

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-fourth meeting

Geneva, 1–3 July 2020 (virtual/online) and 28–29 October 2020 (hybrid at the Palais des Nations in Geneva)

Item 8 of the provisional agenda:

**Thematic session on the promotion of the principles
of the Convention in international forums**

**Results of the Survey for Parties and Stakeholders in Preparation for the
Thematic Session on Promoting the Principles of the Convention in
international Forums¹**

BACKGROUND

A survey was carried out prior to the twenty-fourth meeting of the Working Group of the Parties. The survey intended to assist Parties in reporting to the Working Group on the promotion of the Convention's principles in international forums. It consisted of two parts. Part I focused on Parties' progress in promoting the principles of the Aarhus Convention in the policies of international trade negotiations, part II promoting the principles of the Aarhus Convention in the policies in International Civil Aviation Organization (ICAO) processes. Each Party was invited to complete the questionnaire using the online survey by 15 October 2020 and then the deadline was extended to 18 October 2020. Link to the online survey: <https://www.surveymonkey.com/r/V8HZCBR> The survey was made available via an online survey platform to promote the use of electronic information tools. A version of the surveys as word document was shared to help coordinate responses with colleagues.

The following background material was provided: Promoting the application of the principles of the Aarhus Convention in international forums (Almaty Guidelines), ECE/MP.PP/2005/2/Add.5, (decision II/4), annex available in English, French and Russian.² There was also material submitted by ICSA made available: <https://www.unece.org/index.php?id=54526> (see tab "PPIF session").

SURVEY OVERVIEW

¹ This document was not formally edited.

² <http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf> (English)
<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.f.pdf> (French)
<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.r.pdf> (Russian)

Twelve out of 47 Parties to the Convention (25.5 per cent of total number of Parties) responded to the survey. Six Parties: Belarus; Belgium; Bulgaria; Estonia; Finland and France completed the entire survey and those results are reflected in this document. Six Parties started but did not complete the entire survey. There were three duplicate entries for the same Party and an additional Party had opened the online survey but then did not continue filling in the form.

I. INTERNATIONAL TRADE NEGOTIATIONS

1. The Party was asked to Provide its Name.

For which 12 answered but only six Parties completed the entire Survey.

2. Is your Government promoting the Convention's principles in international trade negotiations?

All six Parties answered yes to this question.

3. The subsequent questions were asked because the answer was Yes:

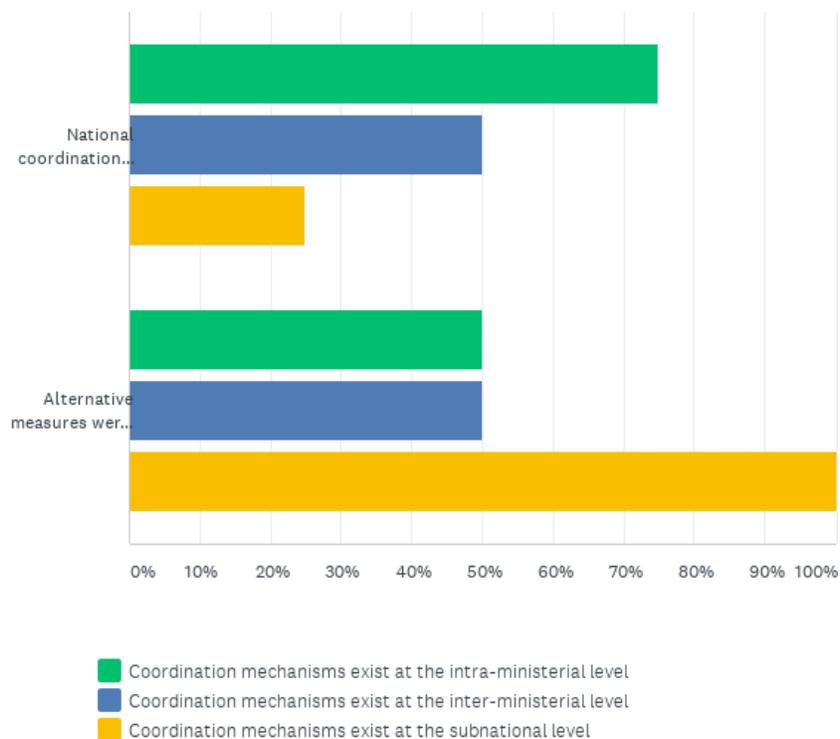
i. In relation to which international trade negotiations?

Five Parties responded and one skipped this question providing the following information:

BELARUS	Within the Eurasian Economic Union (EAEU) and others
BELGIUM	The international trade negotiations are conducted by the European Union, trade negotiations being an exclusive competence of the EU. Mechanisms for access at the national and subnational level are intended to complement the mechanisms set up by the European Commission in order to further facilitate access for national actors.
BULGARIA	As Bulgaria has been a member state of the European Union since January 1, 2007 and the European Union applies Common Commercial Policy (trade relations with third countries are defined at the EU level) - in relation to all trade negotiations to which the European Union is a party.
FINLAND	All negotiated by the European Commission. It is worth noting that trade policy falls within the competence of the European Union, and Finland as an EU member state, makes commitments on trade and environment, climate and sustainable development objectives through the EU free trade agreements. The European Commission is responsible for providing information for MSs on the provisions negotiated under the EU FTAs.
FRANCE	In EU negotiations

ii. Through which mechanisms?

All six Parties responded to this question and provided the following information:



	COORDINATION MECHANISMS EXIST AT THE INTRA-MINISTERIAL LEVEL	COORDINATION MECHANISMS EXIST AT THE INTER-MINISTERIAL LEVEL	COORDINATION MECHANISMS EXIST AT THE SUBNATIONAL LEVEL	TOTAL RESPONDENTS
National coordination mechanisms were already in use	75.00% 3	50.00% 2	25.00% 1	4
Alternative measures were in place that your government considers serve the same purpose. If so, please briefly describe what measures are in place for this purpose	50.00% 1	50.00% 1	100.00% 2	2

The following Parties provided the following information for the types of mechanisms in use.

<p>BELARUS</p>	<p>National coordination mechanisms were already in use</p> <ul style="list-style-type: none"> • Coordination mechanisms exist at the intra-ministerial level <p>National coordination mechanisms are currently being planned and will be used later in the year.</p> <p>Obligatory public discussion of draft legislative acts, controversial issues and decisions that can have a significant impact on the conditions for carrying out entrepreneurial activity, including through the creation of at these state bodies (organizations) public consultative and (or) expert councils with the participation of representatives of business entities, their associations (unions, associations), as well as posting these projects on the official websites of state bodies, other organizations in the global computer network Internet and (or) mass media.</p>
<p>BELGIUM</p>	<p>Alternative measures were in place that your government considers serve the same purpose.</p> <ul style="list-style-type: none"> • Coordination mechanisms exist at the subnational level <p><i>Additional information provided:</i></p> <p>On international trade negotiations conducted by the European Commission specifically, there is no formalised coordination mechanism or consultation process involving civil society or the larger public at the federal level. However, meetings with civil society organisations (CSOs) on trade issues are organised regularly. These meetings range from ad hoc thematic seminars or round tables on specific issues, to which a range of stakeholders, including CSOs are invited, to more general regular consultations on trade policy. The latter have in recent years been held on a yearly basis, usually with the Minister in attendance, with the members of the Federal Council on Sustainable Development (which includes NGOs, business federations, trade unions and academia). The former ad hoc events included in 2019 a high-level seminar on the reform of investment dispute settlement, a round table on trade and sustainability, a consultation on the future Regulation on the Generalised Scheme of Preferences, and a conference on the impacts of the trade agreement with Mercosur on agriculture, food safety, the environment and climate. Some events are organised in cooperation with the federal entities (Regions and Communities), which play an important role in shaping the Belgian position on EU trade policy. The federated entities may also organise their own consultations.</p>
<p>BULGARIA</p>	<p>National coordination mechanisms were already in use</p>

- Coordination mechanisms exist at the intra-ministerial level

Additional information provided:

Trade outside the EU is an exclusive responsibility of the EU, rather than the national governments of member states. This means the EU institutions make laws on trade matters, negotiate and conclude international trade agreements. The EU's responsibilities cover: - trade in goods and services - the commercial aspects of intellectual property, such as patents - public procurement - foreign direct investment Article 207 of the Treaty on the Functioning of the European Union sets out the rules on EU trade policy.

The EU negotiates trade deals applying the following mechanism:

1. First, the European Commission requests authorisation from the Council of the EU ('the Council') to negotiate a trade agreement with a trade partner. The Council's authorisation can include 'directives'. These are often referred to as the 'mandate' and set out what the Commission should achieve in the agreement.
2. Then the Commission negotiates with the trading partner on behalf of the EU. During the negotiations, the Commission:
 - works closely with the Council's trade policy committee
 - keeps the European Parliament fully informed
 - holds meetings with representatives of civil society
 - Publishes: EU position papers; proposed texts for the agreement, reports of negotiations; impact assessments; background papers; and factsheets
3. Once the Commission completes the negotiations, it publishes the agreement and presents the deal to the Council and the European Parliament.
4. The Council and the European Parliament examine the final deal and decide whether or not to approve it.
5. If they both approve; the EU can sign the agreement. The partner can then ratify this signed agreement, after which the Council can declare the agreement concluded.
6. If the trade agreement covers areas where EU countries have responsibility, it can only be fully concluded after EU countries also ratify and sign the agreement. In view of the above, as an EU Member State Bulgaria does not participate directly in the international trade negotiations – like the other Member States it is represented by the EU institutions. In this regard we pay attention that the EU issues coordination mechanism in Bulgaria promotes the Convention's principles. In particular, draft framework positions of the State for the matters to be considered at meetings of the working bodies of the Council of the EU (including in relation to the total EU contribution to international initiatives, processes, agreements, etc.) are coordinated/agreed within Working Groups of the National Council for European Affairs, which may include representatives of the social partners, civil society, academia and business organizations. By this way is ensured the participation of the public concerned with the coordination and preparation of national positions for the negotiations at the EU level procedures for the formation of a common EU position on issues

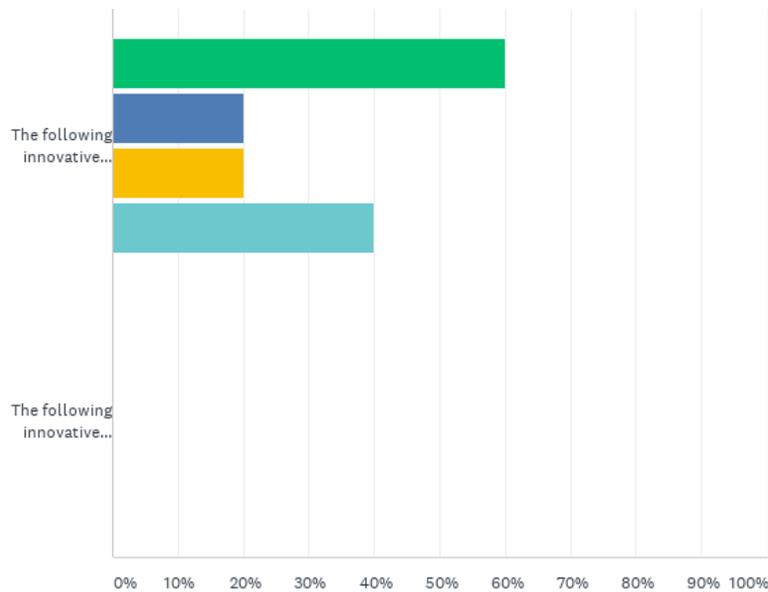
	<p>related to international forums, e.g. international trade negotiations. But public participation in the Bulgarian coordination mechanism on European affairs is provided not only by the representation of members of the public in the Working Groups to the National Council for European Affairs. There is also Consultation Centre to the Council – web portal where registered members of the public could submit comments on draft proposals for decisions and legal acts of EU: https://euaffairs.government.bg/en/page.php?c=23</p> <p>The web-based online Consultation Centre to the website of the Bulgarian coordination mechanism on European affairs provides for the opportunity of the public to participate in the EU consultations in decision-making on important issues of the EU agenda and legislation, at national level, e.g. preparation of the positions of the EU for decision making processes and initiatives within international organizations. The public consultations encompass:</p> <ul style="list-style-type: none"> ○ Consultations of the European Commission by the "Your Voice in Europe" webpage – a direct link to the Commission's consultation page is given in order to be encouraged the participation of stakeholders in Bulgaria. In addition, another email address/link is provided if interested stakeholders would also like to send their opinions to the competent Bulgarian authority, which, in turn, could take them into account when preparing its opinion on the consultation. ○ Proposals for consultations by the National Council for European Affairs (NCEA) working groups, including inter-institutional dossiers received by the General Secretariat of the Council of the EU, distributed weekly by the NCEA. When the NCEA distributes a dossier to a working group, it may propose the same to be uploaded at the Advisory Centre for the period within which the NCEA should prepare its framework position on it. Traditionally, the deadline is 4 weeks from the distribution of NCEA. When comments are submitted to the Consultation Centre, they are sent to the focal point of the respective competent NCEA working group and are taken into account in preparation of the position. Public consultations via the Consultation Centre may involve citizens, representatives of business or non-profit organizations that identify themselves as registered users through name and password. Apart from the functionality for uploading comments, the Consultation Centre also provides opportunities for discussions in forums on topics posted by the users.
<p>ESTONIA</p>	<p>Alternative measures are in place that your government considers serve the same purpose.</p> <ul style="list-style-type: none"> ● Coordination mechanisms exist at the intra-ministerial level ● Coordination mechanisms exist at the inter-ministerial level ● Coordination mechanisms exist at the subnational level <p><i>Additional information provided:</i></p>

	<p>All EU FTAs include a Trade and Sustainable Development chapter, which seeks to ensure that the goals of trade policy go hand in hand with high environmental standards. Before any trade negotiations, the European Commission, negotiating on behalf of all the EU Member States, undertakes a public consultation in order to assist it in establishing priorities for the talks and taking decisions throughout the negotiating process. Additionally, the Commission systematically publishes negotiating texts proposals and the latest reports of the negotiations on its webpage. These measures are taken to ensure that the access to trade-related environmental information and the possibility to contribute to decision-making on environmental issues are provided for the public, in line with the principles of Aarhus Convention. The Estonian government amplifies the Commission’s work by disseminating the information regarding public consultations via business organizations and professional associations; and by sharing the information about negotiations on the Ministry of Foreign Affairs’ webpage. Most recently, the Ministry of Foreign Affairs initiated a wide consultation on EU trade policy review, allowing the stakeholders to give their say on, among other topics, how the EU trade policy should respond to new global challenges, including climate change and sustainability.</p>
<p>FINLAND</p>	<p>National coordination mechanisms were already in use</p> <ul style="list-style-type: none"> • Coordination mechanisms exist at the inter-ministerial level • Coordination mechanisms exist at the subnational level <p><i>Additional information provided:</i></p> <p>Intra-ministerial level: Since the beginning of the EU membership, Finland has had a formal consultation mechanism under the Prime Minister’s Office. The Committee for EU Affairs has 35 sub-committees, one of which deals with trade policy (including FTAs) and is chaired by the Ministry for Foreign Affairs (EU2 sub-committee). EU2 sub-committee has two compositions 1) restricted composition for government representatives from various ministries and agencies dealing with trade, and 2) extended composition for government representatives and other stakeholders like industry organizations, trade unions, non-governmental organizations etc. While the sub-committee with governmental representatives is consulted every week before TPC meetings, meetings of the sub-committee with wider representation are organized 3 - 4 times a year in order to discuss topical trade issues and to get feedback. Informal meetings and ad hoc consultation between ministries and stakeholder are organized when coordination is needed. Some examples are provided below:</p> <ul style="list-style-type: none"> • Relevant stakeholders are consulted when Finnish positions on FTA negotiations (including market access offers) are formulated • An informal stakeholder group to discuss FTA implementation • Open seminars or other events to discuss trade issues (many especially during the TTIP negotiations) • Individual invitations to attend various meetings (organized by Confederation of Finnish Industries, Central Union of Agricultural

	<p>Producers and Forest Owners, Chamber of Commerce etc.) to explain and discuss topical trade issues • Informal morning coffees organized for stakeholders by the Department for External Economic Relations (MFA)</p> <p>Subnational level: The right to information and possibility to influence decisions is guaranteed in Finland’s Constitution (The Constitution Act §20 and §97 https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf)</p> <p>1) The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.</p> <p>2) The right of Parliament, it’s members, committees and other parliamentary bodies to receive from the Government, a ministry or public authority the information they require to consider matter. The Finnish Government arranges open hearings to civil society and public consultations to stakeholders during FTA negotiations in addition to public consultations by the European Commission. Furthermore, civil society has information available about the negotiations including environmental provisions online provided by the Government of Finland and the European Commission.</p>
FRANCE	<p>National coordination mechanisms were already in use</p> <ul style="list-style-type: none"> • Coordination mechanisms exist at the intra-ministerial level • Coordination mechanisms exist at the inter-ministerial level

iii. Please list any innovative practices to promote access to information and public participation in international trade negotiations.

Five Parties responded to this question and one skipped the question on which innovative tools are currently being used:



■ Electronic tools
 ■ Web-based applications (online forums, social networks)
■ Mobile-phone apps (including twitter or other apps)
■ Other (e.g. measures aimed at effective participation of civil society in int. trade nego)

	ELECTRONIC TOOLS	WEB-BASED APPLICATIONS (ONLINE FORUMS, SOCIAL NETWORKS)	MOBILE-PHONE APPS (INCLUDING TWITTER OR OTHER APPS)	OTHER (E.G. MEASURES AIMED AT EFFECTIVE PARTICIPATION OF CIVIL SOCIETY IN INT. TRADE NEGOTIATIONS)	TOTAL RESPONDENTS
The following innovative tools are currently used:	60.00% 3	20.00% 1	20.00% 1	40.00% 2	5
The following innovative tools are currently being planned:	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0

BELARUS

Other (e.g. measures aimed at effective participation of civil society in int. trade negotiations)

BELGIUM	<p>Other (e.g. measures aimed at effective participation of civil society in int. trade negotiations)</p> <p><i>Additional information provided:</i></p> <p>The COVID-19 pandemic led to the regular consultations with civil society on trade policy being moved online in 2020. Online consultation meetings could remain a tool in the future.</p>
ESTONIA	<p>Electronic tools; Web-based applications (online forums, social networks)</p>
FINLAND	<p>Electronic tools; Mobile-phone apps (including twitter or other apps)</p> <p><i>Additional information provided:</i></p> <p>There is a general description of the formal consultation structure on the MFA website. https://um.fi/commercial-policy</p> <p>Official Twitter account for MFA @Ulkoministerio</p>
FRANCE	<p>Electronic tools</p>

II. ICAO PROCESSES

i. Is your Government promoting the Convention’s principles in International Civil Aviation Organization (ICAO) processes?

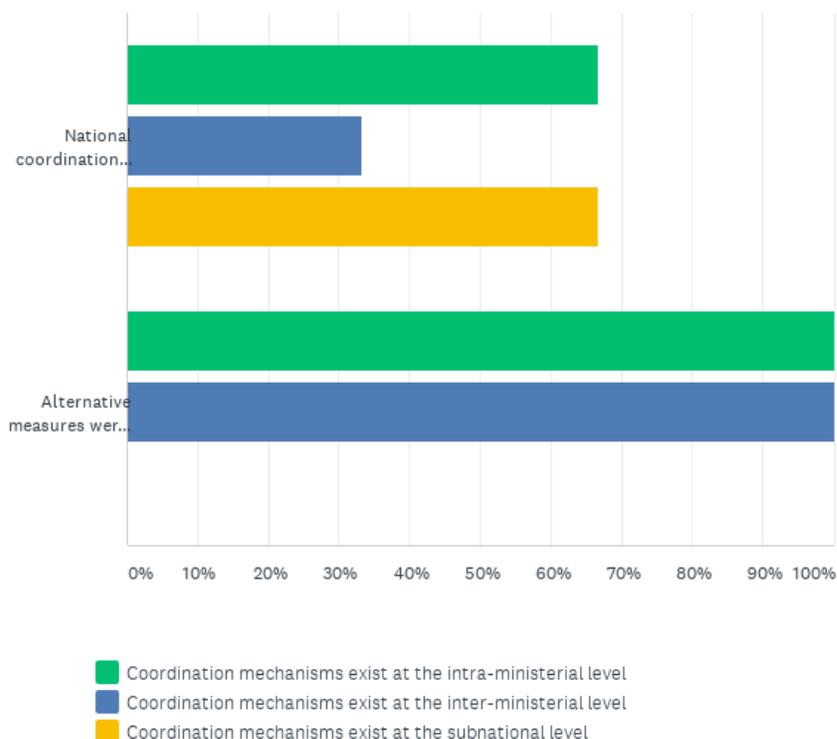
Six Parties responded to this question. Five Parties that answered **Yes**: Belarus; Bulgaria, Estonia, Finland and France and one Party that responded **No**: Belgium.

ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	16.67%	1
Total Respondents: 6		

- BELARUS** Through public participation in the national flight safety program.
- BELGIUM** The promotion mechanisms are not yet officially planned, and no alternative measures are in place that would serve the same purpose. If so, please briefly describe what has prevented your government from using existing mechanisms or introducing alternative
- BULGARIA** Bulgaria, as well as the other EU member states, participates in the ICAO forums with positions approved in advance by the Council of the EU on the considered topics and the adopted resolutions.
- ESTONIA** Estonia is a member of ECAC (European Civil Aviation Conference) and participates in ICAO processes through that. ECAC has a Memorandum of Understanding with the European Commission and Eurocontrol and all European proposals to ICAO are discussed within and between EU countries. The Commission systematically publishes negotiating texts proposals and the latest reports of the negotiations on its webpage.
- FINLAND** Finland is actively supporting transparency and information sharing in ICAO when participating in ICAO work. NORDICAO is a seven State rotation delegation to ICAO with the mission of working together for safe, secure and sustainable aviation. NORDICAO is currently headed by FINLAND, which was elected to the ICAO Council at the 40th General Assembly of ICAO in 2019. Finland will hold this seat for the next three years.
- FRANCE** *No additional comment*

ii. Through which mechanisms?

Four Parties responded and two skipped this question. The following information was collected:



	COORDINATION MECHANISMS EXIST AT THE INTRA-MINISTERIAL LEVEL	COORDINATION MECHANISMS EXIST AT THE INTER-MINISTERIAL LEVEL	COORDINATION MECHANISMS EXIST AT THE SUBNATIONAL LEVEL	TOTAL RESPONDENTS
National coordination mechanisms were already in use.	66.67% 2	33.33% 1	66.67% 2	3
Alternative measures were in place that your government considers serve the same purpose.	100.00% 1	100.00% 1	0.00% 0	1

BELARUS

National coordination mechanisms were already in place

- Coordination mechanisms exist at the subnational level

Additional information provided: <https://bit.ly/37uoFHq>

BULGARIA

National coordination mechanisms were already in place

- Coordination mechanisms exist at the intra-ministerial level

Additional information provided:

The approach is similar to those applied to the international trade negotiations - as an EU member state Bulgaria participates in the ICAO forums with positions coordinated and agreed at EU level. Therefore, the EU issues coordination mechanism in Bulgaria promotes the Convention's principle by the National Council for European Affairs and the web-based online Consultation Centre to the Council. For more details, please consult Chapter A of the questionnaire.

ESTONIA

Alternative measures were in place that your government considers serve the same purpose

- Coordination mechanisms exist at the intra-ministerial level
- Coordination mechanisms exist at the inter-ministerial level

FINLAND

National coordination mechanisms were already in place

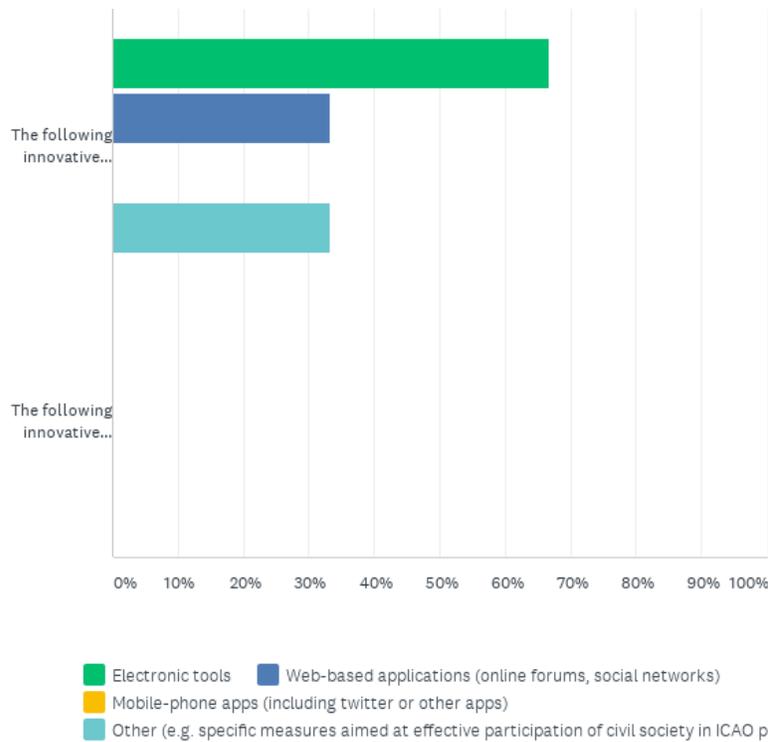
- Coordination mechanisms exist at the intra-ministerial level
- Coordination mechanisms exist at the inter-ministerial level
- Coordination mechanisms exist at the subnational level

Additional information provided:

Matters are discussed in regular intra- and inter-ministerial meetings and separate meetings if needed (for example coordination during ICAO Assembly). Means of coordination vary at national level. There are possible consultations, such as during the Assembly preparations, and meetings with stakeholders.

iii. List innovative practices to promote access to information and public participation in ICAO processes.

Three Parties answered and three skipped this question. The following information was collected:



	ELECTRONIC TOOLS	WEB-BASED APPLICATIONS (ONLINE FORUMS, SOCIAL NETWORKS)	MOBILE-PHONE APPS (INCLUDING TWITTER OR OTHER APPS)	OTHER (E.G. SPECIFIC MEASURES AIMED AT EFFECTIVE PARTICIPATION OF CIVIL SOCIETY IN ICAO PROCESSES)	TOTAL RESPONDENTS
The following innovative tools are currently used:	66.67% 2	33.33% 1	0.00% 0	33.33% 1	3
The following innovative tools are currently being planned:	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0

BELARUS	Electronic tools
ESTONIA	Electronic tools; Web-based applications (online forums, social networks)
FINLAND	Other (e.g. specific measures aimed at effective participation of civil society in ICAO processes)

Additional information provided:

Finland promotes involvement of stakeholders through events and communication: <https://www.traficom.fi/en/news/aviation-emissions-centre-international-discussions-helsinki> <https://www.traficom.fi/en/news/icao-aviation-emissions-scheme-receives-strong-support-helsinki> Example from 2017-2018 and hearing stakeholders views in ICAO's draft Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) package (in Finnish): https://arkisto.trafi.fi/uutisarkisto/5846/kansainvalinen_siviili-ilmailujarjesto_icao_konsultoi_jasenvaltioitaan_paastohyvitysarjestelma_corsiasta

iv. Is the Party a member of ICAO Council?

Six Parties answered this question. With three Parties responding **Yes**, Belarus, Finland and France and three responding **No**, Belgium, Bulgaria and Estonia.

