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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 to the Convention

Sixth meeting
Geneva, 5–7 April 2006

REPORT OF THE MEETING

1. The sixth meeting of the Working Group of the Parties to the Convention was held in Geneva on 5–7 April 2006.
2. The meeting was attended by representatives from the Governments of Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, the Netherlands, Norway, Poland, the Republic of Moldova, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom, the United States of America and Uzbekistan. The European Community was also represented.
3. Representatives from the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR) attended the meeting.
4. The Regional Environmental Center for Central and Eastern Europe (REC), the Regional Environmental Centre for Central Asia and the Regional Environmental Centre for Moldova (REC-Moldova) were also represented.

5. The following non-governmental organizations attended: Earthjustice, Friends of the Irish Environment, European ECO-Forum, GLOBE Europe, Georgian Environmental and Biological Monitoring Association, Human Rights Advocates and World Resources Institute.

6. Ms. Hanne Bjurstrøm (Norway), Chairperson of the Working Group, opened the meeting.

I. ADOPTION OF THE AGENDA

7. The Working Group adopted the agenda for the meeting as set out in document ECE/MP.PP/WG.1/2006/1.

II. STATUS OF RATIFICATION OF THE CONVENTION AND THE PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS

8. The secretariat drew the attention of delegations to an informal paper that it had prepared giving an overview of the current status of ratification of the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTRs). Since the second meeting of the Parties, Greece, Luxembourg, Slovakia and Sweden had become Parties to the Convention, bringing the number of Parties to 39. The representatives of Croatia and Germany informed the Working Group that their respective countries intended to ratify the Convention before the end of 2006.

9. The European Community had approved the Protocol on PRTRs and Luxembourg had ratified it. Belarus, Belgium, Denmark, Italy, Kazakhstan, Sweden and Tajikistan informed the Working Group of their intention to ratify the Protocol in the course of 2006 or early 2007. Ukraine reported on activities to establish registers of pollutants, which would pave the way to its becoming a Party to the Protocol in the future.

III. POLLUTANT RELEASE AND TRANSFER REGISTERS

10. The secretariat reported on preparations for the entry into force of the Protocol. Under a process agreed at the second meeting of the Working Group on PRTRs, draft decisions on the review of compliance and on rules of procedure, together with an explanatory note on these documents, had been prepared by the facilitator of the contact group on the topic for consideration at the third meeting of the Working Group on PRTRs (17–19 May 2006). The secretariat expressed its view that entry into force of the instrument might occur by late 2007, in time for announcement at the sixth Environment for Europe Ministerial Conference in Belgrade (October 2007).

11. The secretariat had prepared two analytical papers addressing options for financial arrangements and subsidiary bodies which would be available for consideration by the Working Group on PRTRs. That Working Group was expected to address a number of issues in preparing a scheme of financial arrangements under the Protocol, notably whether the scheme should be mandatory or voluntary and whether it should prescribe or give guidance as to the amount each

Party or contributing entity should give. The Working Group of the Parties took note of the fact that these documents were being prepared but did not consider them.

12. On the first day of the meeting, the Chairperson presented a proposal prepared by the Bureau stating that the Working Group considered that both the draft compliance mechanism and the draft rules of procedure to the Protocol should closely resemble those adopted under the Convention, taking into account the special features of the Protocol; and, in particular, that it would welcome it if the PRTRs compliance mechanism involved a compliance body consisting of members serving in an individual capacity, with the possibility for the public to trigger the compliance procedure. She pointed out that under decision I/13 establishing subsidiary bodies, the Working Group had a mandate to oversee and direct the activities of subsidiary bodies established by the Meeting of the Parties.

13. After the discussion on this matter, the Working Group adopted the following text: "Recalling Articles 17 and 22 of the PRTRs Protocol, the Working Group of the Parties to the Aarhus Convention would encourage the Working Group on PRTRs, when drafting, on a consensus basis, the compliance mechanism and the rules of procedure of the Protocol, bearing in mind the Protocol's characteristic features, to take into account specific elements of the compliance mechanism adopted under the Aarhus Convention, involving a compliance body consisting of members serving in their personal capacity and the possibility for appropriate public involvement to initiate a compliance procedure. The Working Group would welcome consideration by the Working Group on PRTRs of how best to reflect in the rules of procedure of the Protocol the principles of transparency and openness which characterize the Aarhus Convention."

14. The secretariat reported that UNECE had concluded a memorandum of understanding with the University of Geneva in September 2005 to research methods for the monitoring and estimation of releases and transfers and to update the implementation cost model. Revised draft guidance on implementation of the Protocol had been prepared and was scheduled to be released for comment in April 2006.

15. The secretariat had participated in a briefing on PRTRs organized by UNEP Chemicals on 16 February 2006 in Geneva to explore possible linkages of PRTRs with new developments in the international chemicals agenda, in particular the Stockholm POPs Convention, the Aarhus Convention's Protocol on PRTRs, and the adoption of the Strategic Approach to International Chemicals Management (SAICM). The International PRTR Coordinating Group, the successor to the former interagency IOMC PRTR Co-ordinating Group, had held its first meeting in Ghent (Belgium) on 20 March 2006. The Government of Belgium had hosted the meeting. It was agreed that the body would focus its efforts on promoting international coordination of PRTR capacity-building in countries with economies in transition and countries of the developing world.

IV. GENETICALLY MODIFIED ORGANISMS

16. Armenia, Belarus, Bulgaria, Denmark, Georgia, Kyrgyzstan, Norway, Spain, Tajikistan and the European Community reported on their plans to ratify the amendment to the Convention

on genetically modified organisms that had been adopted in Almaty, most of them indicating that they expected this to happen before the end of 2006.

17. The secretariat informed the Working Group that it had sought and received clarification from the UN Office of Legal Affairs on the question of the interpretation of article 14, paragraph 4, and more specifically regarding the number of Parties that would need to ratify, approve or accept the amendment in order to trigger its entry into force. Two interpretations of this provision were identified. According to the first interpretation, known as the “fixed target” approach, the amendment would enter into force 90 days after its ratification, approval or acceptance by three quarters of the number of Parties to the Convention at the time of the adoption of the amendment. The second interpretation, based on the so-called “current time” approach, would mean that the amendment would enter into force 90 days after its ratification, approval or acceptance by three quarters of the number of Parties at the time of the entry into force. In practical terms, the “fixed target” interpretation would mean an earlier date for the entry into force of the amendment, whereas the “current time” interpretation would delay its entry into force.

18. The United Nations Office of Legal Affairs had indicated that it would apply the latter interpretation unless the Parties through a subsequent agreement opted for a different interpretation. However, such an agreement would need to be adopted by all of the Parties, and therefore an ordinary decision or resolution of the Parties, which according to the rules of procedure could be adopted by three quarters of the Parties present and voting, would not be sufficient, as it would not necessarily be an agreement of all the Parties. The Office of Legal Affairs had suggested that if such an agreement were finalized by the Parties, it could be circulated to all Parties by the Depositary and, providing that no objections were raised within a period of six months, would enter into force at the end of that period. Such an agreement, which would be adopted by all the Parties, could be drafted so as to apply to all subsequent amendments to the Convention.

19. At the request of the Working Group, the secretariat prepared an informal briefing note on the issue and circulated it to delegations during the meeting.

20. The Working Group expressed its support for the “fixed target” interpretation based on the number of Parties at the time of the adoption of the Convention. It mandated the secretariat to look further into this issue and, in consultation with the Office of Legal Affairs on the one hand and the Bureau on the other, to develop the draft text of an agreement on this issue for consideration at the next meeting of the Working Group, with a view to eventual submission to the Meeting of the Parties. It was agreed to establish an ad hoc group of legal experts to support the process; the group would work by electronic means to avoid additional costs. Delegations interested in nominating a legal expert to the group were requested to notify the secretariat by 1 May 2006.

21. On the subject of the international expert meeting on public participation in decision-making on genetically modified organisms (GMOs), the Working Group agreed that the best approach would be to hold the meeting back to back with the fourth Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol, which was expected to take place in Europe in 2008. The Working Group mandated the Bureau to explore this option further with

the secretariat of the Convention on Biological Diversity and the Netherlands, the latter of which had generously offered to financially support the organization of the meeting.

22. The European ECO-Forum reminded delegations of decision II/1 in which the Meeting of the Parties had encouraged Parties to apply the amendment to the maximum extent possible pending its entry into force as well as to renew their efforts to implement the *Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms* (MP.PP/2003/3) on this topic.

V. PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS

23. The Chairperson of the Task Force on Public Participation in International Forums, Mr. Laurent Mermet (France), presented a report on the outcome of the deliberations of the first meeting of the Task Force. The report appended a draft work plan, including a plan of consultation, and a list of forums to be consulted in the consultation process (ECE/MP.PP/WG.1/2006/3 and ECE/MP.PP/WG.1/2006/3/Add. 1 and 2). On the first day of the meeting, Mr. Mermet also presented a draft cover letter and questionnaire that would form part of the consultation package, as well as a draft checklist that would provide guidance for those completing the questionnaire. He drew the Working Group's attention to a provisional time schedule for the consultation process, which was expected to end by July 2007 in order to allow sufficient time for the Bureau and the Working Group of the Parties to deliberate on the outcomes of the process before these were forwarded to the third Meeting of the Parties.

24. The secretariat presented an informal note that had been circulated in advance of the meeting, in which it expressed concerns regarding the feasibility of undertaking adequate consultations with the large number of forums proposed by the Task Force, given the limited resources available to the secretariat and the time constraints. It proposed that a smaller number of forums might better serve the objectives of the consultation process. Within this context, it drew attention to the usefulness of establishing contact with the Environmental Management Group, a body established to enhance inter-agency coordination related to specific issues in the field of environment and human settlements in the United Nations system.

25. The Working Group then proceeded to a general discussion on the topic. Some delegations expressed concern with regard to the number and prioritization of forums that would be invited to the consultation process, and some had concerns regarding some modalities of the consultation process. Most, however, stressed the importance of wide consultation, with some noting that this was referred to in decision II/4. A considerable number of Parties expressed strong interest in ensuring transparency during the consultation process, especially with regard to non-written exchanges that would form a substantive component of the actual consultations.

26. Some observer States voiced their general support for public participation in multilateral environmental forums but expressed concerns about the Guidelines and the proposed consultation process. Recalling how recently the Guidelines had been adopted, they questioned whether the Parties had had sufficient experience in implementing them, including with respect to their application to the Aarhus processes themselves, to warrant such consultations at this time. Likewise, they questioned the appropriateness of consultations between secretariats given

that the Guidelines concerned governance issues that were the purview of the parties or members of those other forums.

27. The Working Group made a number of changes to the draft work plan and the draft list of forums before adopting them. It also amended and approved the draft cover letter and questionnaire. One change to the originally proposed list of forums concerned the deletion of the agreements between the European Community and non-EC member states (ECE/MP.PP/WG.1/2006/3/Add.2, explanatory note 4), despite a plea from the European ECO-Forum to keep these on the list. This change was made taking note of practical reasons, as there was no common permanent body that could be consulted. The only other change was the addition of the Eurasian Economic Community to the list at the request of a number of Central Asian delegations. The European ECO-Forum proposed that the North American Commission on Environmental Cooperation be included, mainly because it had a number of good practices which might be of interest. However, the proposal did not receive any support from Parties and was therefore not taken up. The adopted version of the work plan and the list of forums would be issued as addenda to the meeting report.

28. Several Parties expressed concern with regard to the inclusion in the questionnaire of a footnote referring to a checklist of clarification questions and the implications of this inclusion for the response rate. Other Parties and several observers felt that such a checklist would rather facilitate the responses of interested forums. The Working Group decided to remove the footnote from the questionnaire and not to include the checklist on the website. The checklist, which had been presented on short notice, was not adopted.

29. The Working Group agreed that the general purpose of the workshop proposed in the work plan would be to provide a forum within which Aarhus Parties and representatives of various other international forums (from governments, secretariats and other stakeholders) meet together to exchange experiences of their practices with respect to the themes of access to information, public participation in decision-making and access to justice. The workshop would also be used to receive feedback on the application of the Almaty Guidelines. The Working Group mandated the Task Force to further develop the programme and content of the workshop, taking into account the initial outcome of the consultation process.

VI. ACCESS TO JUSTICE

30. The Chairperson informed the meeting that Sweden had kindly offered to lead the Task Force on Access to Justice. She introduced Mr. Håkan Bengtsson of Sweden, who had been elected Chairperson of the Task Force at its first meeting (16–17 February 2006).

31. The Chairperson of the Task Force reported on the outcome of its first meeting and the proposals for future work agreed on by the Task Force (ECE/MP.PP/WG.1/2006/4).

32. The Working Group discussed the work undertaken by the Task Force. Many delegations emphasized the importance of focusing on practical issues, in particular capacity-building aimed at the high-level judiciary. Another issue that was discussed was the involvement in the work of

the Task Force of ministries of justice or other relevant national bodies, depending on specific features of some national governments.

33. The Working Group took note of the report of the Task Force (ECE/MP.PP/WG.1/2006/4). It recognized that in order to achieve effective implementation of decision II/2 of the Meeting of the Parties, activities should be organized at a practical level. In this regard, subject to funding, at least one subregional workshop focusing in particular on the higher levels of the judiciary should be organized before the next meeting of the Task Force, which was scheduled to take place in spring 2007. Taking into account paragraph 34 of the Task Force report, the members of the Task Force should be consulted electronically with regard to modalities, including the content of such an event.

34. REC informed the meeting about a workshop on access-to-justice matters to be organized in November 2006 (as part of an ongoing Aarhus Convention-related project) which could potentially be expanded into a South-East European regional workshop.

35. The Working Group noted with appreciation that Sweden had provided funding for the participation of experts in the next meeting of the Task Force and was also looking into the possibility of providing funding for a workshop on access to justice.

VII. ELECTRONIC INFORMATION TOOLS AND THE CLEARINGHOUSE MECHANISM

36. Mr. Chris Jarvis (United Kingdom), Chairperson of the Task Force on Electronic Information Tools, reported on the outcome of its fourth meeting and the future work of the Task Force (ECE/MP.PP/WG.1/2006/5). Draft guidance for national nodes of the Clearinghouse mechanism had been discussed and further developed at the meeting. Agreement had been reached on the specific objectives and expectations for the proposed programme of capacity-building workshops to promote effective use of electronic information tools in accordance with decision II/3. National needs in this area would be assessed through a questionnaire circulated to national node administrators and other experts. The information gathered would be used to prepare the workshops.

37. It was proposed to hold the first capacity-building workshop at the headquarters of REC in Szentendre (Hungary) in autumn 2006, focusing on South-East European countries. A second workshop targeting the Eastern Europe, Caucasus and Central Asia (EECCA) region would be held at a later date. Civil society experts would be invited to participate in both workshops.

38. The secretariat, taking into account the comments of national experts emphasizing a need for flexibility in developing their nodal points according to their structures and their own capacity, had prepared a revised version of the guidance, which was issued as an addendum to the report of the meeting (ECE/MP.PP/WG.1/2006/5/Add.1). The guidance would be used as an input to the first workshop and, based on experience with its application and feedback from the workshop, further revised prior to official publication by UNECE. Mr. Jarvis emphasized that the guidance for national nodes was a living document and would need to be revised in line with

development of the mechanism itself, as outlined by the secretariat in its presentations on capacity-building.

39. The Working Group welcomed the comprehensive work done by the Task Force and the preparations for a guidance document for the clearinghouse mechanism. It stressed that already existing national websites with information related to the implementation of the Convention were suitable to serve as national nodes of the clearinghouse mechanism. The European ECO-Forum asked that a number of recommendations it had made for revision of the guidance be taken up in a revised version of the document. The Task Force had agreed to include at least four NGO representatives in the proposed workshops.

40. The secretariat updated the meeting on the progress of the Clearing-house Mechanism. As of 30 March 2006, 830 separate entries had been entered into the Resource Directory of the Aarhus Clearinghouse for Environmental Democracy (<http://aarhusclearinghouse.unece.org>). Since its launch in July 2004, more than 387,000 visits to the Aarhus Clearinghouse had been recorded. The rate of visits during the first quarter of 2006 had doubled over 2005's average quarterly rate to 65,000 visits per month. To date 19 national nodes had been designated. The secretariat presented a list of "leaders" among Parties and Signatories, as represented by the number of resource entries, noting the high correlation between the inclusion of national-level information and the designation of national nodes.

VIII. PUBLIC PARTICIPATION IN STRATEGIC DECISION-MAKING

41. The Chairperson presented a paper prepared by the Bureau on proposed actions in the field of public participation in strategic decision-making (ECE/MP.PP/WG.1/2006/6). The paper envisaged the holding of a workshop and the preparation of a compendium during the intersessional period leading up to the third meeting of the Parties.

42. The Chairperson reported on an exchange of correspondence with the Bureau of the Meeting of the Parties to the Espoo Convention concerning the proposal. Representatives of the Espoo Convention Working Group on Environmental Impact Assessment and the Meeting of the Signatories to the Protocol on Strategic Environmental Assessment (SEA) were then invited to present their views on the proposal (see the report of the Espoo Convention Working Group, ECE/MP.EIA.WG.1/2006/2, paragraphs 48 and 49 and annex).

43. The Working Group of the Parties broadly endorsed the Bureau paper, taking into account the following considerations:

- a) the need for close consultation with and involvement of representatives of the governing body and secretariat of the Espoo Convention, as well as representatives of the Meeting of Signatories of the Protocol on SEA, in the planning process for the workshop and the compendium of good practices;
- b) the need to concentrate in more detail on the focus, final aims and main target groups for the workshop;

- c) the possibility of integration of experience from the ratification process of the Protocol on SEA into the workshop through participation of experts from these countries;
- d) the fact that it might be premature to draw any conclusions regarding the types of strategic decisions to which the Convention's provisions apply;
- e) revising paragraph 7 (d) of the paper to read as follows: "Discussing existing practices in establishing frameworks for public participation in plans, programmes and policies relating to the environment as well as in the preparation of laws and rules with potential environmental impact, and in existing organizational structures and institutional arrangements relevant to public participation in strategic decision-making" and therefore deleting subparagraph (e);
- f) envisaging a stronger focus on presenting good practice examples in the workshop and thus contributing to the preparation of the compendium of good practices;
- g) the need to avoid any potential overlaps of activities with existing tools (e.g. the *Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment*) in order to maximize the efficient use of available resources.

44. Austria informed the Working Group that it was looking into the possibility of providing funding for a workshop on public participation in strategic decision-making, to be held in Bulgaria.

IX. REPORTING REQUIREMENTS

45. The secretariat reported on the status of implementation of decision II/10, adopted at the second meeting of the Parties on reporting requirements, in which the Meeting called upon all States that were Parties at the time of the deadline for submission of the implementation reports and that had failed to submit such reports to the secretariat to do so by 15 September 2005, for subsequent consideration, *inter alia*, by the Compliance Committee.

46. The following Parties had submitted national implementation reports pursuant to paragraph 4 of Decision II/10: Albania, Cyprus, Malta and Romania. With the submission of these reports, all Parties that had been Parties at the time of the original deadline for submission of reports to the second meeting of the Parties had submitted reports. In addition, an implementation report had been submitted by the Netherlands, which had become a Party after the deadline for submission of the reports but before the second meeting of the Parties.

47. All the national implementation reports had been edited and released as official documents, transmitted to the Compliance Committee and made available on the Convention's website (www.unece.org/env/pp/reports%20implementation.htm).

48. The Working Group took note of this information.

X. COMPLIANCE MECHANISM

49. The secretariat reported on the work of the Compliance Committee in the period since the second meeting of the Parties. The Committee had held three meetings. It had finalized its findings in the review of three communications from the public; two sets of findings were in the process of being finalized, and two more were under consideration.

50. The Committee was also engaged in following up on the implementation of decisions II/5a, II/5b and II/5c of the Meeting of the Parties with regard to compliance by individual Parties. In this regard, it was in the process of commenting on the national implementation strategy submitted by the Government of Kazakhstan in accordance with decision II/5a. It had exchanged correspondence with the Government of Turkmenistan with regard to implementation of decision II/5c and had offered to hold a meeting with the Government's representatives at its next meeting. The Committee, at its most recent meeting in March 2006, had noted with regret that the Government of Ukraine had not provided the implementation strategy by the end of 2005 as requested by the Meeting of the Parties through decisions II/5b (paragraph 3). It had noted the complete failure of the Government of Ukraine to engage with the process and had agreed that if the strategy was not submitted by the time of its next meeting, it would consider including in its report to the Meeting of the Parties a recommendation on possible further measures with regard to Ukraine.

51. The Committee had considered its general approach to reviewing compliance by individual Parties in the intersessional period. It agreed that, given the amount of time that would elapse before the third meeting of the Parties and in order to avoid unnecessary delays in addressing compliance issues, it would, where appropriate, propose measures directly to the Parties concerned, in accordance with paragraph 36 of the annex to decision I/7.

52. The Committee had also considered the information contained in the national implementation reports submitted to the second meeting of the Parties and had agreed that the information could be used both as background information when considering compliance by individual Parties and in addressing some of the general issues of compliance. With regard to the latter use of the reports, the Committee had agreed to focus its efforts on considering general issues of compliance with the provisions of article 9 of the Convention with a view to presenting some conclusions at the next meeting of the Parties.

53. The next meeting of the Committee was scheduled for 14–16 June 2006, with two more meetings provisionally planned to take place before the end of the year.

54. The Working Group took note of the work of the Committee.

55. The Chairperson recalled that the secretariat had circulated a letter to the national focal points and other contact points on 1 March 2006 notifying them that one of the members of the Compliance Committee, Ms. Eva Kruzikova, had recently accepted a position in the Ministry of Environment of the Czech Republic and, mindful of the fact that Committee members are required to serve in their personal capacities and should be independent, had given notice of her intention to stand down from the Committee. The procedure for replacing a Committee member who resigns mid-term is governed by paragraph 10 of the annex to decision I/7, which mandates

the Bureau to appoint a new member for the remainder of the term of the outgoing member, subject to the approval of the Committee. The Bureau, although not strictly required to do so under paragraph 10, had invited nominations for candidates from Parties, Signatories and NGOs fitting the description in paragraph 4 of the annex to decision I/7. The nomination of Mr. Jerzy Jendroska, a national of Poland, had been received from the Government of Poland. The Bureau at its meeting on 4 April 2006 had approved Mr. Jendroska's candidature and requested the secretariat to communicate this to the Compliance Committee for approval. The Committee at its twelfth meeting (on 29–31 March 2006) had agreed to consider approval of any candidate proposed by the Bureau through its electronic decision-making procedure with a view to effecting the substitution before its next meeting. In making the nomination, the Government of Poland had indicated that, should Mr. Jendroska be appointed to the Committee, he would cease to represent Poland in any subsidiary bodies of the Convention, and a replacement for him would be provided to the Bureau.

XI. CAPACITY-BUILDING

56. The secretariat reported on the implementation of capacity-building activities, in particular the outcome of the third inter-agency coordination meeting (17–18 November 2005, ECE/MP.PP/WG.1/2006/7). At that meeting the need for a strategic approach to capacity-building had been emphasized. This required systematic organization of information available from various sources to obtain a clear and comprehensive picture of needs and priorities at various levels.

57. The secretariat put forward several possible ways of collecting and organizing such information. It presented a questionnaire, to be sent to the Parties, Signatories and NGOs, addressing priority capacity-building constraints as well as outputs and lessons of capacity-building initiatives. The secretariat indicated its intention, subject to the availability of resources, to compile, systematically organize and analyse the available information with a view to presenting the outcomes at the next meeting. The information, including any responses to the questionnaire, would be incorporated into the Convention's Clearinghouse. The secretariat presented a new interface in the Clearinghouse which was being developed to enable such incorporation.

58. Several invited speakers presented ideas with regard to capacity-building priorities and approaches. Ms. Saltanat Abdikarimova (Kazakhstan) pointed out that one of the main problems with practical implementation of the Convention in Kazakhstan was related to the lack of proper allocation to various public authorities of responsibility for implementing the relevant provisions. In this regard, expert assistance with the process of systematically introducing the Convention-related obligations into all the relevant legislative and regulatory acts and promoting inter-agency coordination could be especially useful. Capacity-building on access to justice was another top priority for Kazakhstan.

59. Ms. Nino Gokhelashvili (Georgia) highlighted some achievements in implementation in Georgia, including measures implemented and supported by the Government of Georgia. She also identified several high-priority challenges in this area, including inter-agency cooperation, public awareness, awareness among the judiciary and high costs associated with access to

justice. She emphasized the need to carry out systematic comprehensive analysis of the practical arrangements for implementation in order to make targeted and focused use of domestic and external resources.

60. Ms. Magda Toth Nagy (REC) presented lessons learned and priorities identified in the course of implementation of REC's capacity-building activities. A long-term strategic approach provided a more stable framework for efficient, systematic and focused capacity-building. Projects with in-built assessment and prioritization of gaps and needs often proved very productive, particularly when carried out in close cooperation with country partners. Some of the most efficient approaches combined regional experience-sharing with country-tailored activities, diversification of capacity-building methods according to needs and practical application at the local level. Capacity-building had to be focused on the development and application of practical mechanisms such as use of confidentiality provisions, effective notification, organization of public hearings, handling of comments and preparation of reasoned decisions. In the field of access to justice, priorities mainly related to remedies and assistance mechanisms to reduce or remove barriers.

61. The Working Group held a general discussion on capacity-building needs and priorities. The delegations that intervened emphasized the importance of capacity-building activities and other means of facilitating practical implementation of the Convention. In countries with economies in transition, problems were often related to the lack of specific detailed procedures and practical arrangements. It was important that capacity-building initiatives offer a variety of options based on best practices to be adapted to national conditions as appropriate, rather than impose one or another approach. International workshops which allowed the sharing of information on procedural aspects of implementing articles 7 and 8 of the Convention, such as the proposed workshop on public participation in strategic decision-making, were mentioned as particularly useful tools. It was also pointed out that while the main focus of capacity-building assessments and initiatives was usually on the countries with economies in transition, capacity constraints, which often differed in nature from those in Western countries, also had to be addressed. Other areas requiring attention included inter-agency cooperation at the national and local levels, focused awareness-raising among the judiciary, awareness-raising among the public and in some cases parliamentarians, and strategic, long-term and sustainable support of NGOs.

62. The Working Group took note of the various developments and activities and encouraged Parties, Signatories, other States and other relevant bodies to continue to provide support for them, taking account of the needs and priorities identified.

XII. FINANCIAL REPORT FOR 2005

63. The secretariat presented a paper outlining the contributions received and the expenditures incurred in 2005 and drew some general conclusions about the financial outlook (ECE/MP.PP/WG.1/2006/8). It pointed out that the level of income had remained stable during the three years covered by the work programme. However, the income received was still below the estimated core requirement and significantly below the overall requirement. Expenditures in 2005 had exceeded the core requirement, but this had been possible only because the secretariat had been able to use some residual funds from the Trust Fund for Assistance to Countries in

Transition (TFACT). This suggested that unless there was an increase in the level of income, expenditures would have to be reduced and the implementation of the work programme could not be achieved to the extent envisaged at the second meeting of the Parties.

XIII. WORK PROGRAMME FOR 2006–2008

64. The secretariat presented a paper presenting projected income and expenditures for the implementation of the work programme for 2006–2008 (ECE/MP.PP/WG.1/2006/9). It pointed out a small error in table 2 of annex I of the document and circulated a revised version (included as an annex to this report).

65. Having taken note of this paper and the financial report for 2005, the Chairperson reminded the delegations of a letter she had sent before the meeting in which she had urged the Convention's national focal points to undertake the necessary consultations and be ready to make pledges for the implementation of the work programme. She then invited delegations to indicate their expected level of contributions for the year 2006 and, as far as possible, for the remaining two years covered by the work programme. The following table provides a summary of information received:

Table 1: Expected levels of contributions to the work programme for 2006-2008

Country or delegation	Amount
Armenia	general intention to contribute; official confirmation to be sent later
Austria	10,000 EUR for 2006; same amount intended for 2007, subject to budgetary considerations; interested in funding workshop on public participation in strategic decision-making
Azerbaijan	still under consideration
Belarus	1,000 USD for 2006
Belgium	35,000 USD for 2006; intention to contribute 25,000–35,000 USD in 2007, subject to future agreement
Bulgaria	5,000 USD for 2006
Denmark	contribution already made for 2006; 25,000 EUR per year from 2007 to 2009
Estonia	20,000 USD for 2006; 10,000 USD each year for 2007 and 2008
Finland	10,000 USD for 2006 already contributed
France	60,000 EUR for 2006, in addition to 25,000 EUR already contributed for the Task Force on Public Participation in International Forums; may contribute same amount in 2007
Georgia	general intention to contribute, possibly in 2007
Germany	60,000 USD subject to budgetary reservations
Italy	100,000 EUR for 2006
Kazakhstan	intention to contribute more in 2007 than in previous years
Kyrgyzstan	intention to contribute in 2007
Latvia	2,000 USD for 2006; same amount expected for 2007

Country or delegation	Amount
Netherlands	interest in funding an international expert meeting on GMOs referred to in para. 21 above) to the extent of 60,000 EUR
Norway	30,000 USD for 2006; in addition, contribution of 10,000–15,000 USD for participation of delegates from EECCA region
Republic of Moldova	1,000 USD for 2006
Romania	1,000 USD for 2006; same amount envisaged for 2007
Slovenia	general intention to contribute
Spain	20,000 USD for 2006; expecting to contribute same amount in 2007 and 2008, subject to parliamentary approval
Sweden	20,000 USD for 2006 and 26,000 USD for the meeting of the Task Force on Access to Justice in 2007; possibility to contribute for training judges; intention to contribute the same amount in 2007 and 2008
Tajikistan	400 USD for 2006; same amount expected for 2007
The former Yugoslav Republic of Macedonia	general intention to contribute
Ukraine	general intention to contribute
United Kingdom	30,000 GBP (approx. 52,000 USD) for 2006
Uzbekistan	general intention to contribute
European Commission	considering same amount as in 2005 (100,000 EUR)

66. The Working Group invited the Parties that had not indicated their pledges at the meeting to inform the secretariat of pledges for 2006 by 1 July 2006 and, if possible, to inform the secretariat about pledges for 2007 by 1 December 2006, or to propose a date before which they would be able to do that. The secretariat was asked to communicate this to the Parties and Signatories.

67. The Working Group took note of the paper prepared by the secretariat and agreed that it should provide guidance to the secretariat on the use of trust fund resources up until its next meeting. It noted with concern the expected gap between anticipated income and the estimated core requirement but did not consider it necessary to eliminate items from the work programme at this stage. However, the Bureau was mandated to keep the situation under close review. Austria on behalf of the European Union emphasized the importance of continuing and building upon the discussion when the matter was addressed at the next meeting of the Working Group.

XIV. FINANCIAL ARRANGEMENTS

68. Bearing in mind the adoption of the work programme for 2006–2008 by the Meeting of the Parties, the Chairperson reminded the Working Group that under decision II/6 it was charged with monitoring the financial resources needed to support the Convention's work programme and, based on the results, exploring and developing as appropriate one or several options for establishing stable and predictable financial arrangements based on the United Nations scale of assessments or other appropriate scales. The Bureau had proposed that the Working Group mandate the Bureau to come forward with a proposal for more stable financial arrangements for

the Convention. The development of such a proposal should be done in a transparent and inclusive manner.

69. It was agreed to hold an extended Bureau meeting involving the Chairpersons of the Convention's subsidiary bodies where appropriate and to invite different proposals for consideration by the extended Bureau. The Bureau would prepare a proposal for consideration by the Working Group at its next session in 2007.

XV. LONG-TERM STRATEGIC PLANNING

70. The Chairperson presented a proposal on a procedure for preparing a Long-Term Strategic Plan for the Convention (ECE/MP.PP/WG.1/2006/10) prepared by the Bureau with the assistance of the secretariat in response to decision II/8. The procedure involved establishing an expert group to assist in development of a long-term strategic plan for the Convention. The experts, including the Chairperson, would be appointed by the Bureau and serve in a personal capacity. The Bureau would welcome proposals from Parties regarding experts. Austria, speaking on behalf of the European Union, supported the establishment of a balanced expert team taking into consideration experts' previous involvement in and practical experience with the Convention.

71. It was agreed to establish an expert group of between eight and twelve members, aiming in its composition to achieve balanced representation of the UNECE region, but also including an expert or experts from outside the region. The Chairperson invited delegations to submit the names of candidates for the expert group to the Bureau by 1 May 2006. The Bureau should report on progress to the next meeting of the Working Group of the Parties. The Working Group of the Parties should remain involved and have a central role in the process.

XVI. OUTREACH TO NON-MEMBER STATES OF UNECE

72. The secretariat reported on its participation in global activities promoting the principles of the Convention in accordance with decision II/9, including the organization of a panel on electronic information tools, held during the second phase of the World Summit on the Information Society (Tunis, 16–18 November 2005), and participation in the Asia-Europe Environment Forum (Jakarta, 21–27 November 2005).

73. In addition, the secretariat informed the Working Group of its involvement in the Partnership for Principle 10, whose Committee of the Whole had held its annual meeting during the previous autumn (London, 4–5 October 2005). A process had been set up to review the Partnership's terms of reference in order to increase its membership, which had hitherto been limited by an "additionality requirement", a formal requirement for a member to be involved in an activity or project promoting Principle 10 of the Rio Declaration on Environment and Development in addition to its regular activities. This condition had presented an obstacle to the Aarhus Convention secretariat's joining the Partnership, since it was already engaged full-time in

activities promoting Principle 10. However, the secretariat expressed the hope that further developments within the Partnership could create conditions allowing it to become a member.

74. The Working Group took note of this information.

XVII. THIRD ORDINARY MEETING OF THE PARTIES

75. The Chairperson informed the meeting that two offers had been received to host the third ordinary meeting of the Parties, from the Governments of Latvia and the Republic of Moldova. Taking into account both that the Republic of Moldova had hosted the first meeting of the Signatories to the Convention and that the Government of Latvia had yet to host a meeting under the Convention, the Bureau at its meeting on 4 April 2006 had decided to recommend acceptance of the Latvian offer.

76. The Republic of Moldova expressed its appreciation of the Latvian offer and indicated that it was satisfied with the Bureau's proposal.

77. The Working Group thanked both Governments for their kind offers. It agreed to adopt the Bureau's proposal and to hold the third meeting of the Parties in Latvia.

XVIII. ANY OTHER BUSINESS

78. The delegate of Belarus informed the meeting of the forthcoming commemoration of the twentieth anniversary of the Chernobyl disaster and emphasized the catastrophic consequences and suffering that had befallen Belarus as a result of that event. Belarus also drew the attention of the Working Group to its opposition to Lithuania's plans to build a storage facility for radioactive waste from the Ignalina nuclear power plant near its border with Belarus and the protected area of the Braslav National Park. In the context of capacity-building to support more effective implementation of the Convention, the delegate of Belarus also informed the meeting of the plans to organize a symposium together with the Russian Federation on public participation in decision-making on environmental matters and invited the secretariat to participate.

XIX. ADOPTION OF REPORT AND CLOSURE OF MEETING

79. The Working Group adopted its report based on a draft and entrusted the Chairperson and the secretariat with finalizing the text on the understanding that the French- and Russian-speaking delegates would reserve their positions until the report was available in French and Russian. The Chairperson thanked delegations for their contributions and the secretariat and interpreters for their efficient assistance and closed the meeting.

Annex

Corrected version of Table 2 of annex I to document ECE/MP.PP/WG.1/2006/9

Table 2: History of contributions and expected contributions from Signatories and Parties to the Aarhus Convention									
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Country	UN scale applied to Parties and Signatories (%)	UN scale applied to core budget of 959,515 US\$	Actual contribution for 2003 US\$	Actual contribution for 2004 US\$	Actual contribution for 2005 US\$	Expected contributions: historical and according to Decision II/6 US\$	UN scale applied to Parties and Signatories not covered in column 7 (%)	UN scale applied to total budget of 554,709 US\$	Expected contributions 2006-2008 average per year US\$
Albania	0.012	114	0	0	0	200			200
Armenia	0.005	46	0	0	0	200			200
Austria	2.045	19,625	9,730	11,856	0		2.903	16,103	16,103
Azerbaijan	0.012	114	0	0	0	200			200
Belarus	0.043	411	0	0	1,000	1,000			1,000
Belgium	2.545	24,423	54,700	21,963	27,096	27,096			27,096
Bulgaria	0.040	388	10,000	0	5,000	5,000			5,000
Croatia	0.088	845	0	0	0		0.125	694	694
Cyprus	0.093	891	0	0	0		0.132	731	731
Czech Republic	0.436	4,181	0	0	0		0.618	3,430	3,430
Denmark	1.710	16,404	49,081	39,108	20,605	20,605			20,605
Estonia	0.029	274	0	0	20,000	20,000			20,000
Finland	1.269	12,177	10,000	10,000	10,000	10,000			10,000
France	14.357	137,762	62,630	73,507	72,377		20.378	113,038	113,038
Georgia	0.007	69	0	0	0	200			200
Germany	20.624	197,893	73,484	59,420	60,476		29.272	162,377	162,377
Greece	1.262	12,108	0	0	0		1.791	9,935	9,935
Hungary	0.300	2,879	0	0	0		0.426	2,362	2,362
Iceland	0.081	777	0	0	0		0.115	637	637
Ireland	0.833	7,996	0	0	0		1.183	6,561	6,561
Italy	11.631	111,603	100,000	123,370	129,702	129,702			129,702
Kazakhstan	0.060	571	0	0	315		0.084	469	469
Kyrgyzstan	0.002	23	0	0	990	990			990
Latvia	0.036	343	0	0	1,200	1,200			1,200
Liechtenstein	0.012	114	0	0	0	200			200
Lithuania	0.057	548	0	0	0		0.081	450	450
Luxembourg	0.183	1,759	0	0	0		0.260	1,443	1,443
Malta	0.033	320	0	231	1,000	1,000			1,000
Monaco	0.010	91	0	0	0	200			200
Netherlands	4.024	38,610	43,057	55,054	19,992		5.711	31,680	31,680
Norway	1.617	15,513	53,870	30,816	35,646	35,646			35,646
Poland	1.098	10,532	0	0	0		1.558	8,642	8,642
Portugal	1.119	10,738	0	0	0		1.588	8,811	8,811
Republic of Moldova	0.002	23	0	1,000	0	1,000			1,000
Romania	0.143	1,371	0	0	0		0.203	1,125	1,125
Slovakia	0.121	1,165	0	0	0		0.172	956	956
Slovenia	0.195	1,873	0	1,500	8,675	8,675			8,675
Spain	6.000	57,572	22,857	24,876	26,420		8.516	47,240	47,240
Sweden	2.376	22,800	19,975	19,975	19,974	19,974			19,974
Switzerland	2.850	27,347	0	0	0		4.045	22,439	22,439
Tajikistan	0.002	23	0	0	400	400			400
The former Yugoslav Republic of Macedonia	0.014	137	0	0	0	200			200
Turkmenistan	0.012	114	0	0	0	200			200
Ukraine	0.093	891	0	0	0		0.132	731	731
United Kingdom	14.588	139,978	40,000	53,500	56,497		20.706	114,856	114,856
European Community	7.929	76,078	118,765	120,374	120,919	120,919			120,919
Total	100.000	959,515	668,150	646,551	638,284	404,806	100.00	554,709	959,515