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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

Eleventh meeting
Geneva, 8–10 July 2009

**REPORT OF THE WORKING GROUP OF THE PARTIES
ON ITS ELEVENTH SESSION**

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I. INTRODUCTION

1. The eleventh 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 8 to 10 July 2009 in Geneva.

A. Attendance

2. The meeting was attended by representatives of 31 Parties, namely Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Italy, Kyrgyzstan, Latvia, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Tajikistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, and the European Community represented by the European Commission. Representatives of two Signatories, Ireland and Switzerland, and one other State, Uzbekistan, also attended.

3. The United Nations Institute for Training and Research (UNITAR), the Organization for Security and Cooperation in Europe (OSCE), the Regional Environmental Center for Central and Eastern Europe (REC), the Regional Environmental Center for Central Asia (CAREC) and the Regional Environmental Centre for Moldova were also represented.

4. The following Aarhus Centres were represented: Aarhus Centre Georgia, Aarhus Centres Dushanbe and Khujand (Tajikistan), Aarhus Centre Minsk (Belarus) and the Information Centre on the Aarhus Convention (Osh, Kyrgyzstan).

5. The following non-governmental organizations (NGOs) were represented: Caucasus Environmental NGO Network (Georgia), Earthjustice (Switzerland) and Global Legislators' Organization for a Balanced Environment (GLOBE) Europe, and within the framework of European ECO-Forum, "Armon" Women's Centre for Environmental Law (Uzbekistan), the Association "For Sustainable Human Development" (Armenia), the Association of Social Economic Researches of Azerbaijan, Bureau of Environmental Investigation (Ukraine), ECOS (Azerbaijan), ECO-TIRAS International Environmental Association of River Keepers (Republic of Moldova), Environmental Law Alliance Worldwide (United States of America), Environmental Movement from Moldova, Environment-People-Law (Ukraine), the European Environmental Bureau (Belgium), Florozon Skopje (the former Yugoslav Republic of Macedonia), the Foundation to Support Civil Initiatives (Tajikistan), "Khazer" Ecological and Cultural NGO (Armenia), "Regional Development Centre" Public Fund (Kyrgyzstan), Friends of the Earth (France), Greenwomen Environmental Analytical Agency (Kazakhstan), the Resource and Analysis Centre "Society and Environment" (Ukraine), Sun Valley Association (Romania), Teta "Khazri" (Azerbaijan), and the Ural Ecological Union (Russian Federation).

6. The following academic and business organizations were represented: Centre International de Droit Comparé de l'Environnement, University of Limoges (France), CropLife International (Belgium), European Crop Protection Association (ECPA, Belgium) and Public Research and Regulation Initiative (PRRI, Belgium and the Netherlands).

B. Organizational matters

7. Mr. Jan Dusik (Czech Republic), Chairperson of the Working Group, opened the meeting.

8. The Working Group of the Parties adopted the agenda as set out in the annotated provisional agenda (ECE/MP.PP/WG.1/2009/1).

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

9. The secretariat provided the Working Group with an overview of the status of ratification of the Convention, the amendment to the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTRs). Since the third session¹ of the Meeting of the Parties (11–13 June 2008), the number of Parties to the Convention had risen from 41 to 42, Bosnia and Herzegovina having acceded to the instrument. The amendment to the Convention had been ratified, accepted or approved by 22 States and European Community. The number of Parties to the Protocol had risen from 8 to 16, with Albania, Belgium, Croatia, Denmark, Finland, Lithuania, Norway and Sweden having ratified, approved, accepted or acceded to the instrument since the third session of the Meeting of the Parties.

10. Switzerland announced that it had started the process of ratifying the Convention and expected that it would become a Party by 2011. Four States, namely Armenia, the Czech Republic, France and Romania, announced that they had completed the process of ratification of the Protocol and would soon deposit their instruments of ratification.² A number of other States (Bulgaria, Spain and Tajikistan) indicated that they had started the ratification process and expected to complete it before the first session of the Meeting of the Parties to the Protocol. The United Kingdom informed the meeting that it had ratified the amendment to the Convention and would soon deposit its instrument of ratification. Georgia and Germany informed the Meeting of their intention to ratify the amendment to the Convention in the near future. The Working Group was informed by REC that the Parliament of Serbia had approved accession to the Convention and that the Parliament of Hungary had ratified the Protocol.

11. The Working Group took note of these developments.

¹ The governing body of the Convention is referred to in the Convention and official documentation under the Convention as “the Meeting of the Parties”. The meetings of the governing body should therefore, strictly speaking, be referred to as ‘the meetings of the Meeting of the Parties, with “Meeting” referring to the body and “meeting(s)” referring to the event(s) when the body convenes. Over the past 10 years, United Nations editors have found various ways to avoid this cumbersome expression, (e.g. “At their second meeting, the Parties...”), but these have frequently been at the expense of literal correctness (e.g. it has not been the Parties that adopted this or that decision, but rather the body composed of the Parties). The future practice will therefore be to refer in most contexts to the meetings of the Meeting of the Parties as sessions of the Meeting of the Parties, following the approach adopted in article 17 of the Protocol on PRTRs.

² France deposited its instrument of approval of the Protocol on 10 July 2009, the final day of the Working Group meeting, thereby ensuring the entry into force of the Protocol on 8 October 2009.

III. RECENT AND FORTHCOMING DEVELOPMENTS RELEVANT TO THE CONVENTION OR PROTOCOL

12. The secretariat reported on its work in the area of climate change, including its participation in a regional workshop on article 6 of the United Nations Framework Convention on Climate Change (UNFCCC) held in Stockholm in May 2009. It also informed the meeting of its plans to participate in the third World Climate Conference (Geneva, 31 August–4 September 2009) and to organize and/or contribute to side-events at the fifteenth session of the Conference of the Parties to UNFCCC (COP 15, Copenhagen, 7–18 December 2009). It also reported on its participation in a European workshop on the application of the Convention in the field of nuclear energy held in Luxembourg in June 2009. The workshop was part of a larger European Union-wide initiative, organized within the framework of the European Nuclear Energy Forum. The initiative will culminate in a conference in September 2010, which the United Nations Economic Commission for Europe (UNECE) has been invited to co-sponsor.

IV. POLLUTANT RELEASE AND TRANSFER REGISTERS, INCLUDING PREPARATIONS FOR THE FIRST SESSION OF THE MEETING OF THE PARTIES TO THE PROTOCOL

13. The Chairperson of the Working Group on PRTRs (Mr. Michel Amand, Belgium) reported on the outcome of the sixth meeting of that Working Group (Geneva, 24–26 November 2008). The Working Group on PRTRs had agreed to give a mandate to its Bureau and the secretariat to explore a possible date and venue for the first session of the Meeting of the Parties to the Protocol in early 2010. In addition, the Chairperson of the Working Group on PRTRs had invited delegations to consider who would host the first session of the Meeting of the Parties to the Protocol.

14. The Working Group on PRTRs had completed its work on the preparation of draft decisions on reporting on implementation of the Protocol, including a reporting format, establishment of the Working Group of the Parties to the Protocol, and a work programme covering the first intersessional period. In addition, a draft decision on financial arrangements was near completion, with one outstanding issue remaining which concerned placement of a reference to the current practice of providing financial support for NGO participation. A draft declaration for consideration and possible adoption at the Meeting of the Parties would be circulated in July 2009 and comments invited from delegations by 30 September 2009, with the aim of achieving consensus on the text electronically. If the remaining issue on financial arrangements and the draft declaration were not agreed, a half-day session of the Working Group on PRTRs would be convened on the eve of the first session of the Meeting of the Parties to the Protocol.

15. The Chairperson reported that no State had so far offered to host the first session of the Meeting of the Parties to the Protocol. The Bureau of the Working Group on PRTRs, in consultation with the secretariat, had therefore provisionally scheduled the first session of the Meeting of the Parties to the Protocol to be held during the period 19–22 April 2010 in Geneva. It was proposed to organize a meeting of PRTR capacity building partners and interested States to address the needs for technical assistance, immediately following the first session of the

Meeting of the Parties to the Protocol. The Working Group on PRTRs had mandated the Bureau to prepare a questionnaire on technical assistance needs which would be circulated at the session.

16. The Working Group of the Parties provisionally agreed to the proposed timing of the first session of the Meeting of the Parties to the Protocol, subject to the Protocol entering into force in due time as expected and in the absence of any government offering to the host the meeting. It mandated the Bureau, in consultation with the Bureau of the Working Group on PRTRs, to make the final decision.

17. The Chairperson of the Working Group on PRTRs further reported on the International Conference on the Protocol on PRTRs (Dushanbe, 20–21 May 2009), which aimed to assist Central Asian countries with ratification of the Protocol. It had been organized by the European Union-supported TACIS project on the Convention's implementation in Central Asia, in cooperation with the State Committee on Environmental Protection of the Republic of Tajikistan, the OSCE Office of the Coordinator of Economic and Environmental Activities, the OSCE Office in Tajikistan, the Aarhus Centre Dushanbe and UNECE. The Conference had adopted a resolution calling for strengthening international cooperation in order to build capacity for implementation of national PRTRs, and had requested support for the establishment of a regional PRTR Working Group to help the countries of Eastern Europe, Caucasus and Central Asia (EECCA) prepare for the Protocol's ratification. The Chairperson also reported that the Guidance on Implementation of the Protocol on PRTRs had been translated into Russian.

18. The secretariat informed the Working Group of the outcomes of the fourth meeting of the International PRTR Coordinating Group (Paris, 11 March 2009). The Coordinating Group had established a contact group to promote capacity-building in support of the Protocol's implementation. It had organized a side-event on PRTRs at the Second International Conference on Chemicals Management (Geneva, 11–15 May 2009), which was well attended. The Coordinating Group was preparing a side-event for UNFCCC COP 15 on the incorporation of greenhouse gas (GHG) emissions data, collected through national PRTRs, into national GHG inventories.

19. The Working Group of the Parties took note of the activities of the Working Group on PRTRs and welcomed the progress it had made on preparations for the entry into force of the Protocol.

V. GENETICALLY MODIFIED ORGANISMS

20. The Convention secretariat reported that, in accordance with the advice it had received from the Chief of the Treaty Section, United Nations Office of Legal Affairs (UNOLA), the Executive Secretary of UNECE had written to the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, UNOLA, conveying decision III/1 on the interpretation of article 14 of the Convention in the three official languages (ECE/MP.PP/2008/2/Add.3). The Chief of the Treaty Section had indicated that the Executive Secretary's letter had been added to its document repository and that the Treaty Section had taken due note of how it should calculate the point at which the Almaty amendment (decision II/1 on genetically modified organisms

(ECE/MP.PP/2005/2/Add.2)) and subsequent amendments would enter into force. The Working Group took note of this information.

21. The secretariat presented the report of the international expert meeting on access to information, public participation and access to justice regarding genetically modified organisms (Cologne, Germany, 19–20 May 2008; ECE/MP.PP/WG.1/2009/3), held in accordance with decision II/7 on the work programme for 2006–2008 (ECE/MP.PP/2005/2/Add.11, annex, activity IX). The secretariat observed that footnote 8 of the report contained a typographical error and should read “Deoxyribonucleic acid”. The Working Group took note of the report and the correction.

22. The secretariat reported on collaborative activities with the secretariat of the Cartagena Protocol on Biosafety since the third session of the Meeting of the Parties. At the invitation of the Cartagena secretariat, the Aarhus Convention secretariat had contributed an article (“Promoting public participation and access to information with respect to genetically modified organisms: Experiences and lessons learned under the Aarhus Convention”) to an upcoming issue of the Cartagena Protocol’s newsletter, *Biosafety News*.

23. The secretariat reported that it was also collaborating with the Cartagena Protocol secretariat on preparations for an international workshop on access to information and public participation on genetically modified organisms. The workshop was being organized in the context of the fifth session of the Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol, to be held in Nagoya, Japan, from 11 to 15 October 2010. The Working Group took note of the secretariat’s work regarding genetically modified organisms.

VI. ELECTRONIC INFORMATION TOOLS AND THE CLEARINGHOUSE MECHANISM

24. The secretariat presented the report on the seventh meeting of the Task Force on Electronic Information Tools (Geneva, 11–12 December 2008), held pursuant to the Task Force’s mandate as revised by the Meeting of the Parties to the Convention through decision III/2 on electronic information tools and the clearinghouse mechanism (ECE/MP.PP/2008/2/Add.4). The meeting had featured a special forum on clearinghouse mechanisms on its opening day. The forum had addressed how national nodes of the Convention’s clearinghouse mechanism had been organized by Parties working in cooperation with Aarhus Centres and civil society organizations.

25. The Task Force considered the forum to have been useful in promoting understanding of the Convention’s clearinghouse mechanism. It recommended that nodes of the clearinghouse have a multi-stakeholder governance structure and support the flow of information between civil society and government.

26. The meeting had considered possible elements for inclusion in the revised questionnaire on implementation of decision II/3 and mandated the secretariat to revise the questionnaire, incorporating relevant elements drawn from decision III/2. The newly-revised draft questionnaire

had been prepared and circulated to Task Force members for comment by 15 September 2009. The final questionnaire was expected to be sent to national focal points (NFPs) by the end of September 2009.

27. The secretariat reported on its participation in the Forum on the Future of Democracy (Madrid, 15–17 October 2008) organized by the Council of Europe. The meeting had reviewed the Council's Member States' experience with e-democracy. In addition, the secretariat and UNITAR had jointly organized a session on the Convention and environmental governance at the second International Conference on the Theory and Practice of Electronic Governance (Cairo, 1–4 December 2009).

28. REC reported on the preparation of an "e-Compendium of good practices in e-access to information, e-participation and e-justice cases". Thirty-seven case studies had been collected and a summary of trends and recommendations had been prepared under a project supported by UNECE.

29. The eighth meeting of the Task Force was planned to be held in Tirana, at the invitation of the Government of Albania, in November 2009.

30. The Working Group welcomed the e-Compendium publication and took note of the information presented.

VII. PUBLIC PARTICIPATION

31. The Chairperson of the Expert Group on Public Participation, Mr. Philip Kearney (Ireland), reported on the outcomes of the Expert Group's first meeting (Geneva, 7–8 July 2009). The Expert Group had succeeded in having a useful and relevant exchange of information on public participation requirements and practices in various types of decision-making. The Chairperson of the Expert Group then presented a draft proposal for the terms of reference for a future task force on public participation in decision-making, prepared in consultation with the Bureau and with the assistance of the secretariat (ECE/MP.PP/WG.1/2009/L.1), together with the comments of the Expert Group and/or some of its members on the draft proposal. He reported that the Expert Group's discussions had proceeded on the assumption that the terms of reference would be adopted at an extraordinary session of the Meeting of the Parties held in the first half of 2010, possibly back to back with the first session of the Meeting of the Parties to the Protocol on PRTRs, and would cover a period up to the fifth session of the Meeting of the Parties to the Convention. This implied a two-phased approach to the work of the future task force (the periods before and after the fourth session of the Meeting of the Parties) and a linkage with relevant elements of the Strategic Plan for 2009–2014 (ECE/MP.PP/2008/2/Add.16).

32. The Working Group noted with appreciation the work carried out by the Expert Group and requested that a written report of the Expert Group's meeting be submitted to the Working Group's twelfth meeting. It also noted that many issues remained to be resolved with respect to the draft terms of reference, and requested the Expert Group to hold an informal evening session on 8 July 2009 to carry out further work on the draft text, and to report back to the Working Group.

33. Following the informal session, the Chairperson of the Expert Group presented to the Working Group a revised draft of the terms of reference in which there were only a small number of unresolved issues. The Working Group reviewed the draft text, made further revisions, and agreed to forward it for consideration and possible adoption by the Meeting of the Parties at its next session.

34. The Working Group noted that the draft terms of reference reflected the assumption that an extraordinary session of the Meeting of the Parties would be held to establish the Task Force. It agreed that for logistical reasons it would make sense for such a session to be held back to back with the first session of the Meeting of the Parties to the Protocol on PRTRs. It took note of the procedural requirements for the holding of extraordinary sessions of the Meeting of the Parties set out in article 10 of the Convention and elaborated in decision I/1 on the rules of procedure (ECE/MP.PP/2/Add.2, notably rules 4.3, 4.4, 9.2 and 9.3).

35. Norway indicated that, taking into account the draft decision that had been agreed, it was prepared to make a request at the appropriate time for an extraordinary session of the Meeting of the Parties to be held, noting that it hoped to receive the necessary support for this request. The Chairperson thanked Norway for notifying the Working Group of its intention and stated that the secretariat would contact the Parties in this regard at the appropriate time.

VIII. ACCESS TO JUSTICE

36. The Chairperson of the Working Group introduced the new Chairperson of the Task Force on Access to Justice, Professor Jan Darpö (University of Uppsala, Sweden), who presented a report on the workshop on access to justice in environmental matters for high-level members of the judiciary from South-Eastern Europe (Tirana, 17–18 November 2008; ECE/MP.PP/WG.1/2009/5). The workshop had been organized by UNECE in cooperation with OSCE and financed by the Government of France, following the successful model of a previous workshop on access to justice in environmental matters (Kyiv, 4–5 June 2007). The Chairperson of the Task Force recommended that similar events be organized in the future on the basis of the experience acquired and the lessons learned. In addition, he referred to a number of capacity-building activities in the field of access to justice outlined in paragraphs 45–53 of the report on capacity-building prepared by the secretariat (ECE/MP.PP/WG.1/2009/7).

37. The Chairperson of the Task Force presented his plans for how the Task Force should deliver on its mandate over the coming years. He proposed that the focus should be on the examination, consideration and analysis of materials relating to the implementation of the third pillar of the Convention through exchange of information and analytical work, inter alia with respect to costs, remedies, legal aid, criteria for standing and alternative dispute resolution. Specifically, these objectives could be pursued, subject to the availability of resources, through (a) training activities targeting not only members of the judiciary but also legal professionals in general and public officials; (b) the collection, in coordination with the Parties, and dissemination of case law materials from higher courts' rulings and ombudspersons' decisions relating to the Convention, and the creation of an electronic database; and (c) comparative analyses on the implementation of the Convention by the Parties, which should as far as possible be made available in the three official languages. He informed the Working Group that the next

Task Force meeting would be held in Geneva from 14 to 16 October 2009 and would include a short conference. He invited members to submit their comments and expectations, given the limited time and mandate of the Task Force.

38. The Czech Republic noted that an international conference on the practical implementation of the Convention for European Union (EU) countries had been organized by the Czech Ministry of Environment in cooperation with the NGO Justice and Environment (Brno, Czech Republic, 16–17 April 2009).

39. The Bureau for Environmental Investigation reminded the Working Group that case law materials had already been collected and an analytical study undertaken (the “Handbook on Access to Justice”, funded by the United Kingdom), which could support the work of the Task Force. REC proposed to use a similar approach for the Task Force as during the Handbook’s preparation, namely to combine the preparation of analytical materials with a workshop and involve the network of public interest lawyers who have relevant experience and could contribute with examples of case law materials. REC also proposed updating the Handbook with new materials and making it electronically available in English and Russian.

40. Tajikistan noted that a number of training activities on access to justice, including workshops, round tables and a conference, had been organized at the national level in the biennium 2008–2009. These had targeted judges, lawyers and legal professionals in general. A handbook had been prepared for trainers, together with a compilation and analytical study on the implementation of environmental law. Tajikistan proposed that an expert group for a regional workshop be established in EECCA.

41. European ECO-Forum suggested that a discussion forum for professionals from EECCA be set up, with the objective of exchanging information and exploring implementation of the third pillar.

42. The Chairperson of the Task Force thanked the participants for their input and recommendations and confirmed that the dialogue between the Task Force and the delegations would continue in the areas where challenges had been identified. He would write a letter in the coming weeks on the issue of case law and the analytical work proposed, bearing in mind the existing consensus on the need to focus on costs, remedies, criteria for standing, and technical and scientific expertise.

43. The Working Group took note of the preparations for the third meeting of the Task Force and thanked the Chairperson of the Task Force and delegations for their proposals and comments raised during the discussion.

IX. PROMOTING THE APPLICATION OF THE PRINCIPLES OF THE CONVENTION IN INTERNATIONAL FORUMS

44. The Chairperson of the Task Force on Public Participation in International Forums (PPIF), Mr. Etienne Ballan (France), presented an oral report on the Task Force’s fourth meeting (Geneva, 6 July 2009). He noted that, in keeping with decision III/4

(ECE/MP.PP/2008/2/Add.6), the first priority in the current intersessional period would be on assisting the Parties in implementing article 3, paragraph 7, of the Convention. To this end, at its fourth meeting, the Task Force had agreed to organize a workshop for Parties to share good practices and challenges regarding their efforts to implement article 3, paragraph 7. The workshop would be held during February–April 2010, focusing in particular on access to information and public participation. In preparation for the workshop, Parties, Signatories and other stakeholders would be invited to share examples of good practices and challenges in promoting the application of the principles of the Convention in international forums that they would like to see covered by the workshop. The Chairperson of the Task Force noted that while the primary focus should be on the first two pillars of the Convention, access to justice was not excluded.

45. The Chairperson of the Task Force informed the meeting about progress made with respect to a compendium of cases of good practice in promoting public participation in international forums and a document evaluating the outcomes of the consultation process on the Almaty Guidelines carried out by the Task Force in the last intersessional period, to be prepared in accordance with decision III/4.

46. The Chairperson of the Task Force also reported on the analysis prepared by the secretariat for the Task Force's fourth meeting with respect to the national implementation reports submitted by Parties to the third session of the Meeting of the Parties. In its analysis, the secretariat had found that the 2008 reporting cycle demonstrated a wide variation in the quality of reporting on article 3, paragraph 7. The Working Group took note of the analysis and of the Task Force's work on the preparation of draft terms of reference for developing an appropriate means of reporting, to be integrated in the general reporting requirements at the fourth ordinary meeting of the Parties in accordance with decision III/4. The draft terms of reference would be revisited at the Task Force's fifth meeting.

47. The Chairperson of the Task Force reported on the Task Force's proposal to organize a workshop in early 2011 with a small number of interested international forums working on related or complementary themes. The objective would be to build upon the outcomes of the previous consultation process by more deeply exploring the themes of most relevance to those forums. The Working Group welcomed the proposed workshops.

48. Some observers asked that UNFCCC be included as one of the international forums for future outreach. The matter was discussed further under agenda item 19 (see paras. 87–88).

49. The Chairperson of the Task Force reported that it was envisaged that the Task Force would meet on two further occasions in the current intersessional period, back to back with each of the workshops. The Working Group took note of this. It thanked the Chairperson of the Task Force for his oral report and agreed that a written report of the fourth Task Force meeting should be issued as a pre-session document for the twelfth meeting of the Working Group.

X. REPORTING REQUIREMENTS

50. The secretariat presented a draft format for national reporting on implementation of the amendment to the Convention, prepared in consultation with the Bureau (ECE/MP.PP/WG.1/2009/L.2). The Working Group reviewed the draft reporting format, revised it and adopted it by consensus for use by the Parties in preparing their implementation reports for the fourth session of the Meeting of the Parties, pending its review and formal endorsement by the Meeting of the Parties. It requested the secretariat to publish the reporting format as an official document for use in conjunction with decision I/8 on reporting requirements.

51. The secretariat also presented a discussion paper prepared in consultation with the Bureau on options for addressing various problems for the secretariat with respect to the workload and resource demands imposed by the current system of national reporting on implementation (ECE/MP.PP/WG.1/2009/6). Through decision III/5, the Working Group had been requested to review these matters in the context of a general review of the reporting system (ECE/MP.PP/2008/2/Add.7, paras. 20–21).

52. The secretariat remarked that not translating the reports would pose problems for the Compliance Committee, whose working language is English. Translations into English under option B1 would be informal and for operational purposes only. An alternative would be to hire a consultant who speaks all three official languages, which would limit the pool of potential consultants.

53. The Working Group reviewed the paper and discussed ways of finding a practical solution. It recognized the concern about the workload and strain on the resources of the secretariat posed by the national implementation reports and the need to observe the reporting requirements. Recalling decision I/8, which stipulates the requirement of circulating the national reports in all official UNECE languages, delegations stressed the need to respect the official languages and considered that translation into only two languages was not a viable option. Some suggested making a comparison with the reporting mechanisms of other Conventions, and requested more information on the calculation under option A in the paper, taking into account the financial implications of the fact that in subsequent reporting cycles only new information would need to be translated. Many delegations considered the translation of the reports into the three official languages to be of crucial importance. A suggestion was made to have informal translations produced through various projects and partners, which the secretariat could publish on its website.

54. The Chairperson noted the Working Group's preference for maintaining the existing reporting timeline and having the reports available in all official languages as far as possible, and suggested exploring the available practical options. The Working Group agreed to return to the matter at its next meeting.

55. The secretariat had concluded in February 2009 a project to make national implementation reports submitted during the first and second reporting cycles (concluded in 2005 and 2008) accessible online in a user-friendly format. The contents of the reports had been

entered into an online database through the Aarhus Clearinghouse for Environmental Democracy³. As was presented in the paper by the secretariat, for the 2011 reporting cycle it was proposed to place the 2008 cycle reports in an online document editing application, Confluence, which would allow administrators and registered users to view, edit and export the prepared documents. Each Aarhus NFP would be assigned a password-protected Confluence space containing the final, edited version of that Party's 2008 cycle implementation report.

56. In the second phase of the project, Parties would be encouraged to create their own Confluence web pages in one or more national languages. Once the draft 2011 cycle report was prepared, public consultation on the document and registration of public comments could take place. In preparing their submissions in English, French or Russian, NFPs would also be asked to refer to the final 2008 versions of their respective national implementation reports as a basis for the new reports. In the final phase, the completed draft reports would be certified by the respective NFPs and then submitted to the secretariat as an exported document file before final editing for publication.

57. The chief expected benefits of the project were: (a) improved efficiency of the reporting process, resulting in lower costs to Parties and the secretariat; (b) wider opportunities for public consultation on draft reports; (c) more timely reporting and earlier processing of final reports; and (d) increased time for Parties to review the content of reports in preparation for sessions of the Meeting of the Parties.

58. The Working Group took note of this information and agreed that in-depth discussions on this issue would need to continue.

XI. COMPLIANCE MECHANISM

59. The secretariat reported on the activities of the Compliance Committee, including the work carried out during its twenty-fourth meeting (Geneva, 30 June–3 July 2009). It emphasized that the number of communications had significantly increased during the past 12 months and that as a result, the meetings of the Compliance Committee lasted four, instead of three, days. This had resulted in a corresponding increase in the workload for the members of the Committee and the secretariat staff servicing the Committee. The secretariat suggested that in the event of a similar expansion of cases in the next months, the Meeting of the Parties would need to consider how to enhance the capacity of the Committee. A Committee member confirmed that the increasing number and complexity of the communications submitted could jeopardize the quality of the Committee's work, and asked the Working Group to consider the matter.

60. The secretariat informed delegations of the review by the Compliance Committee of the progress made by Parties previously found by the Meeting of the Parties not to be in compliance. In this regard, at its third session, the Meeting had recommended conditional cautions for Turkmenistan and Ukraine, subject to confirmation by the Committee. At its twenty-third

³ <http://aarhusclearinghouse.unece.org>

meeting (Geneva, 31 March–3 April 2009), the Committee had examined the progress made by the two Parties. It had found that Turkmenistan had taken insufficient action and therefore the caution came into effect on 1 May 2009. The Committee had acknowledged that Ukraine, while still not in a state of compliance, had taken some steps towards compliance with the Convention; therefore the caution did not come into effect, although the Committee explicitly reserved its right to recommend the imposition of a further caution if sufficient progress was not made.

61. The Chairperson of the Working Group noted that the Bureau had already considered the challenge posed to the Committee and the secretariat by the growing number of communications, and stated that the situation should be closely monitored. One delegation recommended that Committee members investigate in the field in order to get more acquainted with domestic legislation related to the Convention's implementation. An observer expressed concern about domestic implementation of the second and third pillars of the Convention, and mentioned the ongoing debates concerning attempts to introduce related reforms in France. The Working Group took note of these points.

XII. CAPACITY-BUILDING

62. The secretariat presented a report on recent activities in the field of capacity-building (ECE/MP.PP/WG.1/2009/7). It highlighted the exchange of information between capacity-building partner organizations that had taken place at the fifth capacity-building coordination meeting (Geneva, 27 November 2008) and the need to capture the variety of activities being carried out in the region. The meeting had proposed developing an online database of Convention-related capacity-building activities to assist with tracking these activities, as had been done for PRTR capacity-building. It had also recommended that the 2009 capacity-building coordination meeting be held over a two-day period, to allow for more in-depth discussion of strategic priorities and synergies between the partners.

63. The secretariat noted that there was an increasing demand from capacity-building partner organizations for support, in particular in sector-specific areas such as climate change, environmental impact assessment and nuclear power. Capacity-building in the implementation of national PRTRs had expanded significantly during the past year, with new projects under way in the South Caucasus, in South-Eastern and Eastern Europe, and in Central Asia, as well as outside the UNECE region, through additional resources from the Global Environment Facility.

64. OSCE reported that 26 Aarhus Centres were in operation. The Centres' capacity to deliver services supporting the Convention's implementation, however, needed strengthening. A new Aarhus Centre was being established in Kazakhstan that would address environmental problems related to the Caspian Sea. The Government of Norway had funded a regional Aarhus Centres project in Central Asia. A road map and guidance document for Aarhus Centres had been developed by OSCE with the assistance of the Convention secretariat.

65. REC reported that it had delivered trainings on public participation and access to justice to some 200 representatives of civil society organizations from South-Eastern Europe through a project supported by the Swedish International Development Agency.

66. The Aarhus Centre Georgia reported on a judicial training held in Georgia in January 2009, organized with the support of the Environment and Security Initiative, in which twenty district judges had participated.

67. European ECO-Forum announced that it was preparing an information kit on PRTRs and would update its layperson's guide to the Convention, which would be translated into Russian, Turkish and Ukrainian. It had organized a training event on Aarhus-related issues for 45 NGO representatives from Kosovo. Armenia announced that it was organizing a three-day training session for coordinators of the 15 regional Aarhus Centres in the country.

68. Several delegations requested that additional capacity-building training events be organized to promote development of national PRTRs and progress towards ratification of the Protocol.

69. UNITAR reported on its work on extending the methodology for national profiles to link to thematic areas, including decision-making in the area of climate change. It invited countries to pilot the methodology. It was organizing a global conference on the establishment of effective institutions for climate change governance at Yale University (United States) in 2010.

70. The Working Group took note of a clarification regarding the secretariat's report on capacity-building to the effect that the Tirana workshop on access to justice (see para. 36) had been financed by the Government of France and that the judicial training event (Paris, 26-27 March 2009) in which the French Ministry of Ecology and Sustainable Development had participated had been organized solely by the National Academy of Magistrates (ECE/MP.PP/WG.1/2009/7, paras. 48 and 50). Uzbekistan reported that notwithstanding the fact that it had not formally participated in the TACIS project on implementation of the Convention in Central Asia, Government representatives and civil society experts from Uzbekistan had actively participated in the project. Support for PRTR capacity-building remained a high priority for countries with economies in transition.

XIII. FINANCIAL ARRANGEMENTS

71. The Working Group continued its discussions on possible future schemes of financial arrangements, as was requested by the Meeting of the Parties through decision III/7 (ECE/MP.PP/2008/2/Add.15). The Chairperson presented a paper outlining various options, which had been prepared by the Bureau with the assistance of the secretariat (ECE/MP.PP/WG.1/2009/L.3). He invited Parties to share their views on whether to look for a legally binding, voluntary or hybrid option, noting that no progress had been made on this issue since the first session of the Meeting of the Parties.

72. The Working Group welcomed the paper as a useful basis for discussion, recognizing the need for stable and predictable funding based on a fair sharing of the burden. Some delegations did not support the prospect of a legally binding scheme, but noted the possibility of developing guidance on the level of contributions. Some delegations considered that this guidance could be based on the United Nations scale of assessments.

73. The Working Group reviewed the paper and agreed to invite delegations to submit written comments to the secretariat by the end of September 2009, after which the Bureau would prepare a draft decision for consideration by the Working Group at its next meeting. The Chairperson requested the members of the Working Group to focus their comments on what kind of scheme should be used, including whether it should be obligatory or voluntary and whether it should specify the amount to be contributed.

XIV. IMPLEMENTATION OF THE WORK PROGRAMME DURING 2008, INCLUDING THE FINANCIAL REPORT

74. The secretariat presented a report on implementation of the work programme during 2008, providing an overview of financial contributions received for use in 2008 and the expenditures incurred in 2008 (ECE/MP.PP/WG.1/2009/8).

75. The secretariat informed the meeting that Italy had recently requested the secretariat to split the contribution that was transferred in April 2009, counting €60,000 for 2008 and €40,000 for 2009, to increase the predictability of funding and in light of the current financial situation.

76. The Working Group took note of the report. It agreed that the alteration entailed by the designation by Italy of certain funds as being for 2009 should be reflected in the meeting report rather than in a revised version of the secretariat's report. The revised table of contributions is contained in annex I to this report.

XV. IMPLEMENTATION OF THE WORK PROGRAMME FOR 2009–2011

77. The secretariat reported on the implementation of the work programme during the first half of 2009 and provided an overview of financial contributions received for 2009. The Chairperson invited delegations to provide information on their contributions for the remainder of 2009, to take note of the financial situation and to consider any implications for implementation of the 2009–2011 work programme.

78. Delegations informed the secretariat on their Governments' contributions already made or anticipated for 2009, as reflected in the table below.

Table of contributions for the remainder of 2009

Country	Contribution for 2009
Albania	Had contributed US\$ 800 for 2009.
Armenia	Would make its 2009 contribution by the end of the year.
Austria	Noted that it had contributed €10,000 in early June 2009.
Azerbaijan	Would transfer its contribution in the second half of year.
Belarus	Would inform the secretariat at a later stage.

Belgium	Had already paid €3,465 as part of its contribution for 2009. Indicated that it would pay more for 2009, and informed that the Flemish contribution was on its way.
Bulgaria	Had contributed \$7,200 for 2009.
Croatia	Had contributed \$6,000 for 2009.
Czech Republic	Had contributed €15,000 for 2009.
Denmark	Had contributed \$33,724.91 for 2009.
Estonia	Would specify the amount of its contribution later this year.
European Community	Had contributed €100,000 for 2009.
Finland	Had contributed €10,000 for 2009.
France	Had contributed €90,000 for 2009, of which €60,000 was a general contribution and €30,000 was earmarked for the TaskForce on Public Participation in International Forums. Reported a delay with the transfer for technical reasons.
Georgia	Had contributed €1,000 for 2009.
Germany	Had contributed \$60,000 for 2009.
Greece	Would inform the secretariat about its contribution in the next days.
Ireland	Hoped to make a contribution similar to that made in previous years by the end of 2009.
Italy	Had contributed € 40,000 for 2009 (see para.75) and foresaw a further contribution for 2009 of around €50,000 later in the year.
Kyrgyzstan	Had contributed \$300 for 2009.
Latvia	Had contributed €2,000 for 2009.
Netherlands	Minister's approval for the contribution for 2009 was still pending, would inform the secretariat as soon as possible.
Norway	Was awaiting the secretariat's reports on its 2007 and 2008 contributions, had not yet decided on the amount for 2009.
Poland	Planned to contribute €5,000 for 2009.
Portugal	Amount to be contributed for 2009 had not yet been decided.
Republic of Moldova	Had contributed \$1,000 for 2009.
Romania	Amount of 2009 contribution was still subject to approval.
Slovenia	Had contributed €3,500 for 2009.
Slovakia	Had contributed \$956 for 2009.
Spain	Would contribute €20,000 by the end of the year.
Sweden	Had contributed \$20,000 for 2009.

Tajikistan	Would transfer its 2009 and 2010 contributions in the near future.
Ukraine	Was looking into possibility of making a contribution for 2009 and would notify the secretariat when more information would be available.
United Kingdom	Did not yet have information about amount or timing of its contribution.
Uzbekistan	Would not make a financial contribution for 2009.

XVI. UPDATING OF THE IMPLEMENTATION GUIDE

79. The secretariat reported on progress made with respect to preparing an updated version of the Implementation Guide in accordance with decision III/9 on the work programme for 2009–2011 (ECE/MP.PP/2008/2/Add.17, annex I, activity III). According to the procedure agreed by the Bureau, the secretariat would coordinate the updating exercise, supported by a small team of expert consultants and reporting to the Bureau as necessary. Following the preparation of a first draft, the Compliance Committee would be given an opportunity to comment. Having taken its comments into account, the draft would be circulated to NFPs and made available to the public for comment. The final draft would be submitted to the Bureau for approval. It was intended to have the updated Guide published in early 2011, before the fourth session of the Meeting of the Parties. The Working Group took note of this information.

80. The secretariat also reported on the nature of the comments received electronically from NFPs, NGOs and others with respect to the general points they would like to see addressed in the updating exercise, including matters that should be covered in the substantive commentary and details of layout or presentation. The Working Group took note of the comments received and provided some additional comments, including the suggestion made by REC to incorporate, to the extent possible, the main findings and recommendations of bodies of the Convention in the updated text of the Guide.

XVII. PREPARATION OF A COMMUNICATION STRATEGY

81. The secretariat presented a paper outlining a procedure for the development and adoption of a communication strategy for the Convention, prepared by the Bureau (ECE/MP.PP/WG.1/2009/L.4). The paper annexed draft terms of reference for a “Strategic Communications Expert Group”.

82. Sweden, on behalf of the EU, welcomed the proposal contained in the Bureau’s paper. It requested amendment of the name of the group to “Expert Group on a Communication Strategy”, to bring it into line with the work programme for 2009-2011.

83. On the basis of the paper, following further minor amendments to the Bureau proposal, the Working Group established an Expert Group on a Communication Strategy, mandated inter alia to draft a communication strategy for adoption by the Working Group at its twelfth meeting, and agreed upon its terms of reference. The terms of reference for the Expert Group are included in annex II. The secretariat was mandated to invite the nomination of experts and, if needed, to contract a communications expert to support the work of the Expert Group.

XVIII. PREPARATIONS FOR THE FOURTH ORDINARY SESSION OF THE MEETING OF THE PARTIES

84. The Chairperson, noting that no representative of the Government of the Republic of Moldova had been able to attend the meeting, informed the meeting of his intention to continue consultations with the Republic of Moldova, together with the secretariat, regarding preparations for the fourth session of the Meeting of the Parties.

85. In light of the planning of the fourth session, the Working Group agreed to convene its next meeting from 29 June to 2 July 2010, which would include a training session for NFPs and other concerned stakeholders to provide detailed guidance on the preparation of national implementation reports, including on the use of the online system for reporting. At that point, the Working Group would decide on the number and timing of its future meetings in preparation for the fourth session of the Meeting of the Parties.

XIX. ANY OTHER BUSINESS

86. One of the Vice-Chairs, Ms. Zaneta Mikosa (Latvia), chaired the meeting for agenda items 5 and 19, following the early departure of the Chairperson.

87. European ECO-Forum presented a proposal reminding Parties to apply article 3, paragraph 7, of the Convention in the context of the UNFCCC processes, in particular the upcoming COP 15. Specifically, it requested the Working Group to call on Parties to seek to improve access to the UNFCCC negotiations for NGOs and civil society organizations, enabling them to contribute actively in official meetings, in the plenary discussions and in all working groups and subsidiary bodies, before decisions were taken. It also called upon Parties to promote the inclusion of Aarhus elements in the substance of the decisions UNFCCC was expected to take in Copenhagen. Finally, it proposed that the Aarhus Convention secretariat as well as the Task Force on Public Participation in International Forums offer their assistance and expertise to UNFCCC for this purpose. The proposal was supported by Norway.

88. Sweden, on behalf of the EU, took note of the statement from European ECO-Forum, but was not in a position to endorse the statement as a recommendation from the Working Group. However, it expressed its support for public participation in international forums and stressed that the EU was committed to promoting the application of the principles of the Convention in international environmental decision-making processes.

89. The Working Group decided that, as a rule, subsidiary bodies such as task forces and expert groups should submit to it written reports of their meetings, and that such reports should be official documents, in order to ensure that Parties from all language groups were in a position to review and oversee the activities of those subsidiary bodies.

XX. ADOPTION OF REPORT AND CLOSE OF MEETING

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

Annex I

CONTRIBUTIONS RECEIVED IN AND/OR FOR 2008⁴

As revised by the Working Group at its eleventh meeting

Column A: Countries (Parties and Signatories)	Column B: Actual contribution in 2008 (in United States dollars)	Column C: Contribution in 2008 for year other than 2008 (in United States dollars)	Column D: Contribution in 2008 (in United States dollars)	Column E: Contribution for 2008 [in year other than 2008] (in United States dollars)	Column F [D+E]: Adjusted contribution for 2008 (in United States dollars)	Notes
Albania	400.00		400.00		400.00	(e)
Armenia	800.00		800.00		800.00	
Austria	14,577.26		14,577.26		14,577.26	
Azerbaijan	620.00		620.00		620.00	
Belarus	300.00		300.00		300.00	
Belgium	75,373.94	30,612.24	44,761.70		44,761.70	(a)
Bulgaria	6,600.00		6,600.00		6,600.00	
Croatia	6,000.00		6,000.00		6,000.00	
Cyprus					0.00	
Czech Republic	24,980.00	15,000.00	9,980.00		9,980.00	(b)
Denmark				33'724.91	33'724.91	
Estonia	10,000.00		10,000.00		10,000.00	
Finland	13,927.58	13,927.58		22,123.89	22,123.89	(b); (c)
France	93,457.94		93,457.94	58,997.05	152,454.99	(c)
Georgia	1,557.63		1,557.63		1,557.63	
Germany	60,000.00		60,000.00		60,000.00	
Greece	10,000.00		10,000.00		10,000.00	
Hungary	5,000.00		5,000.00		5,000.00	
Iceland					0.00	
Ireland	6,420.56		6,420.56		6,420.56	
Italy				80,034.39	80,034.39	(d)
Kazakhstan	311.50		311.50		311.50	
Kyrgyzstan	600.00	300.00	300.00		300.00	(b)
Latvia	2,590.67	2,590.67		2,000.00	2,000.00	(b); (c); (g)
Liechtenstein					0.00	
Lithuania				450.00	450.00	(c)
Luxembourg	6,468.31		6,468.31		6,468.31	
Malta	1,000.00		1,000.00		1,000.00	
Monaco					0.00	

⁴ The figures in the table refer to contributions received through the UNECE Trust Fund for Technical Cooperation (Aarhus Project: E104). Some in-kind contributions are referred to in the footnotes.

Column A: Countries (Parties and Signatories)	Column B: Actual contribution in 2008 (US\$)	Column C: Contribution in 2008 for year other than 2008 (US\$)	Column D: Contribution in 2008 for 2008 (US\$)	Column E: Contribution for 2008 [in year other than 2008] (US\$)	Column F [D+E]: Adjusted contribution for 2008 (US\$)	Notes
Netherlands	86,395.43	1,574.00	84,821.43	28,194.82	113,016.25	(a); (d); (f)
Norway	173,575.01		173,575.01		173,575.01	
Poland	6,468.31		6,468.31		6,468.31	
Portugal					0.00	
Republic of Moldova	1,000.00	1,000.00			0.00	(a)
Romania	2,500.00		2,500.00		2,500.00	
Slovakia	956.00		956.00		956.00	
Slovenia				4,593.18	4,593.18	(d)
Spain	30,257.19		30,257.19		30,257.19	
Sweden	19,975.00		19,975.00	31,683.82	51,658.82	(c)
Switzerland	26,315.79		26,315.79		26,315.79	
Tajikistan	200.00		200.00		200.00	
The former Yugoslav Republic of Macedonia					0.00	
Turkmenistan	356.04		356.04		356.04	
Ukraine					0.00	
United Kingdom				42'492.92	42'492.92	(d)
European Community	157,232.70		157,232.70		157,232.70	
Total	846,216.86	65,004.49	781,212.37	304,294.98	1,085,507.35	
Gain-interest and foreign exchange	46,674.66		46,674.66		46,674.66	
Grand total	892,891.52	65,004.49	827,887.03	304,294.98	1,132,182.01	

Notes:

(a) Column C: contribution in 2008 for 2007.

(b) Column C: contribution in 2008 for 2009.

(c) Column E: contribution in 2007 for 2008.

(d) Column E: contribution in 2009 for 2008.

(e) Albania also contributed in kind by hosting a workshop in 2008 on access to justice (see ECE.MP.PP/WG.1/2009/5).

(f) With respect to column D, the Netherlands made this additional contribution for a workshop on GMOs (see ECE.MP.PP/WG.1/2009/3).

(g) Latvia made a contribution in kind to the amount of \$361,785 through hosting the third session of the Meeting of the Parties.

Annex II

TERMS OF REFERENCE FOR THE EXPERT GROUP ON A COMMUNICATION STRATEGY

As adopted by the Working Group at its eleventh meeting

The Working Group of the Parties:

1. Establishes an expert group on a communications strategy under the authority of the Working Group of the Parties;
2. Requests the expert group, with the assistance of the secretariat and subject to the availability of resources:
 - (a) To draft a clear and simple statement of objectives in communicating the principles of the Convention as well as the concrete activities undertaken under the work programme and the Strategic Plan for 2009–2014, including principles to underpin the communication strategy;
 - (b) To develop a motto or brand promise for the Convention that provides instant recognition of its value to its constituents;
 - (c) To elaborate some clear and simple messages, and to model how these might work in different contexts, e.g. a press release, a report, a newspaper article, an academic article and a web page;
 - (d) To prepare a list of all relevant communications activities, developed into a project plan with deadlines and responsibilities, including key deadlines, milestones and review points, and evaluation measures to gauge success in meeting communication objectives;
 - (e) To document and share expertise, experience and best practices concerning communication, including through the clearing-house mechanism and other types of electronic exchange of information;
 - (f) To draft a communication strategy, including a project plan, taking into account:
 - (i) Prioritization of target audiences and user groups according to their importance and influence relative to the objectives of the Strategic Plan;
 - (ii) External perceptions of the work programme among potential target audiences;
 - (iii) Actual and preferred channels the Convention's target audiences might use and identification of those which would deliver maximum impact;
 - (iv) An estimate of the time and money involved, so as to ensure cost-effectiveness by focusing on high-impact/low-cost activities;
 - (v) Synergies and possibilities for cooperation with relevant organizations and processes, including with the European Commission, European ECO-Forum, the Regional Environmental Centres, the Aarhus Centres sponsored by the Organization for Security and Co-operation in Europe and the secretariats of relevant multilateral environmental agreements;

- (vi) Work being undertaken by Governments, international organizations, non-governmental organizations, research institutes and other stakeholders in the field of communication, in order to benefit from this work and avoid duplication;

3. Further requests the expert group to present the outcome of its work to the Working Group of the Parties with a view to the consideration and adoption of the communication strategy, as appropriate, by the Working Group at its twelfth meeting.
