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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

Extraordinary Session

Geneva, 19 April 2010

Item 2 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda

to be held at the Palais des Nations, Geneva,
starting at 3 p.m. on Monday, 19 April 2010

I. Provisional agenda

1. Opening of the session.
2. Adoption of the agenda.
3. Establishment of a task force on public participation in decision-making, including terms of reference.
4. Accession to the Convention by non-member States of the Economic Commission for Europe (ECE), including consideration of any expressions of interest in acceding to the Convention received from specific non-ECE States.
5. Establishment of an official mandate from the Meeting of the Parties to produce the Compliance Committee's documentation as official documentation of the United Nations.
6. Adoption of conclusions.
7. Close of the session.

II. Annotations

Explanatory note

Article 10, paragraph 1, of the Convention provides that a meeting of the Parties shall be convened at the written request of any Party provided that, within six months of the request being communicated to all Parties, it is supported by at least one third of the Parties.

On 18 December 2009, the Government of Norway submitted to the secretariat a request that an extraordinary session of the Meeting of the Parties be convened for the purpose of discussing the issues indicated in items 3, 4 and 5 of the present document. The Norwegian request proposed that the session be convened on 19 April 2010, back to back with the first session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention. The request was duly circulated to all Parties to the Convention on 13 January 2010.

As of 2 February 2010, more than one third of the Parties had indicated their support for the Norwegian request.¹ The conditions for the convening of an extraordinary session of the Meeting of the Parties as proposed by Norway are therefore fulfilled.

Item 1: Opening of the session

The Chairperson of the Meeting of the Parties will open the session.

Item 2: Adoption of the agenda

The Meeting of the Parties will be invited to adopt the agenda as set out in the present document.

Item 3: Establishment of a task force on public participation in decision-making, including terms of reference

At its third session, held in Riga from 10–13 June 2008, the Meeting of the Parties agreed to address implementation of the Convention's second pillar by establishing an intersessional body under the authority of the Working Group of the Parties (ECE/MP.PP/2008/2, para. 72). The Meeting agreed upon a two-step procedure whereby an ad hoc expert group would be established forthwith and a task force as soon as possible thereafter, at the latest by the next ordinary session of the Meeting, on the basis of a draft decision to be prepared by the Working Group of the Parties (ECE/MP.PP/2008/2, para. 73). By virtue of decision III/9 on the work programme for 2009–2011, the ad hoc expert group was mandated to coordinate information-sharing on public participation in decision-making and to advise the Working Group of the Parties on the terms of reference for the proposed task force (ECE/MP.PP/2008/2/Add.17, para. 5).

At its first meeting, held in Geneva, Switzerland, on 7–8 July 2009, the Ad Hoc Expert Group on Public Participation exchanged views on a proposal for terms of reference for a task force on public participation, prepared for consideration by the Working Group. It prepared a revised version of the text, which was forwarded to the Working Group for discussion at its eleventh meeting.

¹ As of 2 February 2010, there were 44 Parties to the Convention, comprising 43 States and one regional economic integration organization.

At its eleventh meeting, held in Geneva, Switzerland, on 8–10 July 2009, taking into account the advice of the Expert Group, the Working Group of the Parties prepared a draft decision on public participation in decision-making, including draft terms of reference for a task force on the topic and agreed to forward it for consideration and possible adoption by the Meeting of the Parties (ECE/MP.PP/WG.1/2009/2, para. 33). It noted that the draft terms of reference reflected the assumption that an extraordinary session of the Meeting of the Parties would be held to establish the Task Force (ECE/MP.PP/WG.1/2009/2, para. 34).

The Meeting of the Parties will be invited to consider the draft decision prepared by the Working Group, revise it as necessary and adopt it.

Documentation

Draft decision on public participation in decision-making (ECE/MP.PP/2010/L.1)

Item 4: Accession to the Convention by non-member States of the Economic Commission for Europe (ECE), including consideration of any expressions of interest in acceding to the Convention received from specific non-ECE States

The Convention's strategic plan for 2009–2014 sets the goal whereby some non-ECE States would become Parties to the Convention by 2011 (objective II.4). However, the Convention specifies in article 19, paragraph 3 that non-ECE States may only accede to the Convention "upon approval by the Meeting of the Parties". The Meeting of the Parties will therefore be invited to consider any expressions of interest in acceding to the Convention received from specific non-ECE States, as well as to consider in a more general way the procedures relating to accession to the Convention by non-ECE States with a view to facilitating the achievement of the aforementioned goal in the strategic plan.

Item 5: Establishment of an official mandate from the Meeting of the Parties to produce the Compliance Committee's documentation as official documentation of the United Nations

The secretariat has encountered problems in securing the timely processing by the Division of Conference Management of the United Nations Office at Geneva of the documentation of the Compliance Committee, including its findings with respect to compliance by individual Parties. As a result, no official documentation reflecting the outcome of the Committee's work since the beginning of 2009 has been released. The Committee has expressed its concern about the situation at successive meetings, most recently at its twenty-sixth meeting, held in Geneva, Switzerland, on 15-18 December 2009, where it requested the secretariat on its behalf to explore with the Chairperson of the Meeting of the Parties the possibility of referring the matter to the anticipated extraordinary session of the Meeting of the Parties. The Chairperson considered that the situation was sufficiently serious to merit the attention of the Meeting of the Parties. The Meeting will therefore be invited to confirm that the existing practice whereby the Compliance Committee's documentation is produced as official documentation should be continued and to take any necessary measures to facilitate the timely preparation and publication of the documentation in question.

Item 6: Adoption of conclusions

The Meeting of the Parties will be invited to adopt the conclusions of the extraordinary session.

Item 7: Close of the session

The Chairperson of the Meeting of the Parties will close the session.
