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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

Thirteenth meeting

Geneva, 9–11 February 2011

Report of the thirteenth meeting of the Working Group of the Parties

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–7	3
A. Attendance.....	2–4	3
B. Organizational matters.....	5–7	3
II. Status of ratification of the Convention and the Protocol on Pollutant Release and Transfer Registers.....	8–9	3
III. Substantive issues.....	10–17	4
A. Public participation in international forums.....	10–11	4
B. Access to justice.....	12–13	4
C. Electronic information tools and the clearinghouse mechanism.....	14–15	5
D. Public participation in decision-making.....	16	5
E. Genetically modified organisms.....	17	5
IV. Procedures and mechanisms.....	18–24	5
A. Compliance mechanism.....	18–19	5
B. National implementation reports.....	20–21	6
C. Reporting requirements.....	22	6

D.	Implementation Guide	23	6
E.	Capacity-building	24	6
V.	Promotion of the Convention	25–27	7
A.	Accession to the Convention by States from outside the United Nations Economic Commission for Europe region.....	25–26	7
B.	Awareness-raising activities and communication.....	27	7
VI.	Programme of work and operation of the Convention	28–32	7
A.	Implementation of the work programme for 2009–2011, including in relation to the Strategic Plan 2009–2014	28	7
B.	Work programme for 2012–2014	29	7
C.	Possible expert/advisory service under the Convention.....	30	8
D.	Financial matters.....	31–32	8
VII.	Preparations for the fourth session of the Meeting of the Parties.....	33–37	9
A.	Declaration.....	33–34	9
B.	Future Strategic Plan.....	35	10
C.	Agenda of the fourth session of the Meeting of the Parties	36	10
D.	Practical arrangements for the fourth session of the Meeting of the Parties...	37	10
VIII.	Other business	38	10
IX.	Adoption of decisions and close of the meeting.....	39	10

I. Introduction

1. The thirteenth 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 from 9 to 11 February 2011 at the Palais des Nations in Geneva.

A. Attendance

2. The meeting was attended by delegations from the following Parties to the Convention: Albania, Armenia, Austria, Belarus, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkmenistan and United Kingdom of Great Britain and Northern Ireland. The European Union, represented by the European Commission, was also present.

3. A delegation from Uzbekistan was also present.

4. Representatives of regional environmental centres, Aarhus Centres, and business, professional, research and academic organizations, also attended. In addition, representatives of international, regional and national environmental organizations participated in the meeting, many of whom coordinated their input within the framework of the European ECO Forum.¹

B. Organizational matters

5. The Chair of the Working Group opened the meeting.

6. The Working Group adopted the agenda as set out in the annotated provisional agenda (ECE/MP.PP/WG.1/2011/1).

7. The Chair informed the Working Group that, with a view to ensuring equal opportunities for English, French and Russian-speaking delegations, the meeting would result in a list of decisions that would be projected on a screen and presented by the Chair verbally, thereby allowing for interpretation. The list of decisions would be distributed to participants by e-mail after the meeting and would be incorporated in the report.

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

8. The secretariat reported on the status of ratification of the Convention, the amendment to the Convention and the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs). There were 44 Parties to the Convention, 27 Parties to the Protocol on PRTRs and 26 Parties to the amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified

¹ All participants are included in the list of participants, which is available online at: <http://www.unece.org/env/pp/wgp.htm>.

organisms (GMOs). Since the last meeting of the Working Group there had been one new ratification of the PRTR Protocol, by the former Yugoslav Republic of Macedonia.

9. The Working Group took note of the report by the secretariat on the status of ratification of the Convention, the amendment to the Convention and the PRTR Protocol. It also took note of the initiative by the Bureau Chair to write a letter to Parties and Signatories that had not ratified the Convention or the amendment to the Convention urging them to proceed with the ratifications as soon as possible.

III. Substantive issues

A. Public participation in international forums

10. The Chair of the Task Force on Public Participation in International Forums presented the report of the fifth meeting of the Task Force and the associated workshop (Geneva, 29 June 2010; ECE/MP.PP/WG.1/2011/3) and informed the Working Group about preparations for the sixth meeting of the Task Force and the associated workshop (Geneva, 23–24 February 2011). The Working Group took note of that information and requested the secretariat to make the report of the sixth meeting of the Task Force on Public Participation in International Forums, as well as the document summarizing the outcomes of the consultation process carried out by the Task Force, available as formal documents in the official United Nations Economic Commission for Europe (UNECE) languages for consideration by the Meeting of the Parties at its fourth session (Chisinau, 29 June–1 July 2011).

11. The Chair presented a draft decision on promoting the application of the principles of the Convention in international forums (ECE/MP.PP/WG.1/2011/L.1). The Working Group revised the draft decision (AC/WGP-13/CRP.1²), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session.

B. Access to justice

12. The Chair of the Task Force on Access to Justice reported on the outcomes of the fourth meeting of the Task Force (Geneva, 7–8 February 2011), where it had discussed progress with regard to the analytical studies carried out under its auspices on costs and remedies and activities aimed at capacity building and sharing information, such as a jurisprudence database in the Aarhus Clearinghouse. The Task Force invited Parties and stakeholders to submit cases for the database to the secretariat. It had also discussed cooperation with the Task Force on Public Participation in Decision-making and the possibility of organizing a sub-regional workshop in Central Asia and an event with public interest lawyers. The Working Group took note of that information and requested the secretariat to make the report of the fourth meeting of the Task Force on Access to Justice available as a formal document in the official ECE languages for consideration by the Meeting of the Parties at its fourth session.

13. The Chair presented a draft decision on access to justice (ECE/MP.PP/WG.1/2011/L.2). The Working Group revised the draft decision (AC/WGP-13/CRP.2), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session. The Chair thanked Sweden for its leadership of the Task Force

² All documents revised at the meeting are available at: <http://www.unece.org/env/pp/wgp.htm>.

on Access to Justice and expressed the hope that there would soon be clarity on which country would lead the Task Force after the fourth session of the Meeting of the Parties.

C. Electronic information tools and the clearinghouse mechanism

14. The secretariat presented an informal report on the workshop on electronic information tools for South-Eastern Europe, held in Skopje (25-26 November 2010; PP/WG-13/Inf.7), and reported on work related to the Aarhus Clearinghouse and PRTR.net. The Working Group took note of that information and requested the secretariat to make the report available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

15. The Chair presented a draft decision on access to information (ECE/MP.PP/WG.1/2011/L.3). The Working Group revised the draft decision (AC/WGP-13/CRP.3), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session.

D. Public participation in decision-making

16. The Chair of the Task Force on Public Participation in Decision-making presented the report of the first meeting of the Task Force (Geneva, 25-26 October 2010), including a proposed workplan for 2011–2014 (ECE/MP.PP/WG.1/2011/5). The Working Group took note of the report, approved the draft workplan for the Task Force and forwarded it for consideration by the Meeting of the Parties at its fourth session.

E. Genetically modified organisms

17. The secretariat presented an informal report on the workshop organized jointly with the secretariat of the Convention on Biological Diversity (CBD) on the topic of genetically modified organisms (PP/WG-13/Inf.6), held in Nagoya, Japan, on 8 and 9 October 2010, in conjunction with the fifth meeting of the Conference of the Parties to the CBD, serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety. The Working Group took note of this information and requested the secretariat to make the report available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

IV. Procedures and mechanisms

A. Compliance mechanism

18. The secretariat reported that since the last meeting of the Working Group the Compliance Committee had held two meetings, at which it had discussed communications concerning alleged non-compliance by Belarus and Austria. It had adopted findings with regard to six communications, in which it had found non-compliance by Armenia, Belarus, Slovakia and the United Kingdom. Since the Working Group's last meeting the Committee had received six new communications, four of which had been determined to be admissible. The file on one communication had been closed following a request of the communicant, while the decision on admissibility for one communication was pending, awaiting additional information by the communicant. Further to the secretariat's requests, a length waiver had been granted for the processing of all the Committee's documents pending since

its twenty-third meeting (31 March–3 April 2009). However, the United Nations Documents Management Division had not proposed a clear solution for the future. The secretariat had therefore again engaged in negotiations for the handling of future compliance documents that might exceed the word limit for United Nations documents. The secretariat also presented a note on the election of the Compliance Committee (ECE/MP.PP/WG.1/2011/7).

19. The Working Group took note of the information presented and requested the secretariat to make the documents prepared by the Compliance Committee for the Meeting of the Parties available as formal documents in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session. It also took note of the nomination by Armenia of a candidate for the Compliance Committee, as well as of a statement by Slovakia regarding the Committee's findings with respect to case ACCC/C/2009/41 concerning compliance by Slovakia.

B. National implementation reports

20. The secretariat informed the Working Group about the status of submission of national implementation reports and the preparation of the synthesis report for the fourth session of the Meeting of the Parties.

21. The Working Group took note of that information and agreed that those Parties that had failed to submit their reports by the deadline should proceed with their submissions urgently, so as to ensure that the national implementation reports would be taken into consideration during the preparation of the synthesis report. The Working Group requested the secretariat to make the synthesis report available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

C. Reporting requirements

22. The Chair presented a draft decision on reporting requirements (ECE/MP.PP/WG.1/2011/L.4). The Working Group revised the draft decision (AC/WGP-13/CRP.4), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session.

D. Implementation Guide

23. The secretariat reported on progress made with the preparation of the updated version of the Implementation Guide, including procedural and timing aspects. The updated Implementation Guide would be made available to the Meeting of the Parties for information at its fourth session. The Working Group took note of that information.

E. Capacity-building

24. The secretariat presented an informal report on the sixth capacity-building coordination meeting (Geneva, 7 December 2010; PP/WG-13/Inf.8). Delegations shared information on their respective capacity-building activities. A suggestion was made to develop more targeted capacity-building activities, related to the priorities specified in the Convention's work programme. The Working Group took note of that information and requested the secretariat to prepare a report on capacity-building activities under the Convention, and to make it available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

V. Promotion of the Convention

A. Accession to the Convention by States from outside the United Nations Economic Commission for Europe region

25. The Working Group discussed various ways of promoting Principle 10 of the Rio Declaration, including through acceding to the Aarhus Convention, developing regional conventions or negotiating a global convention. A representative of the Environmental Management and Law Association and the Access Initiative Europe (EMLA & TAI Europe) presented an initiative by the Association to promote the negotiation by 2012 of binding regional instruments on access to information, public participation and access to justice, as defined by the Aarhus Convention. The Working Group took note of that information.

26. The Chair presented a draft decision on accession by States from outside the UNECE region (ECE/MP.PP/WG.1/2011/L.5). The Working Group revised the draft decision (AC/WGP-13/CRP.5), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session.

B. Awareness-raising activities and communication

27. The secretariat presented a draft communication strategy (PP/WG-13/Inf.1). The Working Group took note of the draft strategy, provided comments and agreed that Parties and stakeholders would send their comments on the draft to the secretariat by 20 February 2011. The draft strategy would then be revised to incorporate the comments and sent to the Expert Group for further comments, before being finalized by the secretariat. The Working Group requested the secretariat to make the draft communication strategy available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

VI. Programme of work and operation of the Convention

A. Implementation of the work programme for 2009–2011, including in relation to the Strategic Plan 2009–2014

28. The secretariat presented an overview of the implementation of the work programme for 2009–2011, including in relation to the Strategic Plan 2009–2014 (ECE/MP.PP/WG.1/2011/8). The Working Group took note of that information and requested the secretariat to make a report on implementation of the work programme for 2009–2011, including a financial report, available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

B. Work programme for 2012–2014

29. The Chair presented a draft decision on the work programme for 2012–2014 (ECE/MP.PP/WG.1/2011/L.6). The Working Group discussed the draft decision and agreed to consider, at its next meeting, a proposal by the European Union on the prioritization of activities, to be reflected in annex I of the draft decision. The Working Group revised the draft decision (AC/WGP-13/CRP.6), approved it and forwarded it for consideration by the

Working Group at its fourteenth meeting and the Meeting of the Parties at its fourth session.

C. Possible expert/advisory service under the Convention

30. The secretariat presented an informal note concerning the establishment of a mechanism to provide country-specific, needs-based advice and assistance (PP/WG-13/Inf.3). The Working Group took note of that information.

D. Financial matters

31. The secretariat presented an informal overview of financial contributions received (for use) in 2010 and 2011 and expenditures incurred in 2010 and projected for 2011, as well as an overview of human resource expenditures and needs for 2010–2011 (PP/WG-13/Inf.2). The Working Group took note of that information and shared information on expected contributions for 2011 (as set out in the table below).

32. The Chair presented a draft decision on financial arrangements (ECE/MP.PP/WG.1/2011/L.7). The Working Group revised the draft decision (AC/WGP-13/CRP.7), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session.

<i>Country</i>	<i>Pledged contribution for 2011</i>
Albania	Planned to contribute the same amount as for 2010
Armenia	Planned to increase its contribution as compared with 2010
Austria	Planned to contribute €10,000 in June 2011
Belarus	Planned to contribute the same amount as for 2010
Belgium	Expected to contribute the same amount as for 2010
Croatia	Planned to contribute the same amount as for 2010
Czech Republic	Had contributed \$15,000 for the Convention and \$10,000 for the PRTR Protocol for 2011
Denmark	Had contributed \$67,000 for the Convention and \$33,000 for the PRTR Protocol for the period 2010–2012
Estonia	Planned to contribute the same amount as for 2010 in the second half of 2011
European Union	Planned to contribute the same amount as for 2010
Finland	Planned to contribute between €8,000 and €10,000 by April 2011
France	Planned to contribute €2,000, of which €17,000 was earmarked for the workshop on public participation in international forums scheduled to take place on 23 and 24 February 2011
Georgia	Hoped to increase its contribution as compared with 2010
Germany	Had contributed \$60,000 for 2011

Hungary	Planned to contribute the same amount as for 2010
Italy	Planned to make its contribution in the first half of 2011
Ireland	Planned to contribute the same amount as for 2010 by July 2011
Kyrgyzstan	Planned to contribute the same amount as for 2010
Latvia	Had contributed €2,000 for 2011
Netherlands	Planned to contribute €20,000 for the Convention and €20,000 for the PRTR Protocol for 2011
Norway	Planned to contribute between \$20,000 and \$25,000 by April 2011
Republic of Moldova	Had contributed \$500 for 2011
Slovenia	Planned to contribute for the Convention and for the Protocol
Spain	Planned to contribute the same amount as for 2010
Sweden	Expected to contribute a similar amount as for 2010
Switzerland	Expected to contribute the same amount as for 2010 and to increase its contribution after ratification of the Convention
United Kingdom	Expected to contribute the same amount as for 2010

VII. Preparations for the fourth session of the Meeting of the Parties

A. Declaration

33. The Chair presented a draft outline of a declaration (PP/WG-13/Inf.4). The Working Group considered the draft outline and decided to develop a short and concise declaration of a political nature focusing on the role of the Convention in promoting sustainable development, as a contribution to the Rio+20³ process. It agreed to invite Parties, Signatories and other stakeholders to submit proposals to the secretariat regarding the substance of the declaration by 25 February 2011. It mandated the Bureau to prepare a first draft of the declaration, which would then be distributed to Parties, Signatories and other stakeholders for comments before being finalized by the Bureau. The Working Group requested the secretariat to make the draft declaration available as a formal document in the official UNECE languages for consideration by the Meeting of the Parties at its fourth session.

34. The delegation of Uzbekistan proposed to have an address by the United Nations Secretary-General at the fourth session of the Meeting of the Parties, and the secretariat was to explore the possibility of such an address.

³ Rio+20 is the short name for the United Nations Conference on Sustainable Development to be held in Rio de Janeiro in 2012.

B. Future Strategic Plan

35. The Chair presented a draft decision on strategic planning (ECE/MP.PP/WG.1/2011/L.8). The Working Group revised the draft decision (AC/WGP-13/CRP.8), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session.

C. Agenda of the fourth session of the Meeting of the Parties

36. The Chair presented a draft provisional agenda for the fourth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2011/L.9). The Working Group revised the draft agenda (AC/WGP-13/CRP.9), approved it and forwarded it for consideration by the Meeting of the Parties at its fourth session

D. Practical arrangements for the fourth session of the Meeting of the Parties

37. The delegation of the Republic of Moldova reported on preparations for the fourth session of the Meeting of the Parties, including practical arrangements, and the secretariat presented a note on the matter (PP/WG-13/Inf.5). The Working Group took note of that information.

VIII. Other business

38. Referring to the charter adopted by the European Union concerning researchers, a member of the public expressed concern at a statement by the European Union that it was not appropriate for members of the public not affiliated to an organization to express their views on the internal proceedings of the European Union.

IX. Adoption of decisions and close of the meeting

39. 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 and incorporate those adopted outcomes and decisions.
