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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

Item 6 (a) of the provisional agenda

Promotion of the Convention and relevant developments and interlinkages: accession to the Convention by States from outside the United Nations Economic Commission for Europe region

Draft decision IV/5 on accession to the Convention by non-United Nations Economic Commission for Europe member States

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 approve the accession to the Convention by the State concerned.
