

Economic Commission for Europe

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

Fifth session

Maastricht, the Netherlands, 30 June to 2 July 2014

List of key decisions and outcomes¹

as adopted by the Meeting of the Parties at its fifth session

2. Adoption of the agenda

The Meeting of the Parties

- i. Took note of the information provided by the Chair.
- ii. Adopted provisional agenda of the meeting.
- iii. Observed a minute of silence in memory of Mr. Marc Pallemarts, former Chair of the Meeting of the Parties, who passed away.

3. Status of ratification of the Convention and the amendment to the Convention

The Meeting of the Parties:

- i. Took note of the status of the ratification of the Convention and its amendment. Since the previous session of the Meeting of the Parties in 2011, the number of Parties to the Convention had increased from 44 to 47, through ratification by Iceland, Ireland and Switzerland. The number of Parties to the amendment to the Convention had risen from 26 to 28 through ratification by Ireland and Switzerland.
- ii. Took note of statement by Switzerland concerning its recent ratification of the Convention and welcomed new Parties.

4. Substantive issues

(a) Access to information, including electronic information tools

The Meeting of the Parties:

¹ This document was not formally edited. The decisions and outcomes contained in the document will be incorporated in the report of the meeting.

- i. Took note of the report the activities of the Task Force on Access to Information since the fourth meeting of the Parties delivered by representative of the Republic of Moldova on behalf of the Chair of the Task Force.
- ii. Took note of statements by Switzerland and European ECO Forum.
- iii. Provisionally adopted decision V/1 on access to information (ECE/MP.PP/2014/L.1), removing square brackets in the paragraph 8 on the leadership of the task force.
- iv. Thanked the Republic of Moldova for its leadership in this area of work and welcomed its offer to continue leading the Task Force in the next intersessional period.

(b) Public participation in decision-making

The Meeting of the Parties:

- i. Took note of the report by the Chair of the Task Force on Public Participation in Decision-making on the activities of the Task Force since the fourth meeting of the Parties and thanked Ms. Anke Stock, from the European ECO Forum, for the keynote address.
- ii. Took note of statements by Ireland and Regional Environmental Centre for Central and Eastern Europe (REC CEE).
- iii. Provisionally adopted decision V/2 on public participation in decision-making, as amended at the meeting (ECE/MP.PP/2014/CRP.1).
- iv. Thanked Ireland for its leadership in this area of work in the current intersessional period.
- v. Welcomed the offer of Italy to lead the Task Force in the next intersessional period.

(c) Access to justice

The Meeting of the Parties:

- i. Took note of the report by the Chair of the Task Force on Access to Justice on the activities of the Task Force since the fourth meeting of the Parties and thanked Ms. Dilara Arstanbaeva, judge from the Supreme Court of Kyrgyzstan, for the keynote address.
- ii. Took note of statements by Serbia, REC CEE and European ECO Forum.
- iii. Provisionally adopted decision V/3 on promoting effective access to justice (ECE/MP.PP/2014/L.3), removing square brackets in the paragraph 12 on the leadership of the task force.
- iv. Thanked Sweden for its leadership in this area of work and welcomed its offer to continue leading the Task Force in the next intersessional period.

(d) Genetically modified organisms

The Meeting of the Parties:

- i. Thanked Mr. Helmut Gaugitsch, from the Government of Austria, for the keynote address.
- ii. Took note of information on the status of the GMO ratification and other relevant developments by Albania, Armenia, Belarus, Bosnia and Herzegovina, France, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Tajikistan and Ukraine.

- iii. Took note of statements by ECOROPA and European ECO Forum.
- iv. Called upon the Parties whose ratification of the GMO amendment would count towards its entry into force — i.e., Albania, Armenia, Azerbaijan, Belarus, France, Georgia, Kazakhstan, Kyrgyzstan, Malta, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine — to take serious steps towards ratification of the GMO amendment; and send in written the information on the a status of the GMO amendment ratification to the secretariat; as well as called upon other Parties to ratify the GMO amendment.
- v. Mandated the Working Group to monitor closely the progress of entering in force of the GMO amendment.
- vi. Called upon Parties and partner organizations to offer bilateral assistance, capacity-building and technical support to Parties whose ratification of the GMO amendment would count towards its entry into force.
- vii. Requested that amended text of the Convention once it enters into force should be processed, translated and published by the United Nations services and be made available in the six official languages of the United Nations without recourse to additional extra-budgetary resources.
- viii. Thanked Austria for its leadership in this area of work and welcomed its offer to continue leading this work area in the next intersessional period.

5. Procedures and mechanisms facilitating the implementation of the Convention

(a) Reports on the status of implementation of the Convention

The Meeting of the Parties:

- i. Took note of the information provided in national implementation reports submitted by Parties and synthesis report prepared by the secretariat.
- ii. Took note of reports prepared by non-governmental organizations.
- iii. Recognized the need for timely submission of national implementation reports in order to ensure a good quality of the synthesis report and its timely submission for translation.
- iv. Noted with regret that one third of Parties did not submit their reports by the set deadline.
- v. Urged Parties that did not submit their national implementation reports: Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan, to do so by latest 1 October 2014 in required format.
- vi. Expressed its deep concern that the former Yugoslav Republic of Macedonia is the only Party that have still not yet submitted its national implementation report for the third reporting cycle; and called upon the Compliance Committee under paragraph 13 (c) of the Annex to decision I/7 to consider the ongoing failure by the former Yugoslav Republic of Macedonia to submit its report for that cycle.
- vii. Took note of statements by Belarus, Friends of the Earth, the Royal Society for the Protection of Birds (RSPB) and WWF-UK, Friends of the Earth Scotland, and NGOs from Croatia, Iceland and Ireland.
- viii. Provisionally adopted decision V/8 on reporting requirements (ECE/MP.PP/2014/L.8), amending paragraph 7 by removing the names of the Parties that have submitted their report (i.e. Cyprus, the European Union, Iceland, Luxembourg and Malta) and requested the secretariat to amend the preamble by providing correct symbols of the Compliance Committee decisions and reports.

(b) Compliance mechanism

The Meeting of the Parties:

- i. Observed a minute of silence in memory of Ms. Svitlana Kravchenko, a member of the Compliance Committee, who passed away.
- ii. Welcomed the Report by the Compliance Committee (ECE/MP.PP/2014/9), including general recommendations contained therein, as well as findings and recommendations of the Committee with respect to compliance by specific Parties.
- iii. Thanked the Chair and other Compliance Committee members for their work in this intersessional period.
- iv. Provisionally adopted:

Decision V/9 on general issues of compliance (ECE/MP.PP/2014/CRP.3) and took note of statements by European ECO Forum and Environmental People Law;

Decision V/9(a) on compliance by Armenia (ECE/MP.PP/2014/L.10) and took note of the statement by EcoEra;

Decision V/9(b) on compliance by Austria (ECE/MP.PP/2014/L.11);

Decision V/9(c) on compliance by Belarus (ECE/MP.PP/2014/L.12) and took note of the statement by the European Union and Ecohome;

Decision V/9(d) on compliance by Bulgaria (ECE/MP.PP/2014/L.13);

Decision V/9(e) on compliance by Croatia (ECE/MP.PP/2014/L.14);

Decision V/9(f) on compliance by Czech Republic (ECE/MP.PP/2014/L.15);

Decision V/9(g) on compliance by European Union (ECE/MP.PP/2014/L.16);

Decision V/9(h) on compliance by Germany (ECE/MP.PP/2014/CRP.4);

Decision V/9(i) on compliance by Kazakhstan (ECE/MP.PP/2014/L.18) and took note of the statement by Kazakhstan, Eco Forum Kazakhstan and Crude Accountability;

Decision V/9(j) on compliance by Romania (ECE/MP.PP/2014/L.19);

Decision V/9(l) on compliance by Spain (ECE/MP.PP/2014/CRP.5) and took note of the statement by Spain;

Decision V/9(m) on compliance by Turkmenistan (ECE/MP.PP/2014/L.22);

Decision V/9(n) on compliance by Ukraine (ECE/MP.PP/2014/L.23);

Decision V/9(o) on compliance by United Kingdom (ECE/MP.PP/2014/CRP.6/Rev1) and agreed that the footnotes 2, 3, 4 of the draft decision V/9o concerning compliance by the United Kingdom (ECE.MP.PP/2014/CRP.6) as revised by the Working Group of the Parties at its eighteenth meeting, will be removed from the text of the decision and reflected instead in the report of the fifth session of the Meeting of the Parties. It will be also recorded in the report that the footnotes were originally included in the draft decision agreed by the Working Group and they were moved to the report after revisiting of the draft decision by the Meeting of the Parties.

v. Elected by consensus the following members of the Compliance Committee:

1. Mr. Jonas EBBESSON, Sweden
2. Ms. Elena FASOLI, Italy
3. Mr. Alexander KODZHABASHEV, BlueLink.net/Blue Link Foundation (NGO)

4. Mr. Alistair MCGLONE, United Kingdom and Ireland
5. Ms. Dana ZHANDAYEVA, Civil Society Development Organization (ARGO) and European ECO-Forum (NGOs).

(c) Capacity-building

The Meeting of the Parties took note of the information provided by Organization for Security and Cooperation in Europe (OSCE) and REC CEE on the main capacity-building activities undertaken during the intersessional period to promote more effective implementation of the Convention.

6. Promotion of the Convention and relevant developments and interlinkages

(a) Accession to the Convention by States from outside the United Nations Economic Commission for Europe region

The Meeting of the Parties:

- i. Took note of the information provided by the secretariat on requests for accession by non-United Nations Economic Commission for Europe States submitted to the Meeting of the Parties.
- ii. Requested that publications which are prepared by the secretariat and are subject to global outreach of the Convention, should be processed, translated and published by the United Nations services and be made available in the six official languages of the United Nations without recourse to additional extra-budgetary resources.
- iii. Took note of statements by Switzerland and European ECO Forum.

(b) Promotion of the Convention's principles in international forums

The Meeting of the Parties:

- i. Took note of the report by the Chair of the thematic session on Public Participation in International Forums on the activities of the thematic session since the fourth meeting of the Parties and thanked Ms. Elizabeth Smith, EBRD and Ms. Gita Parihar, European ECO Forum, for the keynote addresses.
- ii. Expressed its deep concerns with regard to the developments outlined in the letter of the representatives of major groups and stakeholders of civil society registered to participate in the 12th session of the Open Working Group on Sustainable Development Goals and with regard to recent negotiations on the policy of stakeholders engagement at UNEA, as these practices undermine seriously the Parties' efforts to promote the application of the principles of the Convention in international forums and also sets a very disturbing precedent for other forums.
- iii. Took note of statements by the European Investment Bank, European ECO Forum and Eco-Tiras.
- iv. Reiterated its call to Parties to include representatives of NGOs in their delegations participating in international forums.
- v. Provisionally adopted decision V/4 on promoting the application of the principles of the Convention in international forums (ECE/MP.PP/2014/CRP.2) as amended at the meeting.

vi. Thanked France for its leadership in this area of work and welcomed its offer to continue leading this work area in the next intersessional period.

(c) Global and regional developments on issues related to Principle 10 of the Rio Declaration on Environment and Development

The Meeting of the Parties:

i. Thanked Ms. Constance Nalegach, from the Government of Chile, for the keynote address on the update on Latin America and the Caribbean region activities to promote the rights of the public in environmental matters. Welcomed the progress in developing a regional instrument on the application of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean and offered readiness of Parties to support the region in its endeavours.

ii. Took note of statements by Costa Rica, Myanmar, ECLAC, Quaker/ China University of Political Science and Law, CEDHA Ecuador, Jamaica Environment Trust, European ECO Forum/ EEB and REC CEE.

(d) Update on United Nations Environment Programme initiatives on access to information, public participation and access to justice in environmental matters

The Meeting of the Parties took note of the statement by UNEP and World Resource Institute.

(e) Synergies between the Convention and other relevant multilateral environmental agreements and organizations

The Meeting of the Parties:

i. Took note of information provided by the Chair of the informal meeting of representatives of the governing bodies of the ECE Environmental Conventions and the Committee on Environmental Policy and by delegations.

ii. Took note of statement by Ecoropa and European ECO Forum.

iii. Thanked MEAs and partner organizations for close cooperation with the secretariat on promoting relevant provisions of the Convention.

7. Programme of work and operation of the Convention

(a) Implementation of the work programme for 2012–2014

The Meeting of the Parties:

i. Took note of the information provided by the secretariat on human and financial resource situation of the secretariat, in particular of (1) the Report on the implementation of the work programme for 2012–2014 (ECE/MP.PP/2014/3); (2) the Report on contributions and expenditures in relation to the implementation of the Convention's work programme for 2012–2014 (ECE/MP.PP/2014/4 and Corr.1) as well as (3) List of contributions and pledges for the implementation of the Aarhus Convention and Protocol on PRTRs work programmes (AC/MOP-5/Inf.2-PRTR/MOPP-2/Inf.1).

ii. Expressed appreciation for the work done by the secretariat and recognized the difficulties posed by limited and unpredictable funding.

iii. Took note of the statement by Belarus and agreed with the proposal of the Bureau in relation to the request by Belarus regarding interpretation of the Aarhus Convention and pursuant to paragraph 13b and paragraph 14 of the annex to Decision I/7 to follow the procedure that would also apply to similar requests:

- The secretariat would prepare a draft response (taking into account the Implementation Guide, jurisprudence, Compliance Committee decisions, other relevant legislation etc.) and consult over the draft response with both the Compliance Committee and the Bureau, take into account their views and then submit the response to the Party making the request.

- If it emerged that there were serious differences of opinion between or within the Compliance Committee, Bureau and/or secretariat, the Bureau will report on the matter to the Working Group of the Parties, which may entrust the Bureau (or establish an ad hoc committee) with input provided by the secretariat and Compliance Committee, to prepare a proposal on the subject matter for the MoP's consideration.

(b) Strategic Plan for 2015–2020

The Meeting of the Parties:

i. Took note of statement by REC CEE.

ii. Provisionally adopted decision V/5 on the Strategic Plan for 2015–2020 (ECE/MP.PP/2014/L.5).

(c) Work programme for 2015–2017

The Meeting of the Parties:

i. Took note of statements by REC CEE and European ECO Forum.

ii. Reiterated its request that documents for meetings of governing and subsidiary Convention's bodies, should be processed, translated and published by the United Nations services and be made available in the three official languages of the UNECE without recourse to additional extra-budgetary resources.

iii. Provisionally adopted decision V/6 on the work programme for 2015–2017 (ECE/MP.PP/2014/L.6).

iv. Took note of the pledges provided by delegations for the implementation of the work programme for 2015–2017.

(d) Financial arrangements

The Meeting of the Parties:

i. Took note of statement by the EU and European ECO Forum.

ii. Provisionally adopted decision V/7 on financial arrangements under the Convention, as amended at the meeting (ECE/MP.PP/2014/CRP.8).

8. Report on credentials with regard to the Convention's Parties

The Meeting of the Parties approved the report on credentials and noted that 39 Parties had submitted credentials and thus a quorum had been reached.

9. Election of officers and other members of the Bureau

The Meeting of the Parties elected by consensus:

i.

- Ms. Nino Sharashidze (Georgia) as Chair;
- Ms. Beate Berglund Ekeberg (Norway) and
- Mr. Lukas Pokorny (Czech Republic) as Vice-Chairs

from among the representatives of the Parties present at the meeting, in accordance with rule 18 of the rules of procedure.

ii. the following members of the Bureau from among the representatives of the Parties in accordance with rule 22, paragraph 1(b):

- Mr. Edwin Koning (Netherlands)
- Mr. Adrian Panciuc (Republic of Moldova)
- Ms. Gordana Petkovic (Serbia)
- Mr. Philippe Ramet (France)

iii. Took note of appointment by the European ECO Forum of Mr. Jeremy Wates (NGO) to attend the meetings of the Bureau as an observer, in accordance with rule 22, paragraphs 2 and 4.

10. Date and venue of the sixth ordinary session

The Meeting of the Parties:

i. Decided to hold its next ordinary session in 2017.

ii. Mandated the Working Group of the Parties to consider at its next meeting a possible date and venue for the sixth ordinary session.

Joint High-level Segment, 2 July 2014

5. Decisions of the Meeting of the Parties to the Convention at its fifth session

Based on the discussions under the preceding agenda items, the Meeting of the Parties formally adopted the following decisions with the agreed amendments by consensus:

Decision V/1 on access to information (ECE/MP.PP/2014/L.1)

Decision V/2 on public participation in decision-making, as amended at the meeting
(ECE/MP.PP/2014/CRP.1)

Decision V/3 on promoting effective access to justice (ECE/MP.PP/2014/L.3)

- Decision V/8 on reporting requirements (ECE/MP.PP/2014/L.8)
- Decision V/9 on general issues of compliance, as amended at the meeting (ECE/MP.PP/2014/CRP.3)
- Decision V/9(a) on compliance by Armenia (ECE/MP.PP/2014/L.10)
- Decision V/9(b) on compliance by Austria (ECE/MP.PP/2014/L.11)
- Decision V/9(c) on compliance by Belarus (ECE/MP.PP/2014/L.12)
- Decision V/9(d) on compliance by Bulgaria (ECE/MP.PP/2014/L.13)
- Decision V/9(e) on compliance by Croatia (ECE/MP.PP/2014/L.14)
- Decision V/9(f) on compliance by Czech Republic (ECE/MP.PP/2014/L.15)
- Decision V/9(g) on compliance by European Union (ECE/MP.PP/2014/L.16)
- Decision V/9(h) on compliance by Germany, as amended at the meeting (ECE/MP.PP/2014/CRP.4)
- Decision V/9(i) on compliance by Kazakhstan (ECE/MP.PP/2014/L.18)
- Decision V/9(j) on compliance by Romania (ECE/MP.PP/2014/L.19)
- Decision V/9(l) on compliance by Spain, as amended at the meeting (ECE/MP.PP/2014/CRP.5)
- Decision V/9(m) on compliance by Turkmenistan (ECE/MP.PP/2014/L.22)
- Decision V/9(n) on compliance by Ukraine, as amended at the meeting (ECE/MP.PP/2014/~~CRP.10L.23~~),
- Decision V/9(o) on compliance by United Kingdom, as amended at the meeting (ECE/MP.PP/2014/CRP.6/Rev.1)
- Decision V/4 on promoting the application of the principles of the Convention in international forums, as amended at the meeting (ECE/MP.PP/2014/CRP.2)
- Decision V/5 on the Strategic Plan for 2015–2020 (ECE/MP.PP/2014/L.5)
- Decision V/6 on the work programme for 2015–2017 (ECE/MP.PP/2014/L.6)
- Decision V/7 on financial arrangements under the Convention, as amended at the meeting (ECE/MP.PP/2014/CRP.8)

The MOP also adopted the other major outcomes presented at the meeting as contained in the present document ECE/MP.PP/2014/CRP.9 and requested the secretariat, in consultation with the Chair of the Meeting of the Parties, to finalize the report and to incorporate the adopted outcomes and decisions in it.