

## **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**

#### **Seventeenth meeting**

Geneva, 26-28 February 2014

Item 7 of the provisional agenda:

#### **Promotion of the principles of the Convention in international forums**

### **Promotion of the principles of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in international forums**

## **QUESTIONNAIRE ON THE AARHUS CONVENTION'S ALMATY GUIDELINES**

### **Background**

The aim of this questionnaire is to provide an overview of the experiences of the ECE multilateral environmental agreements (MEAs) in addressing the issues covered by the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums. It draws on the consultation process with international forums carried out between June 2006 and July 2007 (available at: [http://www.unece.org/env/pp/ppif.html#consultation\\_2](http://www.unece.org/env/pp/ppif.html#consultation_2)). ECE MEA secretariats are kindly requested to provide updates to the answers they provided during the previous consultation process by filling in the respective tables and by providing any additional information they may consider relevant.

Please note that the term “the public” is used throughout the questionnaire to mean one or more natural and legal persons, including non-governmental organizations. More specific indications of points that may be relevant to the questionnaire are provided by the Almaty Guidelines themselves, available at

<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>

Answering the questionnaire may require selection of a limited number of elements amongst what is often a complex field of rules and practice. To support or complement your answer, please feel free to provide existing relevant documentation about your forum.

Kindly submit your responses to the questionnaire before **10 February 2014**.

**Thank you for your kind cooperation!**

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Response provided by the UNECE Secretariat regarding the

Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (SEA)

10 February 2014

**I. RULES, PROCEDURES AND PRACTICES**

Does your treaty have any rules, procedures and practices concerning access to information, public participation, and access to justice in environmental matters?

Please consult answers on your MEA to 2006 consultation process to provide the necessary updates in the narrative summary and to complete the tables below.

**A. Narrative summary:**

The Convention on Environmental Impact Assessment (EIA) in a Transboundary Context (Espoo, 1991) entered into force in 1997 and currently has 45 Parties across the ECE region, including the European Union (EU) as an economic integration organization. An amendment adopted in 2001 provides for other Member States of the United Nations, not within the ECE region, to accede to the Convention upon approval by the Meeting of the Parties to the Convention. It is expected that the amendment allowing for universal participation to the Convention will enter in force by the end of 2014. Parties also consider applying a “blanket” approval to future accessions and are deliberating on how to enable States outside the region to become Parties as soon as possible. A second amendment to the Convention was adopted in 2004, notably to: allow, as appropriate, for affected Parties to participate in scoping (determination of the scope of the environmental assessment documentation); to request for reviews of compliance and regular reporting; and to revise the list of activities included in appendix I. The second amendment is not yet force.

The Convention has been supplemented by a Protocol on Strategic Environmental Assessment (SEA) (Kiev, 2003), which entered into force in 2010, and currently has 26 Parties, including the EU.

It should be noted that since the entry into force of the Protocol on SEA, the rules of procedure of the Meeting of the Parties (MOP) to the Convention apply *mutatis mutandis* under the Protocol (art. 14, para. 5 of the Protocol), except as otherwise decided by consensus by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol (MOP/MOP) (cf. decision I/1 of the MOP/MOP). The first session of the MOP/MOP under the Protocol was and the second session of the MOP/MOP will be held in conjunction with the sessions of the MOP under the Convention (and may adopt joint decisions), the Working Group on EIA and SEA replaced the Working Group on EIA, and the Bureau and the Implementation Committee have functions under both instruments. In the sections below, decisions adopted by MOP/MOP only, will be clearly indicated so as to distinguish them from similar decisions under the MOP (e.g. decision I/1 under the Protocol and not merely decision I/1, as such decision exists under the Convention as well).

In addition, the Convention allows for an inquiry procedure (Art. 3, para. 7, Appendix IV), which is a scientific inquiry into whether an activity listed in Appendix I to the Convention is likely to have a significant adverse transboundary impact, and would therefore be subject to notification under the Convention. Finally, the Convention provides for the settlement of disputes (Art. 15). The inquiry procedure and the settlement of disputes are available only to Parties

A large amount of legislative assistance and capacity building activities, foreseen by or linked to the workplans adopted by the MOPs, promote the implementation and compliance with the provisions of the Convention and the Protocol by Parties or States that wish to accede to the treaties, including with respect to public participation. In this respect, the secretariat, supervising/coordinating those activities, actively seeks to disseminate information about the activities, to raise awareness among civil society groups, and involve them in the carrying out of the activities. By way of indication, in the context of legislative assistance activities, the information on the projects is widely distributed and publicly available and civil society representatives may comment on drafts and participate in the relevant workshops together with Government representatives.

### *Access to information*

#### General (MOP and MOP/MOP, Working Group on EIA and SEA, capacity building activities, databases)

The Convention's and Protocol's Secretariat is provided by the Executive Secretary of the UNECE. Official documents, including provisional agendas, meeting reports and background papers, are therefore publicly available in the official languages of the UNECE (English, French and Russian), including on the Internet (<http://www.unece.org/env/eia/>), and free of charge.

Other documents produced under the Convention and the Protocol are usually made available to the public, at the request of the MOP and MOP/MOP or not, through the Convention website, such as: the reviews of the implementation of the Convention and the Protocol (see decisions V/3, IV/1 and III/1); the resource manual to support the application of the Protocol (decision I/3 under the Protocol); reports by countries on various related activities, such as on strengthening subregional cooperation, capacity-building in the Eastern Europe, the Caucasus and Central Asia and exchange of good practices (decisions IV/4, IV/5 and IV/6); bilateral and multilateral agreements and arrangements that implement obligations under the Convention, or electronic links thereto (decisions III/4 and III/6); information on, and electronic links to, transboundary EIA cases, national EIA authorities, national databases on transboundary EIA and other information related to the implementation of the Convention (decision III/6).

The MOP has adopted guidance on public participation in transboundary EIA (decision III/8) and the MOP/MOP at its next session (June 2014) is expected to adopt Good practice recommendations on public participation in strategic environmental assessment. The next MOP session, in 2014, is also expected to adopt General guidance on enhancing the consistency between the Convention and the EIA within the State ecological expertise system in Eastern Europe, the Caucasus and Central Asia, covering also public participation.

In general, there are no restrictions applicable to the documents produced for the meetings of the MOP and the MOP/MOP or the activities for the implementation of the workplan under the Convention and the Protocol. This is why there is no specific procedure for requests for environmental information.

In addition, the MOP and MOP/MOP prompt Parties to proactively distribute information relating to the Convention matters (see e.g. to distribute the guidance on the practical application of the Convention to NGOs, and others, to raise awareness and to support them in applying the Convention (decision III/4); invites users of the resource manual to support the application of the Protocol to provide comments (decision I/3 under the Protocol)

#### Bureau

The provisional agenda and informal notes of each meeting of the Bureau are made available to the public on the Convention's web site (the web site includes also Protocol matters, but it is in general referred to as "the Convention" web site)

### Implementation Committee

The Implementation Committee was established by the MOP to the Convention in 2004 to review compliance by the Parties with their obligations under the Convention with a view to assisting them to meet their commitments fully. With the entry into force of the Protocol, the Committee's mandate was extended to review compliance under the Protocol as well (decision V/6-I/6). The MOP requests the Committee to review and develop its function and structure, and its operating rules, as necessary, in the light of experience gained, and to put forward proposals for consideration by the MOP and the MOP/MOP. Operating Rule 16 (decision IV/2, annex, as amended by decision V/4 (2011)) relates to the Committees' policy on publication of documents and information.

The provisional agenda of each meeting of the Implementation Committee is available on the Convention's web site, as well as the reports of its meetings.

Discussion papers/working documents prepared by the Committee members (e.g. analyses of cases by Committee curators) or the secretariat for meetings of the Committee (informal documents) are not publicly available unless the Committee decides otherwise. They are posted on the password protected "members' area" on the Convention's web site, together with all the correspondence and documents related to the compliance matter under consideration.

Documents of the file of a submission, a Committee initiative or information gathering case become publicly available through the Convention's web site at different stages of the procedure, depending on the type of the document, unless there was a confidentiality request:

- A submission and a reply: within one month of receipt
- Information by which the Committee becomes aware of a possible non-compliance, any reply to a Committee initiative, corroborating/supporting information, correspondence by the Committee and draft findings and recommendations, and ensuing representations from the Parties involved: once the Committee has concluded consideration of the issue. It should be noted that in the case of self-referrals, such information does not become publicly available, unless agreed by the Committee and the Party concerned.
- Other documents: upon request

Pending consideration of a case, the secretariat prepares (i) a short summary of the issue (including the name(s) of the Party/ies involved, date of submission/information/Committee initiative, name and type of activity in case of submission or Committee initiative; and (ii) a list of relevant documentation/information (but not the content). Then, subject to agreement by the Committee, the information is posted on the Convention's website.

With regard to information gathering by the Committee further to information from "other sources" (mostly NGOs): once the case is closed, the correspondence between the Committee and Parties is posted on the web site, with the agreement of the Party concerned, to illustrate the Committee's approach and of a proper and sufficient response from Parties. To date, the majority of Parties have consented to that information be published on the web site.

### Inquiry procedure

The inquiry commission is an ad hoc body established under article 3, paragraph 7, in conjunction with appendix IV to the Convention to advise on the likelihood of significant adverse transboundary impact of an activity. To date, this procedure has been invoked only once. The proceedings are not open to the public, but the outcome of the procedure is publicly available.

### Other – informal practices by the Secretariat

The Secretariat seeks to publish official documents and other information quickly and in user-friendly forms. Posters, leaflets and other promotional materials are also published (usually in English and Russian, at least). The Convention and Protocol have been translated officially into Arabic and Spanish. Some Parties and the European Commission have also provided informal translations into national languages of the text of the Convention and the Protocol, as well as of other useful material, such as practical guidance.

The Secretariat also seeks to structure the Convention’s web site in a transparent way, depending on the category of the relevant information and documentation to be shared with the public (meetings, budget, capacity building, guidance material/case studies, lists of contacts for matters of notification on EIA/SEA and contacts for administrative matters (focal points) etc.). When new information becomes available (e.g. meeting report or biannual financial report is issued), this is announced at the home page (front page) of the Convention, with a direct link to the document. Regular updates and news on the Convention/Protocol activities are also included on the facebook dedicated “EIA” page.

Further, the Secretariat responds promptly (typically within a few days) to procedural and substantive requests for information, including sending information by post, without charge. Documents, announcements and other information are distributed by e-mail to NGOs, among others. NGOs are included on mailing lists for documents issued for consultation; comments on such documents are accepted from anyone (provided they are not anonymous).

### ***Public participation***

#### Rules of Procedure – participation of observers

At its first session (March 1998), the MOP adopted rules of procedure (decision I/1) that provide for observers at its meetings, including NGOs qualified in fields relating to environmental impact assessment (EIA), provided there is no objection from at least one third of the Parties present at the meeting. Such observers may participate in “the proceedings of any meeting in matters of direct concern to the bodies or agencies that they represent” (in practice, this is not strictly observed and they may participate to the meetings), without the right to vote, at the invitation of the Chair of the meeting (*President*) and if there is no objection from the Parties present.

At its fifth session (June 2011), the MOP extended participation “to a researcher, commercial firm, developer, consultant or other commercial entity that is invited with the agreement of the Bureau to participate as an observer in a specific meeting, or in discussions on one or more specific agenda items of a specific meeting” (decision V/1).

The rules of procedure also state that the meetings of the Parties and the meetings of subsidiary bodies established by the Meeting should be held in public unless the Meeting decides otherwise (Rule 26).

In practice, there have been no instances where Parties objected to the participation of observers in the sessions of the MOP or the Working Group meetings.

At its fifth session (2011), the MOP invited non-governmental and other relevant international organizations and institutions, and, as appropriate, researchers, commercial firms, developers, consultants or other commercial entities to contribute fully, in accordance with the rules of procedure, as observers to the work undertaken by the subsidiary body to implement the Convention and the Protocol (see decision I/5-V/5).

The meetings run in an open to the public and transparent way, observers are given the floor when they request and their views are considered by Parties (in the preparation of documents, such as the workplan or the decisions), and they undertake or assist in the preparation of parallel events, seminars and workshops in the context of the meetings. It should be noted that NGOs have contributed to the development of the Protocol on SEA. Recently, a task force was established by the Working Group on EIA and SEA for aligning possible inconsistencies in the English, French and Russian versions of the Convention text, and was composed by four Parties to the Convention and representatives of two NGOs participated in the meetings of the task force and contributed substantially to the process. The outcomes of the task force were reported to the Working Group and will be forwarded to MOP-6 (June 2014).

Advance drafts for various documents produced in the framework of the workplan implementation, are available for comments by Parties and other stakeholders, at more than one stages during their preparation, for periods spanning to more than a year, such as recently the General guidance on enhancing consistency between the Convention and environmental assessment within State ecological expertise in countries of Eastern Europe, the Caucasus and Central Asia and the Good practice recommendations on public participation in Strategic Environmental Assessment. Those documents are processed as informal and/or formal documents for meetings and always posted on the Convention's web site. Comments received are taken into account, irrespective of whether they are submitted by Parties or other stakeholders. In draft versions available to the public, comments are recorded by way of footnote and the text includes proposed changes in track changes mode.

The Bureau meetings (now joint Bureaux under the Convention and the Protocol) are in practice held in closed sessions, but, as needed, are attended by experts upon invitation by the Bureau. During its fifth session, in 2011, the MOP considered a proposal by the European Environmental Bureau that a representative of European ECO Forum be permitted to participate in meetings of the Bureau as an observer. It decided that the Bureau would decide whether such an observer would be permitted to participate, in accordance with the rules of procedure (ECE/MP.EIA/15, para. 27) .At its meeting in 2012, the Bureau deferred its decision on this matter. It agreed to consider the question further at its next meeting and asked the secretariat to provide further information on practices in other ECE multilateral environmental agreements<sup>1</sup> . The Working Group on EIA and SEA, at its first meeting (2012), advised the Bureau that that should not be permitted, but that the Bureau could invite representatives of NGOs to its meetings for specific matters. The Bureau might also decide on the participation of observers on a case-by-case basis, possibly based on clear criteria to be established. As part of its consideration of the matter, the Working Group took note of the practice to allow the participation of observers from NGOs at meetings of the Bureau under the Aarhus Convention. The Bureau has proceeded with this guidance at its subsequent meetings. The Bureau's meeting in 2014, was attended in part by representatives of European Investment Bank (EIB).

Concerning the Implementation Committee, see separate section below.

#### Financial support for observers

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<sup>1</sup> See informal notes of the meeting, at <http://www.unece.org/index.php?id=25289>.

Since its third session (June 2004), the MOP requests the secretariat to grant, subject to the availability of funds, financial assistance for the participation in meetings under the Convention of designated experts from NGOs identified in a list to be drawn up by the Bureau, subject to a maximum of five such experts, unless otherwise decided by the Working Group on EIA (decision V/10-I/10 (2011), and prior decisions IV/9 and III/11). The Bureau subsequently selects five NGOs to receive financial support (the following NGOs are eligible in the current intersessional period 2011-2014: Eco-Globe, European ECO Forum/RACSE, CENN - Caucasus Environmental NGO Network, International Association for Impact Assessment and Justice and Environment). These NGOs are then regularly represented at the meetings of the Working Group on EIA (since 2011 Working Group on EIA and SEA) that have taken place since 2004. Depending on the availability of funding and subject to priority being given to funding of the workplan, the Bureau also examines requests for possible financial assistance for the participation in meetings under the Convention and its Protocol by representatives and experts from States outside the UNECE region.

#### Participation of the public under the compliance procedure – Implementation Committee

(Paragraphs 9-10 of the Committee's structure and function; Operating Rules 11-15 and 17; see reference to the Committee's structure and function, and operating rules above, under the access to information section)

Upon its establishment in 2004 by MOP-3, the Committee's mandate did not cover the consideration of concerns expressed by the public regarding compliance by a Party with respect to its treaty obligations. In 2008, the MOP-4, adopted operating rules, which added "any other source" amongst sources of information by which the Committee might become aware of a possible non-compliance of a Party, and which could after the Committee's information gathering lead to a decision by the Committee to begin a "Committee initiative" with respect to that Party, decision IV/2, annex, concerning Rule 15.

The criteria on Committee initiative set out in the Committee's operating rules distinguish between information arising from (a) Parties' work under the Convention and (b) "any other source", which means that information from the public is not excluded. In determining whether to begin a Committee initiative, the Committee takes into account, inter alia, that: the source of the information is known and not anonymous; the information relates to an activity in Appendix I to the Convention likely to have a significant adverse transboundary impact; the information is the basis for a profound suspicion of non-compliance; the information relates to the implementation of Convention provisions; the Committee time and resources are available. Moreover, the Committee should consider the information on a non-discriminatory, non-arbitrary and unbiased basis.

In practice, the amount of information received from other sources, in particular NGOs, has significantly increased during the past three years and the time allocated by the Committee at its meetings to consider such information has considerably expanded. The Committee requests further information from the source ("information gathering"), as well as from Parties, and investigates in great detail, until it decides whether a case should be closed or whether it should lead to a Committee initiative. To date, the Committee has considered thirteen information gathering cases further to information submitted by twelve other sources (the secretariat in three cases, in nine cases NGOs). Seven were closed because the Committee decided on the basis of further information received that there was no need to pursue the case; one was closed because a submission was subsequently received by a Party to the Convention concerning the same activity; and in one case, the information led to a Committee initiative. Four cases are currently (as of

February 2014) pending consideration on whether they should be closed or lead to a Committee initiative.

The Committee meetings include open and closed sessions. When the Committee considers a submission, a Committee initiative or information gathering, the Party whose compliance is at issue has the right to participate in, or at least be present during, the consideration of the Committee, but cannot participate or be present in the preparation and adoption of the report, findings and recommendations of the Committee. The draft findings are sent to the parties, which have the possibility to comment within a two-month deadline. At its next session, the Committee after taking into account the comments, if any, it finalizes and adopts its findings.

With respect to other observers, such as other Parties, States non-party to the Convention, civil society representatives, and other stakeholders, the Committee meetings are in principle open, unless the Committee decides otherwise. In particular parts of the meetings dealing with specific submissions are not open to observers, unless the Committee and the Party, whose compliance is at issue, decide to hold an open session. When the Committee considers a Committee initiative, further to information brought to its attention by another source, such as a member of the public or NGO, the Committee invites only the Party whose compliance is at issue to participate in the discussion and address the Committee’s questions, and not the NGO.

In practice, the agenda of the Committee is such that the consideration of the various items would not allow for observers to be present and are thus predominantly held in closed session.

***Access to justice***

On the compliance mechanism, with regard to concerns of compliance by a Party with the Convention and/or the Protocol, see above.

There is no mechanism under the Convention and the Protocol facilitating public access to review procedures relating to any application of the rules, practices and standards regarding access to information and public participation within the scope of the Almaty Guidelines. NGOs participating in the meetings may express their view and refer difficulties to the Meeting of the Parties. This has not occurred.

**B. Access to information**

**1. Access to documents**

	YES	NO	Comments
Your MEA has adopted rules of procedure dealing with access to information or has an official access to information policy (If so, please provide a link to rules of procedure or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<a href="http://www.unece.org/fileadmin/DAM/env/documents/1998/eia/decision.I.1.e.pdf">http://www.unece.org/fileadmin/DAM/env/documents/1998/eia/decision.I.1.e.pdf</a>  Implementation Committee: <a href="http://www.unece.org/fileadmin/DAM/env/eia/documents/ImplementationCommittee/2011_Structure_and_functions_operating_rules_et/">http://www.unece.org/fileadmin/DAM/env/eia/documents/ImplementationCommittee/2011_Structure_and_functions_operating_rules_et/</a> <a href="http://www.unece.org/fileadmin/DAM/env/eia/documents/ImplementationCommittee/2011_Structure_and_functions_operating_rules_et/Implementation_Committee_procedures_rules.e.pdf">Implementation Committee procedures rules.e.pdf</a>

policy)			
All official documents are publicly available on the website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
All informal documents made available to Parties are publicly available on the website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Informal documents for the Meetings of the Parties and the Working Group are publicly available; only the informal compliance documents of Implementation Committee are not (see below)
All draft documents made available to Parties are publicly available on the website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Ibid.</i>
All documents (official, informal and draft) are made available to “the public”, including NGOs, either at the same time as to Parties or sufficiently early	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Ibid.</i>
Some documents are not publicly available, but are available upon request (If so, please specify which types of documents, and on what grounds will they be made available)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable to the Implementation Committee documents (see below)
Access to documents is restricted (If so, please specify the grounds for restriction/access)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Ibid.</i> Such documents of the IC may become publicly available at a later stage during the process, in particular when the Committee has concluded its consideration on the matter (see relevant section above)
Certain documents remain confidential (If so, please specify which types of documents, and	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Ibid.</i> ie. Documents that are considered by the Committee (see relevant sections above)

on what grounds is confidentiality asserted)			
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## 2. Information-sharing

What methods does your MEA use to share information with, and increase the awareness of, “the public” about its processes and the issues it addresses? Please answer through the table below.

	YES	NO	Comments
Official reports of meetings under the MEA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Preparing official publications (in electronic or paper form)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Preparing unofficial publications (e.g. brochures) (in electronic or paper form)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Press releases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Information videos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Room for more use of these means
Media interviews	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ibid
Side events at meetings of other instruments/processes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Roundtables and workshops	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Social media	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Facebook, etc.
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

## C. Public participation

	YES	NO	Comments
Your MEA’s rules of procedure address the participation of “the public” in its processes (If so, please provide a link to rules of procedure)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See link above <b><u>The replies do not apply to the impl Committee</u></b>
Any member of “the public” can vote on any agenda item without any restrictions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of “the public” can provide written comments on any agenda item without restrictions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no established procedure or format for public to comment the items on the publicly available agenda.
Any member of “the public” can speak on any agenda item (subject to time restraints)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Any member of “the public” can participate on any agenda item as an observer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Your MEA has a process of accreditation before observers are permitted to take part in its processes (If so, please outline the criteria and process of accreditation and provide a link to where it is explained on your website)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a special process of accreditation, but the rules of procedure set criteria for observers. See narrative above. Parties are informed at the start of the meeting.
Only accredited members of “the public” can participate with voting rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Only accredited observers can provide written comments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Accredited members of “the public” can participate as observers but have no voting rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NB: “accredited” does not apply
Travel assistance is provided to facilitate participation of a number of members of “the public” at official meetings. If yes, which (e.g. NGOs, academia)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See narrative
Accredited observers, including NGOs, can organize side events at meetings of the MEA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NB: “accredited” does not apply
Any member of “the public”, including NGOs, can organize side events at meetings of the MEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Side events are subject to agreement between the host government and the organizer of the event regarding costs and other requirements.
Stakeholder dialogues, virtual/email consultations and discussion forums are regularly held to elicit the views of “the public”, including NGOs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
“The public”, including NGOs, is invited to, and do, take an active role in supporting implementation of the MEA’s programme of work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other (please outline any other ways in which “the public”, including NGOs, is encouraged to participate in the processes and substantive work of your MEA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Regular postings on the web site, reminder emails for input solicited, capacity building activities, social media (facebook)

#### D. Access to justice

For a useful, quick reference to assist you in answering the questions below, you may wish to check the overview prepared for the first informal network of the Chairs of compliance/implementation bodies under the Multilateral Environmental Agreements (Geneva, 25 March 2013), available at: [http://www.unece.org/fileadmin/DAM/env/pp/compliance/CC-40/Network\\_of\\_Chairs\\_meeting\\_Background\\_paper\\_FINAL.pdf](http://www.unece.org/fileadmin/DAM/env/pp/compliance/CC-40/Network_of_Chairs_meeting_Background_paper_FINAL.pdf)

	YES	NO	Comments
Your MEA has a compliance mechanism (e.g. compliance committee or implementation committee)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
The compliance mechanism meets entirely in open to “the public” session	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The compliance mechanism holds some sessions in open session	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
All documents submitted to/issued by the compliance body are publicly available on the website	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Some documents submitted to/issued by the compliance body are publicly available on the website (if so, please specify which types of documents)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See narrative
Documents submitted to/issued by the compliance body are available to “the public” upon request (if so, please specify which types of documents, or if all documents)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See narrative
Accredited observers (e.g. any accredited member of “the public”,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

including NGOs) can nominate members of the compliance body for election			
Any member of “the public”, including NGOs can nominate members of the compliance body for election	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any member of “the public” can trigger the compliance mechanism	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See criteria in the narrative
Any member of the public can submit information for the consideration of the compliance mechanism	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Any additional information			

## II. CURRENT AND FUTURE WORK PLANS

Are there any current or future work plans of your MEA that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters?

Please consult answers on your MEA to 2006 consultation process to provide the necessary updates in the narrative summary and to complete the tables below.

### A. Narrative summary:

As mentioned above, the Implementation Committee receives the mandate by the MOP to review its structure and functions, as well as its operating rules, in the light of the developed practice. In preparation for the next MOP and MOP/MOP (June 2014), the Committee proposes some changes in the applicable rules relating to participation to its meetings. Most of the changes proposed are not expected to have any impact in the functioning of the Committee, because they consist of changes in the text that actually better reflects the way the Committee operates. One proposed change, if adopted, may be applied in a way that could restrict participation in Committee meetings: it concerns participation in parts of the meeting dealing with any matter concerning specific submissions, and “any matter” might be interpreted and applied for the adoption of the agenda or the report. It remains to be seen, how the amended rule will be applied, if adopted by the MOP in June 2014.

**The tables below have been completed on the basis of what is expressly set out in the work plans.**

**It should be noted that even if the work plans do not explicitly refer to increased efforts to improve access to information and public participation in the processes under the Convention and the Protocol, there is a common understanding that the maximum is done to increase these aspects in the work under the two treaties, subject to availability of resources.**

### B. Access to information

	Current work plan		Future work plan		Comments
	YES	NO	YES	NO	
Proposal to develop rules of procedure or information policy or other relevant decision (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Proposal to develop	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is a communication strategy

communication strategy					under the EAP Green project with a focus on capacity building, to be developed
Actions to improve management of environmental information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific actions in the work plans, but there is a continuous effort put to improve this aspect in the work carried out under the Convention and the Protocol.
Proposal to revise website to improve public access to information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ibid.
Review of treaty provisions relating to access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other plans to increase public access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other plans to reduce public access to information (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

### C. Public participation

		Current work plan		Future work plan		Comments
		YES	NO	YES	NO	
Plans to increase public participation in the processes and substantive work of your MEA (If so, please specify)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific plans in the work plans, but there is a continuous effort put to improve this aspect in the work carried out under the Convention and the Protocol.
Plans to reduce public participation in the processes and substantive work of your MEA (If so, please specify)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See narrative on the IC proposed rules
Review of treaty provisions concerning public participation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of accreditation rules		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of rules of procedure or other relevant decision concerning role of observers		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Measures to increase participation of:	Environmental NGOs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parties increasingly seek to involve civil society
	Marginalised or vulnerable groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Women	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is noted that women constitute an important

						percentage in the various events under the Convention
	Youth	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Indigenous peoples	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Business	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Other groups (please specify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development banks have been encouraged to participate in the proceedings, because of the relevance of the Convention in their activities
	Plans to introduce financial support for public to participate in MEA processes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	n/a/ there is financial support, see narrative for criteria
	Other plans to increase public participation (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Other plans to reduce public participation (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

#### D. Access to justice

	Current work plan		Future work plan		Comments
	YES	NO	YES	NO	
Review of rules/modus operandi of compliance procedure to increase access to information/public participation in the compliance procedure (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of rules/modus operandi of compliance procedure to reduce access to information/public participation in the compliance procedure (If so, please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See above
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

### III. CHALLENGES

In particular, what kind of challenges, if any, has your MEA encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low interest from “the public”, or practical difficulties in managing public participation)? Please provide any additional comments that you think might be useful for Aarhus Convention Parties to bear in mind when considering how to implement their obligation to promote public participation in international forums.

Please consult answers on your MEA to 2006 consultation process to provide the necessary updates in the narrative summary and to complete the tables below.

#### A. Narrative summary:

The financial support of participation by NGOs in meetings is limited by the availability of funds. The budget adopted by the MOPs for the intersessional period (of 3 years) determines set amounts for each meeting. The secretariat is requested to report on its use of the funds in

accordance with the agreed budget. As a rule the voluntary contributions by Parties to the Convention trust fund are largely insufficient for covering the budget, but they are usually sufficient for financing of the participation of a limited number of NGO representatives (currently 5). The NGOs eligible for financial support are determined by Parties (based criteria and recommendation by the Bureau). Other NGOs cannot participate because of a lack of funds. No assistance is provided with issuing visas, apart from for those NGO representatives receiving financial assistance

The Convention's website includes much material in Russian, though the English coverage is more extensive, again in part because of the limited availability of funds.

The distribution of materials by e-mail is sometimes restricted in Eastern Europe, Caucasus and Central Asia by technical problems (e.g. mail server out of operation, mail box full).

If webcasting were easily available, the Secretariat would propose to the Parties the webcasting of meetings of the Parties, the Working Group on EIA and SEA, and, as appropriate, the Implementation Committee

### B. Challenges regarding access to information

	YES	NO	Comments
Limited interest from members of "the public", including NGOs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of political will by Parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Public access to information is a lower priority issue for Parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
No rules or policy concerning access to information in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parties have concerns regarding public disclosure of information (Please specify e.g. confidential business information, national security etc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parties may, however, express concerns with respect to disclosure of some compliance documents
Language barriers (Please specify regarding which languages)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All information is usually available in time in the Russian language
Limited resources to translate documents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subject to UNOG conference services
Low levels of internet access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Low literacy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of infrastructure for data generation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of infrastructure for data analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of infrastructure for data dissemination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other challenges (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

### C. Challenges regarding public participation

	YES	NO	Comments
Limited interest from "the public", including NGOs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of political will by Parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Public participation is a lower priority issue for Parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
No rules or procedures in place regarding public participation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of clarity of rules or procedures on public participation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Level of interest from members of “the public”, including NGOs, too high to manage effectively	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Limited capacities of members of “the public”, including NGOs, to participate effectively (If so, please specify in which respects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Due to limited funding from the Convention trust fund, other interested stakeholders may not be able to participate on their own resources.
Reconciling perspectives of various stakeholders is difficult	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Language barriers prevent effective participation (Please specify regarding which languages)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Concerns regarding public disclosure of confidential or sensitive information if “the public”, including NGOs, were to participate in meetings etc. (Please specify what types of confidential information, e.g. for national security, confidential business information etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Risk of disruptive public participation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Limited financial resources to ensure wide public participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See comment above
Difficulties in identifying the public concerned	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NB: the “public concerned” is a term from the Aarhus Convention and is not obvious. The term is used for the first time here and in the next row. Under the Espoo, for instance, we speak of “the public in the areas likely to be affected”.
Difficulties in verifying whether members of “the public”, including NGOs, actually represent the public concerned	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Ibid.</i>
Difficulties in facilitating participation of marginalized or special interest groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Insufficient timeframes in meetings to enable effective public participation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Outcomes of public participation often not taken into account in decision-making under the MEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NB: these questions in the negative are a little bit difficult to answer “yes” or “no”, it depends how one reads the “yes” or “no”
Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

#### D. Challenges regarding public participation in compliance review

	YES	NO	Comments
No legal basis for public participation in compliance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

review			
Lack of political will from Parties to promote public participation in compliance review	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An area where there is room for improvement
Limited interest of “the public”, including NGOs, to be involved in compliance review	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lack of public awareness of opportunities to be involved in compliance review	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
“The public”, including NGOs, lacks capacity to be involved in compliance review	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Limited financial resources to involve “the public”, including NGOs, in compliance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)			

#### IV. COMMENTS

Please consult answers on your MEA to the 2006 consultation process and provide any comments on the Almaty Guidelines, in view of your treaty’s own processes, activities and particular characteristics:

The Working Group on EIA considered the Almaty Guidelines at its ninth meeting, held on 3-6 April 2006 (ECE/MP.EIA/WG.1/2006/2 paras. 47-51 and Annex). The Working Group was supporting of the Guidelines.

It should be added, that the Espoo Convention and its Protocol on SEA address and promote access to information and public participation in decision-making in environmental matters. Access to justice in the meaning of the Aarhus Convention, is promoted to a lesser extent, in particular through the Protocol, according to which: “The relevant provisions of [the] Protocol shall apply without prejudice to the UNECE [Convention] [...] on Access to Information, Public Participation and Access to Justice in Environmental Matters” (art. 15). There is strong awareness of the principles among participants in meetings under the Espoo Convention.