

**FOURTY-SECOND MEETING OF THE BUREAU OF THE  
MEETING OF THE PARTIES TO THE  
CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN  
DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL  
MATTERS (AARHUS CONVENTION)<sup>1</sup>**

Palais des Nations, Geneva  
21 June 2018

**REPORT OF THE MEETING**

**ATTENDANCE:**

*Bureau members:* Ms. Maia Bitadze (Georgia, Chair), Ms. Beate Berglund Ekeberg (Norway, Vice-Chair), Ms. Malaj Enkelejda (Albania), Ms. Chiara Landini (Italy), Ms. Maryna Shimkus (Ukraine), Ms. Angelika Wiedner (European Union).

*Observers:* Mr. Jeremy Wates (NGO observer, European Environmental Bureau (EEB) representing European ECO Forum).

*Apologies:* Ms. Nicolette Bouman (Netherlands, Vice-Chair).

**I. OPENING AND ADOPTION OF AGENDA**

1. The Chair introduced the agenda, highlighting that the meeting will focus on issues considered by the Working Group of the Parties at its twenty-second meeting (Geneva, 19-21 June 2018), which require the Bureau attention.
2. The Bureau took note of the information provided by the Chair and adopted the provisional agenda of the meeting.

**II. ACCESSION BY NON-ECE COUNTRIES AND OTHER INTERLINKAGES**

3. The Bureau exchanged views on how to promote the accession to the Convention by non-ECE countries more effectively. It was noted that dedicated staff in the secretariat and sufficient resources allocated for this purpose would allow to apply a more proactive and systemic approach to the promotion. The NGO observer reiterated that in his view decision IV/5 of the Meeting of the Parties is not providing an effective mean for non-ECE countries to accede as political environment may change in the course of different procedural steps required by the decision.

**III. PROMOTION OF THE AARHUS CONVENTION IN THE CONTEXT OF THE SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

4. The Bureau reiterated the important role of the Aarhus Convention for furthering the SDGs and, in particular, SDG 16 (peace, justice and strong institutions). Recalling the Budva Declaration on Environmental Democracy for Our Sustainable Future (ECE/MP.PP/2017/16/Add.1-ECE/MP/PRTR/2017/2/Add.1), it underlined that SDG16 applies throughout the 2030 Agenda for Sustainable Development. In this context, the Bureau noted that SDG 16 did not receive appropriate attention in the document on main directions of the UNECE ongoing work on further SDG alignment that was considered by the ECE Executive Committee at its

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<sup>1</sup> This document was not formally edited.

ninety-eighth meeting (Geneva, 18 May 2018).<sup>2</sup> It was agreed that the Bureau members will follow up with their respective relevant constituencies as to clarify the matter.

5. The Bureau took note of the information provided by the secretariat on a side event that it organizes in cooperation with the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) at the upcoming High-Level Political Forum on Sustainable Development (9-18 July 2018). The side event will take place on 11 July 2018. Italy and France are two Parties that co-organize the event along with Chile and Costa Rica.

6. The Bureau also took note of the information by the NGO observer regarding EEB's contribution to the work under the EU high-level multi-stakeholder platform on the implementation of SDGs.

#### **IV. THEMATIC SESSION ON PROMOTING CONVENTION'S PRINCIPLES IN INTERNATIONAL FORUMS**

7. Considering concerns raised by several Parties and NGOs regarding insufficient time allocation for discussing items foreseen in the agenda of the thematic session, the Bureau would to take them into consideration when preparing agenda for the next thematic session.

#### **V. AMENDMENT ON GENETICALLY MODIFIED ORGANISMS (GMO)**

8. Pursuant to the outcomes of the twenty-second meeting of the Working Group of the Parties and considering the particular seriousness of the issue, the Bureau requested the secretariat to send letters through the appropriate diplomatic channels to Ministers of Foreign Affairs of the following Parties, whose ratification of the GMO amendment would count towards its entry into force: Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine. The letter should bring to the Minister's attention the request of the latest session of the Meeting of the Parties in this regard.

#### **VI. COMPLIANCE MECHANISM**

9. The Bureau discussed the following suggestion by the EU and its member States submitted to the twenty-second meeting of the Working Group of the Parties (Geneva, 19-21 June 2018): "Compliance cases concerning individual Parties to the Aarhus Convention have so far been grouped in a single draft decision to be submitted to the Meeting of the Parties. In this regard, we suggest separating the compliance cases in individual decisions, upon request by a Party and by way of exception, in order to avoid any problems with the internal handling of cases that could arise". This suggestion implied that for the next session of the Meeting of the Parties the Bureau should prepare draft decisions on compliance matter by splitting them by case, instead of splitting them by Party concerned as per current practice. Considering the reasons for such proposal, the Bureau referred to an example of a situation when a draft decision concerning a Party's compliance was not adopted by the Meeting of the Parties at the sixth session (Budva, Montenegro, 11-14 September 2017).

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<sup>2</sup> See item 6 of the ninety-eighth meeting of the ECE Executive Committee:  
<https://www.unece.org/info/about-unece/executive-committee-excom/meetings/2018/ninety-eighth-meeting.html>

10. Several Bureau members, who participated in discussion on this item, along with the observer did not support the suggestion by the EU and its Member States and stressed that such situation where a finding of non-compliance by the Committee would not be endorsed by the Meeting of the Parties should be considered as exceptional. It was emphasized that draft decisions submitted to the Meeting of the Parties are expected to be adopted. There is sufficient time prior to the sessions of the Meeting of the Parties for Parties to clarify with the Compliance Committee any outstanding issues. Thus, Parties should not anticipate that decisions on compliance matter may not be adopted. In an exceptional situation, when there is an objective need to revisit the text of a draft decision, following the established practice, the draft decision could be amended at the session or only specific paragraphs of the given draft decision adopted. Furthermore, it was emphasized that Parties are expected to ensure the appropriate mandate for negotiation so as not to put into peril the long-standing practice of the Meeting of the Parties to endorse findings of the Compliance Committee on a consensus basis. In addition to the serious implications outlined above, dividing the Committee's findings into separate decisions would also increase the workload and complexity for the Bureau to prepare draft decisions and for the secretariat to process them. In general, the Bureau strives to avoid multiplication of documents. In this context, it was noted that there should be no exception for specific Parties, which is fundamental for any multilateral process. It was also emphasized that the current approach, whereby the Committee's findings concerning each Party concerned are grouped into a single draft decision concerning that Party's compliance, is effective and should continue.

11. The Bureau also noted the information provided by the Chair of the Compliance Committee during his presentation to the twenty-second meeting of Working Group of the Parties (agenda item 4(a)) that he planned to present a proposal to the Committee's sixty-first meeting, including that in each case, prior to scheduling a hearing, the Committee should consider whether a hearing is in fact needed in that particular case. The Bureau noted that increasing the efficiency of the compliance mechanism is an important aim. Some Bureau members also pointed out that Decision I/7 on review of compliance (ECE/MP.PP/2/Add.8) gives the Committee discretionary powers to decide whether or not hearings are necessary in each particular case. At the same time, though having not yet seen the text of the Chair's proposal, it was also pointed out that in general a hearing should not be denied if either the Party concerned or the communicant consider that a hearing is needed. The Bureau noted that the Chair's proposal would shortly be made available through the Committee's web page<sup>3</sup>.

## VII. CLOSING

12. The Bureau agreed to discuss any other possible matters derived from the meeting of the Working Group through email consultations. The Chair thanked the Bureau for its constructive work and the secretariat for its support and closed the meeting.

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<sup>3</sup> At the time of the writing of this report, the note by the Chair of the Compliance Committee was submitted to and discussed at the Committee's sixty-first meeting (see Chair's proposal on ensuring a fair and effective compliance mechanism with an increasing caseload), available at <https://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events/public-participation/2018/sixty-first-compliance-committee-to-the-aarhus-convention/doc.html>.