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### Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

#### Fourth session

Chisinau, 29 June–1 July 2011

## Report of the fourth session of the Meeting of the Parties

### Addendum

### Chisinau Declaration and decisions adopted by the Meeting of the Parties

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## **Chisinau Declaration**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

### **Rio plus Aarhus — 20 years on: bearing fruit and looking forward**

1. We, the Ministers and heads of delegation from Parties and Signatories to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), together with representatives of other States, international, regional and non-governmental organizations, parliamentarians and other representatives of civil society throughout the United Nations Economic Commission for Europe region and beyond, gathered at the fourth session of the Meeting of the Parties, are convinced that environmental rights and democracy are essential elements of good governance and informed decision-making and a prerequisite for achieving the objective of sustainable development. Since the adoption of the Rio Declaration in 1992, and continuing through the 2002 World Summit on Sustainable Development, we have seen a continued reinforcement of environmental democracy, including the adoption of the Aarhus Convention, its Protocol on Pollutant Release and Transfer Registers, as well as the United Nations Environment Programme Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters, which reflect the Aarhus principles at the global level.

2. The Convention has strongly contributed to putting Principle 10 of the Rio Declaration into practice and has proved an effective tool for promoting public participation in environmental decision-making and access to information and justice in environmental matters. It will continue to do so through, among other things, the compliance mechanism — a special instrument in the sense that it can be triggered directly by the public; the active and continuous participation of civil society representatives through all its processes; an effective clearinghouse mechanism, which showcases information on laws and practices throughout the UNECE region relevant to public rights; and the capability to address many sectoral environmental matters. We recognize there are still considerable obstacles to overcome in order to achieve a full and balanced application of Principle 10 in the Aarhus family. We remain committed to work for the full implementation of the Convention.

3. Openness, transparency, a wide participatory approach and accountability are key principles and objectives of the Aarhus Convention. Through the promotion of these principles in international environmental decision-making processes, the principles of the Aarhus Convention can be directly applied to the United Nations Conference on Sustainable Development (Rio+20) process. We underline the importance of promoting these principles in international forums and of continuing to promote them in the preparations for Rio+20 in 2012.

4. Worldwide, social, economic and environmental challenges are becoming increasingly complex and interrelated. This fact should not discourage the public from involvement in decision-making. Governments must provide the necessary stimulus, tools, information and assistance to enable transparent decision-making processes in order to ensure informed, balanced and effective public participation. Making decisions and

decision-making processes fully accountable to the public whom they should serve should become essential and not only procedural.

## **I. Aarhus and the green economy**

5. The will and action of Governments and intergovernmental bodies to properly reflect public concerns should be matched by commitment and action from all stakeholders, including the wider business community, in order to achieve sustainable development. In this regard, corporate social and environmental responsibility, transparency and accountability could help to achieve this goal. Clear action should be further promoted among the wider business community.

6. The recent economic crisis and recovery programmes can provide both an incentive and an opportunity to take a more sustainable path. Innovation and technological progress can contribute to reducing our ecological footprint, but by themselves they will not lead to sustainability and a better quality of life. There has been progress in recognizing the economic benefits of sustainability as well as the potential opportunities it presents for society as a whole, including enterprise. The economic and social value of the environment and environmental impacts of today's actions should be fully reflected in all decisions at policy, strategic and project levels, particularly in the light of increasing pressure on resources for rapid global economic development and population growth. The social dimension of sustainable development — which includes key elements such as poverty eradication, employment, social inclusion, corporate responsibility and gender equality — is also closely linked to public participation in decision-making.

7. Similarly to the greening of the economy, public participation in decision-making is not a self-standing objective, but rather an instrument for achieving the sustainability and well-being of society. We consider that, in line with Principle 10, citizens should be invited to participate in defining and implementing green economy programmes and in choosing the most appropriate road maps to sustainability.

## **II. Aarhus and environmental governance**

8. Achieving good environmental decision-making at the national level is closely related to environmental governance at the global level. In this regard, we consider that the preparations for Rio+20 and its deliberations should serve as a model of how to implement Principle 10 of the Rio Declaration, with a high level of public participation, including a wide range of stakeholders being given an opportunity to present their visions for a sustainable future and to influence decision-making.

9. While the last two decades have witnessed the adoption or upgrading of a range of important multilateral environmental instruments, including the Aarhus Convention itself, the efficiency of international governance on environmental matters could still be significantly improved. The environmental part of international policies remains arguably the weakest of the three pillars of sustainable development.

10. Improved coordination, effectiveness and a synergistic implementation of multilateral environmental instruments must continue to be a priority. The Aarhus Convention provides an opportunity in this regard, through its engagement with other multilateral agreements, as has been the case already through work on the promotion of public participation in international forums and the regular exchange of information on activities among convention secretariats. Joint workshops, such as with the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, are also good examples of how Aarhus and other international conventions have succeeded in working together.

11. It is vital that the public has effective channels for input into international environmental processes as well as input at the national level. The process of deciding on priorities, mandates and financial contributions for the range of international agendas, by no means limited to environmental policy, should not only be more efficiently coordinated, but also transparent, inclusive and accountable. When defining positions in relation to their international agenda, Governments should strive to reflect the views of the public on sustainable development.

12. We request the Participants in the Rio+20 Conference to take into account the Aarhus Convention principles in their consideration of the institutional framework for sustainable development, including the options for broader institutional reform identified in the United Nations Environment Programme's Nairobi-Helsinki Outcome, as a contribution to strengthening the institutional framework for sustainable development by improving international environmental governance.

### III. Looking ahead

13. We recognize there are still steps to be taken in order to achieve a full and balanced application of Principle 10 in the Aarhus family. Both on a global scale, by further introducing the Aarhus Principles in other environmental conventions, as well as within our Convention, the planned in-depth evaluation of the functioning of the Convention will help us in further improving its implementation, thus strengthening our contribution to putting Principle 10 into practice.

14. We are aware that we owe it to future generations to minimize the depletion of environmental resources that should remain available to them. The children and youth of today are watching our steps, which will determine the quality of life for them and their children. We have a duty to serve by example in making the right choices.

15. We consider that our work in implementing the Aarhus Convention is paving the way for a universal application of Principle 10. While recognizing that there are different ways to implement that principle, we offer to share our experience with all countries that wish to join the Aarhus family, to replicate its achievements or to be inspired by this most ambitious venture in environmental democracy undertaken under the auspices of the United Nations. In this regard, we draw their attention to the procedure for accession. We stand ready to contribute to the success and outcomes of Rio+20.

1 July 2011

## Decision IV/1 on access to information

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Recalling* the provisions of articles 4 and 5 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Recalling also* its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism, as well as objectives I.7 and III.2 of the Strategic Plan 2009–2014 as adopted through decision III/8,

1. *Recognizes* the need to continue strengthening implementation of the first pillar of the Convention so as to provide effective public access to environmental information and actively disseminate it to the public;
2. *Notes with appreciation* the work undertaken by the Task Force on Electronic Information Tools established pursuant to decisions I/6, II/3 and III/2;
3. *Expresses its gratitude* to the United Kingdom of Great Britain and Northern Ireland for its leadership of the Task Force since the second session of the Meeting of the Parties;
4. *Welcomes* initiatives by Parties, Signatories and other stakeholders to improve public accessibility of environmental information and to promote more effective implementation of articles 4 and 5 of the Convention;
5. *Invites* Parties, Signatories and other stakeholders in a position to do so to continue strengthening implementation of the information pillar of the Convention at the national level and to make resources available for this purpose;
6. *Also welcomes* the further development of the Aarhus Clearinghouse for Environmental Democracy and the application of the recommendations in decision II/3 to promote the wider use of electronic information tools as an effective instrument for the implementation of the Convention's provisions, and *calls on* Parties and Signatories to continue implementing these recommendations;
7. *Agrees* to extend the scope of the work undertaken thus far in order to address certain areas of the Strategic Plan that were not previously covered by the mandate of the Task Force on Electronic Information Tools;
8. *Decides* therefore to change the name of the Task Force on Electronic Information Tools to the Task Force on Access to Information, under the authority of the Working Group of the Parties;
9. *Welcomes* the offer of the Republic of Moldova to lead the Task Force on Access to Information;
10. *Invites* Parties, Signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the work of the Task Force on Access to Information;
11. *Requests* the Task Force on Access to Information, subject to the availability of resources, to:
  - (a) Promote the exchange of information, experiences, challenges and good practices concerning public access to environmental information, including with regard to products and the promotion of the accessibility of environmental information held by the private sector;
  - (b) Identify capacity-building needs, barriers and solutions with respect to public access to environmental information, including with regard to product information and the accessibility of environmental information held by the private sector, taking into account issues identified through the reporting and compliance mechanisms and the relevant objectives of the Strategic Plan 2009–2014;
  - (c) Identify regional and subregional priorities for further work based on the results achieved under the auspices of the previous Task Force, and the work undertaken in the areas outlined in subparagraphs (a) and (b) above;
  - (d) Continue to monitor and support the implementation of the recommendations in decision II/3 and to promote approaches to and standards for providing public access to

environmental information that are tailored to meet requirements of users from diverse geographical areas and at different levels of governance;

(e) Continue monitoring technical developments, and, where appropriate, contribute to other initiatives relevant to access to environmental information, including electronic information access, electronic public participation in decision-making and electronic access to justice in environmental matters;

(f) Continue contributing to further development of the Aarhus Clearinghouse for Environmental Democracy and PRTR.net;

12. *Entrusts* the secretariat, subject to the availability of resources, to participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings; to support the maintenance and further development of the clearinghouse mechanism; and to promote electronic information tools at the regional level through maintaining online databases (e.g., for jurisprudence, national implementation reports and case studies on public participation at the national level and in international forums) and through an interactive online version of the updated Implementation Guide.

## **Decision IV/2 on promoting effective access to justice**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Recalling* the provisions of article 9 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Recalling also* the eighth and ninth preambular paragraphs of the Convention,

*Recalling further* its decisions I/5, II/2 and III/3 on promoting effective access to justice and objective III.6 of the Strategic Plan 2009–2014 as adopted through decision III/8,

1. *Recognizes* the difficulties in promoting the third pillar of the Convention and the need to further support activities to enhance effective access to justice;

2. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice;

3. *Expresses its gratitude* to Sweden for its leadership of the Task Force;

4. *Welcomes* capacity-building initiatives by Parties, Signatories and international organizations aimed at promoting more effective implementation of article 9 of the Convention;

5. *Expresses its appreciation* to the Parties, Signatories and other stakeholders that contributed material for the jurisprudence portal concerning the Convention, and *encourages* Parties, Signatories and other stakeholders, including judges, legal professionals and academics to use the portal and to further contribute to its expansion and improvement;

6. *Stresses* the significant role of national and international associations of judges and other legal professionals, and in particular of judicial training institutions, as well as the substantial role of public interest lawyers and non-governmental organizations with regard to information exchange and capacity-building;

7. *Prompts* Governments to stimulate increased information exchange among and to build capacity on access to justice for public officials from different ministries and agencies responsible, inter alia, for national policies on environment, justice and education;

8. *Recognizes* the value of involving representatives of each of the aforementioned stakeholders, including in particular representatives of ministries of justice, in the activities on access to justice;

9. *Notes*, in this regard, that synergies with institutions with strong profiles on access to justice should be implemented through involving them in the Convention's relevant activities. In particular, this could include:

(a) Encouraging the involvement of the national ministries responsible for justice affairs in activities under the Convention;

(b) Supporting a dynamic network of judicial training institutions, and taking advantage of existing such networks, including the promotion of exchange programmes for members of the judiciary aiming at exchanging information on the implementation of the Convention and other training and brainstorming activities among judicial training institutions;

(c) Strengthening the bonds between the bodies under the Convention and the Convention secretariat with other agencies active in the area, and alignment of activities on access to justice, to the extent possible;

10. *Invites* therefore Parties, Signatories and international and national organizations to cooperate and avoid duplication of activities in information exchange, the organization of training events and other capacity-building activities for the judiciary and other legal professionals at the national and international level;

11. *Agrees* that the work should aim at removing barriers to access to justice and providing recommendations on how to ensure effective access to justice;

12. *Decides* to extend in time the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, Signatories and other stakeholders;

13. *Requests* the Task Force, subject to availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention (article 9), on the issues identified in objective III/6 of the Strategic Plan 2009–2014, such as criteria for standing, the extension of the range of members of the public having access to administrative and judicial procedures (with particular focus on access by environmental non-governmental organizations), and the removal of financial and other barriers and the establishment of assistance mechanisms, considering also and following up on the outcomes and recommendations of the analytical studies on the issue of costs and financial arrangements (including litigation costs, legal aid and support for public interest lawyers) and on the issue of remedies (including timeliness and injunctive relief);

(b) To systematically collect the above information and prepare studies, where appropriate, with the objective of identifying gaps in and providing recommendations for enhanced implementation on access to justice;

14. *Entrusts* the secretariat, subject to availability of resources, to undertake the following work:

- (a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings related to access to justice;
- (b) To develop training materials, in cooperation with the Task Force, as appropriate, to promote awareness-raising and training for legal professionals, especially members of judiciary bodies and public interest lawyers;
- (c) To expand, in cooperation with the Task Force, the portal for the exchange of jurisprudence concerning the Convention;
15. *Invites* therefore the Parties, Signatories and international and other organizations to allocate funds for the activities of the Task Force at all levels;
16. *Welcomes* the offer of Sweden to continue to lead the work of the Task Force.

### **Decision IV/3 on promoting the application of the principles of the Convention in international forums**

#### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Recalling* article 3, paragraph 7, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which requires each Party to promote the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment,

*Recalling also* its decisions II/4 and III/4 on promoting the principles of the Convention in international forums,

1. *Notes with appreciation* the work undertaken by the Task Force on Public Participation in International Forums;
2. *Expresses its gratitude* to France for its leadership of the Task Force;
3. *Reiterates its commitment* to continue to apply the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in international forums (contained in decision II/4) within the activities and subsidiary bodies established under the Convention;
4. *Considers* that significant work still remains to be done to implement article 3, paragraph 7, of the Convention and that the principal focus of work on this issue in the next intersessional period should continue to be to encourage Parties to do so;
5. *Notes* the importance of increasing understanding of the challenges faced, and the good practices employed, by international forums with respect to public participation, through further exchanges of experience between the Convention and international forums;
6. *Agrees* that the future work in this area will take into consideration the relevant activities undertaken by Parties, Signatories, the secretariat and other stakeholders;
7. *Decides* to continue the work on promoting the application of the principles of the Convention in international forums under the authority of the Working Group of the Parties;

8. *Agrees* that the Working Group of the Parties, through, inter alia, thematic sessions, shall oversee progress and challenges encountered in implementing article 3, paragraph 7, of the Convention by Parties, Signatories and other stakeholders to promote the application of the principles of the Convention in international forums and provide a forum for capacity-building;

9. *Calls on* Parties and Signatories to:

(a) Coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines;

(b) Provide access to information and enable public participation at the national level regarding international forums;

(c) Promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums;

10. *Encourages* individual Parties to explore innovative ways to promote public participation in international forums at the national and international levels, including learning centres and twinning activities between two or more individual Parties, to evaluate those practices' effectiveness, and to share their evaluations with other Parties;

11. *Also encourages* collaborative activities by groups of Parties to promote the Almaty Guidelines and the principles of the Convention in international forums whose practices do not presently reflect the Guidelines or the principles of the Convention;

12. *Requests* the secretariat, subject to availability of resources, to undertake the following:

(a) To provide advisory assistance to interested international forums, as appropriate;

(b) To expand the electronic compendium of case studies on promoting public participation in international forums and to inform the Working Group of the Parties on new practices developed in such forums;

(c) To continue outreach to interested international forums in a focused way, e.g., through trainings, workshops, learning centres or other platforms, and by inviting representatives of interested international forums to attend meetings of the Convention bodies, and to report to the Meeting of the Parties and the Working Group of the Parties about needs for future work;

13. *Invites* therefore Parties, Signatories and international and other organizations to allocate funds for the activities on promoting the application of the principles of the Convention in international forums at all levels;

14. *Welcomes* the offer of France to continue to lead the work on promoting the application of the principles of the Convention in international forums.

## Decision IV/4 on reporting requirements

### Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session

*The Meeting of the Parties,*

*Recalling* its decisions I/8, II/10 and III/5 on reporting requirements,

*Recalling also* the mandate of the Compliance Committee set out in paragraph 13 (c) of the annex to decision I/7 on review of compliance,

*Having considered* the reports submitted by Parties and the synthesis report prepared by the secretariat pursuant to paragraphs 1 to 5 of decision I/8 (ECE/MP.PP/2011/7),

*Having also considered* the report of the Compliance Committee and its addenda (ECE/MP.PP/2011/11 and Add.1–3),

*Considering* that the reporting procedure as set out in decisions I/8, II/10 and III/5 should continue to apply for the next reporting cycle, subject only to the changes set out in paragraph 12 below,

1. *Notes with appreciation* the implementation reports submitted by more than three quarters of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters pursuant to paragraphs 1 to 4 of decision I/8;

2. *Welcomes* the synthesis report prepared by the secretariat pursuant to paragraph 5 of decision I/8;

3. *Considers* that these reports provide a valuable overview of the status of implementation of the Convention, as well as significant trends and challenges, which will help to guide future activities;

#### Timely submission of reports

4. *Notes with concern* that many Parties that submitted reports did not do so within the deadline indicated in decision II/10;

5. *Reiterates its encouragement* of Parties to start the preparation of national implementation reports in future reporting cycles sufficiently in advance of, and at the latest five months before, the deadline for submission of the reports to the secretariat set out in decision II/10, with a view to ensuring meaningful public consultation on the reports at the national level;

#### Failure to submit reports

6. *Notes with regret* that Luxembourg, Malta, Montenegro, Portugal, Tajikistan and the former Yugoslav Republic of Macedonia, all of which were Parties to the Convention at the time of the deadline for submission of the implementation reports, failed to submit reports;

7. *Calls upon* each of those Parties to submit its national implementation report to the secretariat by 20 September 2011, for subsequent consideration, inter alia, by the Compliance Committee;

### **Public consultation**

8. *Welcomes* the fact that most Parties prepared their reports through a process involving consultations with various governmental agencies as well as civil society;

9. *Encourages* Parties to ensure transparency and public consultation during the process of the preparation and submission of the reports;

### **Length of reports**

10. *Recalls* its request to Parties to prepare their reports within a length limit of 13,000 words, including the section headings drawn from the reporting format, and to allocate a proportionate level of detail to each item;

### **Reporting format**

11. *Endorses* the revised reporting format as set out in the annex to this decision, so as to incorporate reporting on the implementation of articles 3.7 and 6 bis and the follow-up regarding possible specific cases of non-compliance, and requests Parties to use the revised format in future reporting cycles;

### **Guidance on reporting requirements**

12. *Invites* Parties, in subsequent reporting cycles, to continue following the guidance on reporting requirements prepared by the Compliance Committee (ECE/MP.PP/WG.1/2007/L.4);

13. *Requests* the secretariat to circulate to all Parties and relevant stakeholders a formal reminder of the reporting requirements, including guidance on the preparation of the reports as well as the proposed timing and confirmation of the date for the submission of the reports, to the secretariat in accordance with decision II/10, paragraph 9, at least one year in advance of the next session of the Meeting of the Parties;

### **Translation of the reports**

14. *Decides* to discontinue processing the reports as official documents in the three official languages of the United Nations Economic Commission for Europe (UNECE), and *requests* the secretariat to make the reports available in the languages in which they are submitted, and to make the synthesis report available in the three UNECE official languages;

15. *Encourages* Parties that are in a position to do so to provide voluntary translations of the reports in the other two UNECE languages. Those Parties who do so are invited to provide the translations at the latest one month after the original submission deadline;

16. *Requests* the secretariat to make any unofficial translations of the reports available online.

**Annex****Format for the Aarhus Convention implementation report**

**The following report is submitted on behalf of \_\_\_\_\_ [name of the Party or the Signatory] in accordance with decisions I/8 and II/10**

---

Name of officer responsible for submitting the national report:

Signature:

Date:

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**Implementation report**

**Please provide the following details on the origin of this report**

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**Party:****National Focal Point:**

Full name of the institution:

Name and title of officer:

Postal address:

Telephone:

Fax:

E-mail:

**Contact officer for national report (if different):**

Full name of the institution:

Name and title of officer:

Postal address:

Telephone:

Fax:

E-mail:

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**I. Process by which the report has been prepared**

*Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.*

Answer:

## II. Particular circumstances relevant for understanding the report

*Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).*

Answer:

## III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

**List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.**

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:
  - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
  - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
  - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
  - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

*Answer:*

#### **IV. Obstacles encountered in the implementation of article 3**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

*Answer:*

#### **V. Further information on the practical application of the general provisions of article 3**

*Provide further information on the **practical application of the general provisions of article 3**.*

*Answer:*

#### **VI. Website addresses relevant to the implementation of article 3**

*Give relevant website addresses, if available:*

#### **VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4**

**List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.**

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) Any person may have access to information without having to state an interest;
  - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
  - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
  - (i) Provide for exemptions from requests;
  - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

### VIII. Obstacles encountered in the implementation of article 4

*Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.*

Answer:

### IX. Further information on the practical application of the provisions of article 4

*Provide further information on the practical application of the provisions on access to information in article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer:

## X. Website addresses relevant to the implementation of article 4

*Give relevant website addresses, if available:*

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## XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

**List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.**

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) Public authorities possess and update environmental information;
  - (ii) There is an adequate flow of information to public authorities;
  - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;
- (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in **paragraph 7**;
- (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

*Answer:*

**XII. Obstacles encountered in the implementation of article 5**

*Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.*

Answer:

**XIII. Further information on the practical application of the provisions of article 5**

*Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g., are there any statistics available on the information published?*

Answer:

**XIV. Website addresses relevant to the implementation of article 5**

*Give relevant website addresses, if available:*

**XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6**

**List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.**

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
  - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;

- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
- (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
- (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;
- (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

*Answer:*

## **XVI. Obstacles encountered in the implementation of article 6**

*Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.*

*Answer:*

## **XVII. Further information on the practical application of the provisions of article 6**

*Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on*

*decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer:

**XVIII. Website addresses relevant to the implementation of article 6**

*Give relevant website addresses, if available:*

**XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7**

*List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

Answer:

**XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7**

*Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.*

Answer:

**XXI. Obstacles encountered in the implementation of article 7**

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

**XXII. Further information on the practical application of the provisions of article 7**

*Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.*

Answer:

**XXIII. Website addresses relevant to the implementation of article 7**

*Give relevant website addresses, if available:*

**XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8**

*Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

Answer:

**XXV. Obstacles encountered in the implementation of article 8**

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

**XXVI. Further information on the practical application of the provisions of article 8**

*Provide further information on the practical application of the provisions on public participation in the field covered by article 8.*

Answer:

**XXVII. Website addresses relevant to the implementation of article 8**

*Give relevant website addresses, if available:*

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**XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9**

**List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.**

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
  - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
  - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
  - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
  - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

*Answer:*

**XXIX. Obstacles encountered in the implementation of article 9**

*Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.*

Answer:

**XXX. Further information on the practical application of the provisions of article 9**

*Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

**XXXI. Website addresses relevant to the implementation of article 9**

*Give relevant website addresses, if available:*

**Articles 10-22 are not for national implementation.**

**XXXII. General comments on the Convention's objective**

*If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.*

Answer:

**XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

**Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:**

- (a) With respect to **paragraph 1 of article 6 bis** and:

- (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
- (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
- (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
- (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
- (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
- a. The nature of possible decisions;
  - b. The public authority responsible for making the decision;
  - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
  - d. An indication of the public authority from which relevant information can be obtained;
  - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
- (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
- (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
- (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;
- (b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

*Answer:*

**XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer:

**XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis**

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer:

**XXXVI. Website addresses relevant to the implementation of article 6 bis**

*Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:*

Answer:

**XXXVII. Follow-up on issues of compliance**

*If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.*

Please include cross-references to the respective sections, as appropriate.

Answer:

## **Decision IV/5 on accession to the Convention by non-United Nations Economic Commission for Europe member States**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Recalling* article 19, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which provides the possibility for States from outside the United Nations Economic Commission for Europe (UNECE) region to become Parties to the Convention upon approval by the Meeting of the Parties,

*Recalling also* that over the years the Parties to the Convention have expressed their support for accession to the Convention by States from outside the region, especially through paragraphs 32 and 33 of the Lucca Declaration, decision II/9 and objective II.4 of the Strategic Plan 2009–2014,

1. *Reiterates* that approval of the Meeting of the Parties, as provided for in paragraph 3, article 19, of the Convention should not be interpreted as implying a substantive review by the Meeting of the Parties of that State's national legal system and administrative practices;

2. *Notes*, however, that the minimum legal and other appropriate measures required to implement the Convention should be in place, so as to ensure that the State concerned is in a position to comply with its obligations at the time of the entry into force of the Convention for that State;

3. *Encourages* States outside the UNECE region to accede to the Convention and *welcomes* any expression of interest to do so;

4. *Decides* that the procedural steps for approval of accession by non-UNECE States shall be those set out in the following paragraphs:

(a) The non-UNECE State concerned, through the head of its competent authority, including, inter alia, its ministry responsible for environmental matters or for foreign affairs or another duly authorized representative, shall notify the Convention secretariat in writing of its interest in acceding to the Convention;

(b) The Convention secretariat:

(i) Shall inform the Bureau, the Working Group of the Parties and the Meeting of the Parties about the notification received and about any relevant information as it deems necessary;

(ii) Shall maintain regular communication, in oral and written form, as appropriate, with the State concerned in relation to the State's progress towards accession;

(iii) Shall provide advisory support to the State concerned, if requested and as appropriate, subject to availability of resources; and

(iv) Shall report to the Bureau and the Working Group of the Parties on such communication and advisory support on a regular basis;

(c) Upon completion of the internal decision-making process, the State concerned, through the ministry responsible for foreign affairs, shall submit its formal

written expression of intention to accede to the Convention to the Meeting of the Parties, through the Executive Secretary of UNECE, at least eight months in advance of the next session of the Meeting of the Parties. This written expression should be accompanied by a description of activities already undertaken or planned to be undertaken by the State concerned relating to the accession to the Convention and to the implementation of its provisions;

(d) The secretariat shall prepare a note reflecting the information provided by the State concerned for consideration by the Working Group of the Parties;

(e) The Meeting of the Parties, at its next session, in the presence of the representative of the State concerned, shall consider the expression of intention to accede to the Convention and decide whether to give approval to the State concerned to accede to the Convention.

## **Decision IV/6 on the work programme for 2012–2014**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Recalling* its decision I/11 on the procedures for the preparation, adoption and monitoring of work programmes,

*Having regard to* the Strategic Plan of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted through decision III/8, and to the scheme of financial arrangements adopted through decision IV/7,

1. *Adopts* the work programme for 2012–2014 as set out in annex I to this decision, containing the estimated costs of each decision adopted by the Meeting of the Parties to the Convention at its fourth session;

2. *Agrees upon* the indicative allocation of resources and the resulting estimated costs set out in annexes I and II, subject to annual review and, as appropriate, revision by the Working Group of the Parties on the basis of annual reports provided by the secretariat pursuant to paragraph 6 of decision IV/7 on financial arrangements;

3. *Encourages Parties* to endeavour to ensure that the funding of the activities of the work programme remains stable throughout the period 2012–2014;

4. *Also encourages Parties*, insofar as possible, and subject to the internal budgetary procedures of the Parties, to contribute to the Convention's trust fund for a given calendar year by the end of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the work programme for 2012–2014;

5. *Reiterates* its commitment to implementing the Almaty guidelines on promoting the principles of the Convention in international forums, through all activities of the work programme, as relevant;

6. *Decides* to give general priority<sup>1</sup> to issues related to compliance and implementation, including capacity-building;
7. *Also decides* to give particular priority to the following substantive issues:
  - (a) Access to justice;
  - (b) Public participation;
  - (c) Access to information;
8. *Calls on* the Parties, and invites Signatories, other States and relevant intergovernmental, regional and non-governmental organizations, to contribute actively to the activities contained in the work programme;
9. *Requests* the secretariat, taking into consideration the results of the implementation of the Strategic Plan 2009–2014 and the Work Programme 2012–2014, to prepare a draft work programme for the intersessional period following the fifth session of the Meeting of the Parties, including a detailed breakdown of estimated costs, for consideration and further elaboration by the Bureau and the Working Group of the Parties, at the latest three months before the fifth session of the Meeting of the Parties, with a view to possible adoption at that meeting;
10. *Further requests* the secretariat to ensure that an estimated costing for each draft decision finalized by the Working Group of the Parties during the intersessional period is properly reflected in the draft work programme for 2015–2017, in due time for the preparation of the fifth session of the Meeting of the Parties, in order to enable Parties to better prioritize activities and allocate sufficient financial resources in the budget to take them forward.

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<sup>1</sup> The primary function of the prioritization indicated in paragraphs 6 and 7, apart from explaining and reflecting the proposed allocation of resources in the annexes, is to provide guidance in situations in which there is a significant discrepancy between the actual income and the estimated financial requirement. If there is a significant shortfall in resources, then savings need to be made, and the prioritization provides guidance as to where those savings should be made. If there are surplus resources that are not earmarked, then the prioritization provides guidance as to how that surplus may be used. If the resources available closely match the estimated requirements set out in the annexes, the resources can simply be applied as indicated therein, i.e., there is no need for any further exercise of prioritization.

## Annex I

### Work programme for 2012–2014

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/objectives/activities of the Strategic Plan 2009–2014</i>
I. Compliance mechanism	Monitor and facilitate the implementation of and compliance with the Convention.	Compliance Committee	Compliance Committee to review submissions, referrals and communications on cases of possible non-compliance, prepare decisions and reports and undertake fact-finding missions; secretariat to publicize the mechanism, continue contributing to database of cases and service the Committee.	<b>244 750</b>	General: I.1, 2, 3, 5, 6, 13, 16; III.1 Specific: I.14
II. Capacity-building activities	Coordination of capacity-building activities to assist countries in the effective implementation of the Convention; implementation of capacity-building measures at the subregional level.	Secretariat, in close cooperation with other relevant stakeholders	Annual inter-agency coordination meetings; training workshops and technical assistance, mostly separately funded under other substantive work areas; capacity-building activities at national level are expected to be funded by partners.	<b>60 083</b>	General: I.1, 2, 3, 5, 6, 13, 16; III.1 Specific: I.7, 9–13; III.5, 6

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/objectives/activities of the Strategic Plan 2009–2014</i>
III. Awareness-raising and promotion of the Convention, including through the communication strategy and promotion of the principles of the Convention in international forums	<p>Raise public awareness of the Convention throughout the United Nations Economic Commission for Europe (UNECE) region and beyond, increase the number of Parties to the Convention, support regional and global initiatives on principle 10 of the Rio Declaration on Environment and Development.</p> <p>Activities should be carried out in synergy with the relevant activities of the work programme of the Protocol on Pollutant Release and Transfer Registers.</p>	<p>Secretariat Bureau of the Meeting of the Parties Working Group of the Parties</p>	<p>Participation in key regional and international events and processes; use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, e.g., the European Neighbourhood policy; support to relevant events organized by others; missions to countries organized at the request of host Governments; implementation of a communication strategy; website management; preparation of leaflets, publications, news bulletins, articles and other materials, including a promotion package on the Convention in six United Nations languages.</p>	<b>123 833</b>	<p>General: I.1, 2, 3, 5, 6, 13, 16; III.1</p> <p>Specific: I.4, 13; II.1, 4, 5</p>
IV. Access to information	<p>Widening the range of information made available to the public, including product information; exchange of information and best practices in promoting the accessibility of environmental information held by the private sector; implementation of recommendations on the use of electronic information tools; policy and guidance for the Aarhus Clearinghouse; monitor technical developments in information and communication technology (ICT).</p> <p>Use the Aarhus Clearinghouse to facilitate the collection, dissemination and exchange of</p>	<p>Task Force on Access to Information Secretariat, enlisting technical support as necessary</p>	<p>Task Force meetings back to back with regional workshops dedicated to the exchange of information and best practices in promoting the accessibility of environmental information held by the private sector; trainings on online reporting systems; participation in other relevant regional initiatives as appropriate; pilot projects and capacity-building activities at subregional and national level are expected to be funded by partners.</p> <p>Central management of the Aarhus Clearinghouse; provision of advice to and coordination of national and information nodes of the clearinghouse mechanism; information sharing and promotion of electronic tools through maintaining online databases for</p>	<b>124 083</b>	<p>General: I.1, 2, 3, 5, 6, 13, 16; III.1</p> <p>Specific: I.4, 7, 8, 9; III.2, 5</p>

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/objectives/activities of the Strategic Plan 2009–2014</i>
	information related to the national implementation of the Convention and relevant global and regional developments on principle 10 of the Rio Declaration.		jurisprudence and national implementation reports, and through making available online case studies on (a) public participation at the national level; (b) public participation in international forums; and (c) developing an interactive online version of the updated Implementation Guide.		
V. Public participation	Coordinate information-sharing, including through the collection of case studies on implementation of articles 6, 7 and 8 of the Convention; identify common difficulties in implementation and the main obstacles to effective public participation at the regional, subregional and national levels with respect to improving implementation of the Convention's provisions on public participation in decision-making; prepare draft recommendations on improving implementation, including with a focus on thematic areas; make progress towards the achievement of the relevant objectives and the related indicative activities in focal area III of the Strategic Plan 2009–2014, notably objectives III.3, III.4, III.5 and III.7.	Task Force on Public Participation in Decision-making Secretariat	Task Force meetings; workshops; collection of case studies and information on obstacles to implementation through the above mechanisms; commissioning of studies as appropriate; preparation of recommendations, in accordance with the workplan prepared by the Task Force and approved by the Working Group of the Parties (ECE/MP.PP/WG.1/2011/5, annex I; ECE/MP.PP/WG.1/2011/2, para. 16).  Explore synergies and possibilities for cooperation with relevant bodies under the Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment; the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes; and the <i>Association Nationale des Commissions Locales d'Information des activités nucléaires</i> (ANCLI).	<b>105 500</b>	General: I.1, 2, 3, 5, 6, 13, 16; III.1  Specific: I.4, 9, 12, 15; III.3, 4, 5, 7

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/objectives/activities of the Strategic Plan 2009–2014</i>
VI. Access to justice	Implementation of recommendations adopted at the second and third sessions of the Meeting of the Parties; exchange of information on good practices; raising awareness of the access to justice provisions of the Convention and building capacity among key groups of stakeholders, such as the judiciary and other legal professionals.	Task Force on Access to Justice  Secretariat, enlisting expert support as necessary	Task Force meetings; subregional capacity-building workshop, using the materials produced by the Task Force; strengthen cooperation with existing networks of judges and other legal professionals; development of analytical and training materials; case-study collection and examination.	<b>137 334</b>	General: I.1, 2, 3, 5, 6, 13, 16; III.1  Specific: I.4, 10, 11; III.6
VII. Genetically modified organisms (GMOs)	Support the implementation of the Convention in this area and the application of the Guidelines on genetically modified organisms, inter alia, by promoting exchange of information on good practices; promote the entry into force of the amendment to the Convention adopted through decision II/1.	Secretariat, in close cooperation with other stakeholders	Use of the Aarhus Clearinghouse to facilitate exchange of information on good practices; expert workshop; cooperation with the relevant bodies under the Cartagena Protocol on Biosafety.	<b>43 584</b>	General: I.1, 2, 3, 5, 6, 13, 16; III.1  Specific: II.3

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/objectives/activities of the Strategic Plan 2009–2014</i>
VIII. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	Further the application of the principles of the Convention throughout all activities under the Convention, as appropriate, and in the context of the work of relevant international bodies and processes, inter alia, through the promotion of recommendations on electronic information tools and guidelines on public participation in international forums and monitoring of their implementation.	Secretariat  Bureau of the Meeting of the Parties  Working Group of the Parties	Meetings of the Working Group of the Parties to oversee progress in promoting the application of the principles of the Convention in international forums and to address challenges encountered in the implementation of article 3, paragraph 7 of the Convention; participation in relevant international forums; joint activities with other treaties and multilateral processes.	<b>30 250</b>	General: I.1, 2, 3, 5, 6, 13, 16; III.1  Specific: II.6, 7; III.7
IX. In-depth evaluation	Prepare an in-depth evaluation of the current functioning and implementation of the Convention, in particular its Task Forces.	Secretariat, in close cooperation with the Task Forces, through their Chairs  Bureau of the Meeting of the Parties  Compliance Committee and Working Group of the Parties	The assessment should consider the functioning and implementation of the Convention, e.g., whether the different Task Forces have fulfilled their mandate. It will look at what further work is necessary and how it can best be achieved in order to improve implementation in the future. The Bureau, with the assistance of the secretariat, shall make a proposal for terms of reference to be used for the evaluation, to be agreed by the Working Group of the Parties at its fifteenth meeting. The evaluation should be conducted in accordance with the agreed terms of reference and its results reported to the Working Group at its sixteenth meeting. The results and recommendations of the evaluation should be considered in the process of preparation of draft decisions, including the Strategic Plan 2015–2020, to be adopted at the fifth session of the Meeting of the Parties.		

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/ objectives/activities of the Strategic Plan 2009–2014</i>
X. Coordination and oversight of intersessional activities	Coordination and oversight of the activities under the Convention.  Preparation of substantive documents for the fifth session of the Meeting of the Parties (e.g., drafting the future work programme and Strategic Plan 2015–2020 and reviewing the implementation of the work programme for 2012–2014 and the Strategic Plan 2009–2014, taking into account the results of the in-depth evaluation of the current functioning of the Convention).	Working Group of the Parties  Bureau of the Meeting of the Parties	Working Group meetings, meetings of the Bureau and consultations among Bureau members electronically.	<b>40 000</b>	Focal areas I–III
XI. Fifth ordinary session of the Meeting of the Parties	See article 10 of the Convention.	Meeting of the Parties	Meetings of the Parties.	<b>152 916</b>	Focal areas I–III

<i>Activity</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal US\$</i>	<i>Relevant focal area/ objectives/activities of the Strategic Plan 2009–2014</i>
XII. Reporting mechanism	Production of national implementation reports and synthesis report.	Secretariat, enlisting expert and administrative support as necessary  Compliance Committee	Preparation and processing of national implementation reports.  Analysis of reports and preparation of synthesis report.  Adjustment of guidance on reporting requirements as needed.	<b>43 333</b>	Focal area I
XIII. Horizontal support areas	Overall support that covers multiple substantive areas of the work programme.	Secretariat	Secretarial support, staff training, equipment.	<b>129 000</b>	Focal areas I-III
<b>Total</b>				<b>1 234 666</b>	
Programme support costs (13%)				<b>160 507</b>	
<b>Grand total</b>				<b>1 395 173</b>	

**Annex II**  
**Estimated costs of the activities proposed in the work programme for 2012–2014 to be covered from sources other than the United Nations regular budget<sup>(a)</sup>**

Activity	Description	Estimated costs in US\$ per year <sup>(b)</sup>				Notes
		2012	2013	2014	2012–2014, average per year	
<i>I. Compliance mechanism</i>						
Staff time	Professional support, two P-3 staff: one at 65 and one at 20 per cent of full-time capacity	114 750	114 750	114 750	114 750	<sup>(c)</sup>
Travel, daily subsistence allowance (DSA) (Experts/participants)	Committee members, other participants (four meetings of Compliance Committee per year)	70 000	70 000	70 000	70 000	
Travel, DSA (Staff)	Expert missions	10 000	10 000	10 000	10 000	
Subcontracts	Consultancy (translation outside United Nations, expert advice)	50 000	50 000	50 000	50 000	
<b>Subtotal</b>		<b>244 750</b>	<b>244 750</b>	<b>244 750</b>	<b>244 750</b>	
<i>II. Capacity-building activities</i>						
Staff time	Professional support, two P-3 staff, one at 15 and one at 10 per cent of full-time capacity	33 750	33 750	33 750	33 750	<sup>(c)</sup>
Travel, DSA (Experts/participants)	Eligible participants (annual meeting of capacity-building partners)	5 000	5 000	5 000	5 000	
Travel, DSA (Staff)	Workshops, seminars, trainings	8 000	8 000	8 000	8 000	
Subcontracts	Consultancy (capacity-building activities, materials, studies)	10 000	20 000	10 000	13 333	
<b>Subtotal</b>		<b>56 750</b>	<b>66 750</b>	<b>56 750</b>	<b>60 083</b>	
<i>III. Awareness-raising and promotion of the Convention</i>						
Staff time	Professional support, three P-3 staff: one at 20 and two at 5 per cent of full-time capacity	40 500	40 500	40 500	40 500	<sup>(c)</sup>
Travel, DSA (Experts)	Participation in events and country missions to promote the Convention	25 000	25 000	25 000	25 000	

Activity	Description	Estimated costs in US\$ per year <sup>(b)</sup>				Notes
		2012	2013	2014	2012–2014, average per year	
Travel, DSA (Staff)	Travel, DSA for participation at relevant events where no other funding is available	25 000	25 000	25 000	25 000	
Subcontracts	Consultancy (publications, promotion materials)	50 000	25 000	25 000	33 333 <sup>(e)</sup>	
<b>Subtotal</b>		<b>140 500</b>	<b>115 500</b>	<b>115 500</b>	<b>123 833</b>	
<i>IV. Access to information</i>						
Staff time	Professional support: one P–3 staff at 45 per cent of full-time capacity	60 750	60 750	60 750	60 750 <sup>(c)</sup>	
Travel, DSA (Experts/Participants)	Eligible participants (two events: Task Force meetings back to back with regional workshops)	25 000	25 000	5 000	18 333	
Travel, DSA (Staff)	Travel, DSA	5 000	5 000	5 000	5 000	
Subcontracts	Consultancy (technical assistance for maintenance and upgrading; training of national experts; collection and examination of electronic information tools case studies; populating jurisprudence database; national implementation reports; public participation and public participation in international forums databases)	40 000	40 000	40 000	40 000	
<b>Subtotal</b>		<b>130 750</b>	<b>130 750</b>	<b>110 750</b>	<b>124 083</b>	
<i>V. Public Participation</i>						
Staff time	Professional support: one P–3 at 30 per cent of full-time capacity	40 500	40 500	40 500	40 500 <sup>(c)</sup>	
Travel, DSA (Experts/Participants)	Eligible participants (three events: Task Force meetings back to back with thematic workshops)	35 000	35 000	35 000	35 000	
Travel, DSA (Staff)	Travel, DSA	5 000	5 000	5 000	5 000	
Subcontracts	Consultancy (preparation of background materials, collection and examination of case studies)	35 000	25 000	15 000	25 000	
<b>Subtotal</b>		<b>115 500</b>	<b>105 500</b>	<b>95 500</b>	<b>105 500</b>	

Activity	Description	Estimated costs in US\$ per year <sup>(b)</sup>				Notes
		2012	2013	2014	2012–2014, average per year	
<i>VI. Access to Justice</i>						
Staff time	Professional support, two P–3 staff: one at 25 per cent and one at 15 per cent of full-time capacity	54 000	54 000	54 000	54 000	<sup>(c)</sup>
Travel, DSA (Experts/Participants)	Eligible participants (three events: Task Force meetings and subregional capacity-building workshop)	35 000	50 000	35 000	40 000	
Travel, DSA (Staff)	Expert missions	5 000	10 000	5 000	6 667	
Subcontracts	Consultancy (ongoing collection and examination of case studies)	30 000	50 000	30 000	36 667	
<b>Subtotal</b>		<b>124 000</b>	<b>164 000</b>	<b>124 000</b>	<b>137 334</b>	
<i>VII. Genetically modified organisms (GMOs)</i>						
Staff time	Professional support: one P–3 at 15 per cent of full-time capacity	20 250	20 250	20 250	20 250	<sup>(c)</sup>
Travel, DSA (Experts/Participants)	Eligible participants (Workshop)	0	35 000	0	11 667	
Travel, DSA (Staff)	Travel, DSA	5 000	5 000	5 000	5 000	
Subcontracts	Consultancy (expert studies)	5 000	10 000	5 000	6 667	
<b>Subtotal</b>		<b>30 250</b>	<b>70 250</b>	<b>30 250</b>	<b>43 584</b>	
<i>VIII. Promotion of Almaty guidelines and other interlinkages with relevant international bodies and processes</i>						
Staff time	Professional support: one P–3 at 15 per cent of full-time capacity	20 250	20 250	20 250	20 250	<sup>(c)</sup>
Subcontracts	Consultancy (expert studies)	10 000	10 000	10 000	10 000	
<b>Subtotal</b>		<b>30 250</b>	<b>30 250</b>	<b>30 250</b>	<b>30 250</b>	

Activity	Description	Estimated costs in US\$ per year <sup>(b)</sup>				Notes
		2012	2013	2014	2012–2014, average per year	
<i>IX. In-depth evaluation and</i>						
<i>X. Coordination and oversight of intersessional activities</i>						
Travel, DSA (Experts/Participants)	Eligible participants (Meetings of Working Group of the Parties, Bureau meetings)	40 000	40 000	40 000	40 000	
<b>Subtotal</b>		<b>40 000</b>	<b>40 000</b>	<b>40 000</b>	<b>40 000</b>	
<i>XI. Fifth ordinary session of the Meeting of the Parties</i>						
Staff time	Professional support, four P-3: one at 60 and three at 5 per cent of full-time capacity	101 250	101 250	101 250	101 250	<sup>(c)</sup>
Travel, DSA (Experts/Participants)	Eligible participants (fifth session of the Meeting of the Parties)	0	0	130 000	43 333	
Travel, DSA (Staff)	Travel, DSA for fifth session of the Meeting of the Parties	0	0	25 000	8 333	
<b>Subtotal</b>		<b>101 250</b>	<b>101 250</b>	<b>256 250</b>	<b>152 916</b>	
<i>XII. Reporting mechanism [sum may increase subject to decision on national implementation reports]</i>						
<sup>(f)</sup>						
Subcontracts	Consultancy (advice, processing of National Reports, Synthesis Report)	0	35 000	35 000	23 333	
Secretarial Support (G-5)	Assist processing of reports	0	20 000	40 000	20 000	<sup>(g)</sup>
<b>Subtotal</b>		<b>0</b>	<b>55 000</b>	<b>75 000</b>	<b>43 333</b>	
<i>XIII. Horizontal Support Areas</i>						
Technical support costs	Computers, equipment, external printing	6 000	6 000	6 000	6 000	
Secretarial support (G-5)	General support	120 000	120 000	120 000	120 000	<sup>(h)</sup>
Training of staff	Various training activities to enhance staff skills	3 000	3 000	3 000	3 000	
<b>Subtotal</b>		<b>129 000</b>	<b>129 000</b>	<b>129 000</b>	<b>129 000</b>	

Activity	Description	Estimated costs in US\$ per year <sup>(b)</sup>				Notes
		2012	2013	2014	2012–2014, average per year	
<b>Total</b>		<b>1 143 000</b>	<b>1 253 000</b>	<b>1 308 000</b>	<b>1 234 666</b>	
Programme support costs (13%)		148 590	162 890	170 040	160 507	
<b>Grand total</b>		<b>1 291 590</b>	<b>1 415 890</b>	<b>1 478 040</b>	<b>1 395 173</b>	

<sup>(a)</sup> Figures are rounded up. They may change in accordance with United Nations administrative regulations.

<sup>(b)</sup> The estimated costs shown here are limited to those intended to be covered by voluntary contributions made under the Convention's scheme of financial arrangements, either through its trust fund or in kind. They do not include costs that are expected to be covered by the United Nations regular budget or other sources. It will be the policy of the secretariat to use resources in such a way as to maintain a steady level of staffing and to increase the numbers of extrabudgetary staff only if it considers that the higher staffing level can be sustained for a significant period.

<sup>(c)</sup> Professional staff costs are estimated by multiplying expected staff time in each activity area by the projected annual salary costs of staff hired at the indicated level.

<sup>(d)</sup> This category of activities encompasses activities that build capacity in areas that relate to the Convention as a whole. Capacity-building activities relating to a specific topic under the Convention (e.g., electronic information tools, access to justice) are covered under those activity areas.

<sup>(e)</sup> In line with past practice, it is anticipated that some publications will be funded from the United Nations regular budget.

<sup>(f)</sup> This sum does not include costs for external editing and translation of national implementation reports, which may vary from an estimated \$50,000 to \$150,000. The secretariat will be able to estimate these costs more precisely during the period 2013–2014.

<sup>(g)</sup> This G–5 staff member will also support administrative preparations for the fifth session of the Meeting of the Parties.

<sup>(h)</sup> The extrabudgetary secretarial support needs are estimated at 50 per cent secretarial support at the G–5 level throughout the triennium, with a cost estimate of \$60,000 per year subject to applicable United Nations human resource regulations. In the event that currently available staff funded by the 13 per cent programme support costs will be discontinued, the secretarial support at the G–5 level will need to be increased to 100 per cent throughout the triennium.

**Annex III****Overview of extrabudgetary staff needs to be covered from the Aarhus Convention trust fund<sup>2</sup>**

The following estimation of staff needs for the period 2012–2014 is based on lessons learned during the implementation of the work programme for 2009–2011, in which fewer extrabudgetary staff were projected than in the present document. During the period 2009–2011 the secretariat was faced with the need to increase staff resources so as to effectively implement the work programme. In order to prevent additional staff being hired on an ad hoc basis, the following estimation aims to provide an overview of staff needs that reflects the reality of the requirements for implementation of the work programme as closely as possible. The information below is also shown in table format on the following page, for ease of reference.

**(a) 1 P–3 Legal Affairs Officer<sup>3</sup>**

Responsible for the Aarhus Convention Compliance Committee (65);<sup>4</sup> work on access to justice (25); awareness-raising and promotion (5); and support to the main bodies under the Convention and expert legal support to the secretariat (5).

**(b) 1 P–3 Communications and Outreach Officer<sup>5</sup>**

Responsible for electronic information tools, the Aarhus Clearinghouse and Web content management (45); awareness-raising, outreach and promotion of the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTRs), and media relations (20)<sup>6</sup> and promotion of Almaty guidelines and other interlinkages with relevant international bodies and processes (15); coordination of capacity-building activities (15); and support to the main bodies under the Convention (5).

**(c) 1 P–3 Environmental Affairs Officer<sup>7</sup>**

Responsible for work on public participation in decision-making (30); genetically modified organisms (15); providing support to the Compliance Committee (20); the main bodies

<sup>2</sup> The secretariat is currently serviced by three staff members funded through the United Nations regular budget: one at the P–4 level, one at the P–2 level and one at 50 per cent at the G–5 level. One G–3 Programme Assistant is financed through the 13 per cent of programme support costs. Extension of the latter contract is subject to availability of the required amount from the programme support costs in the Convention's trust fund.

<sup>3</sup> This post is currently held by a P–3 Legal Affairs officer responsible for, inter alia, the Aarhus Convention Compliance Committee, work on access to justice and expert legal support to the secretariat.

<sup>4</sup> Figures contained in parentheses in this annex refer to percentage of work time for each staff member, as compared with 100 per cent capacity for a full-time post.

<sup>5</sup> This post is currently held by a P–3 Environmental Information Management Officer, who performs tasks for both the Convention and the Protocol on PRTRs, and is responsible for, inter alia, the Meeting of the Parties to the Protocol on PRTRs, the PRTR Compliance Committee, the PRTR Bureau and Working Group of the Parties, PRTR.net, the Aarhus Clearinghouse; electronic information tools, awareness-raising and promotion of the Convention and the Protocol.

<sup>6</sup> Staff time estimated for outreach is based on the current level of outreach activities; if this level is increased there will be a need to allocate more staff resources to this area.

<sup>7</sup> This post is currently held by a P–3 Environmental Affairs Officer, responsible for, inter alia, work on public participation in international forums; genetically modified organisms; the Aarhus Convention Implementation Guide; outreach and capacity-building; and support to Compliance Committee. The current tasks will be redistributed between (b) and (c).

under the Convention (5); and providing support to activities related to access to justice (15), capacity-building (10) and awareness-raising (5).

**(d) 1 P-3 Environmental Affairs Officer**

One additional P-3 staff may need to be hired full time for eight months in the year of the fifth session of the Meeting of the Parties (2014) to support organization of the session, including coordination with the host country regarding logistics and finance, overseeing nominations/participation and credentials, as well as support in the preparation of meeting documentation.

**(e) 1 G-5 Programme Assistant**

Responsible for processing documents and horizontal administrative support, including for the Working Group of the Parties, the Meeting of the Parties, the Bureau of the Compliance Committee, contacts with National Focal Points, national reporting, public participation including in international forums, access to justice, electronic information tools and capacity-building.

**Table of estimated extrabudgetary staff needs for 2012–2014**

(Figures in table refer to percentage of work time for each staff member, as compared with 100 per cent for a full-time post.)

Post	Work area							
	Access to Justice	Awareness-raising and promotion, including promotion of Almaty guidelines and other interlinkages with relevant international bodies and processes	Capacity-building	Compliance Committee	Genetically modified organisms	Access to information including electronic information tools Aarhus Clearinghouse and web management	Public participation in decision-making	Working Group of the Parties, Meeting of the Parties, Bureau and general tasks
(a) P-3 full time	25	5		65				5
(b) P-3 full time		35	15			45		5
(c) P-3 full time	15	5	10	20	15		30	5
(d) P-3 at 60%								60
(e) G-5 full time	10	10	10	10	10	10	10	30

**Decision IV/7 on financial arrangements**

**Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Recalling* article 10, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which states that the Meeting of the Parties to the Convention may, as necessary, consider establishing financial arrangements on a consensus basis,

*Recalling also* its decisions I/13, II/6 and III/7, through which an interim voluntary scheme of contributions based on a system of shares, open to contributions from Parties,

Signatories and other States having opted to participate in it, has been established and maintained,

*Recognizing* the need to:

(a) Ensure that sufficient resources are available for implementing the Convention's work programme;

(b) Establish a voluntary scheme of financial contributions which is transparent and accessible to all Parties, Signatories and other States and organizations wishing to contribute;

(c) Establish financial arrangements under the Convention based on the principles of a fair sharing of the burden, stable and predictable sources of funding, accountability and sound financial management,

*Noting* that the amounts contributed under the interim voluntary scheme have fallen short of the estimated costs of implementing the work programme and that the financial burden has not been evenly distributed, with significant numbers of Parties and Signatories not contributing at all,

*Believing* that the financial arrangements in place under the Convention will need to be kept under periodic review by the Meeting to ensure that they continue to meet the goals of stability, predictability and a fair sharing of the burden,

1. *Maintains* an interim voluntary scheme of contributions aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

(a) The Parties should endeavour to collectively ensure that the costs of the activities of the work programme that are not covered by the United Nations regular budget are covered through the financial scheme;

(b) No Party or Signatory is expected to contribute less than 200 United States dollars;

(c) Contributions shall be made in cash and shall not be earmarked for a particular activity;

(d) Additional contributions may be made in cash or in kind and may be earmarked for a particular activity;

(e) Contributions in cash shall be made through the United Nations Economic Commission for Europe Trust Fund for Local Technical Cooperation (Aarhus Convention project);

(f) Insofar as possible, and subject to the internal budgetary procedures of the Parties, contributions for a given calendar year should be made by the end of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the respective programme of work;

2. *Requests* Parties to contribute each year towards the costs of activities under the work programme, in accordance with the scheme referred to in paragraph 1;

3. *Invites* Signatories, other interested States and organizations to contribute, in cash or in kind, towards covering the costs of the work programme;

4. *Encourages* Parties that have historically contributed generously to maintain, or return to, their previous levels of contribution;

5. *Also encourages* Parties that have so far not contributed, or have contributed significantly less than the amounts stipulated in paragraph 1 (d), to increase their contributions during the current and future budget cycles to the specified levels, and requests the Bureau to liaise with such Parties where appropriate concerning the achievement of this goal;

6. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports for review by the Working Group of the Parties in order to strive to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

7. *Also requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required in the content or time frame of the work programme, in the event that the level of actual and/or pledged contributions does not match the level of funding needed;

8. *Additionally requests* the Secretariat and the Working Group of the Parties to prepare an assessment of the current interim scheme of contributions and its relationship to the work of the Convention. This assessment, together with any budgetary constraints faced by Parties, shall be taken into account when preparing the decision on financial arrangements for adoption by the Meeting of the Parties at its fifth session.

9. *Further requests* the secretariat to prepare a comprehensive report for each session of the Meeting of the Parties, including information on how much Parties and other participating States and organizations have contributed to the budget of the Convention in cash and in kind, and on how the contributions were spent;

10. *Agrees* to review the operation of the scheme of financial arrangements at its fifth meeting.

## **Decision IV/8 on strategic planning**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Welcoming* the efforts made by Parties, Signatories, international organizations, non-governmental organizations and other stakeholders to achieve the objectives of the Strategic Plan 2009–2014 and to implement its envisaged activities,

*Recognizing* the need for continued strategic direction to guide implementation and further development of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters beyond 2014,

*Recalling* the document on strategic planning for the Convention (MP.PP/WG.1/2004/16), which analysed the possible scope and format of strategic plans and outlined possible steps to be taken in order to prepare a draft plan,

1. *Requests* the Working Group of the Parties, with the assistance of the secretariat and appropriate involvement of the public, to develop a strategic plan for the Convention covering the period 2015–2020, based on the experiences and results of the implementation of the current Strategic Plan;

2. *Calls on* Parties and invites Signatories, other States and relevant intergovernmental, regional and non-governmental organizations to contribute actively to the development of the strategic plan;

3. *Requests* the Working Group of the Parties to establish a procedure for the preparation of the strategic plan and to regularly monitor its preparation in order for it to be ready for consideration and adoption at the fifth ordinary session of the Meeting of the Parties to the Convention.

## **Decision IV/9 on general issues of compliance**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Having regard* to its decision I/7 on the review of compliance, and in particular to paragraph 37 of the annex thereto,

*Having regard also* to decision III/6 on general issues of compliance and decisions III/6a, III/6b, III/6c, III/6d, III/6e and III/6f on compliance by individual Parties,

*Recalling* decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i concerning compliance by Armenia, Belarus, Kazakhstan, Republic of Moldova, Slovakia, Spain, Turkmenistan, Ukraine and United Kingdom of Great Britain and Northern Ireland, adopted in parallel with this decision and containing the findings and recommendations of the Meeting concerning specific Parties found to be in non-compliance, as well as, where applicable, the outcome of the review of implementation of decisions III/6a, III/6b, III/6c, III/6d, III/6e and III/6f,

1. *Takes note* of the report of the Compliance Committee and the addenda thereto (ECE/MP.PP/2011/11 and Add.1–3, as well as the addenda to the Committee's thirty-first meeting (ECE/MP.PP/C.1/2011/2/Add.1–10);

2. *Welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2008–2011, as reflected in the reports of its meetings;

3. *Requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, make recommendations to the Parties concerned in support of the implementation of the measures referred to in decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i;

#### **Findings and recommendations 2008–2011 and cooperation by the Parties**

4. *Welcomes* the consideration and evaluation by the Committee with respect to specific cases of alleged non-compliance set out in the reports and addenda to the reports of the Committee's meetings;<sup>8</sup>

<sup>8</sup> ECE/MP.PP/C.1/2009/6/Add.1 (Austria); ECE/MP.PP/C.1/2009/2/Add.1 (European Community); ECE/MP.PP/C.1/2009/4/Add.1 (France); ECE/MP.PP/C.1/2010/4/Add.1 (Georgia); ECE/MP.PP/C.1/2009/6/Add.2 (Poland); ECE/MP.PP/C.1/2009/6/Add.3 (Republic of Moldova); ECE/MP.PP/C.1/2009/8/Add.1 and ECE/MP.PP/C.1/2010/4/Add.2 (Spain); ECE/MP.PP/C.1/2010/6/Add.1–3 and ECE/MP.PP/C.1/2011/2/Add.10 (United Kingdom);

5. *Endorses* the findings of the Committee as reflected in decisions IV/9a to IV/9i, and welcomes its recommendations made with regard to compliance by individual Parties in the intersessional period of 2008–2011;
6. *Notes* the conclusions by the Committee concerning compliance by Austria, the European Union, France and Georgia with their obligations under the Convention and, in particular, that the Committee did not find that these Parties were not in compliance with their obligations under the Convention;
7. *Welcomes* the constructive approach and cooperation demonstrated by Armenia, Austria, Belarus, the European Union, France, Georgia, the United Kingdom and Spain, whose compliance was the subject of review;
8. *Also welcomes* the acceptance by most of the Parties found not to be in compliance of the Committee's recommendations made in accordance with paragraph 36 (b) of the annex to decision I/7, and the progress made by the Parties concerned in the intersessional period;
9. *Urges* each Party to cooperate in a constructive manner with the Committee in connection with any future review of its compliance;
10. *Undertakes* to review the implementation of the proposed measures with respect to specific Parties referred to in decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i at its fifth ordinary session, as well as the more general recommendations contained in the following paragraphs, and, with this in mind, requests the Committee to examine these matters in advance of that meeting and to describe the progress made in its report;

#### **Implementation of decisions on compliance by individual Parties**

11. *Welcomes* Albania's and Lithuania's constructive approach and action to bringing their legislation and practice in compliance with the Convention;
12. *Also welcomes* Armenia's sustained commitment to bringing its legislation and practice in compliance with the Convention, while recognizing that further work is needed, in particular with respect public participation;
13. *Notes with concern* the failure of Kazakhstan, Turkmenistan and Ukraine to effectively engage with the process of implementation of decisions III/6c, III/6e and III/6f, respectively, and urges them therefore to implement the relevant recommendations contained in decisions IV/9c, IV/9g and IV/9h, respectively, and to engage in a constructive dialogue with the Committee with a view to drawing on the expertise of its members, where necessary;

#### **Resources**

14. *Invites* all Parties and other interested States and organizations in a position to do so to provide countries with economies in transition with financial and technical assistance, aimed at improving implementation and compliance in such cases;
15. *Notes* that the workload of both the secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the intersessional period 2008–2011 and is expected to increase further, and request the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient resources are made available for this purpose;

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ECE/MP.PP/2011/11/Add.1 (Armenia); ECE/MP.PP/2011/11/Add.2 (Belarus); and ECE/MP.PP/2011/11/Add.3 (Slovakia).

16. *Reiterates* the importance that all Committee reports, findings and recommendations be processed as formal United Nations documents and made available in time in the official languages of the United Nations Economic Commission for Europe.

## **Decision IV/9a on compliance by Armenia with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Mindful* of the conclusions and recommendations set out in decision III/6b with regard to compliance by Armenia (ECE/MP.PP/2008/2/Add.10),

*Taking note* of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2011/11 and Add.1) with regard to follow up on decision III/6b and a case concerning public participation in the decision-making and access to justice in connection with the issuance and renewal of licences to a developer for the exploitation of copper and molybdenum deposits in the Lori region of Armenia,

*Encouraged* by Armenia's continuous efforts to engage in a constructive discussion with the Committee on the compliance issues in question, and to take measures implementing decision III/6b in the intersessional period,

1. *Takes note* of the serious and active engagement of and progress made by the Party concerned in implementing decision III/6b of the Meeting of the Parties;

2. *Endorses* the findings of the Committee that, while acknowledging the continuous efforts of the Party concerned in implementing decision III/6b, there are still shortcomings in Armenian law and practice and, due to these shortcomings, in the case of communication ACCC/C/2009/43, the Party concerned failed to comply with article 3, paragraph 1, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and article 6, paragraphs 2, 4 and 9, of the Convention;

3. *Encourages* the Party concerned to continue its constructive dialogue with the Committee and to accelerate the process for the new legislation on environmental impact assessment (EIA), including procedures on public participation in it, to be finalized and come into effect;

4. *Invites* the Party concerned to take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that:

(a) Thresholds for activities subject to an EIA procedure, including public participation, are set in a clear manner;

(b) The public is informed as early as possible in the decision-making procedure, when all options are open, and that reasonable time frames are set for the public to consult and comment on project-related documentation;

(c) The responsibilities of different actors (public authorities, local authorities, developer) in the organization of public participation procedures are defined as clearly as possible;

(d) A system of prompt notification of the public concerned on final conclusions of environmental expertise is arranged, e.g., through the website of the Ministry of Nature Protection;

5. *Also invites* the Party concerned to take the above elements into account in finalizing its law on environmental impact assessment, and to provide a draft of the new law to the Committee as soon as possible;

6. *Requests* the Party concerned to draw up an action plan for implementing the above recommendations with a view to submitting an initial progress report to the Committee by 1 December 2011, and the action plan by 1 April 2012;

7. *Also requests* the Party concerned to provide information to the Committee at the latest six months in advance of the fifth session of the Meeting of the Parties on the measures taken and the results achieved in implementation of the above recommendations;

8. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

9. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9b on compliance by Belarus with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2011/11 and Add.2) with regard to a case concerning access to information and public participation in the decision-making for the hydropower plant project on the Neman River in Belarus (HPP project),

*Taking note also* of the ongoing legislative and regulatory reforms in Belarus in relation to implementing the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Encouraged* by the ongoing willingness of the Party concerned to discuss in a constructive manner compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee that the Party concerned in the specific case:

(a) By failing to provide the requested information, it failed to comply with article 4, paragraph 1, of the Convention;

(b) By not providing for adequate, timely and effective public notice, according to the criteria of the Convention, it failed to comply with article 6, paragraph 2;

(c) By not providing the public with sufficient possibilities to submit any comments, information, analyses or opinions relevant for the HPP project, it failed to comply with article 6, paragraph 7 of the Convention;

(d) By not informing the public promptly about the environmental *expertiza*<sup>9</sup> conclusions, namely a decision of the construction of the HPP project, it failed to comply with article 6, paragraph 9 of the Convention;

2. *Endorses also* the following findings of the Committee that the following general features of the Belarusian legal framework are not in compliance with the Convention:

(a) Requiring an interest be stated for access to environmental information (art. 4, para. 1);

(b) Not adequately regulating the public notice requirements: in particular by not providing for mandatory means of informing the public, setting insufficient requirements as to the content of public notice, and not providing for a clear requirement for the public to be informed in an adequate, timely and effective manner (art. 6, para. 2);

(c) Setting only maximum time frames for public hearings and allowing thereby in individual cases for time frames to be set which might be not reasonable (art. 6, para. 3);

(d) Making the developers (project proponents) rather than the relevant public authorities responsible for organizing public participation, including for making available the relevant information to the public and for collecting comments (art. 6, paras. 2 (d) (iv)–(v), 6 and 7);

(e) Not establishing mandatory requirements for the public authorities that issue the *expertiza* conclusion to take into account the comments of the public (art. 6, para. 8);

(f) Not establishing appropriate procedures to promptly notify the public about the environmental *expertiza* conclusions, and not establishing appropriate arrangements to facilitate public access to these conclusions (art. 6, para. 9);

3. *Shares* the Committee's concerns that:

(a) In relation to compliance with article 5, paragraphs 1 (a) and (b), the law in Belarus renders only the developer responsible for maintaining the documentation relevant to OVOS<sup>10</sup> and *expertiza*, including the documents evidencing public participation, and they do not impose any obligation in this respect on the authorities competent to examine the results of OVOS and those competent to issue *expertiza* conclusions;

(b) The law in Belarus concerning situations where provisions on public participation do not apply may be interpreted much more broadly than allowed under article 6, paragraph 1 (c), of the Convention;

4. *Recommends* to the Party concerned in the process of its reform to reach compliance with the Convention to take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that:

(a) The general law on access to information refers to the 1992 Law on Environmental Protection that specifically regulates access to environmental information, in which case the general requirement of stating an interest does not apply;

<sup>9</sup> "State environmental review" or "ecological expertise" (here *expertiza*) mechanism formally established in the former Soviet Union in the second half of the 1980s.

<sup>10</sup> An acronym whose terms can be rendered as "assessment of impact upon the environment". However, the OVOS should be distinguished from what is generally understood as an environmental impact assessment (EIA). The Compliance Committee, in a decision on Belarus, held that OVOS and the *expertiza*, considered jointly, were "the decision-making process constituting a form of an EIA procedure" (ECE/MP.PP/C.1/2010/6, para. 74).

(b) There is a clear requirement for the public to be informed of decision-making processes that are subject to article 6 in an adequate, timely and effective manner;

(c) There are clear requirements regarding the form and content of the public notice, as required under article 6, paragraph 2, of the Convention;

(d) There are reasonable minimum time frames for submitting the comments during the public participation procedure, taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;

(e) There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e., the authorities competent to take the decisions subject to article 6 of the Convention);

(f) There is a clear responsibility of the relevant public authorities to ensure such opportunities for public participation, as are required under the Convention, including for making available the relevant information and for collecting the comments through written submission and/or at the public hearings;

(g) There is a clear responsibility of the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in the publicly available statement of reasons and considerations on which the decisions is based;

(h) There is a clear responsibility of the relevant public authorities to:

(i) Inform promptly the public of the decisions taken by them and their accessibility;

(ii) Maintain and make accessible to the public: copies of such decisions along with the other information relevant to the decision-making, including the evidence of fulfilling the obligations regarding informing the public and providing it with possibilities to submit comments;

(iii) Establish relevant publicly accessible lists or registers of the decisions held by them;

(i) Statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6, paragraph 1 (c), of the Convention;

5. *Invites* the Party concerned to draw up an action plan for implementing the above recommendations with a view to submitting an initial progress report to the Committee by 1 December 2011, and the action plan by 1 April 2012;

6. *Also invites* the Party concerned to provide information to the Committee, at the latest six months in advance of the fifth session of the Meeting of the Parties, on the measures taken and the results achieved in implementation of the above recommendations;

7. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

8. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9c on compliance by Kazakhstan with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Mindful* of the conclusions and recommendations set out in decision II/5a (ECE/MP.PP/2005/2/Add.7) and decision III/6c (ECE/MP.PP/2008/2/Add.11) with regard to compliance by Kazakhstan,

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11) with regard to follow-up on decision III/6c,

1. *Notes* the initial engagement of the Party concerned, demonstrated by its correspondence with the Committee before the adoption of decision III/6c;

2. *Notes with regret*, however, the lack of response from the Party concerned in the course of follow-up to decision III/6c, and the apparent failure of the Party concerned to take the measures to implement decision III/6c;

3. *Confirms* its earlier endorsement of the Committee's findings with regard to compliance by Kazakhstan as set out in paragraph 5 of decision III/6c;

4. *Decides* to issue a caution to the Party concerned, to become effective on 1 May 2012, unless the Party concerned has fully satisfied the following condition and has notified the secretariat of this fact by 1 January 2012: it has thoroughly examined, with appropriate involvement of the public, the relevant environmental and procedural legislation, as well as the relevant case law, to identify whether it sufficiently provides judicial and other review authorities with the possibility to provide adequate and effective remedies in the course of judicial review;

5. *Requests* the Committee to establish the successful fulfilment of the above condition;

6. *Invites* the Party concerned to submit to the Committee periodically, namely, by November 2012 and November 2013, detailed information on further progress in implementing the measures referred to in paragraph 4;

7. *Also invites* the Party concerned to consider accommodating an expert mission, with the involvement of Committee members and other experts, as appropriate, with a view to making available to it a wide range of expert opinion on possible ways to implement the measures referred to in decision III/6c with regard to access to justice;

8. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

9. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9d on compliance by the Republic of Moldova with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11), as well as the addendum to the report of its twenty-fifth meeting (ECE/MP.PP/C.1/2009/6/Add.3) with regard to a case concerning access to information on contracts for rent of land of the Moldovan State Forestry Fund,

*Encouraged* by the willingness of the Republic of Moldova to discuss in a constructive manner the compliance issues in question with the Committee, and to take measures implementing the Committee's recommendations in the intersessional period,

1. *Endorses* the following findings of the Committee, that:

(a) The failure of the public authority Moldsilva to provide copies of the requested contracts of rent of lands of the State Forestry Fund to the communicant constituted a failure by the Party concerned to comply with article 4, paragraphs 1 and 2, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

(b) The adoption of article 48 (e) of the Government Regulation No. 187 of 20 February 2008 on Rent of Forestry Fund for Hunting and Recreational Activities, setting out a broad rule with regard to the confidentiality of the information received from the rent holders, and the refusal for access to information on the grounds of its large volume constitute a failure by the Party concerned to comply with article 3, paragraph 1, and article 4, paragraph 4 of the Convention;

(c) The failure of the public authority Moldsilva to state lawful grounds for refusal of access to information in its letters No. 01-07/130 and No. 01-07/362 of 31 January 2008 and 14 March 2008, respectively, and the failure of the same public authority to give in its letters of refusal information on access to the review procedure provided for in accordance with article 9 of the Convention, constituted a failure by the Party concerned to comply with article 3, paragraph 2, and article 4, paragraph 7 of the Convention;

(d) The failure of the public authority Moldsilva to respond in writing and in a timely manner to the last request for information submitted by the communicant to Moldsilva in the beginning of January constituted a failure by the Party concerned to comply with article 4, paragraph 7 of the Convention;

(e) The failure of the public authority Moldsilva to fully execute the final decision of the Civil chamber of Chisinau Court of Appeal, adopted on 23 June 2008, implied non compliance of the Party concerned with article 9, paragraph 1 of the Convention;

2. *Welcomes* the recommendations made by the Committee during the intersessional period, in accordance with paragraph 36 (b) of the annex to decision I/7

(ECE/MP.PP/C.1/2009/6/Add.3, para. 42) and the willingness of the Republic of Moldova to accept them;

3. *Also welcomes* the actions undertaken by the Party concerned to address the recommendations of the Committee, such as the full execution by the public authority of the final decision of the Civil chamber of Chisinau Court of Appeal, adopted on 23 June 2008 (see para. 1 (e) above), the provision of copies of the requested contracts of rent of lands of the State Forestry Fund to the communicant, the elaboration of the draft national action plan, as well as the many relevant capacity-building and awareness-raising initiatives for civil servants, non-governmental organizations, journalists and members of the judiciary undertaken by the Party concerned in cooperation with civil society;

4. *Invites* the Party concerned to submit to the Committee the final version of the national action plan (including the recommendations made by the Committee in paragraph 42 of document ECE/MP.PP/C.1/2009/6/Add.3) upon their adoption, and to submit to the Committee periodically (in November 2011, November 2012 and November 2013) detailed information on further progress in implementing the national action plan;

5. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

6. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9e on compliance by Slovakia with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2011/11 and Add.3) with regard to a case concerning public participation in the decision-making for the construction of the Mochovce Nuclear Power Plant,

1. *Notes with regret* the lack of agreement demonstrated by the Party concerned in responding to the Committee's findings and recommendations;

2. *Endorses* the following finding of the Committee that the Party concerned: by failing to provide for early and effective public participation in the decision-making leading to the decisions by the Slovak Nuclear Regulatory Authority 246/2008, 266/2008 and 267/2008 of 14 August 2008 concerning the Mochovce Nuclear Power Plant, the Party concerned failed to comply with article 6, paragraphs 4 and 10, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

3. *Recommends* that the Party concerned review its legal framework so as to ensure that early and effective public participation is provided for in decision-making when old permits are reconsidered or updated, or the activities are changed or extended compared to previous conditions, in accordance with the Convention;

4. *Invites* the Party concerned to submit to the Committee a progress report on 1 December 2011 and an implementation report on 1 December 2012 on achieving the recommendation above;

5. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

6. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9f on compliance by Spain with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11), as well as the addendum to the report of its twenty-sixth meeting (ECE/MP.PP/C.1/2009/8/Add.1) with regard to a case concerning the decision-making on a residential development project in the city of Murcia, Spain, and the addendum to the report of its twenty-eighth meeting (ECE/MP.PP/C.1/2010/4/Add.2) with regard to a case concerning the general failure of the public authorities in Spain to implement the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, as illustrated in a number of examples in the town of Almedralejo,

*Encouraged* by the willingness of Spain to discuss in a constructive manner the compliance issues in question with the Committee, and to take measures implementing the Committee's recommendations in the intersessional period,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2008/24 (ECE/MP.PP/C.1/2009/8/Add.1), that:

(a) As a result of a public authority ignoring a request for environmental information for a period of three months after the submission of the request, by failing to provide the information in the form requested without giving any reasons, and by imposing an unreasonable fee for copying the documents, Spain had failed to comply with article 4, paragraphs 1 (b), 2, and 8, of the Convention;

(b) As a result of a public authority setting a time frame of 20 days during the Christmas holiday season for the public to examine the documentation and to submit comments in relation to the Urbanization Project UA1, Spain had failed to comply with the requirements of article 6, paragraph 3, referred to in article 7;

(c) The failure of the Spanish system of access to justice to provide adequate and effective remedies as shown in that case constituted non-compliance with article 9, paragraph 4 of the Convention;

2. *Also endorses* the following findings of the Committee with regard to communication ACCC/C/2009/36 (ECE/MP.PP/C.1/2010/4/Add.2), that:

(a) As a result of public authorities not making the requested information available unless an interest was stated on the part of the requester, the Party concerned had failed to comply with article 4, paragraph 1, of the Convention;

(b) As a result of public authorities not responding or delaying response to requests for environmental information, and without notifying the requester that a one-month delay was needed along with reasons for that delay, the Party concerned was not in compliance with article 4, paragraph 2;

(c) The public authorities did not allow for access to information in the form requested, and did not provide copies, and as a result the Party concerned failed to comply with article 4, paragraph 1 (b), in conjunction with article 6, paragraph 6 of the Convention;

(d) Public authorities set inhibitive conditions for public participation, and as a result the Party concerned failed to comply with article 6, paragraphs 3 and 6;

(e) Local authority officials insulted the communicant publicly in the local mass media for its interest in activities with potentially negative effects on the environment, and thus that the Party concerned failed to comply with article 3, paragraph 8;

(f) By failing to consider providing appropriate assistance mechanisms to remove or reduce financial barriers to access to justice to a small non-governmental organization (NGO), the Party concerned failed to comply with article 9, paragraph 5, of the Convention, and failed to provide for fair and equitable remedies, as required by article 9, paragraph 4; and also stressed that maintaining a system that would lead to prohibitive expenses would amount to non-compliance with article 9, paragraph 4;

3. *Welcomes* the recommendations made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7 (ECE/MP.PP/C.1/2009/8/Add.1, para.119, and ECE/MP.PP/C.1/2010/4/Add.2, para. 75) and the willingness of Spain to accept them;

4. *Also welcomes* of the progress made by the Party concerned in implementing the Committee's findings and recommendations, in particular with regard to access to information and public participation, and encourages the Party concerned to continue its efforts in this direction in all provinces of Spain;

5. *Notes* that further action should be taken by the Party concerned to ensure that fees charged by public authorities for provision of information relating to urban planning and building are the same as for information relating to the environment;

6. *Further notes* that awareness should be raised among competent authorities and their officials in implementing the time frames for public participation in decision-making processes in such a manner so as to exclude holiday seasons and allow for broad participation;

7. *Welcomes* the many relevant capacity-building initiatives for civil servants, the judiciary and students at the National Institute of Public Administration, and encourages the Party concerned to organize similar activities in a decentralized manner;

8. *Recognizes* that further efforts, in particular in the area of access to justice, are needed to overcome any obstacles of fully implementing article 9, paragraphs 4 and 5, of the Convention;

9. *Invites*, therefore, the Party concerned to thoroughly examine, with appropriate involvement of the public, the relevant legislation and in particular the court practice with regard to:

- (a) Injunctive relief in cases of environmental interest;
- (b) Award of legal aid to environmental NGOs; and

(c) The rule of dual representation;

10. *Also invites* the Party concerned to report to the Meeting of the Parties through the Compliance Committee, six months before the fifth session of the Meeting of the Parties, on the progress with the recommendation under paragraph 5, the time frames applicable in public participation according to the Spanish laws, and the studies requested under paragraph 9 above;

11. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9g on compliance by Turkmenistan with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Mindful* of the conclusions and recommendations set out in its decision II/5c (ECE/MP.PP/2005/2/Add.9) and its decision III/6e (ECE/MP.PP/2008/2/Add.13) with regard to compliance by Turkmenistan with its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11) with regard to follow-up on decision III/6e,

*Recalling* that according to decision III/6e a caution was issued by the Meeting of the Parties, which, following the review by the Compliance Committee at its twenty-third meeting of the steps taken by the Party concerned to fulfil the conditions set out in paragraph 5 of that decision, entered into effect on 1 May 2009,

1. *Notes with appreciation* the recent engagement of the Party concerned demonstrated by its cooperation with the Committee, in particular with respect to the mission by members of the Committee and the secretariat to Ashgabat on 18–20 April 2011;

2. *Decides* to suspend the caution issued to the Party concerned through decision III/6e, and which entered into effect on 1 May 2009;

3. *Decides* that the caution should re-enter into effect on 1 January 2013 unless the Party concerned:

(a) Has amended the Act on Public Associations with a view to bringing all of its provisions into compliance with the Convention as requested by the Meeting of the Parties through paragraph 2 of decision II/5c;

(b) Has notified the secretariat of this fact by 1 October 2012;

The successful fulfilment of these conditions is to be established by the Committee;

4. *Requests*, inter alia, to avoid a situation where the Act on Public Associations may need to be revised again in the near future, that the Party concerned should ensure that the revisions to the Act on Public Associations are made in accordance with:

(a) The suggestions made by members of the Compliance Committee at the working session held during its mission to Turkmenistan on 18 April 2011 (informal document C.1/2011/4/Add.2/Inf.1);

(b) The outcome of the round tables organized by the National Institute of Democracy and Human Rights under the President of Turkmenistan and the International Center for Not-for-Profit Law in 2009 (informal document C.1/2011/4/Add.2/Inf.2);

(c) The comments of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights dated 22 June 2010 (informal document C.1/2011/4/Add.2/Inf.3);

5. *Requests* that the Party concerned examine other relevant legislation, including its Code of Administrative Offences and the Presidential Decree on the Registration of Public Associations, with a view to ensuring that all relevant legislation is consistent with the provisions of the revised Act on Public Associations and, together, provides a clear and transparent framework to implement the provisions of the Convention, as required by article 3, paragraph 1, of the Convention;

6. *Requests*, in accordance with paragraph 4 of decision II/5c, that the Party concerned carry out the measures referred to above with the involvement of the public, including relevant non-governmental and international organizations;

7. *Requests*, in order to ensure the effective implementation thereof, that the above measures are carried out through constructive cooperation between the Ministry of Nature Protection and the Ministry of Justice, whose engagement as the competent authority for the Act on Public Associations is crucial;

8. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

9. *Undertakes* to review the situation at its fifth session.

## **Decision IV/9h on compliance by Ukraine with its obligations under the Convention**

### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Mindful* of the conclusions and recommendations set out in decision II/5b (ECE/MP.PP/2005/2/Add.8) and decision III/6f with regard to compliance by Ukraine (ECE/MP.PP/2008/2/Add.14),

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11) with regard to follow-up on decision III/6f,

*Recalling* that according to decision III/6f a caution was issued by the Meeting of the Parties, which was to become effective on 1 May 2009, but further to the review and assessment of the Committee based on the information provided by the Party concerned, the caution did not become effective,

1. *Notes* the engagement of the Party concerned demonstrated by its correspondence with the Committee during the intersessional period;
2. *Takes note* of the action plan developed by Ukraine and submitted through the Committee in January 2009;
3. *Endorses* the conclusion of the Committee that Ukraine is still in a state of non-compliance with regard to decision II/5b;
4. *Notes with regret* the very slow progress by the Party concerned in implementing decisions II/5b and III/6f of the Meeting of the Parties;
5. *Urges* therefore the Party concerned to implement the measures requested by the Meeting of the Parties in decision II/5b as soon as possible;
6. *Decides* to issue a caution to the Party concerned;
7. *Also decides* that the caution will be lifted on 1 June 2012, if the Party concerned has fully implemented the measures requested by the Meeting of the Parties in decision II/5b and has notified the secretariat of this fact, providing evidence, by 1 April 2012;
8. *Requests* the Compliance Committee to establish the successful fulfilment of decision II/5b;
9. *Also requests* the Compliance Committee to report to the fifth session of the Meeting of the Parties on whether the Party concerned has fulfilled decision II/5b, with a view to the Meeting of the Parties deciding whether to suspend the special rights and privileges accorded to Ukraine under the Convention;
10. *Invites* the Party concerned to submit to the Committee periodically, namely, in November 2012 and November 2013, detailed information on further progress in implementing the measures referred to in decision II/5b;
11. *Also invites* the Party concerned to consider accommodating an expert mission, with the involvement of Committee members and other experts, as appropriate, with a view to making available to it a wide range of expert opinion on possible ways to implement the measures referred to in decision II/5b;
12. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;
13. *Undertakes* to review the situation at its fifth session.

### **Decision IV/9i on compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention**

#### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fourth session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11), as well as the addenda to the report of its twenty-ninth meeting (ECE/MP.PP/C.1/2010/6/Add.1–3) with regard to three cases concerning the availability of fair, equitable, timely and not prohibitively expensive review procedures,

*Encouraged* by the willingness of the United Kingdom of Great Britain and Northern Ireland to discuss in a constructive manner the compliance issues in question with the Committee, and to take measures implementing the Committee's recommendations in the intersessional period,

1. *Endorses* the following finding of the Committee with regard to communication ACCC/C/2008/23 (ECE/MP.PP/C.1/2010/6/Add.1), that: in respect of the requirements of article 9, paragraph 4, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, for procedures referred to in article 9, paragraph 3, to be fair and equitable, related to the fact that in the circumstances of the case where the communicants were ordered to pay the whole of the costs while the operator was not ordered to contribute at all, the Committee found that that constituted *stricto sensu* non-compliance with article 9, paragraph 4, of the Convention;

2. *Endorses* the following finding of the Committee with regard to communication ACCC/C/2008/27 (ECE/MP.PP/C.1/2010/6/Add.2), that: the communicant's judicial review proceedings were within the scope of article 9, paragraph 3, of the Convention and thus were also subject to the requirements of article 9, paragraph 4, that the quantum of costs awarded in that case, £39,454, rendered the proceedings prohibitively expensive, and that the manner of allocating the costs was unfair, within the meaning of article 9, paragraph 4, and thus, amounted to non-compliance;

3. *Also endorses* the following findings of the Committee with regard to communication ACCC/C/2008/33 (ECE/MP.PP/C.1/2010/6/Add.3), that:

(a) By failing to ensure that the costs for all court procedures subject to article 9 were not prohibitively expensive, and in particular by the absence of any clear legally binding directions from the legislature or judiciary to this effect, the Party concerned failed to comply with article 9, paragraph 4, of the Convention;

(b) The system as a whole was not such as "to remove or reduce financial [...] barriers to access to justice", as article 9, paragraph 5, of the Convention requires a Party to the Convention to consider;

(c) By not ensuring clear time limits for the filing of an application for judicial review, and by not ensuring a clear date from when the time limit started to run, the Party concerned failed to comply with article 9, paragraph 4 of the Convention;

(d) By not having taken the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent framework to implement article 9, paragraph 4, the Party concerned also failed to comply with the article 3, paragraph 1 of the Convention;

4. *Welcomes* the recommendations made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7 (ECE/MP.PP/C.1/2010/6/Add.2, para. 53; and ECE/MP.PP/C.1/2010/6/Add.3, para. 145) and the willingness of the United Kingdom to accept them;

5. *Also welcomes* the progress made by the Party concerned in implementing the recommendations since September 2010;

6. *Invites* the Party concerned to submit to the Committee periodically, namely, in February 2012 and February 2013, and six months before the fifth session of the Meeting of the Parties, information on the progress in implementing the recommendations of the Committee;

7. *Undertakes* to review the situation at its fifth session.

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