

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

Working Group of the Parties

Twenty-first meeting

Geneva, 4-6 April 2017

Item 11 of the provisional agenda

Adoption of the outcomes

**LIST OF DECISIONS AND MAJOR OUTCOMES OF THE MEETING
as adopted by the Working Group at its twenty-first meeting¹**

Item 1. Adoption of the agenda

The Working Group of the Parties:

- i. Took note of the information provided by the Chair regarding the meeting's proceedings.
- ii. Adopted the provisional agenda of the meeting.
- iii. Took note of the appointment by the Netherlands of Ms. Seray Özsöylemez-Martherus, as a member of the Bureau, to replace Mr. Edwin Koning.
- iv. Expressed its appreciation to Mr. Koning for the long standing professional support that he provided to the promotion of the Aarhus Convention in the region and beyond.

**Item 2. Status of ratification of the Convention and the Protocol on
Pollutant Release and Transfer Registers**

The Working Group of the Parties:

- i. Took note of the information on the status of ratification of the Convention, its amendment and the Protocol on PRTRs, provided by the secretariat.
- ii. Took note of the relevant developments with regard to ratification of the Protocol on Pollutant Release and Transfer Registers (PRTRs) presented by Georgia and Montenegro.

Item 3. Substantive issues

(a) Access to information

The Working Group of the Parties:

- i. Expressed its appreciation to the Republic of Moldova for chairing the Task Force and welcomed its willingness to continue leading this work area.

¹ This document was not formally edited.

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- ii. Thanked the Task Force for the work done and took note of the report by the representative of the Republic of Moldova and of statements and information related to the subject area, provided by other delegations.
 - iii. Revised and approved, as amended at the meeting, the draft decision on access to information (AC/WGP-21/CRP.1) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

(b) Public participation in decision-making

The Working Group of the Parties:

- i. Expressed its appreciation to Italy for chairing the Task Force and welcomed its willingness to continue leading this work area.
- ii. Thanked the Task Force for the work done and took note of the report by the representative of Italy and of statements and information related to the subject area, provided by other delegations.
- iii. Revised and approved, as amended at the meeting, the draft decision on promoting effective public participation in decision-making (AC/WGP-21/CRP.2) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

(c) Access to justice

The Working Group of the Parties:

- i. Expressed its appreciation to Sweden for chairing the Task Force.
- ii. Thanked the Task Force for the work done and took note of the report by the representative of Sweden and of statements and information related to the subject area, provided by other delegations.
- iii. Revised and approved, as amended at the meeting, the draft decision on promoting effective access to justice (AC/WGP-21/CRP.3) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

(d) Genetically modified organisms

The Working Group of the Parties:

- i. Expressed its appreciation to Austria for chairing the second global round table on public awareness, access to information and public participation regarding living modified organisms/genetically modified organisms (Geneva, 15-17 November 2016) and welcomed its willingness to continue leading this work area.
- ii. Took note of the report on the second global round table (ECE/MP.PP/WG.1/2017/8) and expressed its appreciation to the secretariat of the Cartagena Protocol on Biosafety for its cooperation; and took note of the information provided by the delegations on recent developments related to the subject area.
- iii. Welcomed the ratification of the Convention's amendment on public participation in decisions on deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) by France and Malta.
- iv. Called upon the following Parties, whose ratification of the GMO amendment would count towards its entry into force: Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine to take serious steps towards ratification and requested the above Parties to report at the sixth session Meeting of the Parties on the progress achieved.

Item 4. Procedures and mechanisms

(a) Compliance mechanism

The Working Group of the Parties:

- i. Took note of the information provided by the Chair of the Compliance Committee and by delegations related to the compliance mechanism.
- ii. Thanked the Compliance Committee and its Chair for the work done.
- iii. Took note of the invitation by the Committee's Chair to the Parties, to send to the secretariat proposed issues to be discussed at the "open dialogue" scheduled to take place at the sixth session of the Convention's Meeting of the Parties.
- iv. Expressed its concern over challenges associated with audio and video connections for meetings proceedings.

(b) Capacity-building and awareness-raising

The Working Group took note of the information provided by the secretariat and delegations related to the subject area. It welcomed the cooperation of the secretariat on capacity building activities with other partners and expressed its appreciation to partners for their continued support to the implementation of the Convention.

Item 5. Promotion of the Convention and relevant developments and interlinkages

The Working Group of the Parties:

- i. Took note of the information provided by the secretariat and a representative of Guinea-Bissau regarding the country's accession to the Convention;
- ii. Took note of the information provided by the secretariat and delegations regarding promotion of the Convention in Latin America and the Caribbean region.
- iii. Welcomed initiatives taken by Parties or stakeholders to promote the Convention beyond the ECE region.

Item 6. Implementation of the work programme for 2015–2017, including financial matters

The Working Group of the Parties:

- i. Took note of the report on the implementation of the work programme for 2015–2017 (ECE/MP.PP/WG.1/2017/3) and the information provided by the secretariat on the financial resource situation of the secretariat, and the report on contributions and expenditures in relation to the implementation of the Convention's work programme for 2015–2017 (ECE/MP.PP/WG.1/2017/7).
- ii. Welcomed the synergies with partner organizations that have helped the effective implementation of the work programme.
- iii. Also took note of information on the pledges provided by the secretariat and delegations on expected financial contributions; called upon the Parties to proceed with making financial contributions as soon as possible and expressed its concern over the fact that contributions are still arriving late in the year.

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- iv. Expressed its strong concern about the difficulties arising from the fact that Umoja is not fully operational and that its deficiencies impact the workload of the secretariat and the secretariat's ability to deliver the tasks efficiently.
 - v. Expressed appreciation for the work done by the secretariat and recognized the difficulties posed by limited and unpredictable funding and challenges associated with Umoja.

Item 7. Promotion of the principles of the Convention in international forums

The Working Group of the Parties:

- Thanked the Chair of the thematic session for his skilled leadership and for his long standing dedication to the promotion of the principles of the Aarhus Convention in international forums.
- Expressed its appreciation to France for leading the work on promoting the application of the principles of the Convention in international forums and welcomed its willingness to continue leading this work area.
- Thanked Parties that participated in the session's survey on the promotion of the principles of the Convention in the framework of the European Environment and Health Process and noted good examples shared through the survey;
- Expressed its appreciation to the representatives of Albania, Czechia, WHO European Centre for Environment and Health and European ECO Forum for their presentations;
- Took note of the background document prepared by the secretariat on the compatibility of the rules of procedure and practices of the governing bodies of the Environment and Health Process with the Almaty Guidelines.
- Noted the need for strengthening cooperation between national focal points of the Aarhus Convention and the European Environment and Health Process as to promote the principles of the Aarhus Convention in the Process more effectively.
- Requested the secretariat to communicate the outcomes of the thematic session to WHO/Europe as to make them available to the preparatory meetings for and to the Ostrava Ministerial Conference itself.
- Expressed its appreciation to the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) for its continuous cooperation and for the update on stakeholder engagement in the lead up to the twenty-second session of the Conference of the Parties of UNFCCC and during the meeting itself. Requested the secretariat of the Aarhus Convention: (a) to prepare a consolidated background document on good practices and challenges with regard to stakeholders' participation based on the relevant material prepared under the auspices of the Convention's former Task Force on Public Participation in International Forums and the Working Group of the Parties (e.g. meeting reports, presentations) and (b) to communicate this document to the UNFCCC secretariat for possible use in UNFCCC processes, as appropriate;
- Expressed its appreciation to the secretariat of the United Nations Environment Programme (UNEP) for the update on stakeholder engagement in the United Nations Environment Assembly and on UNEP's access to information policies;
- Expressed its appreciation to the ECE secretariat for the update on the promotion of the principles of the Aarhus Convention throughout developing, implementing and monitoring implementation of Sustainable Development Goals (SDGs);

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- Took note of the information provided by the representatives of stakeholders regarding good practices and challenges in promoting access to information and public participation in the climate-related negotiations, in UNEP processes and when implementing SDGs;
 - Encouraged Parties to continue promoting the Convention's principles in the European Environment and Health, and UNEP processes, and when implementing the Sustainable Development Goals;
 - Expressed its serious concerns with regard to report by NGOs on the lack of transparency and public participation in the implementation of the commitments of the Paris Agreement on Climate Change and urged Parties to ensure that the principles of the Aarhus Convention are promoted effectively in climate-related decision-making.
 - Welcomed the progress made in promoting the Convention's principles in international forums, but recognized that more efforts should be done to enhance transparency and effective public participation in international environment-related decision-making.
 - Encouraged Parties to continue fulfilling their obligations under article 3, paragraph 7, of the Convention and to consider the results achieved at the next meeting of the Working Group;
 - Encouraged Parties to include NGO representatives in their respective delegations for the upcoming sessions of the Meetings of the Parties to the Convention and to the Protocol.
 - Revised and approved, as amended at the meeting, the draft decision on promoting the application of the principles of the Convention in international forums (AC/WGP-21/CRP.4) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

Item 8. Other substantive preparations for the sixth session of the Meeting of the Parties

(a) Agenda of the sixth session

The Working Group of the Parties:

- i. Approved the Draft provisional agenda for the sixth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2017/L.8) and requested the secretariat to finalize it in consultation with the Chair and submit it to the Meeting of the Parties for consideration at its sixth session.
- ii. Mandated the Bureau to finalize, the programme for the high-level segment, in light of the comments by the Working Group and in cooperation with the Bureau of the Protocol on PRTRs.

(b) Programme of work for 2018-2021

The Working Group of the Parties:

- i. Took note of the information provided by delegations.
- ii. Approved the Draft decision on the work programme for 2018-2021 (ECE/MP.PP/WG.1/2017/L.5) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

(c) Financial arrangements under the Convention

The Working Group of the Parties took note of the information provided by delegations and approved, as amended at the meeting, the draft decision on financial arrangements under the Convention (AC/WGP-21/CRP.6/Rev.1) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

(d) Reporting requirements

The Working Group of the Parties:

- i. Took note of the information provided by the secretariat on the status of submission of national implementation reports for the 2017 reporting cycle and called upon those Parties that failed to submit their reports to date: Armenia, Bosnia and Herzegovina, Cyprus, Denmark, European Union, France, Luxembourg, Malta, Netherlands, Portugal, Republic of Moldova, Slovenia, Sweden, The former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom to proceed with their submissions urgently, so as to ensure that their national implementation reports would be taken into consideration during the preparation of the synthesis report.
- ii. Welcomed the good practice of Germany of submitting their 2017 national implementation report in all three ECE languages as well as that of Kazakhstan and Turkmenistan to submit it in two ECE languages.
- iii. Revised and approved, as amended at the meeting, the draft decision on reporting requirements (AC/WGP-21/CRP.7) and requested the secretariat to finalize it and submit it to the Meeting of the Parties for consideration at its sixth session.

(e) Declaration

The Working Group of the Parties took note of the information provided by the delegates.

The Working Group of the Parties approved, as amended at the meeting, the draft joint declaration by the Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers (AC/WGP-17/CRP.5/Rev.1) and mandated the Bureau of the Meeting of the Parties to the Convention to finalize it in cooperation with the Bureau of the Meeting of the Parties to the Protocol, and submit it for consideration by Parties to both instruments at the joint high-level segment.

Item 9. Practical preparations for the sixth session of the Meeting of the Parties

The Working Group took note of the information provided by the host country and the secretariat regarding preparations for the sixth session of the Meeting of the Parties, and expressed its appreciation to the host country for its efforts and the preparatory work presented to delegates.

Item 10. Other business

Recalling commitments made through the Maastricht Declaration, the Working Group noted with concern allegations of non-compliance with article 3, paragraph 8, of the Convention reported by the European ECO Forum regarding the recent widespread arrest and detention by the authorities in Belarus of peaceful protesters, including some individuals from the very same organization whose members had previously experienced problems when exercising their rights under the Convention and which had submitted Communication ACCC/C/2014/102 which was under consideration by the Compliance Committee.

The Working Group also took note of the statement by Belarus, which explained that the above events had no relevance to article 3, paragraph 8, of the Convention.

Several Parties requested not to discuss the above issue. Considering different opinions expressed in statements made by several Parties, several Parties requested the Bureau to look further into the extent to which the situation was relevant to the obligations of Belarus under the Aarhus Convention and if necessary to bring its concerns to the attention of the Government of Belarus.

Furthermore, the Working Group:

- welcomed the willingness of Italy to organize an event in Italy in 2018 to celebrate the anniversary of the signing of the Aarhus Convention.
- took note of information provided by a representative of NGO from Montenegro regarding environmental issues in Montenegro.

Item 11. Adoption of outcomes

The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting (as contained in this document) and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate these adopted outcomes and decisions.
