP refer to the Aarhus Convention.

(c) took note of the report by the secretariat on its participation in the European Biosafety Annual Conference on 21-23 June 2010, in which the secretariat promoted the Aarhus Convention.

(b) Electronic information tools and the clearing-house mechanism

The Working Group:

(a) took note of the report by the secretariat on the preparations for a workshop on electronic information tools for South-Eastern Europe, tentatively scheduled for the fall of 2010, subject to the identification of a host country.

(b) took note of the call from the secretariat to countries in South-Eastern Europe to host the workshop.

(c) took note of: (i) the report by the secretariat on the project related to upgrading the Aarhus Clearinghouse mechanism; and (ii) a proposal to consider under the project a mechanism that would allow national focal points to enter information on country activities directly into the Clearinghouse.

(c) Public participation

The Working Group:

(a) took note of the report by the Chair on the outcome of the extraordinary session of the Meeting of the Parties, where the Task Force on Public Participation in Decision-making had been established.

(b) welcomed a proposal from a representative of the secretariat of the Protocol on Water and Health regarding potential areas for cooperation on public participation and requested the newly established Task Force to consider this proposal and explore possible options for cooperation as one of its focal areas.

(d) Access to justice

The Working Group:

- (a) took note of the report by the Chair of the Task Force on Access to Justice on the third meeting of the Task Force (ECE/MP.PP/WG.1/2010/6) and on other relevant activities carried out since the previous meeting of the Working Group, including preparations for the next meeting of the Task Force;
- (b) took note of the concern of the Chair of the Task Force regarding the slow progress in implementing the activities;
- (c) took note of the call by the Chair of the Task Force to provide information on relevant cases to the jurisprudence database, which is currently being developed and will be linked to the Aarhus Clearinghouse;
- (d) welcomed the proposal by the Chair of the Task Force and the secretariat for the Task Force to explore the possibility of carrying out a study focusing on adequate and effective remedies, including injunctive relief, and costs issues, with regard to access to justice in environmental matters (article 9, paragraph 4, of the Convention), to address also the situation in countries in Eastern Europe, Caucasus and Central Asia;
- (e) took note of the information provided by the Chair of the Task Force regarding the progress in the organization of the workshop for high-level judiciary, which was initially scheduled to take place in Dushanbe on 25-27 August 2010, but due to several reasons was postponed; noted the significance of the workshop to build capacity in the subregion, expressed by a number of participants, and requested the Chair and the secretariat to consider options for organizing this event in 2011;
- (f) agreed on the proposal of the Chair of the Task Force to postpone the next meeting of the Task Force from October 2010 to January-February 2011, possibly back to back with WGP-13;
- (g) took note of the reports by delegations regarding activities on access to justice carried out by the respective countries and organizations.

(e) Interagency coordination on capacity-building

The Working Group took note of the report by the secretariat on preparations for the sixth capacity-building coordination meeting, scheduled to take place in late 2010 or the beginning of 2011, if possible back to back with one of the other meetings under the Convention.

Item 5: Promotion of the Convention

(a) Accession to the Convention by States from outside the UNECE region

The Working Group:

- (a) took note of the report by the secretariat on developments regarding accession to the Convention by Guinea-Bissau and the decision of the Bureau to write a letter to a competent authority in Guinea-Bissau with the view of clarifying the situation regarding the accession.
- (b) welcomed the informal note prepared by the secretariat on a possible procedure for approval of accession by non-ECE States (informal document Inf. 1).
- (c) provided comments on the note and agreed that: (i) an amendment to the Convention should not be considered as a possible option; (ii) a procedure for accession by non-ECE countries should be simple, clear and with minimal criteria and should follow the formal steps described in the note, and (iii) the candidate countries could be invited to be represented by high-level officials at the respective sessions of the Meeting of the Parties where the approval would take place.
- (d) requested the Bureau with the assistance of the secretariat to prepare a draft decision on accession by non-ECE countries for consideration at the next meeting of the Working Group, taking into account the comments received.

(b) Promoting the application of the principles of the Convention in international forums

The Working Group:

- (a) took note of the report by the Chair of the Task Force on Public Participation in International Forums (PPIF) on the fourth meeting of the Task Force held on 6 July 2009;
- (b) took note of the report by the Chair of the Task Force on the fifth meeting of the Task Force and the workshop held back-to-back with that meeting on 29 June 2010, including the special session at the workshop on access to information and public participation in the lead up to, during and after the Copenhagen Climate Change Conference in December 2009;
- (c) welcomed the work done by the Task Force and took note of the proposal by the Task Force: (i) to hold a workshop focused on international forums in February 2011 back to back with the sixth meeting of the Task Force; and (ii) to encourage reporting on a voluntary basis using the draft means of reporting on article 3, paragraph 7 prepared by the Task Force already during the current intersessional period;
- (d) welcomed the attendance of the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) at the workshop on 29 June 2010;
- (e) took note that the UNFCCC secretariat is currently inviting submissions from all its Parties and Observer Organizations regarding ways to enhance the engagement of observer organizations in its processes (FCCC/SBI/2010/L.21); that the deadline for submissions is 16 August 2010; that making a submission would provide an immediate opportunity for Parties to the Aarhus Convention to implement their obligations under article 3, paragraph 7 of the

Convention; and that the report from the PPIF workshop on 29 June may contain useful practical recommendations that Parties may wish to include in their submissions;

(f) took note of the Chair of the Task Force's suggestion that Parties may wish to consider appointing one or two members of their national delegation for UNFCCC COP16 (Cancun, 29 November - 10 December 2010) to act as a focal point for civil society regarding any problems they may encounter regarding access to information or public participation during the conference itself;

(g) took note of the invitation by the Chair of the Task Force to national focal points to report at the next meeting of the Task Force regarding the initiatives that focal points were able to take at the national and international level to promote the implementation of article 3, paragraph 7, and the Almaty Guidelines in the lead up to, during and after UNFCCC COP16.

(c) Awareness-raising activities

The Working Group took note of the reports by the secretariat, Parties, Signatories and observers on awareness-raising activities carried out since the last meeting of the Working Group.

(d) Preparation of a communication strategy

The Working Group:

(a) took note of the report by the secretariat on the development of the strategy, including: information on the current composition of the expert group; the intention to hire a consultant to prepare the first draft; and plans to deliver the strategy for consideration by the Working Group at its thirteenth session.

(b) took note of the call from the secretariat to provide more nominations for the expert group.

Item 6: Implementation of the work programme for 2009–2011, including financial report for 2009

The Working Group:

(a) welcomed the report by the secretariat on the implementation of the work programme during 2009, including an overview of financial contributions received (for use) in 2009 and expenditures incurred in 2009 (ECE/MP.PP/WG.1/2010/7), while regretting the postponement of various activities including capacity-building coordination meeting, Task Force on Electronic Information Tools and Expert group on Communications Strategy.

(b) took note of the reduced level of contributions in 2009 compare to the previous years and expressed its concern regarding possible implications for activities under the Convention, and reiterated the need for prioritizing the activities.

(c) took note of the new United Nations administrative rules that entered into force in April 2010 that require issuing contracts at least on an annual basis, terminating the previous practice of short-term contracts of a few months that can be extended over one year. Thus for the sustainability of work, it will be crucial to ensure since the onset funding on a long-term

basis. The secretariat will therefore be obliged to give priority to securing staff costs, which need to be reserved at least one year in advance of the issuing of a contract. This applies to staff funded from the Aarhus Convention trust fund (extrabudgetary staff), which means the extension of these contracts depends on the level of contributions received. Since the current financial scheme is on a voluntary basis and without guidance on the amount of contributions, the level of contributions fluctuates, which makes the basis of funding extrabudgetary staff unpredictable and far from secure.

(d) Welcomed the contributions for 2010 received so far, and also welcomed the following information on pledges provided by countries:

- Austria: same as in 2009
- Belgium: same as in 2009
- Denmark: amount to be defined
- Bosnia and Herzegovina: amount to be defined
- France: 60 000 EUR (unearmarked); 30 000 EUR (PPIF Task Force) and an additional contribution of 17.600 EUR for the workshop on PPIF that took place on 29 June 2010.
- Georgia: will provide information at a later stage
- Netherlands: 20.000 EUR for the Convention and 20 000 EUR for PRTR Protocol
- Poland: decision is pending
- Romania: will contribute by the end of the year; amount to be defined
- Slovenia: expects to contribute the same amount as last year
- Spain: will contribute the same amount as last year
- UK: are still considering

Item 7: Financial arrangements

The Working Group:

- (a) took note of the draft decision on financial arrangements (informal document Inf. 3) prepared by the secretariat.
- (b) provided comments on the document and requested the Bureau to revise the draft decision with the assistance of the secretariat, taking into consideration the comments provided, and to submit it for consideration by the Working Group at its next meeting.

Item 8: Cooperation with the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers, including matters arising from the first session of the Meeting of the Parties to the Protocol

The Working Group:

- (a) took note of the report by the Chair of the Meeting of the Parties to the Protocol on PRTRs on the outcome of the first session of the Meeting of the Parties to the Protocol (Geneva, 20–22 April 2010).
- (b) took note of the report by the secretariat on other relevant developments in the field of PRTRs, including the recent activities of the International PRTR Coordinating Group.

- (c) welcomed the intention of Turkmenistan and Armenia to accede to the Protocol in the near future.
- (d) took note of reports by delegations on activities relevant to PRTRs.
- (e) agreed that synergies between the Convention and the PRTR Protocol should be maintained, including in areas such as electronic information tools and promotion and awareness-raising activities.
- (f) agreed that there might be a need to, on a temporary basis, transfer some funds from the budget allocated to PRTR activities in the Programme of Work for 2009-2011, so as to secure the start of the key activities under the Protocol, such as organisation of the meetings of the Working Group of the Parties, the Bureau and the Compliance Committee, while noting that this should not compromise the implementation of activities under the Convention, and: (i) requested the Bureau to guide the secretariat in this regard; and (ii) requested the secretariat to prepare a table of any possible financial transfers and to present an updated version at each meeting of the Working Group of the Parties to the Convention and the Working Group of the Parties to the Protocol.

Item 9: Preparations for the fourth ordinary session of the Meeting of the Parties

(a) Update by the host country and the secretariat

The Working Group:

- (a) welcomed the report by the Minister of Environment of the Republic of Moldova, as host country, on preparations for the fourth ordinary session of the Meeting of the Parties, in which the Minister emphasized that his government will take all necessary measures to prepare the fourth session adequately.
- (b) took note of the dates for the fourth session, which will take place back to back with the Working Group of the Parties, envisaged for the week of 6-12 June 2011.
- (c) welcomed the plan of the Chair and the secretariat for a mission to Chisinau, tentatively scheduled for September 2010 and requested the secretariat to inform the Working Group on the outcome of the mission as soon as possible.

(b) Discussion on possible elements of the provisional agenda

The Working Group:

- (a) noted proposals from delegations on possible themes for the provisional agenda for MOP-4 and requested the Bureau, with the assistance of the secretariat, to prepare a concept note on the provisional agenda, which would be sent to delegations for comments with a deadline of 20 September 2010.
- (b) requested the Bureau with the assistance of the secretariat to prepare for its next meeting a draft provisional agenda for MOP-4.

- (c) requested the secretariat to ensure that the documentation for WGP-13 would be available in the three official languages of the UNECE well in advance of the meeting.
- (d) agreed to hold its next meeting from 9-11 February 2011 in Geneva.

Item 10: Recent and forthcoming developments relevant to the Convention or Protocol

The Working Group took note of information provided by delegations on relevant events and developments, including with respect to activities at the international, regional, subregional and national levels.

Adoption of decisions and outcomes

The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate these adopted outcomes and decisions.
