

# TENTH MEETING OF THE BUREAU OF THE MEETING OF THE PARTIES TO THE AARHUS CONVENTION

Palais des Nations, Geneva  
16-17 November 2005

## SUMMARY OF MAJOR OUTCOMES

### **Attendance:**

*Bureau members:* Ms. Hanne Inger Bjurström (Norway, Chair) supported by Ms. Mona Aarhus (Norway), Mr. Faig Sadigov (Azerbaijan), Ms. Maud Istasse (Belgium), Ms. Federica Rolle (substituting for Ms. Giuliana Gasparrini, Italy), Ms. Zaneta Mikosa (Latvia) and Mr. Jerzy Jendroska (Poland).

*Apologies:* Ms. Saltanat Abdikarimova (Kazakhstan).

*NGO observer:* Mr. John Hontelez (European ECO Forum)

### **I. Status of ratification**

The secretariat reported that, with the ratification of Luxembourg on 25 October 2005, the number of Parties to the Convention had reached 37.

### **II. Pollutant release and transfer registers**

The secretariat reported on activities under the Working Group on Pollutant Release and Transfer Registers (PRTR), in particular the preparation of decisions on a compliance mechanism and on rules of procedure to pave the way for the entry into force of the Protocol, the preparation of technical guidance documents and capacity-building and international outreach activities. The secretariat had recently entered into collaboration with the University of Geneva, with financial support from the Geneva International Academic Network, to research cost-effective PRTR monitoring techniques, update the implementation cost model and develop an electronic interface for its users. Following the disbandment of the IOMC PRTR Coordination Group, the secretariat had offered to service the new international PRTR co-ordinating group, which would hold its next meeting in Belgium in March 2006, on an interim basis. The next meeting of the Working Group on PRTR was scheduled for 17-19 May 2006.

### **III. Genetically Modified Organisms (GMOs)**

The secretariat informed the Bureau that the Treaties Section of the UN Office of Legal Affairs (UNOLA) had formally forwarded the amendment to the Convention adopted at the second ordinary meeting of the Parties to all UNECE member states. As regards its entry into force, UNOLA interpreted the provision on entry into force of an amendment upon the receipt of notification of ratification, approval or acceptance by at least three fourths of these Parties (article 14, paragraph 4) as meaning that three-quarters of the number of Parties at the time of the entry into force of the amendment (rather than at the time of the adoption of the amendment) would need to have ratified, approved or accepted the amendment for it to enter into force (sometimes referred to as the 'moving target' interpretation). The Bureau mandated the secretariat to contact the Office of Legal Affairs in order to explore the possibility for the Meeting of the Parties to fix the target by adopting a decision on this issue, specifying that the amendment would enter into force upon ratification, approval or acceptance by three-quarters of the number of Parties at the time of the adoption of the amendment.

The Bureau looked into the issue of the proposed international expert meeting. The secretariat informed the Bureau that the Netherlands had expressed a possible interest in contributing financially towards the cost of such a meeting. It was proposed to explore the possibility of holding a regional meeting with participation of the secretariat of the Convention on Biological Diversity, the representatives of the UN-GEF Biosafety Project and some experts from developing countries. The focus of the meeting would be exchange of information and good practices. The Bureau asked the secretariat to discuss this with the CBD secretariat and the Netherlands and to explore possibilities for finding other potential donor countries to help bear the costs of the meeting. The extent to which the scope of the meeting would be global rather than regional would depend inter alia upon the engagement of the CBD secretariat.

#### **IV. Access to justice**

The secretariat informed the Bureau on the latest developments in this area of activity. As Sweden had expressed a possible interest in leading the Task Force on Access to Justice, the Chair of the Meeting of the Parties and the secretariat had held more detailed discussions with the representative of the Government of Sweden on the arrangements for the first meeting of the body (16-17 February 2006). It was proposed that the agenda of the meeting should address inter alia the issues of legal remedies, barriers to access to justice and the use of alternative dispute resolution mechanisms. With respect to the capacity building for the judiciary, two options were put forward: the organisation of one regional meeting for judges or several smaller-scale subregional meetings on the exchange of experiences. It would also need to be decided whether other legal professionals would be involved in this activity and what role ministries of justice would play in the process.

The Bureau took note of this information and gave a mandate to the secretariat to continue preparations for the first meeting and draw up its agenda along the lines discussed. To this end, it requested the secretariat to undertake further contacts with the government of Sweden regarding the preparation of the meeting as well as other governments or stakeholders that might be expected to make presentations.

#### **V. Electronic information tools**

The Bureau took note of developments in this area, in particular the outcome of the fourth meeting of the Task Force on Electronic Information Tools (7-8 November 2005).

#### **VI. Public participation in strategic decision-making**

The Bureau discussed a draft paper for the Working Group of the Parties on activities on the topic of public participation in strategic decision-making, notably the organisation of a workshop and the preparation of a compendium of good practices. Several suggestions were made, including the need to undertake further preparatory work before the next meeting of the Working Group of the Parties (e.g. design a questionnaire to identify good practices, prepare a draft agenda for the workshop). The outcomes of discussions in the workshop could be included in the compendium.

The Bureau asked the secretariat to make necessary changes in the document and circulate it to the Bureau for comments, after which it would be forwarded to the Working Group of the Parties.

#### **VII. Reporting mechanism**

The secretariat informed the Bureau of the status of the four late national implementation reports (Albania, Cyprus, Malta and Romania), all of which had been submitted more or less by the

deadline of 15 September 2005 stipulated at the second meeting of the Parties. They would be available in the official languages, together with the report from the Netherlands, in time for review at the sixth meeting of the Working Group of the Parties.

### **VIII. Compliance mechanism**

The Bureau took note of the activities of the Compliance Committee, in particular the outcome of its ninth meeting (12-14 October 2005) and the update on the status of cases of alleged non-compliance raised before the Committee.

### **IX. Public participation in international forums**

The Bureau took note of the preparations for the first meeting of the Task Force on Public Participation in International Forums to be held on 24-25 November 2005, which was expected to focus on the strategy for consultation and the list of forums to be consulted.

### **X. Financial arrangements**

The secretariat presented an interim report on the status of contributions and expenditures in 2005 (1 January to 8 November 2005). An updated version would be presented for review at the sixth meeting of the Working Group of the Parties. The Bureau broadly welcomed the way that the information was presented in the document, in particular the format of the table showing the contributions, which was considered to be more comprehensive and transparent than in previous years. However, it asked the secretariat to add in a column showing the 2003 and 2004 contributions for comparative purposes, and to revise the expenditure table in order to provide more detailed information on specific activities on which funding was spent. This could be done by including footnotes with a short description of relevant activities.

### **XI. Capacity building**

The Bureau took note of the proposed agenda and final preparations for the third annual meeting on capacity building co-ordination, taking place on 17-18 November 2005. Most Bureau members intended to participate in the meeting.

It was agreed to schedule a somewhat fuller discussion on the issue of capacity building at the sixth meeting of the Working Group of the Parties than had been the case at previous meetings, using a panel format to have a three-cornered discussion between participants from countries with the greatest capacity building needs (both governmental and NGO), representatives of the donor community and representatives of international and regional organisations running capacity building projects and/or programmes.

### **XII. Work programme for 2006-2008**

The Secretariat presented a draft of a document being prepared for the Working Group of the Parties outlining the estimated costs of activities proposed, expected expenditure and income and a provisional list of meetings to be organised during the intersessional period. It pointed out that a methodological choice had to be made as to whether to base the expenditure projections on the levels of activity specified in Decision II/7 on the work programme or on the estimated costs specified in the Decision. This choice would be necessary due to a recent increase in extrabudgetary staff costs that was not reflected in the figures contained in Decision II/7.

The Bureau took note of the draft documents and decided that the projected core costs should be approximately based on the costs as estimated by the Meeting of the Parties rather than precisely reflecting the core activities in the work programme irrespective of the cost implications. The 'overall' costs could however be based on the levels of staffing projected in Decision II/7 and reflect the real increase in staff costs.

With respect to projected income, the Bureau agreed that it was reasonable to assume that the total contributions would at least equal the core requirement and to base the projected distribution of contributions on a combination of (a) the historical level of contributions, for those countries that have historically contributed more than they would be required to contribute under the UN scale of assessment when applied to the core budget figure for all Parties and Signatories; (b) a minimum contribution of \$200 for any Parties and Signatories not include in (a) whose contribution under the UN scale of assessments would be less than that; and (c) application of the UN scale of assessment to all other Parties and Signatories in such a way as to bring the total of all contributions up to the estimated core requirement. The actual contributions from the previous years could be presented in a separate column to reflect the funding history.

The Bureau reviewed, revised and agreed upon the provisional list of meetings for the intersessional period.

### **XIII. Long-term strategic plan**

The Bureau discussed a draft document on the preparation of a long-term strategic plan for the Convention, making various changes to the draft. It was agreed to propose that a small expert group, consisting of 8-12 members selected by the Bureau, be set up to prepare a first draft of the plan. The expert group would submit the draft plan to the Bureau, which would review and, as appropriate, revise the draft before submitting it to the Working Group of the Parties.

The secretariat was asked to make necessary changes in the document before submitting it for review to the Working Group of the Parties.

### **XIV. Follow-up to Decision II/9 (outreach to non-ECE countries)**

The secretariat reported on recent activities in this area, in particular the outcome of the recent meeting of the Committee of the Whole of the Partnership for Principle 10 and discussions with other international forums undertaking work outside the UNECE region (e.g. World Bank through the UNEP-GEF projects).

### **XV. MOP-3 venue and timing**

The Bureau agreed to recommend that the third meeting of the Parties be held some time around May 2008. Ms. Zaneta Mikosa informed the Bureau that Latvia was willing to host the meeting. The Bureau welcomed the offer and agreed to bring it to the attention of the Working Group of the Parties, which had been mandated by the Meeting of the Parties to decide upon the date and venue for the meeting.

### **XVI. UNECE reform process**

The Bureau discussed the reform currently underway in UNECE and asked the secretariat to keep the Bureau abreast of all relevant developments in this process, in particular the implications that the reform might have on the level of regular budget funds available for activities under the Convention.

## **XVII. Joint bureaux meeting**

The Chair informed the Bureau of the outcome of the Informal Consultation between the Bureaux of the Committee on Environmental Policy and the Governing Bodies of the UNECE environmental conventions (6 June 2005).

The Bureau expressed a wish to provide input to the preparation of the agenda for the next joint bureaux meeting. Some concrete ideas were proposed, including the issue of representation of the conventions at the sixth ministerial conference “Environment for Europe” (Belgrade, October 2007).

## **XVIII. Status of Latvian representative in the Bureau**

Ms. Zaneta Mikosa informed the Bureau that she had recently been seconded to the European Commission as a national expert, but that her Ministry had asked her to continue to represent the Government of Latvia on the Bureau. The question of whether she could formally represent an EU member State while serving as an employee of the Commission had been raised by the Commission and was being looked into. She undertook to keep the Chair and secretariat informed of any further developments.<sup>1</sup> The Bureau took note of this information.

## **XIX. Date and venue of next Bureau meeting**

The Bureau agreed to have its next meeting on 4 April 2006, on the eve of the sixth meeting of the Working Group of the Parties.

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<sup>1</sup> Ms. Mikosa subsequently informed the Chair and secretariat that a) the Commission was not able, under its own rules, to allow her to represent Latvia on the Bureau while an employee of the Commission, b) she would consequently be standing down from the Bureau, and c) the Latvian Ministry would be designating her successor, in accordance with rule 22(7) of the rules of procedure.