

## Aarhus Convention Meeting of the Parties

### REPORT OF THE SIXTH MEETING OF THE BUREAU Geneva, 8 July 2004

#### **Attendance:**

*Bureau members:* Marc Pallemarts (Belgium, Chair), Marit Pukk (Estonia), Giuliana Gasparini (Italy), Tatiana Shakirova (Kazakhstan), Mona Aarhus (Norway), Jerzy Jendroska (Poland, Vice-Chair).

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

*Other observers:* Federica Rolle (Italy)

*Apologies:* Aida Iskoyan (Armenia, Vice-Chair)

#### **1. Adoption of agenda**

The Bureau adopted the proposed agenda for the meeting with the addition of an agenda item 2 g) bis, Electronic information tools. It agreed to address the specific issues under agenda items 2 and 3 jointly.

#### **2. Report on relevant activities and developments and 3. Preparations for the second meeting of the Working Group of the Parties**

a) The secretariat informed the Bureau of the **status of ratification of the Convention and the PRTR Protocol**. The Czech Republic had deposited its instrument of ratification of the Convention with the United Nations Office of Legal Affairs on 6 July 2004 and thus became the 28<sup>th</sup> Party to the Convention.

b) The secretariat reported on the activities of the **Working Group on PRTR**, which held its first meeting on 16-18 February 2004. The Working Group had agreed on the need to develop guidance documentation on the establishment and maintenance of national PRTR systems and the European Commission indicated that it was expecting to be able to make a contribution of €40,000-50,000 for the purpose of hiring a consultant to develop it. The Bureau welcomed the European Commission's decision to support the development of guidance material. It expressed the view that a call for tender should be part of the selection process for a consultant in order to make the procedure as transparent as possible. The secretariat pointed out that there were strict rules governing the process of hiring consultants, which would ensure a fair procedure. The Bureau also agreed that the final editorial control over the guidance document should rest with UNECE and decided to keep this issue under review in order to make sure that these concerns were taken into account.

The Bureau was also informed of the decision of the Working Group to develop options for the rules of procedure and the compliance mechanism for the Protocol on PRTR. It expressed a preference that the rules of procedure of the Convention should apply *mutatis mutandis* to the Protocol and requested the secretariat to address this option in the documentation it had been requested to prepare for the Working Group on PRTR. The Espoo/SEA model was cited as relevant.

Having discussed the progress in the implementation of activities related to PRTR, the Bureau agreed that the Working Group of the Parties would consider whether a draft decision on **PRTR** would need to be prepared for the second meeting of the Parties.

c) The secretariat reported on the outcome of the first meeting of the **Task Force on Financial Arrangements (23 March 2004)** and the progress in the preparation of a **draft decision** on this subject. The Bureau reviewed the draft decision prepared by the Task Force on Financial Arrangements and agreed that it should go forward to the Working Group of the Parties as drafted, though with the square brackets removed from paragraph 1, and that discussion on issues such as whether there would be a new Task Force should be discussed in the Working Group of the Parties.

d) The secretariat informed the Bureau of the outcome of the third meeting of the **Working Group on GMOs (24-26 March 2004)**, at which several options for further developing application of the public participation provisions of the Convention to activities with GMOs were discussed. At its second meeting, the Working Group of the Parties had urged the Working Group on GMOs to focus on the options currently on the table, with a view to narrowing down the discussion in order to be able to fulfil its mandate. The Bureau took note of these developments and agreed that the Working Group on GMOs should aim to finish its work at its fourth meeting (18-20 October 2004), after which the Working Group of the Parties would take over the preparation of a draft decision on this topic for consideration and possible adoption by the Meeting of the Parties.

e) The Bureau took note of the outcome of the **2<sup>nd</sup> meeting of the Working Group of the Parties (3-4 May 2004)**.

f) The secretariat informed the Bureau of the outcome of the 4<sup>th</sup> meeting of the **Compliance Committee (13-14 May 2004)** and subsequent related developments. The Committee had considered five communications from the public received in the period between its third and fourth meetings. Since it was determined that these communications were admissible, the Committee had forwarded them to the Parties concerned and raised specific issues related to these communications. In addition to these activities, the Committee had also decided to prepare an informal publication on its procedural requirements. At its fifth meeting (23-24 September 2004), the Committee was expected to consider responses from the Parties regarding the communications from the public and to discuss a submission by a Party on alleged non-compliance of another Party (Romania on Ukraine), which was received on 14 June 2004. The Bureau took note of the information presented by the secretariat on the activities and the preparations for the forthcoming meeting of the Compliance Committee. In particular, it felt that the proposed informal publication could be useful and, in due course, should be made available in the three official languages.

g) The secretariat presented the outcome of the 1<sup>st</sup> meeting of the **Expert Group on Public Participation in International Forums (3-4 June 2004)**. The expert group had discussed the main substantive issues within the topic and had reached agreement, subject to the approval of the Bureau, on the next steps in the process. These included holding a second meeting on 9-11 November 2004. In order to prepare for that meeting, it was proposed that the Chairman, with the assistance of a small drafting group, would prepare a draft of possible guidelines for discussion. The drafting group,

comprising representatives of governments, inter-governmental and regional organisations, NGOs and academia, would meet in late September.

The Bureau thanked the expert group, its Chairman and the secretariat for their work and agreed upon the next steps proposed by the expert group. It urged that the draft guidelines prepared by the drafting group be circulated as soon as possible after the drafting group meeting to allow time for members of the expert group to provide written comments. The Working Group of the Parties would not discuss the draft text at its third meeting, only the general issues and the report of the first meeting of the expert group which the Chairman would be invited to present as an official document. The draft guidelines as agreed at the second meeting of the expert group would be discussed by the Working Group of the Parties at its fourth meeting (1-4 February 2005).

The Bureau agreed that the experts invited to the first meeting of the expert group should also be invited to the second meeting, even those who had not been able to attend. In addition, it agreed that Jerzy Jendroska (Vice-Chair of Bureau, Poland) and Edith Brown-Weiss (Chair of World Bank Inspection Panel) should be invited. Regarding a request from the Bureau of the Espoo Convention for its members to be invited to participate, it was agreed that, having in mind the need to limit the overall size of the group and to maintain a balanced composition, just one person from each of the conventions and the CEP would be invited to participate, and that this may be either someone from the Bureau or from the secretariat. Members of other Bureaux might also wish to co-ordinate with or take part in their government's delegation attending the meetings of the Working Group of the Parties, in particular its fourth meeting where a first draft of possible guidelines would be discussed for the first time at the intergovernmental level. The secretariat was asked to inform the secretaries to the ECE environmental conventions and the CEP of this decision.

The Bureau agreed that in the invitation to the second meeting of the expert group, the fact that the meeting would be entirely in English should be emphasized. The issue of availability of financial support for eligible participants in the expert and drafting groups was also discussed. The Bureau agreed that, in the context of limited availability of funding, priority should be given to experts who substantively contributed to the process e.g. by providing comments in writing, and requested the secretariat to target resources accordingly.

h) The secretariat reported on the third meeting of the **Task Force on Electronic Information Tools (1-2 July 2004)**. The Bureau took note of the developments within the Task Force, notably the next steps proposed, the proposed elements for the future work programme and the agreement on the text of draft recommendations on the use of electronic tools. It proposed that the elements for future work be combined with the draft recommendations, in the form of a draft decision for consideration by the Working Group of the Parties.

i) The secretariat informed the Bureau of the latest developments in the implementation of **capacity-building activities**, in particular the project on preparation of national profiles implemented in co-operation with UNITAR. National planning workshops had been conducted in two of the three pilot countries (Kyrgyzstan and Tajikistan). The secretariat also informed the Bureau of other

capacity-building activities, including the participation in two EECCA workshops dealing with capacity building on PRTRs and electronic information tools sponsored by UNECE and UNEP, respectively. A follow-up inter-agency meeting was being planned for the autumn, possibly back-to-back with the third meeting of the Working Group of the Parties. Ms Tatyana Shakirova reported on recent capacity-building activities in Central Asia. Ms Federica Rolle reported on a recent meeting of the Partnership for Principle 10 (PP10) group.

j) The secretariat presented the **Aarhus Clearing House** and informed the Bureau that this web-based information tool had been officially launched. The Bureau encouraged all interested parties to contribute information to the clearing house and asked the secretariat to present it to the Working Group of the Parties at its next meeting. The Bureau agreed that the Working Group of the Parties should be invited to review the progress in establishment and support the development of the Convention's clearing-house mechanism, in particular in relation to the establishment and maintenance of national nodes and active involvement of national contact points for the clearing-house.

k) With respect to **global and regional developments on Principle 10 issues**, the secretariat informed the Bureau of a proposal to organise one global and a series of regional conferences on this topic prepared and submitted to donors for funding by **UNEP** in co-operation with UNECE. It had been agreed that the second meeting of the Parties to the Convention could serve as a regional conference for the UNECE region if the global conference went ahead. The input from these meetings would be reported to the UNEP Governing Council in 2007.

The Chairman reported on the **1<sup>st</sup> European round table of regional and local ombudsmen**, organised by the **Council of Europe (Barcelona, 2-3 July 2004)**. The event focused on the contribution of regional and local ombudsmen to the exercise of the right to environment. In this context, he had drawn the attention of the participants to the relevance of the Aarhus Convention for regional and local authorities and the potential role of ombudsmen in the implementation of art. 9.

The secretariat also informed the Bureau that a **side event on PRTR** had been organised during the **Fourth Ministerial Conference on Environment and Health (Budapest, Hungary, 23-25 June 2004)**.

l) The Chairman informed the Bureau of the outcome of the **4<sup>th</sup> Joint Bureau Meeting**, held on 7 June 2004 in Geneva. The impact of EU enlargement, the issue of funding for various UNECE environmental conventions and the general review of UNECE activities had been discussed. Since the outcome of this review may affect the level of resources available to the Convention from the UNECE core budget, this issue would be raised at the third meeting of the Working Group of the Parties.

m) The Chairman informed the Bureau of correspondence with the United Nations Office of Legal Affairs on the issue of the Convention's **logo**. The OLA maintained its position that the Aarhus Convention bodies were not United Nations bodies and therefore were not allowed to use any distinctive parts of the UN logo (e.g. olive branches) in the Convention logo. The Chairman informed the Bureau of his intention to report on this correspondence to the Working Group of the Parties and request what

steps, if any, should be taken to resolve this issue. Meanwhile, the secretariat was redesigning the logo without the olive branches.

n) Regarding the **provisional agenda** for the second meeting of the Working Group of the Parties, the Bureau approved a draft prepared by the secretariat.

o) The Chair, in his capacity as Chair of the **Task Force on Access to Justice**, informed the Bureau that the lead country had prepared and distributed a questionnaire on the criteria for standing in preparation for the third meeting of the Task Force. Comments will also be requested on elements of a draft decision containing recommendations on this topic. The Russian and French-speaking delegates had expressed concerns regarding the non-provision of official interpretation for the third meeting of the Task Force. In order to address these concerns, the Bureau mandated the secretariat to request a formal exception with regard to official interpretation for that meeting. The Bureau felt that absence of interpretation would seriously impact the ability of the delegates that had relied on interpretation during the previous two meetings of the Task Force to influence the outcome of its work.

p) The secretariat presented the progress in the development of an online reporting format that, in addition to facilitating the implementation of decision I/8 on the **reporting requirements**, would also provide an online mechanism for public consultation in the course of the preparation of national implementation reports. It also informed the Bureau of a possibility that the national reports would be translated and released as official documents for the second meeting of the Parties. However, this would mean that certain constraints in terms of length of reports would need to be taken into account.

The Bureau thanked the secretariat for this work but had some concerns about the secretariat's offer to provide a system for online commenting by the public, inter alia on the grounds that it might be seen by some Parties as relieving them of any further obligation to consult with the public. It therefore proposed to proceed with the development of this tool in two stages. During the first reporting cycle, the online reporting mechanism would be made available to Parties, Signatories and other States and they would be encouraged to use it to submit their national reports. Should the Working Group of the Parties agree, software for online public consultation could also be made available on an experimental basis during the first reporting cycle for those Parties and other States wishing to use it on their national Aarhus websites or, possibly, via a URL linked to the UNECE server. It was also suggested that the template developed by the secretariat could be made available to the national focal points to be adapted and used in the subsequent reporting cycles.

It was agreed that the secretariat should notify the national focal points of the availability of the online reporting facility and issue of length of reports. The secretariat was mandated to prepare recommended limits on the number of words for each answer in the reporting format.

The issue of alternative reports, which had been discussed at the second meeting of the Working Group of the Parties, was also considered. The Bureau agreed that no

further clarification on this issue was needed at this stage and decided to leave it to the Working Group of the Parties to decide if a draft decision on reporting, addressing this issue and the issue of an online reporting format incorporating public consultation, should be prepared for the second meeting of the Parties.

q) The Chairman informed the Bureau of the invitation to organise a joint workshop on **public participation in strategic decision-making**, which had been sent to the Chairs of the Meeting of the Parties of the Espoo Convention and the Meeting of the Signatories to the SEA Protocol. Although no official response had been received before the Bureau meeting, there was an indication that the response would be positive. The Bureau briefly discussed the timeframe for the workshop, and its preliminary view was that it should take place in the second half of 2005.

r) The Chairman proposed that the Bureau should review and send comments electronically to the secretariat regarding a draft decision on the **work programme for 2006-2008** and a discussion paper on the **long-term strategic planning for the Convention**.

s) Tatyana Shakirova (Kazakhstan) informed the Bureau on the progress in preparations for the **second ordinary meeting of the Parties**. The Ministry for Environmental Protection had initiated discussions and approached potential donors in order to raise funding for the logistical aspects of the meeting. The secretariat presented a revised version of the agenda and a brief discussion paper on the structure and content of the high-level segment. The Bureau thanked the Government of Kazakhstan for undertaking these preparations and asked the secretariat to finalise the draft agenda for the meeting for consideration by the Working Group of the Parties taking into account a number of changes agreed by the Bureau, notably that the issue of the special needs of the countries in transition should be given emphasis in the agenda item on capacity building and in the first part of the high-level panel discussions.

The Bureau requested the secretariat to look into the possibility of inviting the United Nations Secretary-General to give a keynote address at the beginning of the high-level segment and to chair the panel discussion on global developments on Principle 10 issues. It also agreed that information on credentials and registration should be made available to the Working Group of the Parties.

The Bureau discussed the possibility of organising webcasting of the meeting and asked the secretariat to liaise with the secretariats of other conventions (eg UNFCCC) which had already acquired significant experience in this area in order to assess its costs and effectiveness.

With respect to the expected level of participation of NGOs at the meeting, Mr John Hontelez (ECO Forum) said that while planning was at an early stage, their aim was to achieve at least the same level of presence as at the first meeting of the Parties in Lucca, subject to availability of funds. Ms Tatyana Shakirova said that CAREC was ready to co-operate with European EcoForum with respect to organising NGO participation and was working on a proposal to facilitate participation of NGOs from Central Asia at the meeting.

## **6. Calendar of meetings 2004-2005**

The secretariat circulated a provisional calendar of meetings for 2004 and 2005 (see website), on the understanding that any scheduling of meetings of working groups and task forces beyond the second meeting of the Parties could only be tentative.

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

The Bureau agreed to have an informal dinner meeting on the evening of 31 October 2004 to address any final preparations for the third meeting of the Working Group of the Parties. If necessary, an official meeting would be scheduled in November, before the deadline for submission of official documents for the fourth meeting of the Working Group of the Parties.