



Economic and Social Council

Distr.: General
21 October 2019

Original: English

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-third meeting
Geneva, 26–28 June 2019

Report of the Working Group of the Parties on its twenty-third meeting



I. Introduction

1. The twenty-third meeting of the Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held in Geneva, from 26 to 28 June 2019.

2. The meeting focused on the review of the implementation of the work programme for 2018–2021 (ECE/MP.PP/WG.1/2019/5) and on items in preparation for the seventh ordinary session of the Meeting of the Parties. The meeting also included thematic sessions on public participation in decision-making and on promoting the principles of the Convention in international forums.

A. Attendance

3. The meeting was attended by representatives of the following Parties to the Convention: Albania, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkmenistan, Ukraine and United Kingdom of Great Britain and Northern Ireland.

4. Representatives of Guinea-Bissau, Mongolia and Uzbekistan also attended.

5. Also present were representatives of the United Nations Environment Programme (UNEP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Rapporteur on the situation of human rights defenders, the World Bank Group, the Asian Infrastructure Investment Bank, the European Bank for Reconstruction and Development (EBRD), the European Investment Bank, the European Environment Agency, the General Secretariat of the Council of the European Union, the Organization for Security and Cooperation in Europe (OSCE), Aarhus Centres and academic organizations, as well as members of the judiciary, members of the public and representatives of international, regional and national environmental non-governmental organizations (NGOs), many of which coordinated their input within the framework of the European ECO-Forum.

B. Opening of the meeting and organizational matters

6. The Chair opened the meeting. At the Chair's invitation, the Working Group paid tribute to Mr. Laurent Mermet, who had passed away on 16 June 2019. Mr. Mermet had been one of the leading lights of the Aarhus Convention and had made a great contribution to its promotion as a member of its Compliance Committee and as the Chair of the Task Force on Public Participation in International Forums. Statements of appreciation were also made during the item on the compliance mechanism and the thematic session on promoting the principles of the Convention in international forums.

7. The Chair recalled that the upcoming high-level political forum on sustainable development (New York, 8–18 July 2019) would conduct its annual thematic review on “Empowering people and ensuring inclusiveness and equality”, with a focus on Sustainable Development Goal 16 (peace, justice and strong institutions) and several other Goals, which were of direct relevance to the Convention.

8. The Working Group took note of the information provided by the Chair and adopted the agenda (ECE/MP.PP/WG.1/2019/1).

II. Status of ratification of the Convention and the Protocol on Pollutant Release and Transfer Registers

9. The secretariat reported that as at the date of the meeting, there were 47 Parties to the Convention, 36 Parties to the Protocol on Pollutant Release and Transfer Registers and 31 Parties to the genetically modified organisms (GMO) amendment.

III. Substantive issues

A. Access to information

10. A representative of the Republic of Moldova, speaking on behalf of the Chair of the Task Force on Access to Information, reported on the preparations for the sixth meeting of the Task Force (Geneva, 2–4 October 2019). She recalled the request by the Meeting of the Parties at its sixth session to the Task Force to update the recommendations on electronic information tools set out in decision II/3 (ECE/MP.PP/2017/2/Add.1) and informed the meeting that a consultation had been launched to seek views and gather case studies on the developments in the Shared Environmental Information System, geospatial information management, e-government, reuse of public sector information and other relevant initiatives and technical developments. The outcomes of the consultation would be discussed at the Task Force meeting and taken into account when updating the recommendations.

11. The Working Group took note of the above-mentioned information and statements by delegations on recent developments related to access to information. It thanked the Task Force for the work done. It reiterated that effective access to environmental information supported the achievement of Sustainable Development Goals and targets, particularly target 16.10. It also encouraged Parties and stakeholders to participate actively in the consultation on the update of the recommendations launched in June 2019. Parties that had not already done so were encouraged to establish a national web node for the Convention and to provide resources for the Aarhus Clearinghouse.

B. Public participation in decision-making

12. The thematic session took stock of recent developments regarding implementation of public participation during decision-making processes on specific activities, environmental impact assessments, environmental permits, plans and programmes, as well as normative acts related to the environment within the scope of articles 6, 7 and 8 and other relevant provisions of the Convention. The session also addressed certain issues raised in decision VI/2 (ECE/MP.PP/2017/2/Add.1), with the aim of advancing the implementation of the public participation pillar of the Convention and overcome existing challenges. The session was moderated by Mr. Attila Tanzi, Chair of International Law, University of Bologna, Italy, and included presentations and a subsequent interactive discussion, during which Parties, NGOs and other stakeholders shared their experiences.

13. The moderator recalled the Budva Declaration on Environmental Democracy for Our Sustainable Future (ECE/MP.PP/2017/16/Add.1–ECE/MP.PRTR/2017/2/Add.1), which highlighted the critical importance of effective public participation in achieving the Sustainable Development Goals. He also referred to the Maastricht Recommendations on Promoting Effective Public Participation in Decision-Making in Environmental Matters, which provided helpful guidance for authorities.

14. A representative of Italy, speaking on behalf of the Chair of the Task Force on Public Participation in Decision-making, reported on the eighth meeting of the Task Force (Geneva, 8 and 9 October 2018). The meeting had addressed key issues, notably: (a) specific aspects for ensuring effective public participation, such as meaningful and early participation, the availability of all relevant documents to the public, effective notification and time frames, taking greater account of comments from the public and provision of feedback; (b) protection of persons exercising their rights in conformity with the provisions of the Convention; and (c) public participation in chemicals- and product-related decision-making. Some practical examples were shared by Parties and stakeholders in that regard. Those topics were critical for all United Nations Member States, as they concerned the achievement of Goal 16 and targets 16.7 and 16.10.

15. A representative of Women Engage for a Common Future, speaking on behalf of the European ECO-Forum, summarized important systemic challenges and positive and negative trends across the region. She expressed her concern about the shrinking space for civil society engagement and presented additional challenges to those already identified in decision VI/2,

including public participation in the extension of permits within the scope of article 6 (10) and the identification of the public concerned within the scope of article 6 (5) of the Convention. She noted greater involvement of youth and the use of new technologies to enable participation. However, lack of interest, lack of, or overly, complex information and non-transparent processes continued to hamper effective public participation. Referring to the 2030 Agenda for Sustainable Development, she stressed that effective public participation as laid out in articles 6, 7 and 8 of the Convention was critical for the achievement of all Goals.

1. Articles 6, 7 and 8 and public participation in a transboundary context

16. The Working Group considered recent developments regarding different types of decision-making within the scope of articles 6, 7 and 8 of the Convention and public participation in a transboundary context. Each item was introduced by Mr. Jerzy Jendroška, environmental lawyer and member of the Compliance Committee, who summarized key issues of a systemic nature relevant to the topics.

17. A representative of Kyrgyzstan shared the Party's experience of public participation in mining activities, including several measures to support public participation in that complex economic area, with reference to article 6. Measures included the preparation of guidelines setting out potential reasons for conflicts based on the experience of six mining sites in the country. The guidelines included recommendations for public authorities on how to work with the public to avoid and/or resolve such conflicts.

18. A representative of Romania presented examples of strategic environmental assessments within the scope of article 7 that illustrated when and how the public was informed, how it could participate and, lastly, how the results of comments from the public were reflected in the final report. She gave different examples, including the Large Infrastructure Operational Programme and the National Strategy on Climate Change. She noted important lessons learned, such as the need to record all public comments and to provide written answers to questions that could not be answered during public hearings.

19. A representative of Georgia shared the Party's experience of public participation within the scope of article 8 regarding regulatory normative acts on fishing and how and when the public could comment on draft acts. Because there had been no proper public participation during the drafting stage of one such normative acts – which referred to management plans for fishery activities – the public had expressed its concerns after the act's implementation. To address those concerns, public consultations had been conducted and the normative act had been amended on the basis of the comments received. Eventually, the act had been improved, but lack of timely and effective public participation had meant that the authorities had been forced to make further efforts and spend additional time on the issue.

20. A representative of the United Kingdom gave a presentation of the Party's planning regime for public participation in a transboundary context that demonstrated how such a complex matter as, for example, nuclear projects, could be dealt with in practice. He stated that, during the planning process, the government agency responsible for infrastructure projects of national significance screened project applications twice for possible transboundary effects. For nuclear projects, all European Economic Area member countries and all Parties to the Convention on Environmental Impact Assessment in Transboundary Context (Espoo Convention) and the Aarhus Convention were informed whether or not likely effects on the environment had been identified. Members of the public in those States had the same access to information and possibilities to participate in the process as the public in the United Kingdom.

Systemic challenges

21. Identified through presentations on articles 6, 7 and 8, as well as on public participation in a transboundary context, the Working Group noted several common systemic challenges, notably the lack of sufficient and reasonable time frames; effective notification of the public; and involvement of vulnerable and marginalized groups.

22. It noted additional systemic challenges with specific regard to:

(a) Article 6, such as: (i) a narrow approach to defining the public concerned and to ensuring public participation regarding changes and extensions of specific activities; (ii) the lack of a systematic approach to implementing article 6 (1) (b) regarding the application of article 6 to decisions on proposed activities not listed in annex I that might have a significant effect on the environment; and (iii) in some countries, limiting public participation only to environmental impact assessment procedures and assigning developers with full responsibility to carry out the public participation procedure;

(b) Article 7, such as: (i) an insufficient framework and lack of public participation procedures, as not all plans and programmes might be identified and covered; (ii) no systemic approach to identifying the public that may participate; and (iii) insufficient public access to “all relevant information”;

(c) Article 8, such as: (i) identification of the scope of executive regulations and other generally applicable legally binding rules “that may have a significant effect on the environment”; and (ii) whether those legal instruments should be commented on directly by the public or through representative consultative bodies;

(d) Public participation in a transboundary context, such as: (i) identification of “transboundary context” and the procedures that should apply. In that context, it was noted that Parties to the Aarhus Convention were required to implement the provisions thereof regardless of whether or not they applied the Espoo Convention procedure; and (ii) different legal administrative traditions in the countries concerned and practical problems (for example, translation).

Positive trends

23. The Working Group welcomed the common positive trends identified regarding public participation within the scope of articles 6, 7 and 8, namely easier accessibility of documents through electronic means, and it welcomed additional common positive trends identified regarding:

(a) Articles 6, and 7, namely: (i) increased participation in screening and scoping procedures; (ii) setting clear minimum time frames for separate phases; and (iii) having elaborate requirements for notifying the public in place;

(b) Article 6, including: (i) a liberal approach to “having an interest” was usually taken when defining the public concerned by relation to health and quality of life; and (ii) mandatory public participation in “pollution permitting”, biodiversity assessments and “industrial accidents permitting”;

(c) Article 7, including: (i) ensuring public participation in the screening and scoping phases of strategic environmental assessment procedures; and (ii) mandatory public participation for plans and programmes not requiring strategic environmental assessment;

(d) Article 8, including: (i) the possibility of commenting for everyone; and (ii) the requirements for recording all comments and clearly addressing each comment were also increasingly met;

(e) Public participation in a transboundary context, such as: (i) in general, an appreciation of the transboundary context, including the putting in place of clear non-discrimination provisions; and (ii) the existence of the means to ensure effective notification, which needed to be applied broadly.

Actions to improve the situation

24. To improve the situation of public participation within the scope of articles 6, 7 and 8 and in a transboundary context, the Working Group called on Parties to implement the following key actions identified, including: the introduction of mechanisms to ensure reasonable and sufficient time frames; enhancing access to “all relevant information”; providing effective means of notification; and allocating sufficient funding for public participation procedures. For public participation in a transboundary context, those actions should also be taken regarding the foreign public. Additionally, particular actions per item discussed were identified, including:

(a) Article 6: reconsider the approach to the scope of “public concerned” so as to widen it to cover those affected by accidents (for example, non-routine impact); improve the means to ensure “effective” notification; and elaborate and ensure a systemic approach to implementing article 6 (1) (b);

(b) Article 7: ensure possibilities for public participation regarding all plans and programmes “relating to the environment”; and elaborate and ensure a systemic approach to “identification of the public which may participate”;

(c) Article 8: ensure possibilities for public participation regarding all executive regulations and other generally applicable legally binding rules “that may have a significant effect on the environment”;

(d) Public participation in a transboundary context: provide effective means of notification, including for the foreign public; ensuring public participation procedures as provided by the Aarhus Convention regardless of whether or not procedures under the Espoo Convention were applied.

2. Environmental rights defenders

25. The Working Group turned to the topic of protection of persons exercising their rights in conformity with the provisions of the Convention. The moderator stated that implementation of the Convention’s provisions could support the achievement of target 16.10 on the protection of fundamental freedoms.

26. The Chair of the Convention Compliance Committee emphasized that the Convention contains a specific provision that dealt specifically with the protection of persons exercising their rights in conformity with the Convention, namely article 3 (8), and presented the Committee’s work concerning non-compliance with that provision. He explained the Committee’s approach to examining allegations concerning non-compliance with article 3 (8). In its report on general issues of compliance to the sixth session of the Meeting of the Parties, the Committee had emphasized the seriousness of a finding that a Party concerned was in non-compliance with article 3 (8) of the Convention. If a Party did not ensure that members of the public were not penalized, harassed or persecuted for exercising their rights under the Convention, it put in grave jeopardy the implementation of the Convention as a whole by the Party concerned.

27. Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, stated that, according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, environmental advocates were mainly identified by what they did. They were characterized by their actions in favour of the protection of environmental and land rights. The more that was known about the global climate crisis, the more it was known that it was urgent to take bold decisions and to protect the planet, the more attacks were seen on environmental defenders. According to NGO Front Line Defenders data, environmental defenders were nearly three times more likely to be attacked than other human rights defenders. More than three quarters (77 per cent) of the human rights defenders killed in 2018 had worked on land, indigenous peoples’ or environmental rights. He said that the situation of environmental rights defenders in the ECE region was not ideal and he invited the participants to consult the related OHCHR database to find out more about the situation of environmental activists.

28. In March 2019, the Human Rights Council had adopted resolution 40/11 with the aim of reversing the trend of escalating violence and killings of environmental human rights defenders, empowering them and protecting their human rights. A representative of Norway, who had led the negotiation team on the resolution, said that the resolution emphasized the positive role of environmental human rights defenders in society and in advancing the 2030 Agenda on Sustainable Development. It supported policies and practices that facilitated the work of environmental human rights defenders and recognized the need for protection from violations and to bring perpetrators to justice. The resolution also referred to the Aarhus Convention and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

29. A representative of the European ECO-Forum shared examples of persecution and harassment of environmental defenders in different countries and proposed the establishment of a rapid response mechanism of a preventive nature to provide help in “urgent” cases. Such a mechanism should be based on article 3 (8) of the Convention and on the existing human rights special procedures, and complement the latter and the Convention’s compliance mechanism. He expressed the hope that such a mechanism would prevent future cases of harassment and persecution.

30. A representative of the Netherlands outlined the Shelter City programme, through which twelve cities of the Netherlands offered human rights defenders a shelter for three months, during which time they could rest, build up capacity and raise awareness about the situation in their country.

31. The Working Group took note of the issues raised by speakers and participants, including:

(a) The serious situation regarding environmental rights defenders, and even killings of such defenders;

(b) Existing challenges, such as fear to report such cases, impunity and difficulty in uncovering the identity of those behind the ordering and conducting of such acts;

(c) The crucial importance of establishing and maintaining a safe and enabling environment that empowered members of the public to exercise their rights in conformity with the Convention;

(d) Mechanisms and instruments dealing with such cases established under OHCHR, including the recently adopted Human Rights Council resolution 40/11 on environmental human rights defenders;

(e) The suggestion to consider establishing an arrangement under the Aarhus Convention that would allow for rapid reaction in such cases;

(f) Experience on “shelter cities for human rights defenders”, which also covered environmental rights defenders.

32. The Working Group called on Parties to review their legal frameworks and practical arrangements in line with the Convention’s obligation and to address systemic challenges as reported by speakers to ensure that persons exercising their rights in conformity with the Convention’s provisions were not penalized, persecuted or harassed in any way for their involvement. The Working Group noted the concerns expressed by NGOs regarding shrinking space for civil society to exercise their environmental rights and called on Parties to continue efforts to raise awareness about the obligations under article 3 (8) among, in particular, officials of public authorities, law enforcement agencies, prosecutors, members of judiciary, providers of private security services and developers.

33. The Working Group welcomed initiatives by Parties, Aarhus Centres, NGOs, international organizations and other stakeholders to promote safe, inclusive and effective public participation in decision-making without persecution and harassment, as reported by speakers, and invited them to conduct training sessions and other capacity-building activities for relevant target groups.

34. The Working Group thanked Mr. Tanzi for moderating this important session and Mr. Jerzy Jendroška, the Chair of the Compliance Committee, the Special Rapporteur on the situation of human rights defenders and the representatives of Georgia, Kyrgyzstan, Norway, Romania, the United Kingdom and European ECO-Forum for their presentations. It also took note of the report of the Task Force on Public Participation in Decision-making on its eighth meeting (ECE/MP.PP/WG.1/2019/3) presented by Italy, on behalf of the Chair of the Task Force, and thanked the Task Force for the work done.

35. The Working Group welcomed the exchange of information, experiences, challenges and good practices provided by the representatives of Parties and stakeholders regarding public participation in decision-making within the scope of articles 6, 7 and 8 of the Convention and in a transboundary context; and protection of persons exercising their rights in conformity with the provisions of the Convention. It reiterated that effective public

participation supported the achievement of targets 16.7 and 16.10 on, respectively, responsive, inclusive, participatory and representative decision-making at all levels and protection of fundamental freedoms, and underpinned the implementation of other relevant Goals and targets.

C. Access to justice

36. The Working Group recalled that the Budva Declaration emphasized the important role of the Convention in promoting Goal 16 in the context of access to justice and the rule of law.

37. The Chair of the Task Force on Access to Justice reported on the outcomes of the twelfth meeting of the Task Force (Geneva, 28 February and 1 March 2019), which focused on access to justice in cases relating to air quality. Delegates had continued the discussion on measures to promote effective access to justice in cases on the right to environmental information based on the preliminary findings of a survey launched at the Task Force's eleventh meeting.

38. The meeting had been preceded by a Judicial Colloquium (Geneva, 27 and 28 February 2019) on "Sustainable Development Goal 16 and the role of Judiciary in Promoting the Rule of Law in Environmental Matters", which had provided a platform for exchange for representatives of judiciary, judicial training institutions, other review bodies, and experts from 30 countries of the pan-European region and beyond. The objective of the Colloquium had been to strengthen the capacity of judiciary to effectively handle cases related to environmental matters and to apply constitutionally entrenched environmental rights.

39. The Working Group took note of the reports of the Task Force on its twelfth meeting (ECE/MP.PP/WG.1/2019/4) and by delegations on recent developments related to access to justice, and thanked the Task Force for the work done. It reiterated that effective access to justice in environmental matters supported the achievement of target 16.3 and other relevant Goals and targets. The Working Group welcomed the work undertaken to promote judicial cooperation on environmental matters in the pan-European region, expressed appreciation to partner organizations for supporting that work and called on Parties and stakeholders to continue implementing the measures set out in decision VI/3 (ECE/MP.PP/2017/2/Add.1).

D. Genetically modified organisms

40. The representatives of several Parties reported on their countries' progress towards ratification of the GMO amendment. The Chair expressed deep regret at the failure to achieve objective II.2 of the Strategic Plan for 2015–2020 (ECE/MP.PP/2014/2/Add.1) as the amendment had not been approved by a sufficient number of Parties to enter into force by 2015. At its sixth session, the Meeting of the Parties had urged those Parties whose ratification of the amendment would count towards its entry into force to take urgent steps towards ratification of the amendment and had called on other Parties to ratify the amendment. The Meeting of the Parties had mandated the Working Group to monitor closely the progress of the entry into force of the amendment and had called upon Parties and partner organizations to offer bilateral assistance, capacity-building and technical support to Parties whose ratification of the amendment would count towards its entry into force.

41. A representative of Albania reported that national legislation was being aligned with European Union legislation; around five by-laws on GMOs and bioproduction would be adopted. However, the Minister of Environment had not yet initiated procedures in their regard.

42. A representative of Armenia stated that a draft law on GMOs from the Ministry of Environment was being discussed within the Ministry of Agriculture and was currently available online for comments and proposed amendments.

43. A representative of Belarus noted that a national coordination centre was conducting discussions on a system that would involve the public in decision-making on GMOs and their effects on the environment. National legislation contained relevant provisions enabling

Belarus to accede to the amendment. However, prior to accession, Belarus considered that there was a need for information campaigns to make State bodies and the public aware of the instrument. In that regard, two new assistance programmes had been planned with European Union and OSCE support.

44. A representative of Kazakhstan reported that the ratification of the amendment was planned for 2020–2021. To assess the reform of Kazakh legislation on GMOs, a national round table had been organized with the support of the OSCE office (Nur-Sultan, 20 November 2018). The event had brought together representatives of State authorities, civil society and scientific and legal experts. Furthermore, with OSCE support, domestic legislation was being reviewed. Since early 2018, a new environmental code had been developed and a new environmental framework legislation had been adopted in September 2018. That framework provided for amendments to the legislation in line with the GMO amendment. The Party had further developed the draft environmental code, which included the requirements of the GMO amendment. Those changes were planned to be made by December 2019.

45. A representative of Tajikistan informed participants that, with OSCE support, the country was developing a national action plan on the implementation of the Convention, including activities related to the GMO amendment and the Protocol.

46. A representative of Ukraine explained that there had been no new developments since the update provided at the sixth session of the Meeting of the Parties. The country had developed new legislation on GMOs and was awaiting the implementation of other GMO- and biosafety-related provisions.

47. The Chair recalled the checklist of key measures required for ratification and implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity in the context of GMOs/living modified organisms (LMOs) and the note on available technical assistance. She expressed the hope that those documents would assist countries in ratifying and implementing those instruments. A global round table on GMOs/LMOs under the Aarhus Convention and the Cartagena Protocol would take place in Geneva, from 16 to 18 December 2019.

48. The Working Group took note of the information provided by delegations on recent developments and reiterated its serious concern that the objective had not been achieved. It reiterated its call on the following Parties whose ratification of the amendment would count towards its entry into force – namely, Albania, Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, North Macedonia, Tajikistan, Turkmenistan and Ukraine – to take serious steps towards ratification, and requested those Parties to report on their progress in that regard at the next Working Group meeting.

IV. Procedures and mechanisms

A. Compliance mechanism

49. The Chair of the Compliance Committee reported on the Committee's work since 1 April 2019, including an overview of its caseload and recent developments in its working methods. To enable compliance issues to be resolved without delay, the Chair stressed the importance of Parties, who might be found to be in non-compliance, agreeing to accept recommendations from the Committee directly in accordance with paragraph 36 (b) of decision I/7. Such acceptance would be of benefit to the Party concerned because, if the Party could fully resolve the non-compliance prior to the Committee preparing its report to the seventh session of the Meeting of the Parties, the Committee could report that the Party was no longer in non-compliance and there would be no decision concerning that Party's compliance to be put to the Meeting of the Parties for adoption at its seventh session. In that context, the Chair specifically recalled paragraph 3 of decision VI/8 on general issues of compliance. At its sixty-third meeting (Geneva, 11–15 March 2019), the Committee had finalized and adopted the second edition of the *Guide to the Aarhus Convention Compliance Committee*. The Guide was currently available in English and there were plans to translate it

into French and Russian.

50. The Working Group took note of information provided by the Chair of the Compliance Committee on the outcomes of the Compliance Committee's sixty-first, sixty-second and sixty-third meetings (ECE/MP.PP/C.1/2018/4, ECE/MP.PP/C.1/2018/6 and ECE/MP.PP/C.1/2019/2, respectively) and by delegations on recent developments and other matters related to the subject area, including by the European Union and by the European ECO-Forum.

B. Reporting mechanism

51. The secretariat reported on the status of submission of national implementation reports since the sixth session of the Meeting of the Parties. To date, only Armenia and the Republic of Moldova had failed to submit their reports.

52. A representative of Armenia presented recent progress made regarding preparation of the report for the 2017 reporting cycle. After political changes and the election of a new Government, the country aimed to submit the report in autumn 2019. A representative of the Republic of Moldova expressed her regrets and explained that government reforms, instability and high staff turnover had led to a delay in finalizing the report, which still needed to go through internal procedures. A new national focal point would be appointed in the near future and more information could then be provided on the report's finalization.

53. The Working Group took note of the information provided by the secretariat and delegations and expressed its serious concern over the continuing failure of Armenia and the Republic of Moldova to submit a report on the Convention's implementation. It urged those Parties to submit their reports without any further delay.

C. Capacity-building and awareness-raising

54. The secretariat reported on its bilateral meeting with the State Committee of the Republic of Uzbekistan on Ecology and Environmental Protection to explain provisions of the Convention, promote experience in its implementation and discuss the country's needs in the areas of access to information and public participation. Uzbekistan was interested in learning about Parties' experience in implementing the Convention and the associated benefits.

55. The secretariat reported on the outcomes of the eleventh meeting of the Capacity-building Coordination Framework (Geneva, 9 October 2018). The meeting had discussed alignment of current and future activities of partner organizations and Aarhus Centres with the Sustainable Development Goals and opportunities for cooperation to assist Parties in modernizing the sharing and dissemination of environmental information and training opportunities for authorities responsible for public participation.

56. Representatives of Georgia, Serbia, the European Environment Agency, OSCE, the Aarhus Centre Belarus and the Guta Association briefed the meeting on recent capacity-building and awareness-raising activities. The Working Group took note of the information provided by the secretariat and delegations. It welcomed the interest of Uzbekistan in learning from the experience in implementing the Convention and expressed its support for promoting the Convention in Uzbekistan. It expressed its appreciation to the Parties, partner organizations, Aarhus Centres and stakeholders for their continuing cooperation with the secretariat on capacity-building activities at the regional, national and local levels.

57. The Working Group again recognized Aarhus Centres' important role in providing a neutral platform for authorities, NGOs and other stakeholders to support the Convention's implementation in countries with economies in transition and to promote multistakeholder dialogue on the Goals. In that regard, ensuring the sustainability of those Centres remained crucial. It also encouraged national focal points to reach out to authorities responsible for development assistance and technical cooperation to explore the possibility of integrating the Convention into programmes as a cross-cutting instrument supporting achievement of the Goals.

V. Thematic session on the promotion of the principles of the Convention in international forums

A. Introduction

58. A thematic session on promoting the principles of the Convention in international forums was organized under the leadership of France and chaired by Ms. Laura Michel. The Chair recalled that the promotion of transparency and effective public participation in international decision-making was key to the achievement of the Goals, particularly Goals 16 and 17. She expressed her appreciation to those Parties and stakeholders that had responded to the secretariat's survey in preparation for the session. The results of the survey had been posted on the meeting web page (AC/WGP-23/Inf.4) and were summarized by the secretariat during the session.

B. Promotion of the Convention's principles in international financial institutions

59. A representative of the Asian Infrastructure Investment Bank reported that the Bank had recently developed and adopted an access to information policy, which was currently in the early stages of implementation. An online portal had been developed to track information requests. Stakeholders were encouraged to submit requests through the portal. She also provided information about the Bank's requirements to engage stakeholders in project preparation and implementation phases. Internal capacity-building activities to promote policies on access to information and stakeholder engagement in the Bank's projects included the preparation of guidance on its policies and the nomination of focal points within the Bank.

60. Representatives of EBRD reported on the 2018–2019 review of the Bank's 2014 policies, including its public information, environmental and social policies and its project complaint mechanism. The purposes of that exercise were, among other things, to increase the level of the Bank's transparency and disclosure and to strengthen stakeholder engagement requirements, including grievance mechanisms, for all projects. The process included several consultations with stakeholders and opportunities to submit comments and questions.

61. A representative of the European Investment Bank informed about the current status and plans regarding the Bank's policies, including the approval of a new complaints mechanism policy in 2018. The policy – revised following public consultation – enabled the public to request a review of the compliance of the Bank's activities with the regulatory framework, including the European Union Aarhus Regulation. He further informed delegates about various degrees of stakeholder engagement that the Bank organized on a regular and ad hoc basis at different levels. Capacity-building activities to promote the Bank's access to information and stakeholder engagement policies included preparation of guidelines and technical workshops on those guidelines.

62. Representatives of the World Bank informed delegates about the new Environmental and Social Framework – in force since October 2018 – which included a systematic approach to stakeholder engagement and consultation throughout the project cycle by developing a Stakeholder Engagement Plan. The access to information policy, adopted in July 2010, presumed that the Bank would disclose any information in its possession that was not on a list of exceptions. Concerning the Bank's capacity-building activities, a representative reported on the preparation of internal and external guidelines and related internal workshops.

63. A representative of Bosnia and Herzegovina reported on legislative framework requirements for the approval and implementation of environment-related projects funded by international financial institutions, including policies and impact assessments; stated that violating the Convention's provisions jeopardized the potential financing and implementation of projects by such institutions; and outlined suggestions for future work, namely, building trust among Governments, the institutions, the public and other stakeholders, and raising public awareness of the right to a healthy environment.

64. A representative of Bankwatch Romania, also speaking on behalf of the European ECO-Forum, identified systemic challenges regarding implementation of the Convention's principles in international financial institutions. They included: timely access to information to ensure that communities had the necessary information to engage in the process; and the lack of the possibility to submit complaints before a project loan was granted. She positively noted that the Convention's pillars had been mainstreamed in EBRD and European Investment Bank policies, which the Banks reviewed regularly. Information disclosure on projects remained an exception when a project was implemented through a financial intermediary. Moreover, there was often insufficient information on: projects' potential adverse environmental impacts; measures taken to mitigate the risks of such impacts; and how and when community members could engage in projects.

C. Cross-cutting issues

65. To illustrate how the public could be meaningfully involved in international forums, a representative of Malta shared the example of the 2013–2015 review of the Mediterranean Strategy for Sustainable Development. At that time, Malta had chaired the Steering Committee of the Mediterranean Commission on Sustainable Development, a multistakeholder advisory body to the Contracting Parties of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean. The review had involved: consultations on issues; drafting of the revised Strategy by thematic working groups of experts and stakeholders; a consultation conference on the first draft; endorsement by the multistakeholder Commission; and final endorsement by the Contracting Parties.

66. A representative of the Centre for International Environmental Law, also speaking on behalf of the European ECO-Forum, spoke about how to ensure that the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines) and the good practices and tools collected during the thematic session were applied continuously in international forums. One challenge repeatedly raised by NGOs had been the awareness of Party delegations of the obligation to apply the Convention principles in other international forums related to the environment. National focal points should brief delegates in that regard. NGOs had found it helpful to hold informal briefings in different forums on that obligation. He also raised issues related to the hosting of international events, referring to serious challenges faced by several environmental activists travelling to the twenty-fourth Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) (Katowice, Poland, 2–14 December 2018). He also proposed developing a toolkit of good practices for host countries of international forums to use when promoting effective access to information and public participation. Regarding public participation, rights-holders and stakeholders should be differentiated between as many international processes tended to treat as equal the nine "Major Groups" of stakeholders. Such an approach could undermine the principles of the Convention and of the Almaty Guidelines by empowering, in practice, interest groups rather than members of the public and communities (ECE/MP.PP/2005/2/Add.5, para. 15).

D. Update on items considered at previous thematic sessions

67. Turning to climate change-related processes, the Chair invited the Working Group to consider a topic put forward at the request of NGOs, namely the promotion of the Convention's principles in International Civil Aviation Organization (ICAO) processes on the basis of a letter and a note received from the International Coalition for Sustainable Aviation. Representatives of ICAO had been invited to participate in the present session but, due to other commitments, had been unable to attend.

68. According to a representative of the International Coalition, ICAO did not make public statements following important decisions. The International Coalition was the only observer NGO allowed to attend ICAO meetings. The information made publicly available was for sale only and could not be disseminated any further; and papers submitted by ICAO

member States that were also Parties to the Aarhus Convention were not made public, as that would constitute a breach of ICAO rules.

69. The Chair turned to the item on lessons learned from the twenty-fourth session of the Conference of the Parties to UNFCCC and preparations for the twenty-fifth session. A written statement of the UNFCCC secretariat had been made available online. It provided an overview of observer engagement activities undertaken during 2018. A representative of the European ECO-Forum reported back from the negotiations on the implementation of the Paris Agreement during the Bonn Climate Change Conference (Bonn, Germany, 17–27 June 2019). He stressed the importance of including local stakeholder consultation, a robust social safeguarding mechanism and an independent grievance mechanism in the set-up of the future carbon trading mechanisms under the Paris Agreement, elements lacking under the Kyoto Protocol to UNFCCC.

70. The Chair informed participants that written updates had also been provided by: (a) UNEP, on stakeholder engagement in the United Nations Environment Assembly and UNEP access to information policies; and (b) ECE, on promotion of the principles of the Convention while pursuing and monitoring achievement of the Goals.

71. With reference to the update provided on the high-level political forum on sustainable development, a representative of the European ECO-Forum called for more time to be allotted to stakeholders' questions to member States during the interactive dialogue at the session on Voluntary National Reviews.

E. The Chair's summary of the session

72. The Chair thanked panellists and other speakers for their contributions, including the representatives of the banks for their interesting substantive presentations, which demonstrated the importance that their banks attached to the Convention's principles. The application of those principles by such institutions was key since it was their conduct that had an impact on the implementation of projects, which could be either positive for or harmful to the environment. It was therefore crucial that effective access to information and public participation be guaranteed through the banks' policies and practices.

73. Regarding access to information, all the banks had reported having in place policies to provide the public with information and to respond to information requests from the public. The effective implementation of those policies, however, posed several challenges, including: requests for information deemed sensitive by the banks when they concerned their clients, co-financiers or private actors; conflicting priorities between environmental and social requirements and the invocation of principles of confidentiality of banks or project promoters; and the increasingly complex nature of requests related to a wide range of different types of environmental and non-environmental information held by the banks. NGOs had noted that information on negative social or environmental impacts was not consistently provided for all projects. In that regard, efforts must be made to ensure early and effective access to information to encourage stakeholder engagement in general and more effective information requests later in the process.

74. As reported by the banks, most stakeholder policies had been reviewed or new policies had been adopted in the course of 2018. Observations on challenges included the expected financial implications of newly established stakeholder engagement requirements; bringing funded clients and financial intermediaries into compliance with the Aarhus principles; ensuring effective engagement of stakeholders during project implementation, including of those who were not parties to the financial agreement and disadvantaged and vulnerable individuals or groups; facilitation of dialogue between parties in a strained relationship; and compliance with standards of grievance mechanisms.

75. The Chair noted the banks' reports on practical material and/or capacity-building activities to promote policies on access to information and stakeholder engagement. That included: the appointment of focal points within the banks for those issues; the preparation of guidelines on the banks' policies for external users and for bank staff; and workshops explaining the use of those guidelines. Appreciation was expressed for constructive

stakeholder engagement that had led to increased community ownership of projects and for the critical role of Aarhus national focal points in liaising with government agencies.

76. The Chair expressed satisfaction at having had the opportunity to consider cross-cutting issues aimed at enhancing access to information and public participation in international forums at the session. Those issues had been repeatedly identified in international forums and often turned out to be decisive for meaningful engagement of the public in international forums.

77. Malta had shared an example of a participatory process that had been effective thanks to a combination of different participatory methods specifically adapted to every stage of the process. The example had also illustrated the challenges remaining regarding the involvement of business, industry and individual citizens in the process. The NGOs present had reminded Parties of their responsibility to promote the Convention's principles in international forums. Negotiators needed to be aware of that obligation, as mobilizing and engaging the public was not only a good practice but also part of their duty and the only way that environmental issues would be discussed and decided. The NGOs had also highlighted good practices observed when hosting an international event, while pointing to shortcomings, such as the treatment of several environmental activists travelling to a conference in Poland (see para. 71 above). One output of future sessions on public participation in international forums could be a guide to good practices for hosting international events.

78. The Chair expressed her regret that ICAO had been unable to attend the thematic session and expressed her willingness to consider the matter at an upcoming session. She encouraged Parties that were also members of ICAO to promote the Convention's principles within ICAO and its Committee on Aviation Environmental Protection, including by: (a) expanding the diversity of observers; (b) opening up meetings to observers; (c) facilitating access to important documents, including recommended standards and practices on the organization's website; and (d) allowing the public to make contributions to the decision-making process and making those contributions public on the ICAO website.

F. Conclusions of the Working Group

79. The Working Group:

(a) Thanked Parties and stakeholders who had participated in the session's survey and took note of the information provided by participants regarding cross-cutting issues to enhance access to information and public participation in international forums;

(b) Expressed its appreciation to the representatives of Bosnia and Herzegovina, Malta, the Asia Infrastructure Investment Bank, EBRD, the European Investment Bank, the World Bank Group and the European ECO-Forum for their presentations;

(c) Took note of: the updates provided by the representatives of the Asia Infrastructure Investment Bank, EBRD, the European Investment Bank, the World Bank Group, Parties and other stakeholders on the current status of, and plans regarding, policies on access to information and stakeholder engagement by the banks'; practical material and capacity-building activities to promote such policies; and main challenges and potential support identified;

(d) Took note of the concerns expressed by NGOs concerning challenges they faced regarding attendance of certain international events related to environmental matters and called on Parties hosting international events to ensure full implementation of article 3 (7) of the Convention in that regard;

(e) Expressed its appreciation to the UNFCCC secretariat for its continuing cooperation and for the comprehensive written update on stakeholder engagement in the lead up to the twenty-fourth session of the Conference of the Parties of the instrument and during the meeting itself;

(f) Took note of the information provided by the representatives of NGOs on lessons learned from the twenty-fourth session of the Conference of the Parties to the UNFCCC and preparations for the twenty-fifth session;

(g) Took note of the letter and the note prepared by the International Coalition for Sustainable Aviation and of the concerns expressed by its representative regarding the lack of promotion of the Convention principles in ICAO processes;

(h) Expressed its appreciation to the UNEP secretariat for the detailed update on stakeholder engagement and UNEP access to information policies;

(i) Expressed its appreciation to the ECE secretariat for the update on the promotion of the principles of the Convention throughout the implementation and monitoring of the Goals;

(j) Encouraged Parties to continue promoting the Convention principles in ICAO, UNEP- and international financial institution-related processes and climate-related negotiations and when implementing the Goals;

(k) Welcomed the progress made in promoting the Convention principles in international forums but recognized that additional efforts were required to further transparency and effective public participation in international environment-related decision-making, including in ICAO-related processes;

(l) Encouraged Parties to continue fulfilling their obligations under article 3 (7) of the Convention and to consider the results achieved at the next meeting of the Working Group;

(m) Reiterated that promotion of transparency and effective public participation in international decision-making on environmental matters was key to the achievement of the Sustainable Development Goals, particularly Goals 16 and 17.

VI. Promotion of the Convention and other relevant developments and interlinkages

80. A representative of UNEP updated the Working Group on the Environmental Rights Initiative and collaboration with OHCHR to enhance and operationalize the links between human rights and the environment. UNEP had set up a dedicated email account to enable the reporting of violations or potential violations of environmental defenders' rights. Such reports were followed up together with OHCHR, with the UNEP rapid response mechanism being triggered. She also informed participants about recent developments related to the "InforMEA" that served as a tool for knowledge management and access to information on environmental law.

81. A representative of OHCHR working with the Special Rapporteur on human rights and the environment, Mr. David Boyd, informed the meeting that, according to the Special Rapporteur's research, the right to a healthy environment was recognized by over 150 States in their constitutions, national legislation or regional agreements. The Human Rights Council and the United Nations Environment Assembly of UNEP had adopted resolutions referring to the right to a healthy environment and some States were exploring ways to recognize that right at the global level. She invited Parties to consider supporting such global recognition as it would also help to promote accession to the Convention by other United Nations Member States, particularly those that already recognized the right to a healthy environment at the national level.

82. The Working Group expressed its appreciation to the representatives of OHCHR and UNEP for their continuing cooperation, also with the Convention secretariat on the issue of environmental defenders. It called on Parties, the secretariat, relevant organizations and stakeholders to promote synergy between the work under the Human Rights Council, UNEP and the Aarhus Convention in that area, including in order to support implementation of the Goals, particularly Goal 16.

83. The Working Group took note of the information provided by the secretariat on the round table "Empowering People to Protect the Planet: The Environmental Dimension of [Sustainable Development Goal] 16" held at the Regional Forum on Sustainable Development for the ECE Region (Geneva, 21 and 22 March 2019) and expressed its appreciation to the speakers, the moderator and the rapporteur. The round table had been

organized by the secretariat in cooperation with UNEP, the International Telecommunication Union and the World Health Organization Regional Office for Europe and moderated by His Excellency Ambassador Vuk Žugić, Coordinator of Economic and Environmental Activities of OSCE. The rapporteur for the event had been Ms. Nino Sarishvili, Executive Secretary of the Sustainable Development Goals National Council of Georgia. The Working Group encouraged national focal points, Aarhus Centres and other stakeholders to promote the Convention as a cross-cutting instrument supporting the achievement of the environmental dimension of Goal 16 and other relevant Goals; contribute to voluntary national reviews on the Goals with the relevant information; and promote the Convention in that regard at the upcoming high-level political forum on sustainable development.

84. The Working Group took note of the information provided by delegations on recent developments and welcomed initiatives undertaken by the secretariat, Parties and stakeholders to promote the Convention beyond the ECE region and in other relevant processes and called upon the secretariat and other relevant organizations to continue cooperation on promoting the Convention. The Working Group reiterated its support for promoting ratification and implementation of the Escazú Agreement.

85. The Working Group reiterated its encouragement to States from outside the ECE region to become Parties to the Convention. In this context, it also recalled the Convention's important role in the promotion and protection of human rights and a healthy environment.

VII. Implementation of the work programme for 2018–2021, including financial matters

86. The Working Group took note of: the Report on the implementation of the work programme for 2018–2021 (ECE/MP.PP/WG.1/2019/5); the information provided by the secretariat on 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 2018–2021 (ECE/MP.PP/WG.1/2019/6).

87. The secretariat informed the Working Group about the contributions and pledges received from Parties after 1 April 2019 (AC/WGP-23/Inf.5). It also noted that some contributions had been received in currencies other than United States dollars, meaning that there might be a difference in the total amount received due to changes in the exchange rate between the time of receipt and of application of those contributions to the trust fund. The corrected final amounts received would be recorded in the reports to the next meetings of the Working Group and the Meeting of the Parties. The following Parties had made pledges: Italy - €100,000 for 2019; Belgium (federal level) - €20,000 for 2019; Switzerland - CHF 40,000, of which CHF 20,000 to support the building of capacity of experts from countries with economies in transition for 2019; and Slovenia - €3,500 annually for 2018, 2019 and 2020.

88. The Working Group took note of the information on pledges provided by the secretariat and by delegations on expected financial contributions, called upon the Parties to proceed with making financial contributions as soon as possible and expressed its concern at the fact that contributions were still arriving late in the year.

89. The Working Group welcomed the synergies with partner organizations that helped to effectively implement the work programme and the wide use of electronic tools by the secretariat. It expressed appreciation for the secretariat's work and recognized the difficulties posed by limited and unpredictable funding.

VIII. Preparations for the seventh session of the Meeting of the Parties

90. The Chair presented the draft proposal on the future Strategic Plan for 2022–2030 (ECE/MP.PP/WG.1/2019/7 and Add.1). The secretariat reported that an editorial correction was required in paragraph 2 (a) of the draft Proposal. The document referred to in that paragraph should be the Report on the implementation of the work programme for 2015–2017 (ECE/MP.PP/2017/3). The Working Group took note of the information provided by

the secretariat and agreed on the proposal to develop the Strategic Plan by keeping the structure of the current Strategic Plan, while updating its content in view of the issues outlined in paragraph 5 of the draft Proposal.

91. A representative of the European Union presented a number of drafting proposals and asked for clarification regarding the addendum to the draft proposal (ECE/MP.PP/WG.1/2019/7/Add.1). In the ensuing discussion, the secretariat clarified several editorial issues raised. As to the insertion of the word “requests” in objective I.2, International dimension, Indicative types of activity/measure, the secretariat explained that it referred to requests by the Meeting of the Parties pursuant to paragraph 13 (b) of the annex to decision I/7 (ECE/MP.PP/2/Add.8). Three such requests had been made to date regarding North Macedonia, Turkmenistan and the European Union. As to the editorial change from “periodic” to “regular”, the secretariat clarified that “regular” corresponded more correctly to the meaning of the procedure. The representative then raised the question of the need for a “thematic review of systemic compliance problems”. The secretariat clarified that it prepared such background documents for task force meetings by compiling the Compliance Committee findings relevant to the specific subjects. Should that wording create confusion, the secretariat suggested that it be deleted as it referred to routine preparations for meetings. Responding to the European Union proposal, the Chair said that she supported replacing the word “treaty” used in paragraph 8 (a), first indent, of the proposal, with the term “Aarhus Convention”.

92. Regarding the substantive drafting proposals, the representative of the European Union said that the term “ensure due protection” included in paragraph 8 (a), first indent, was too prescriptive. The Chair explained that the Bureau had considered the Strategic Plan to be ambitious; aiming at full implementation of that important provision of the Convention by 2030. She referred to the alarming messages from the Special Rapporteur on the situation of human rights defenders, NGOs and other speakers regarding persecution, harassment and even killing of environmental defenders that had been shared during the thematic session on public participation in decision-making. She stressed that the Bureau had considered that firm commitment regarding that critical subject was required. No other Party or stakeholder supported the European Union statement. NGOs voiced their support for the explanations provided by the Chair.

93. A representative of the European Union suggested revising the text regarding objective I.2, National dimension, Indicative types of activity/measure, second paragraph. Regarding the same objective I.2, National dimension, Indicators of progress/targets, third paragraph, the representative proposed redrafting the current text. The Chair explained that the current text in the draft future Strategic Plan was the Bureau’s preferred option with the view of achieving the best situation regarding compliance matters by 2030.

94. Regarding objective I.2, International dimension, Indicators of progress/targets, first paragraph, the representative of the European Union proposed redrafting the current text, suggesting that the new wording referring to “endorsement” should not be used. The Chair explained again that the Bureau considered that the Strategic Plan should aim for the best for the Convention. She clarified that, since the first findings of the Committee had been submitted to the Meeting of the Parties in 2005, all the Committee’s findings of non-compliance had been endorsed by the Meeting of the Parties, apart for one sole decision which had been postponed by the Meeting of the Parties at its sixth session in 2017. That situation had created dissension and discord between the Parties and, moreover, had placed at serious risk the consensus through which decisions on all matters had, until that moment, been adopted. When the Bureau had prepared the proposal, it had borne in mind the fact that it would not be in the best interest of the Convention if such a situation were to arise again. The Chair thus explained that, for the purposes of the Strategic Plan, which was a forward-looking, ambitious document, the endorsement by the Meeting of the Parties of all decisions of non-compliance was a natural aim. Moreover, endorsed findings of the Committee were a key contribution to furthering the implementation of Goal 16, to which the Meeting of the Parties had committed itself, as the endorsed findings could be used not only by Parties and their courts but also by other United Nations Member States to help to improve their legislation and practice as relevant. In that context, the Chair referred to the example of countries from the Economic Commission for Latin America and the Caribbean region,

which were eager to learn from the Aarhus experience. In the ensuing discussion, a number of delegations voiced their support for the Chair's explanations regarding the substantive drafting proposals for objective I.2. No other Party or stakeholder supported the European Union drafting proposals regarding that objective. With regard to objective I.2, International dimension, Indicators of progress/targets, first paragraph, Switzerland recalled its statement at the sixth session of the Meeting of the Parties (ECE/MP.PP/2017/2, para. 64 (b)) regarding compliance matters and requested that the word "endorsement", as proposed by the Bureau, be maintained in the text.

95. A representative of the European Union shared another two drafting proposals concerning the term "guidance material" referred to in objective I.6, National dimension, Indicative types of activity/measure, first paragraph, and in National dimension, Indicators of progress/targets, fourth paragraph. She explained that, in many cases, Parties already provided extensive guidance material for the public in their respective national languages. The Chair responded that the term "guidance material" referred to key material developed under the Convention, such as the Maastricht Recommendations or the Aarhus Convention: An Implementation Guide. She suggested clarifying that point in the document, adding that the Bureau had considered it important to make those materials available for authorities, courts, NGOs and other stakeholders in countries.

96. As to objective I.8, National dimension, Indicative types of activity/measure, paragraph 5, and the new proposal regarding effective implementation of article 3 (8), the representative of the European Union requested clarification on the kinds of measures that could be set in addition to provisions of national penal law or environmental information acts. The Chair explained that Parties were expected to take legislative and practical measures suitable to their respective legislative framework and national circumstances, and that she believed that the text should remain flexible in that regard.

97. Looking at the text on objective III.7, National dimension, Indicators of progress/targets, the representative of the European Union questioned whether information in terms of numbers could be gathered from Parties if there were no legal obligations corresponding to that request, noting that it would not support any obligatory assistance mechanisms on access to justice at the United Nations Economic Commission for Europe (ECE) level. The Chair mentioned that such quantitative information was key for measuring the implementation of the environmental dimension of target 16.3, thus the Bureau had made the suggestion. Regarding the assistance mechanism, the Chair referred to article 9 (5) of the Convention and further clarified that the proposal related to mechanisms at the national level, i.e. by Parties, and not at ECE level. She emphasized again that the document was a strategic one and that the Bureau considered that it aimed at achieving the best for the Convention and at encouraging Parties to establish such mechanisms in their respective countries.

98. In the ensuing discussion, a number of Parties – including Albania, Switzerland and Ukraine – and stakeholders raised serious concerns that the drafting proposals by the European Union had been submitted late and thus there had not been sufficient time for their review and for Parties to consult at the national level so as to engage in an effective discussion at the meeting.

99. The Working Group took note of the comments provided by delegations and requested the Bureau, with the support of the secretariat, to proceed with the preparation of the Strategic Plan in accordance with the proposal, taking into consideration the comments provided at and after the meeting. The Working Group further requested Parties and stakeholders to provide the secretariat with their comments in writing well in advance prior to their consideration and requested the secretariat to make comments available online.

100. Regarding the time and venue of the seventh ordinary session of the Meeting of the Parties, the Working Group took note of possible dates during the second/third week of October 2021. It welcomed the preliminary interest expressed by Georgia regarding the hosting of the next session of the Meeting of the Parties and asked Georgia to provide the secretariat as soon as possible with the final decision so as to ensure timely preparations.

101. The Working Group noted in that regard that the session would be organized back-to-back with the fourth session of the Meeting of the Parties to the Protocol and requested the secretariat to liaise with Georgia on hosting matters and to report to the next meeting

accordingly. It further took note of the need expressed by NGOs to ensure adequate funding for their preparatory processes for, and participation at, the next session of the Meeting of the Parties.

IX. Adoption of outcomes

102. The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting and requested the secretariat, in consultation with the Chair, to finalize the report, incorporating the adopted outcomes and decisions.
