



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON PROMOTING THE APPLICATION OF THE PRINCIPLES OF THE CONVENTION IN INTERNATIONAL FORUMS

item 3. (a) of the provisional agenda for WGP 13

(1) The EU and its Member States would like to thank the Bureau and the Aarhus Convention Secretariat for their draft decision on promoting the application of the principles of the Convention in international forums.

(2) We welcome the work undertaken by the Task Force (TF) on Public Participation in International Forums (PPIF) and would like to thank France for its significant involvement in chairing the TF.

(3) We believe the implementation of article 3 paragraph 7 of the Aarhus Convention should continue **to be promoted** in the work of the Convention, taking into consideration the relevant activities undertaken by the Parties but also by Signatories and other stakeholders.

(4) We would like to reiterate our proposal to conduct an in-depth evaluation of the current functioning of the Aarhus Convention, including the work of different Task Forces. We suggest adding this as a new inter-sessional activity into annex I of the Work Programme.

(5) However, we have some concerns regarding the tasks allocated to the Working Group of the Parties under paragraph 8 of the proposed Decision. We do not support additional annual requirements proposed in paragraph 8(a). Parties already report on the actions taken to implement and we cannot see the added value of an additional annual reporting requirement.

(6) Furthermore it is unclear how the Working Group of the Parties could provide a “Forum for capacity-building” and we would like to request more information on that point.



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON PROMOTING EFFECTIVE ACCESS TO JUSTICE

item 3.(b) of the provisional agenda for WGP 13

(1) The EU and its Member States would like to thank the Bureau and the Aarhus Convention Secretariat for their draft decision on promoting effective access to justice.

(2) We welcome the work undertaken by the Task Force (TF) on Access to Justice (AJ) and would like to thank Sweden for its significant involvement in chairing the TF.

(3) We would like to stress the importance of conducting analytical studies aiming at identifying **potential gaps and providing recommendations for enhanced implementation on access to justice, and** the work on capacity-building activities.

(4) To reach more effective and better implementation of this Convention's pillar, it is important to promote synergies and to explore how to make better use of existing networks and programmes (e.g. general programmes for supporting exchange among judges and lawyers).

(5) However, we have previously called for an in-depth evaluation of the current functioning of the Aarhus Convention, including of the work of the different TF`s. We suggest adding this as a new intersessional activity into annex I of the Work Programme. As the outcome of such an evaluation is necessary to decide on the future shape of the functions of the TF`s, we do not consider that it is an appropriate time to add additional functions to the TF.

(6) To make this clear, we suggest that paragraph 12 of the Decision states that the MOP "Decides to extend in time the mandate of the Task Force on Access to Justice...."



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON PROMOTING ACCESS TO INFORMATION

item 3.(c) of the provisional agenda for WGP 13

(1) The EU and its Member States would like to thank the Bureau and the Aarhus Convention Secretariat for their draft decision on access to information.

(2) We welcome the work undertaken by the Task Force (TF) on Electronic Information Tools (EIT) and would like to thank the United Kingdom for its long-term involvement in chairing the TF since MOP-2.

(3) We would like to reiterate our statement made at MOP-3 that implementation of the Convention, including the pillar on Access to Information, should be given priority in the work programme.

(4) However, we have previously called for an in-depth evaluation of the current functioning of the Aarhus Convention, including of the work of the different TF`s. We suggest adding this as a new intersessional activity into annex I of the Work Programme. While we could be open to discuss the proposal to extend the scope of the work of the TF on EIT, we would like to underline that a decision on the scope of the work should take place in light of such a comprehensive evaluation.

(5) Concerning the proposed mandate of the future TF, we think that this should focus on the implementation of the current provisions on Access to Information. **We suggest therefore that Paragraph 7 of the draft decision should be amended to read “...in order to address elements of focal areas I and II of the strategic plan ...”**

We also suggest deleting in paragraph 11(a) the sentence starting with “(...) inter alia, on the issues identified in objective III.2 of the Strategic Plan 2009-2014” in order to avoid any confusing on the mandate. For the same reason the words “including with regard to product information and the accessibility of environmental information held by the private sector” should be deleted from paragraph 11(b) of the draft decision.



Additional contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON REPORTING REQUIREMENTS

item 4.(c) of the provisional agenda for WGP13

- (1) Based on the discussion yesterday the EU and its Member States would like to add further contribution without changing in our previous contribution.
- (2) We suggest in paragraph 12 a reference to the follow-up regarding possible specific cases of non-compliance as well.
- (3) We can support the compromised wording suggested by the Chair regarding paragraph (16) of the draft decision. Besides we would like to strengthen that it could be only an option for the Parties to provide voluntary translations of the reports in the other two UNECE languages.
- (4) Referring to paragraph 37 of decision I/7, which says that “The Meeting of the Parties may upon consideration of a report and any recommendations of the committee, decide upon appropriate measures to bring about full compliance with convention...”, as well as referring to paragraph 36 of the same decision, which says that the Compliance Committee may suggest interim measures, but this requires consent of the Party and only pending consideration by the MOP, we would like to delete referring to “Aarhus convention Compliance Committee” and replace it with “Meeting of Parties” in point XXXVII in the annex. Therefore we suggest deleting the second part of point XXXVII in the annex as it has no additional meaning.

We have circulated a summary of drafting changes to address these concerns to the Secretariat.



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON ACCESSION BY NON-ECE STATES

item 5. a of the provisional agenda for WGP 13

(1) The EU and its Member States would like to thank the Bureau and the Aarhus Convention Secretariat for their draft decision on accession to the Convention by States from outside the United Nations Economic Commission for Europe (UNECE) Region. We appreciate the efforts of the Bureau and Secretariat to take into consideration previous EU comments and proposals.

(2) We welcome the proposed step-by-step approach to deciding on the accession of non-UNECE states. We support a light-touch procedure for the accession of non-UNECE states to the Convention which avoids amending the Convention and overly burdensome accession procedures.

(3) Under such a procedure an expression of interest would be made by the relevant minister to the Secretariat. The Secretariat would then liaise with the country and report regularly to the Bureau and the Working Group of the Parties on progress. A formal expression of interest from the State concerned would be made at least one year before the MOP by the relevant Minister. This formal request would confirm the political commitment of the State to the principles of the Convention. It should also confirm that the State is or will be in compliance with the Convention and, where further measures are required, include a description of the legal and administrative measures to be introduced that will ensure compliance with the Convention by the time the Convention enters into force for that State. This information could then be considered by the Bureau and the Working Group of the Parties and referred to the MOP for a decision.

(4) We have submitted drafting suggestions to the Secretariat.



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON THE WORK PROGRAMME FOR 2012-2014

item 6.(b) of the provisional agenda for WGP 13

- (1) The EU and its Member States would like to thank the Bureau and the Aarhus Convention Secretariat for their draft decision on the work programme for 2012-2014.
- (2) We would like to repeat our proposal to conduct an in-depth evaluation of the current functioning of the Aarhus Convention.
- (3) This assessment should consider the question whether the different Task Forces have fulfilled their mandate, what further work is necessary and how it can best be achieved. We consider that this is an important element of work for the next intersessional period and this should be included as an activity in Annex I to the Decision.
- (4) We agree that the work programme should be focused and agree with the proposed priorities in paragraphs 6 and 7. This prioritisation could also inform the allocation of resources.
- (5) In order to facilitate the allocation of resources, we propose to divide the activities in the work programme into core and overall activities, as it was done in previous work programmes. We would welcome a draft decision from the Bureau and the Secretariat for such a division to be adopted at MOP-4. Moreover, in order to approve a realistic budget for the implementation of the work programme 2012-2014, we suggest that the estimation of the core financial requirements in comparable to the annual total of financial contributions received for previous years.
- (6) Regarding paragraph 3 of the proposal, we suggest the following amendment: “encourages Parties to seek to ensure”, in line with our comments on the draft decision on financial arrangements.
- (7) Regarding paragraph 4 of the proposal, we suggest adding a reference to national budgetary procedures, in line with our comments on the draft decision on financial arrangements. This paragraph should read: Encourages Parties in so far as possible and subject to the national budgetary procedures, to contribute to the Convention’s trust fund for a given calendar year at the earliest possible point and preferably, by the end of the preceding year.

(8) In our opinion the results and experiences of the implementation of the Strategic Plan 2009-2014 should be taken into consideration in the Work Programme 2015-2017. Therefore we would like to suggest adding “taken into consideration the results of the implementation of Strategic Plan 2009-2014” to paragraph 9.

(9) We also think an evaluation of the implementation of the Strategic Plan 2009-2014 should be taken into consideration when developing a strategic plan covering the period 2015-2020. We therefore suggest adding to item 7.b of the agenda, the draft decision on the future strategic plan at the end of paragraph 1: “This should be based on the experiences and the results of the implementation of the current strategic plan.”



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT DECISION ON FINANCIAL ARRANGEMENTS

item 6. (d) of the provisional agenda for WGP 13

- (1) The EU and its Member States would like to thank the Secretariat and the Bureau for the draft decision on financial arrangements.
- (2) We recognise the need for financial arrangements based on the principles of a fair sharing of the burden, predictable sources of funding, accountability and sound financial management.
- (3) Whilst we are conscious that **adequate resources are required for the implementation of the Convention's work programme**, we **have** to be aware of the budget constraints affecting Parties at this time and therefore **of the need** to preserve flexibility.
- (4) We also need to ensure an effective implementation of the Convention while ensuring that spending under the Convention is cost effective and focused on the priorities as mentioned in paragraph 6 and 7 of the draft decision on the work programme. And we feel it is important to prioritize the concrete activities.
- (5) We support a voluntary scheme of contributions which **is transparent and accessible and which** enables each Party to determine its national contribution in accordance with its national budgetary procedures. **We acknowledge the challenges posed by** a financial scheme which on the one hand must remain voluntary and on the other hand stipulates that Parties "*should collectively ensure*" the costs of the work programme, as set out in paragraph 1(a).
- (6) Bearing in mind the above considerations, we can not accept that the United Nations scale of assessment be used by the Aarhus Secretariat as an indicative basis for calculating an estimate of the voluntary contributions of Member States. We feel the use of this scale of assessment may not increase predictability of the contributions of the Parties, but could in fact achieve the opposite result. We do propose that Parties, insofar as possible and subject to the national budgetary procedures of the Parties, strive to ensure contributions for a given calendar year at the earliest possible point, and preferably by the end of the preceding year, as to ensure smooth functioning of the secretariat. In this regard, we

propose a number of amendments, including the deletion of paragraphs 1 (a), (b) and (c), and to align other parts of the text of the draft decision accordingly.

(7) We are open to consider ways to improve the stability and predictability of financial contributions, including possible alternative and innovative sources of funding, and we therefore invite the Secretariat to explore further options on the basis of an overview of the different budget and financing modalities in other Conventions in order to find a stable, balanced and long-lasting solution, and to report to the Working Group of the Parties in order to help inform this debate.



Contribution by the EU and its Member States to the 13th Working Group of the Parties to the Aarhus Convention (WGP 13)

DRAFT PROVISIONAL AGENDA FOR MOP- 4 item 7.(c) of the provisional agenda for WGP 13

(1) The EU and its Member States would like to thank the Bureau and the Aarhus Convention Secretariat for their draft provisional agenda for the fourth session of the Meeting of the Parties to the Aarhus Convention.

(2) We would also like to thank the Bureau, the Secretariat and the Government of Moldova for their flexibility and efforts to take into account the EU's request to reschedule the date of MOP-4 to the week of 27 June-1 July 2011.

(3) Generally we welcome the revised agenda and appreciate that most of the EU's comments on the draft concept note on the provisional agenda for MOP-4 have been taken into account.

(4) In the annotations to the draft agenda, under Item 5 d) relating to the Implementation Guide, we propose changing the action point "Decision" to "Information" since the MOP-4 will only take note of the information provided on this guidance and will not take any formal decision. We reiterate our suggestion that item 15 on "Review and adoption of decisions" should be placed higher up in the timeline, following the thematic session, to emphasize more its importance.

(5) Concerning the format of the MOP-4, we support the inclusion of a High Level Segment that should focus on "The role of the Aarhus Convention in promoting sustainable development". This MOP-4 constitutes a unique opportunity for the Aarhus Convention to provide an input to the forthcoming United Nations Conference on Sustainable Development (UNCSD 2012 "Rio + 20") to be held in Brazil next year. It could also contribute to the Ministerial Meeting "Environment for Europe" to be held this September in Kazakhstan, and to enhance the link with many other MEA's processes. The outcome of this segment should be a concise and focused declaration that could be submitted as a contribution from the Aarhus MOP 4 to the UNCSD 2012.