

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

Palais des Nations, Geneva

20 November 2009

Attendance:

Bureau members: Mr. Jan Dusik (Czech Republic, Chair), Ms. Maud Istasse (Belgium, Vice-Chair), Mr. Gavrosh Zela (Albania), Mr. Ivan Narkevitch (Belarus), Ms. Loredana Dall'Ora (Italy).

NGO Observer: Mr. John Hontelez (European Environmental Bureau representing European ECO Forum).

Apologies: Ms. Zaneta Mikosa (Latvia, Vice-Chair), Ms. Emmanuelle Swynghedauw (France).

Also attending: Mr. Michel Amand (Belgium, Chair of the Working Group on Pollutant Release and Transfer Registers).

I. Adoption of agenda

The Chair presented the provisional agenda and suggested to add a new item 3 (I), 'genetically modified organisms', and a new item 'relevant developments' before item 9, 'calendar of meetings', after which the agenda was adopted.

II. 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 43 Parties to the [Convention](#), 23 Parties to the [Protocol](#) on Pollutant Release and Transfer Registers (PRTRs) and 25 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).¹

Since the last Bureau meeting there had been one new accession to the Convention, by Serbia (31/07/2009), three new ratifications of the GMO amendment, by Portugal (08/09/2009), Cyprus (07/10/2009) and Germany (20/10/2009), and seven new ratifications of the PRTR Protocol, by France (10/07/2009), Hungary (13/07/2009), the United Kingdom (31/07/2009), the Czech Republic (12/08/2009), Romania (26/08/2009), Spain (24/09/2009) and Portugal (08/10/2009).

The Protocol entered into force on 8 October 2009. A reception was held at the Palais des Nations to mark the occasion, hosted by the Danish Ambassador Ms. Marie-Louise Overvad, who spoke at the reception about the link between Pollutant Release

¹ In fact, Montenegro had acceded to the Convention on 2 November 2009, becoming the 44th Party, but this information was not available on the UN treaties website at the time of the Bureau meeting.

and Transfer Registers and climate change mitigation. The event was attended by Deputy Secretary-General Ms. Asha-Rose Migiro, who also addressed the participants about the issue of climate change and welcomed the entry into force of the PRTR Protocol.

With respect to the first session of the Meeting of the Parties to the Protocol (MOPP-1), the secretariat noted that a State would only become a Party to the Protocol 90 days after depositing its instrument of ratification. Signatories and other prospective Parties would need to be reminded about the date by which their instrument of ratification of the Protocol would need to be deposited, in order for that State to be a Party to the Protocol at the time of MOPP-1.

The Chair of the Working Group on PRTRs informed the Bureau that Slovenia was in the final stages of its ratification of the PRTR Protocol and that it had been reminded about the aforementioned 90-day period.

The secretariat further reported that in order for the amendment to enter into force, it needed seven more ratifications by States that were Parties at the time of adoption of the amendment. The Chair noted that it would be desirable to have the amendment enter into force before the next ordinary session of the Meeting of the Parties. The Bureau therefore mandated the Chair, with the assistance of the secretariat, to prepare and send a letter to the Parties encouraging them to ratify the amendment within the relevant timeframe.

III. Follow-up to the eleventh meeting of the Working Group of the Parties

1. Electronic information tools and the Clearinghouse mechanism

The secretariat reported on the preparations for the eighth meeting of the Task Force on Electronic Information Tools, scheduled to take place from 18-19 March 2010 in Tirana (Albania). Back-to-back with the Task Force meeting a workshop on electronic public participation was envisaged to be co-organized by the Task Force, the Expert Group on Public Participation and the REC, from 17-18 March 2010. The meeting would provide an opportunity to test out cutting-edge methods of remote participation, aimed at reducing the carbon footprint of the meeting. The secretariat had prepared a revised version of the questionnaire on implementation of decisions II/3 and III/2, incorporating the comments received. The revised questionnaire had been finalized and would be circulated to the Parties and Signatories by the end of 2009. Responses to the questionnaire would be reviewed by the Task Force at its eighth meeting.

The Bureau took note of this information.

2. Public participation

The secretariat reported on the status of the draft terms of reference for a Task Force on Public Participation. It had sought clarification from Sweden on behalf of the European Union on its statements made regarding the text during the eleventh meeting of the Working Group of the Parties. After the confirmation from Sweden

had been received, the text as agreed by the Working Group had been distributed to the Bureau. The Chair confirmed his support for the text and the Bureau requested the secretariat to make the text available on its website, including informal translations, pending the release of formal translations of the official document. It further agreed to propose the addition of a new operative paragraph in the text, welcoming the offer of the lead country to lead this work.

The Bureau also agreed to propose the election of the Chair of the future Task Force on Public Participation at the extraordinary session of the Meeting of the Parties that was envisaged to take place back-to-back with the first session of the Meeting of the Parties to the PRTR Protocol.

3. Access to Justice

The secretariat reported on the third meeting of the Task Force on Access to Justice (Geneva, 14-15 October 2009). Representatives from governments, non-governmental organizations, inter-governmental organizations, judicial training institutes and judicial institutions had attended the meeting, which had included a mini-conference on implementation of the Convention by domestic courts, with speakers from the Netherlands, the Republic of Moldova and the United Kingdom. The Task Force had discussed the development of a jurisprudence database, to which Parties and other stakeholders would be expected to submit summaries of case law from last instance courts. With respect to analytical studies, the Task Force had decided to prioritize studies on the issue of costs and financial arrangements (including litigation costs, legal aid and support for public interest lawyers) and the issue of remedies, including injunctive relief and the aspect of timing.

The Task Force had agreed that it would be useful to organize a sub-regional workshop in Central Asia during the next year. It had requested its Chair and the secretariat to contact national focal points in the region and agencies active in the field, such as the Organization for Security and Cooperation in Europe and the Council of Europe, to explore the possibilities for organizing such a workshop. The Task Force had also requested the secretariat to make contact with public interest lawyers' networks and investigate the possibility of organizing a seminar for public interest lawyers. The next meeting of the Task Force would take place from 25-27 October 2010.

The Chair reported that with regard to addressing problems with the implementation of the access to justice pillar, the Czech Parliament had passed legislation transposing the European Union directives on access to justice and environmental impact assessment. Since the president had refused to sign the legislation it would go back to the Parliament, which could start a procedure to overrule the president on the proposal.

The representative of Belarus reported on a joint project with Latvia and Lithuania on harmonization of their national legislation transposing European Union directives. He expressed his intention to include the topic of access to justice in the project, as well as problems encountered with respect to national Pollutant Release and Transfer Registers.

The Bureau took note of this information.

4. Public participation in international forums

The secretariat reported on the preparation of the fifth meeting of the Task Force on Public Participation in International Forums. A workshop for Parties to share experiences regarding implementation of article 3, paragraph 7 was envisaged to take place in conjunction with the meeting of the Task Force in early 2010. It was proposed to hold the meeting and the workshop in the first week of May 2010, due to the scheduling of the first session of the Meeting of the Parties and the extraordinary session of the Meeting of the Parties in April 2010. The Bureau took note of this information.

5. Reporting requirements, including national reports on implementation

The secretariat presented a supplementary note to the discussion paper on the national reporting mechanism that had been discussed by the Working Group at its eleventh meeting (ECE/MP.PP/WG.1/2009/6). Following the request made by the Working Group for further information about the costs, taking into account that only the partial translation of the national implementation reports would be required, the secretariat had made additional calculations regarding the costs of translation under the various options proposed in the paper.

The Bureau discussed the options described in the note and agreed to propose to the Working Group at its twelfth meeting to follow option A for the 2011 reporting cycle, namely producing the reports in the three languages but providing additional extrabudgetary funds to cover the costs. It also agreed to start preparations for a draft decision for consideration and adoption by the Meeting of the Parties at its fourth session, by which the earlier decision to produce the national implementation reports in the three official languages would be superseded, and through which the Meeting of the Parties would opt instead for the preparation of a synthesis report in the three official languages and informal translations of the reports into English for operational purposes.

6. Compliance mechanism

The secretariat reported on the 25th meeting of the Compliance Committee (Geneva, 22-25 September 2009), during which draft findings were adopted with respect to non-compliance by the Republic of Moldova in relation to access to information on contracts for rent of land of the Moldovan State Forestry Fund. The secretariat had had a separate informal meeting with Mr. Gheorghe Salaru, the new Minister of Environment of the Republic of Moldova, at his request, where the case had been discussed. The Committee had not found non-compliance in cases concerning Austria and Poland. The Committee had taken note of the information provided by the Government of Ukraine regarding various industrial activities by Romania in the Danube Delta area. The Ukrainian Mission in Geneva had clarified that the correspondence was not to be interpreted as a submission by a Party (pursuant to paragraph 15 of the annex to decision I/7).

The secretariat also reported on an allegation of a conflict of interest that had been made by the United Kingdom in the context of communications C/23, C/27 and C/33, all concerning the United Kingdom and the manner in which the Committee had dealt with it.

The secretariat further reported on the preparation of the 26th meeting of the Committee (Geneva, 15-18 December 2009), at which the Committee was expected to review the progress made by individual Parties, namely Albania, the Republic of Armenia, Lithuania, Turkmenistan and Ukraine, since the adoption of the decisions on compliance adopted by the Meeting of the Parties at its third session in June 2008. Albania, the Republic of Armenia, Turkmenistan and Ukraine were expected to report to the Committee by the end of November 2009. Lithuania had submitted an action plan, which the Committee was considering.

The Bureau took note of this information and requested the secretariat to provide a note on relevant developments relating to compliance for future Bureau meetings.

7. Capacity-building

The secretariat reported on the preparation of the sixth capacity-building coordination meeting, which was scheduled to take place in Geneva from 9-10 February 2010. A questionnaire on the activities of the capacity-building partners would be sent out in advance, so that the partners would be able to discuss the responses at the meeting.

The representative of the European ECO Forum reported that an online PRTR system had been set up for Kazakhstan by a number of non-governmental organizations in the country. The Bureau took note of this information.

8. Financial arrangements

The Bureau discussed the lack of progress with regard to achieving a stable and dependable scheme of financial arrangements over the past years, with a particular view to the increasing workload of the secretariat, especially regarding the compliance mechanism. It agreed to prepare a paper for discussion by the Working Group at its twelfth meeting, containing a draft decision for consideration and adoption by the Meeting of the Parties at its fourth session, and mandated the Chair, with the assistance of the secretariat, to prepare a draft for discussion at its next meeting. The draft decision would need to contain elements from the comments that had been received on the topic following the eleventh meeting of the Working Group.

9. Implementation of work programme during 2009, including financial status

The secretariat reported on the implementation of the Work Programme 2009-2011, including an overview of contributions and expenditures for 2009. The Bureau took note of this information.

10. Updating of the Implementation Guide

The secretariat reported on the preparation of the revised version of the Implementation Guide for the Convention, the timeline of which had been shifted due

to a delay in the approval of the contract of the short-term staff member recruited to coordinate the project. The Guide was envisaged to be ready for publication towards the end of 2010. The Bureau took note of this information.

11. Preparation of a communications strategy

The secretariat presented the nominations that had been received from Parties for the Expert Group on a Communications Strategy, according to the procedure agreed by the Working Group at its eleventh meeting. Six nominations had been received, from Belgium (Ms. Mieke Van de Velde), France (Mr. Jean-Marc Neuville), Georgia (Ms. Khatuna Gogaladze), Latvia (Ms. Dace Dravniece), Spain (Mr. Francisco Heras Hernández) and Tajikistan (Mr. Samir Nazurdinov).

The Bureau approved the nominations. It noted that the size of the Group was at the lower end of the desired range and that it could afford to be increased if further nominations of qualified individuals were submitted. It requested the secretariat to prepare the first meeting of the Expert Group and to send a notification about the meeting to the Parties, informing them that nominations for the Expert Group could still be made. Agreement on new nominations could be done electronically.

12. Genetically modified organisms (GMOs)

The secretariat reported on the comments it had received from national focal points and other stakeholders on suggested topics for the joint Aarhus/Cartagena workshop, to be held in Nagoya, Japan in October 2010. The secretariat requested the Bureau's guidance with regard to prioritizing the suggestions received. The Bureau proposed the following:

- It would be preferable to have participants who are practically working on the issues to be discussed. This should be taken into account when designing the agenda.
- There should be a focus on capacity building activities.
- There should not be too much time spent discussing issues of collaboration, which could better be discussed between the secretariats rather than in a workshop.
- The workshop should not be limited to one pillar only, but should not cover access to justice this time.
- The first day of the workshop could focus on the first two pillars of the Convention, and synergies could be discussed the second day.
- It would be useful to consider synergies between the two strategic plans.
- Regarding building synergies, the outcome of the workshop should set out concrete steps and a division of responsibilities.

The Bureau requested the secretariat to liaise with the secretariat of the Cartagena Protocol and to prepare a paper framing the priority topics for discussion at its next meeting.

IV. Preparation of the extraordinary session of the Meeting of the Parties (E-MOP), 19 April 2010

1. Scheduling of the E-MoP

It was agreed that if an E-MoP were to be convened, as envisaged in the draft terms of reference for the proposed Task Force on Public Participation, it should take place on Monday 19 April 2010.

2. Timing of Norway's anticipated request to hold an E-MOP and support from other Parties

The Bureau requested the secretariat to liaise with Norway about the timing of its anticipated request to convene an extraordinary session of the Meeting of the Parties, and with the EU Presidency about the support for the request of the EU Member States.

3. Provisional agenda

The Bureau considered that it would be useful to add the consideration of expressions of interest in acceding to Convention by non-ECE countries to the agenda for the E-MOP and requested the secretariat to liaise with Norway about this. The Bureau also requested the secretariat to prepare a discussion paper on this issue for consideration by the Meeting of the Parties at the proposed extraordinary session, once agreed.

4. Practical arrangements

The Bureau requested the secretariat to prepare a note explaining the necessary formalities for the E-MOP, including with respect to credentials, which was to be sent along with the invitations to the first session of the Meeting of the Parties to the PRTR Protocol (MOPP-1).

V. Preparation of the first session of the Meeting of the Parties to the PRTR Protocol (MOPP-1), 20-22 April 2010

1. Scheduling of meeting

The Bureau and the Chair of the Working Group on PRTR agreed that MoPP-1 should take place from 20 to 22 April 2010, concluding at lunchtime on the final day.

2. Nominations to the compliance committee

The secretariat presented a note prepared in consultation with the Chair of the Working Group on PRTR concerning the election of the Compliance Committee for the PRTR Protocol, in which it was proposed to opt for an election procedure based on procedure set out in the draft decision on review of compliance that had been prepared by the Working Group on PRTR for consideration by the Meeting of the Parties to the Protocol at its first session.

The Chair of the Working Group on PRTR requested the secretariat to remind the Parties to take due account of the recommendations for nominations by NGOs, with respect to the election of members of both the PRTR Compliance Committee and the PRTR Bureau.

The Bureau mandated the secretariat to facilitate the nomination procedure as proposed in the secretariat's note.

3. Draft declaration

The Chair of the Working Group on PRTR reported on the preparation of the draft MOPP-1 declaration. He would follow up with the secretariat on the finalization and submission of the draft text, in particular with regard to the requests that had been received to put parts of the text in brackets. The Bureau took note of this information.

4. Revision of the draft decision on work programme

The Chair of the Working Group on PRTR reported that the Bureau of that Working Group had been mandated to update the figures in the draft work programme for the PRTR Protocol and to extend the period of the work programme from three years to four. Having regard to the need to attract and retain sufficiently qualified staff, it was his intention that the draft would make provision for a P4 post for the position of Secretary to the Protocol. The Bureau took note of this information.

5. Draft provisional agenda

The Chair of the Working Group on PRTR presented his plans regarding the agenda for MOPP-1, including an envisaged session on interlinkages and synergies with other multilateral environmental agreements (MEAs) and a ceremony for the high-level segment of the meeting. The Bureau took note of this information.

6. Draft invitation

The Bureau requested the secretariat to finalize and send out the MOPP-1 invitations at the earliest opportunity.

7. High-level segment

The Chair of the Working Group on PRTR reported that the theme that had been provisionally identified for the high-level segment of MOPP-1 was the global development of PRTR, with guest speakers from selected possible future Parties to the Protocol being invited. The Bureau took note of this information.

8. Preparation of questionnaire on PRTR technical assistance needs for circulation at MOPP-1

The Bureau of the Working Group on PRTR had been mandated by the Working Group on PRTR to prepare a questionnaire on technical assistance needs for PRTR and circulate it at MOPP-1. The Chair of the Working Group on PRTR reported that

he would follow up with the secretariat on the preparation and circulation of the questionnaire. The Bureau took note of this information.

9. Meeting on strategic development of PRTRs to discuss organization of a global conference on PRTR in 2013.

The Chair of the Working Group on PRTR reported that it was proposed to organize an expert meeting back-to-back with MOPP-1 on capacity-building and strategic development with respect to PRTRs, inter alia to discuss the organization of a global conference on PRTR in 2013. The Bureau agreed to tentatively schedule the expert meeting on 22 April 2010 in the afternoon.

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

1. Agreements on preparations with Host Country, including date of meeting

The secretariat reported on its informal meeting with Mr. Gheorghe Salaru, the new Minister for the Environment of the Republic of Moldova, at which the preparations for MOP-4 had been discussed. The Minister had subsequently sent a letter to the secretariat confirming his support and commitment to hosting the meeting. The secretariat reported that it would liaise further with the Moldovan Ministry to prepare the formal Host Country Agreement (HCA), and that the Ministry had proposed the dates of 6-11 June 2011.

The Bureau provisionally agreed to hold MOP-4 from 6-11 June 2011 and requested the secretariat to further liaise with the Republic of Moldova on the planning of the meeting.

2. Themes, programme and agenda

The Bureau agreed to have a discussion on possible themes for MOP-4 at its next meeting.

VII. Google-UN partnership exploration workshop (New York, 19 November 2009)

The secretariat reported that a representative had attended a meeting organized by the Google Foundation the previous day to explore possibilities for partnerships between Google and the UN. Specifically, the intention was to explore the possibility of cooperation involving financial support from Google for activities promoting the Aarhus Convention and other UNECE instruments. The report of the meeting was awaited. Other funding avenues were also being explored. The Bureau took note of this information.

VIII. Personnel matters

The secretariat reported on the imminent departure of its long-standing staff member Mr. Michael Stanley-Jones, who had been selected for a post with the secretariat of the Rotterdam and Stockholm Conventions at UNEP. It also reported that Mr. Jeremy Wates, Secretary to the Convention, would submit a request for special leave for one year, starting from 1 June 2010.

The members of the Bureau and the Chair of the Working Group on Pollutant Release and Transfer Registers expressed their appreciation for the valuable work that had been done by Mr. Wates and Mr. Stanley-Jones. While welcoming the fact that Mr. Wates' departure would not occur before the high-level meetings in April 2010, they nonetheless expressed concern over the loss of leadership within the secretariat that would be caused by the departure of the two most senior officers. They agreed that the Chair of the Bureau would request a meeting with ECE senior management to relay the Bureau's concerns.

IX. Relevant developments

The Chair reported on the UNEP meeting on the Draft Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Nairobi, 12-13 November 2009). The Guidelines had been submitted for adoption at the twenty-fifth session of the Governing Council (February 2009), but the Governing Council did not adopt them, deciding that further work was needed. At the November meeting, agreement had been reached on the text and the content of a decision that would be submitted to the Governing Council for adoption at its next special session (Bali, early 2010). It remained to be seen whether further changes to the text would be requested in Bali when more governments would be present. The UNEP secretariat had expressed interest in exploring synergies between the guidelines and the Convention. The Chair further reported on the preparation of a side-event at the UNFCCC COP in Copenhagen, hosted by the Czech Republic, with the support of UNECE, UNFCCC and UNITAR, that was scheduled to take place on Monday 14 December 2009.

The secretariat, which had also been represented at the aforementioned UNEP meeting in Nairobi, reported that several non-ECE countries had expressed interest in acceding to the Convention at the meeting. The secretariat reported that in its capacity as secretariat to the International PRTR Coordinating Group, it was also supporting Armenia in the preparation of a side-event on PRTR at the UNFCCC COP in Copenhagen, scheduled to take place in the evening on 15 December 2009.

The Bureau took note of this information.

X. Calendar of meetings, including next Bureau meeting

The secretariat reminded the Bureau that at its eleventh meeting, the Working Group had agreed to convene its next meeting from 29 June to 2 July 2010, which would include a training session for NFPs and other concerned stakeholders to provide

detailed guidance on the preparation of national implementation reports, including on the use of the online system for reporting. The Bureau agreed to tentatively schedule the thirteenth meeting of the Working Group of the Parties in the period January-February 2011, which would be the final stand-alone WGP meeting before MOP-4. It agreed to hold the next Bureau meeting on Friday 26 March 2010.

XI. Any other business

No issues were discussed under this item.

XII. Close of meeting

The Chair thanked the Bureau members and the Chair of the Working Group on PRTR for their participation and the secretariat for its support and closed the meeting.