

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

Task Force on Public Participation in Decision-Making

Fifth meeting

Geneva, 23-24 February 2015

Item 2 of the provisional agenda

SELECTED RELEVANT RESOURCES

Background paper¹
Prepared by the secretariat

This background paper directs participants to selected sections of relevant resources relating to item 2 of the agenda of the fifth meeting of the Task Force on Public Participation in Decision-Making under the Aarhus Convention, specifically: identification and notification of the public concerned, early public participation, the role of private actors and project developers, and due account of comments and outcomes of public participation. The selected resources include the Aarhus Implementation Guide 2nd edition,² the Maastricht Recommendations,³ and the Synthesis report on the status of implementation of the Convention (2014).⁴ It is not intended to provide an exhaustive account of every relevant section of these resources, but instead to signal some selected sections which may provide a useful starting point for pre-reading and subsequent discussion under the auspices of the Task Force on Public Participation in Decision-Making.

¹ The document was not formally edited.

² 2014. Available at

http://www.unece.org/fileadmin/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf

³ (ECE/MP.PP/2014/2/Add.2). Available at

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Post_session_docs/ece_mp.pp.2014.2_add.2_eng.pdf (in English)

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Post_session_docs/ece_mp.pp.2014.2_add.2_fre.pdf (in French)

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Post_session_docs/ece_mp.pp.2014.2_add.2_rus.pdf (in Russian)

⁴ (ECE/MP.PP/2014/6). Available at

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Category_II_documents/ece.mp.pp.2014.6_aec.pdf (in English) and

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Category_II_documents/ECE.MP.PP.2014.6_RUS_aec.pdf (in Russian) and

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Category_II_documents/ece.mp.pp.2014.6_Fre_as_submitted_aec.pdf (in French)

Introduction

Due to the large quantity of material relevant to the agenda item in the 2014 National Implementation Reports, it was not possible to create a compilation. However, the 2014 National Implementation Reports themselves may be accessed online⁵ or through the interactive database.⁶

Participants are kindly advised to ensure that they have a copy of the Maastricht Recommendations⁷ with them at the meeting because discussion for some agenda items will draw on these recommendations.

Some relevant sections of resources related to agenda item 2 include (but are not limited to) the following.

a. Identification and notification of the public concerned

See especially Aarhus Convention articles 2(5), 6(2) and 6(5).

See especially Implementation Guide pages 57–58 and 134–142.

See Maastricht Recommendations, especially paragraph I(A)(1(c)) (page 5); heading I, subheadings ‘H. Defining and identifying the public which may participate’ and ‘I. Individual notification’ (pages 10–11); and heading II, subheading ‘D. Adequate, timely and effective notification (article 6, paragraph 2)’ (starting on page 20).

See 2014 Synthesis Report, especially Section D and in particular the subheadings ‘Notifying the public (article 6, paragraph 2)’ (page 27) and ‘Encouraging prospective applicants to identify the public concerned (article 6, paragraph 5)’ (starting on page 28).

b. Early public participation

See especially Aarhus Convention articles 6(4), 7 and 8.

See especially Implementation Guide pages 144–146, 178–179 and 182–183.

See Maastricht Recommendations, especially heading I, subheadings ‘F. Public participation on the zero option’ (page 9) and ‘G. Multi-stage decision-making’ (page 10–11); heading II, subheading ‘F. Early public participation when all options are open (article 6, paragraph 4)’ (starting on page 27); heading III, subheadings ‘Early public participation’ and ‘Zero option’ (both on page 43); and heading IV (starting on page 49).

See 2014 Synthesis report, especially Section D and in particular the subheading ‘Early and effective public participation (article 6, paragraph 4)’ starting on page 28, as well as section E starting on page 31, and section F starting on page 33.

⁵ http://www.unece.org/env/pp/reports_trc_implementation_2014.html

⁶ <http://apps.unece.org/ehlm/pp/NIR/index.asp>

⁷ (ECE/MP.PP/2014/2/Add.2). Available at

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Post_session_docs/ece_mp.pp_2014_2_add.2_eng.pdf (in English)

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Post_session_docs/ece_mp.pp_2014_2_add.2_fre.pdf (in French)

http://www.unece.org/fileadmin/DAM/env/pp/mop5/Documents/Post_session_docs/ece_mp.pp_2014_2_add.2_rus.pdf (in Russian)

c. Role of private actors and project developers

See especially Aarhus Convention article 6(5).

See especially Implementation Guide pages 128–130 and 146–147.

See Maastricht Recommendations, especially heading I, subheading “L. Delegating tasks in a public participation procedure” (starting on page 13); heading II, subheading “G. Encouraging developers to engage with the public concerned before applying for a permit (article 6, paragraph 5)” (starting on page 28); and the “Annex. Delegating tasks in the public participation procedure” (pages 49–52).

See Synthesis report, especially Section D and in particular the subheading “Encouraging prospective applicants to identify the public concerned (article 6, paragraph 5)” (starting on page 29).

d. Due account of comments and outcomes of public participation

See especially Aarhus Convention article 6(8), 7 and 8.

See Implementation Guide, especially pages 155–156, 178-179 and 185.

See Maastricht Recommendations, especially heading II, subheading “J. Taking due account of the outcome of public participation — scope of obligation (article 6, paragraph 8)” (starting on page 37); heading III, subheading “Taking due account of comments” (page 46); and heading IV (starting on page 47).

See Synthesis report, especially Section D and in particular the subheading “Taking due account of the outcome of the public participation (article 6, paragraph 8)” (starting on page 29); section E (starting on page 31); and section F (starting on page 33), especially subheading “Due account taken of public participation” (on page 34).