

TWENTY-FIRST MEETING OF THE BUREAU OF THE MEETING OF THE PARTIES TO THE AARHUS CONVENTION

Palais des Nations, Geneva

30 March 2009

Attendance:

Bureau members: Mr. Jan Dusik (Czech Republic, Chair) supported by Mr. Tomas Kazmierski and Mr. Lukas Pokorny (Czech Republic), Zanita Mikosa (Latvia, Vice-Chair), Mr. Gavrosh Zela (Albania), Mr. Ivan Narkevitch (Belarus), Ms. Emmanuelle Swynghedauw (France), Ms. Loredana Dall’Ora (Italy).

NGO Observer: Mr. John Hontelez (European Environmental Bureau representing European ECO Forum) supported by Mr. Michael Ewing (An Taisce, Ireland/ European ECO Forum).

Apologies: Ms. Maud Istasse (Belgium).

Also attending: Mr. Nicu Vrednic (Republic of Moldova), Mr. Veit Koester (Denmark, Chair of the Compliance Committee), Mr. Etienne Ballan (France, Chair of the Task Force on Public Participation in International Forums), Mr. Philip Kearney (Ireland, Chair-designate of the Expert Group on Public Participation).

I. Adoption of agenda

The Chair presented the provisional agenda, which was then adopted.

II. Relevant developments

The secretariat reported on the recent development of draft guidelines on access to information, public participation and access to justice in environmental matters under the auspices of the United Nations Environment Programme (UNEP), including the preparation of a draft decision on the proposed guidelines for adoption by the UNEP Governing Council. The secretariat also reported on its attendance at the twenty-fifth session of the UNEP Governing Council in Nairobi in February 2009 at which the draft guidelines were discussed. At that meeting, it had been decided that further work needed to be done on the draft guidelines and it was agreed to postpone the adoption to the Special Session of the Governing Council in 2010.

The secretariat also reported on its attendance of the following meetings:

- OSCE Aarhus Centres meeting (Vienna, 22-23 January 2009)
- Aarhus University conference on climate change “Beyond Kyoto” (Aarhus, 5-7 March 2009)
- International PRTR Coordinating Group meeting (Paris, 10 March 2009)
- 12th meeting of the OECD Task Force on PRTR (Paris, 11–13 March 2009)
- Judiciary training organized by the French National Academy of Magistrates (Paris, France, 26-27 March 2009).

The Bureau took note of this information.

III. Status of ratification

The secretariat reported on the status of ratification of the Convention, the amendment to the Convention and the Protocol on Pollutant Release and Transfer Registers. There were 42 Parties to the [Convention](#), 13 Parties to the [Protocol](#) on Pollutant Release and Transfer Registers (PRTRs) and 19 Parties to the [amendment](#) on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMOs).

Since the last Bureau meeting there had been three new ratifications of the GMO amendment, by Italy (17/12/2008), the Netherlands (23/02/2009) and Poland (23 March 2009), and one new ratification of the PRTR Protocol by Lithuania (05/03/2009). The Protocol was 4 ratifications short of the number needed for entry into force.

The Bureau took note of this information.

IV. Follow-up from the third meeting of the Parties (MOP-3)

1. MoP-3 documentation

The secretariat reported that since the last Bureau meeting, UN Conference Services in New York had approved the format in which the MOP-3 documentation would be published. The documentation was thus expected to be on the website in all three languages shortly.

The Bureau took note of this information.

2. Interpretation of article 14

The secretariat reported on its communications with the UN Office of Legal Affairs (UNOLA) concerning the interpretation of article 14, as set out in Decision III/1. UNOLA had raised some questions concerning legal and practical aspects of the decision. It had been agreed that once the decision would be available in the three official languages, it would be officially communicated to the United Nations Legal Counsel.

The Bureau took note of this information.

3. PRTRs, including preparation of the first session of the Meeting of the Parties to the PRTR Protocol

The Chair reported on behalf of the Czech Republic that his Government was exploring the possibility of hosting the first session of the Meeting of the Parties to the Protocol on PRTRs (PRTR MOPP-1). A decision would be made in the near future. He further reported on a discussion held on 25 March 2009 with the Chair of Working Group on PRTRs, Michel Amand (Belgium), with respect to preparations for PRTR MOPP-1. Mr. Amand had expressed support for holding MOPP-1 in 2010 and had reported that Spain had also expressed interest in hosting the PRTR MOP.

The secretariat reported on progress regarding the development of a draft declaration for MOPP-1. The PRTR Bureau had been mandated by the Working Group on PRTRs to prepare and circulate electronically a draft declaration for review by the Working Group by 30 June 2009, and had also received a mandate to circulate a questionnaire on technical assistance needs at MOPP-1. The Working Group on PRTRs had also mandated the identification of external sources of funding for technical assistance, through the framework programme for PRTR capacity-building.

The Bureau took note of this information.

4. Genetically modified organisms (GMOs)

The secretariat reported on relevant developments in the area of genetically modified organisms, including the preparation of a workshop in the context of the fifth meeting of the COP/MOP of the Cartagena Protocol on Biosafety, scheduled to take place in Nagoya, Japan from 11 to 15 October 2010.

The Bureau took note of this information.

5. Electronic information tools and the clearinghouse mechanism

The secretariat reported on the seventh meeting of the Task Force on Electronic Information Tools (EIT) (Geneva, 11-12 December 2008). At its third session, the Meeting of the Parties had broadened the mandate of the Task Force to include work on the application of electronic information tools to support all three pillars of the Convention. The Task Force had started work on a questionnaire on implementation of recommendations from the decisions on EIT adopted in Almaty and Riga (ECE/MP.PP/2005/2/Add.4 and ECE/MP.PP/2008/2/Add.4). The Task Force had also expressed its support for the use of the Clearinghouse as a database for jurisprudence relating to the Convention, which would also include the findings of the Compliance Committee. The secretariat also reported on the development of an online database for information on implementation of the Protocol on PRTRs, and further reported on the preparations for the eighth meeting of the Task Force on Electronic Information Tools, scheduled to take place on 5-6 October 2009, and a workshop on EIT likely to take place in Tirana, Albania back-to-back with the Task Force meeting.¹

The Bureau took note of this information.

6. Public participation

The secretariat reported on the developments regarding the Expert Group on Public Participation (PPEG), as was mandated by the Meeting of the Parties at its third session. The lead country, Ireland, had designated Mr. Philip Kearney to serve as Chair of the PPEG, who had indicated a preference for having the first meeting of the PPEG take place in Geneva on 7 July 2009, back-to-back with the eleventh meeting of the Working Group of the Parties (WGP-11), which was scheduled for 8-10 July 2009 at the Palais des Nations, Geneva.

¹ It was subsequently decided to postpone these meetings to early 2010.

The Chair-designate of the PPEG then presented a document containing draft terms of reference for a Task Force on Public Participation, which he had drafted on behalf of the lead country in consultation with the secretariat for discussion by the Bureau. The document would be submitted to the UN documentation service at the end of April, in order for it to be translated in time for the first meeting of the PPEG and WGP-11.

The Chair invited the Bureau members to comment on these developments and on the draft terms of reference. The Bureau and Chair-designate of the PPEG agreed that the ownership of the document would stay with the Chair-designate on behalf of the lead country, and the Bureau members would send further comments to the secretariat electronically. The Chair-designate of the PPEG would then finalise the document with the assistance of the secretariat and taking into account the Bureau's comments. The paper would thereupon be circulated to the PPEG and to the Parties and other stakeholders for comments before the meetings in July. At its first meeting the PPEG would comment on the paper and forward its comments to the WGP. The Bureau and Chair-designate of the PPEG discussed the timetable for carrying the process forward, including the possible holding of an extraordinary meeting of the Parties in order to adopt terms of reference for a Public Participation Task Force, as discussed at its previous meeting.

7. Access to justice

The Chair reported on the Czech Republic's preparations for a workshop on access to justice, scheduled to be held in Brno, Czech Republic, from 16-17 April 2009. The workshop was intended for judges, legal professionals and public administration officials from EU countries working with environmental law. Among other things, the workshop would focus on the European Commission's shelved proposal for a new EU Directive on access to justice. A summary of the meeting would be produced for the Bureau.

The secretariat reported on the outcome of the a workshop for senior judges from the SEE region, which took place on 17-18 November 2008 in Tirana, Albania, and on preparations for the next meeting of the Task Force on Access to Justice, likely to take place in the fall of 2009.

The Bureau took note of this information.

8. Public participation in international forums

The secretariat reported on preparations for the fourth meeting of the Task Force on Public Participation in International Forums (PPIF). The new Chair of the Task Force, Mr. Etienne Ballan, in consultation with the secretariat, proposed to hold a one-day task force meeting on 6 July 2009, back-to-back with the first meeting of the Expert Group on Public Participation (7 July 2009) and WGP-11 (8-10 July 2009). Mr. Ballan introduced himself to the Bureau as a public participation practitioner with experience at different levels, and reported on his discussions with the secretariat on the preparations for the meeting in July. He noted that the mandate given to the Task Force at MOP-3 included assisting Parties to improve PPIF, in which he saw a transition from focusing on international forums to working on improving capacities of Parties.

The Bureau agreed to invite Parties and other stakeholders to designate experts to participate in the Task Force, specifying its hope that experts would include participants with specific expertise on the topic.

9. Reporting requirements, including national reports on implementation

The secretariat presented a discussion paper on options for addressing various problems for the secretariat with respect to workload and resource demands posed by the current system of national reporting on implementation. Through decision III/5, the Meeting of the Parties had requested the WGP to review the matter in the context of a general review of the reporting system (ECE/MP.PP/2008/2/Add.7, paras. 20-21).

The Chair invited the Bureau members to discuss the issues raised in the document. Bureau members expressed a preference for not shifting the reporting cycle, in order to ensure up to date information. One observer noted the importance of making the reports available in Russian. The Bureau requested the secretariat to revise the paper in consultation with the Chair, so as to include more information on the costs of the various options and how these were calculated. The document would then be submitted to the Working Group of the Parties for consideration at its eleventh meeting.

The secretariat also presented a draft of a new supplementary reporting format for national reports on implementation, containing reporting requirements regarding implementation of the amendment to the Convention. Through decision III/5, para. 15, the Working Group had been mandated to revise the reporting format to accommodate information on the implementation of the amendment to the Convention, in time for the additional information to be incorporated in the implementation reports prepared for the fourth meeting of the Parties.

The Chair invited the Bureau members to comment on the draft. Some Bureau members proposed revisions to the draft, upon which the Bureau agreed to follow up with the secretariat electronically. The secretariat would then finalise the draft and submit it to the Working Group of the Parties for consideration at its eleventh meeting.

10. Compliance mechanism

The Chair of the Compliance Committee, Prof. Veit Koester, reported on certain important recent developments concerning the Committee, notably concerning the follow-up to the MOP-3 decisions on compliance by individual parties. In particular, he reported on the follow-up to Decisions III/6e and f, through which the Meeting of the Parties had decided to issue a caution to the Governments of Turkmenistan and Ukraine, to become effective on 1 May 2009, unless these Governments would meet the conditions set out in the decisions and had notified the secretariat of this fact by 1 January 2009. As the Committee would only reach its conclusions with respect to these matters when it met in the days following the Bureau meeting, the Chair of the Committee discussed different hypothetical scenarios. He invited the Bureau's reaction to the idea that the Committee's decisions regarding the taking effect of the

cautions would be communicated to the respective countries through letters signed by the UNECE Executive Secretary, followed by a press release from UNECE.

The Chair of the Committee drew attention to the growing workload of the Committee, which had prompted the Committee's decision to extend the duration of its meetings from three to four days, noting that it was approaching its 40th case. He emphasized that in order for the Committee to be credible, it had to make solid findings and within reasonable timeframes, adding that an average of two years was the maximum and procedures should not take three to six years as with other bodies. Noting that if the workload would get even heavier this would pose a serious problem, since there was a limit to what could be asked of Committee members, and he suggested to provide more resources to the secretariat to alleviate the pressure on the Committee members.

The Bureau took note of this information and supported the idea that the letters informing the respective countries of the Committee's decisions regarding the cautions should be signed by the UNECE Executive Secretary. It requested the secretariat to look into possibilities of increasing the resources for support of the Compliance Committee.

11. Capacity building

The secretariat reported on its activities in the area of capacity building, noting that a paper on capacity building would be prepared as an input document for WGP-11, which would summarise the outcome of the last meeting of the capacity building coordination framework partners as well as the partners' activities. One of the outcomes of the last meeting was that a one day meeting did not provide enough time for discussion and the exchange of information, therefore the partners had agreed to hold two day meetings in the future.

The Chair invited the Bureau members to report on their own activities in the area of capacity building. The French representative reported on a training for the judiciary, which had been organized by the French National Academy of Magistrates in Paris, France, from 26 to 27 March 2009, in which the secretariat had participated.

The Bureau took note of this information.

12. Financial arrangements

The Bureau discussed principles for a new scheme of financial arrangements to support implementation of the Convention's work programme. The Bureau agreed that the Chair would draft a discussion paper on possible schemes of financial arrangements, after which the Bureau members would provide comments electronically.

13. Implementation of work programme during 2008, including financial report

The secretariat presented a draft report on implementation of the work programme during 2008, including the financial report. The Bureau took note of the draft report

and mandated the secretariat to finalise the document for submission to the Working Group of the Parties.

14. Work programme 2009-2011

The secretariat reported on implementation of the Work Programme 2009-2011, including the contributions for 2009 received to date. The Bureau took note of this information.

15. Updating of the Implementation Guide

The secretariat reported on progress made with respect to preparing an updated version of the Implementation Guide. One observer noted the importance of allowing the national focal points and the public enough time to comment on the second draft toward the end of the year, taking into account the winter holidays.

The Bureau requested the secretariat to send out a request for general comments on the existing guide before the summer, to get preliminary feedback on possible improvements to the guide and the scope of the updating process.

16. Preparation of a communications strategy

The secretariat presented a paper outlining a procedure for the development and adoption of a communications strategy for the Convention, as was mandated through Decision III/9 on the Work Programme 2009-2011 under Activity III (Awareness raising and promotion of the Convention and the Protocol on PRTRs).

The Chair invited the Bureau members to discuss the paper. One member noted the importance of taking national particularities and existing communications practices into account. The Bureau agreed to send comments on the paper to the secretariat electronically, after which the secretariat would revise the paper as necessary and submit it to the Working Group of the Parties.

V. Preparation of the eleventh meeting of the Working Group of the Parties (WGP-11)

Upon invitation by the Chair, the secretariat presented the draft agenda of the eleventh meeting of the Working Group of the Parties and reported on other preparations for the meeting. The Bureau reviewed and approved the draft and mandated the secretariat to submit the agenda to the Working Group.

VI. Preparation of the fourth meeting of the Parties (MOP-4)

The secretariat reported on preparations for MOP-4, outlining some preliminary points of attention. The Chair invited the representative of the Republic of Moldova attending the meeting to comment on the points mentioned and to report on any other relevant issues regarding the preparation of MOP-4.

The representative of the Republic of Moldova informed the Bureau of the selection of a location for MOP4, including the availability, price and capacity of respective

meeting rooms, and reported that the Republic of Moldova envisaged hosting the MOP in June or July 2011.

The Bureau took note of this information and agreed to continue discussions with the Republic of Moldova on the exact timing of the meeting, taking into account other major environmental events taking place in 2011, such as the seventh Environment for Europe Ministerial Conference and the fifth meeting of the Parties to the Espoo Convention.

VII. Interlinkages between Aarhus and other processes

The secretariat reported on relevant interlinkages between the Convention and other processes, including the possible scheduling of a joint Bureau meeting for the ECE environmental Conventions and work related to climate change.

The Bureau took note of this information.

VIII. Calendar of meetings, including next Bureau meeting

The secretariat presented the provisional calendar of meetings for 2009. The Chair invited the Bureau to discuss the scheduled meetings, as well as the scheduling of the next Bureau meeting.

The Bureau agreed to schedule the next Bureau meeting in the week of 6 to 10 July 2009, prior to the eleventh meeting of the Working Group of the Parties. It requested the secretariat to provide the relevant documentation one week before the Bureau meeting.

IX. Any other business

No issues were discussed under this agenda item.

X. Close of meeting

The Chair thanked the Bureau members for their participation and the secretariat for its support and closed the meeting.