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### ECONOMIC COMMISSION FOR EUROPE

#### MEETING OF THE PARTIES TO THE CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group of the Parties to the Convention

Seventh meeting  
Geneva, 2–4 May 2007  
Item 9 of the provisional agenda  
Reporting requirements

### GUIDANCE ON REPORTING REQUIREMENTS

Prepared by the Compliance Committee

1. This guidance document is prepared with the aim of assisting the Parties in fulfilling their obligations with regard to reporting. It aims at addressing difficulties in preparation of the reports identified in the first reporting cycle as well as facilitating implementation of paragraph 7 of decision II/10 on reporting requirements with regard to the new information to be provided as well as preparation of consolidated reports. However, Parties submitting their first implementation reports to the third meeting of the Parties could also be encouraged to make use of the guidance document.

2. Having regard to its mandate to monitor, evaluate and facilitate implementation of and compliance with the reporting requirements under paragraph 13 (c) of the annex to decision I/7, the Compliance Committee reviewed the reports submitted for the second meeting of the Parties in 2005. It reflected the outcomes of its first review of whether and how the Parties had prepared

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and submitted their national implementation reports (NIRs) in its report to the second meeting of the Parties (ECE/MP.PP/2005/13, paras. 44–51).

3. At the time of the second meeting of the Parties, concerns were expressed over the timeliness of some of the reports (decision II/10, para. 2; ECE/MP.PP/2005/13, para. 46), and the varying quality of information provided in the reports (decision II/10, para. 5; ECE/MP.PP/2005/13, para. 50).

4. The Committee subsequently considered all the reports carefully, including those submitted after the meeting of the Parties. At the request of the Committee, one of its members carried out a comprehensive analysis of the implementation reports which served as a basis for the Committee's work on facilitating compliance with the reporting requirements.

5. Having analysed the reports, the Committee considers that the present system was overall successful. The fact that all of the States that were Parties at the time of the deadline for submission of reports for the second meeting of the Parties did in fact submit reports, albeit some of them after the meeting, was probably unprecedented in the history of reporting mechanisms under multilateral environmental agreements.

6. However, taking into consideration the concerns referred to in paragraph 3, and mindful of its aforementioned mandate to, *inter alia*, facilitate implementation of and compliance with the reporting requirements, the Committee considered that guidance for the Parties on the preparation of reports in the next cycle could be useful.

7. Given the overall success of the first reporting cycle, the purpose of this document is to enhance a system that is generally working well, rather than make radical changes to it or create any additional reporting obligations. In particular, the Committee considers it important to avoid introducing additional requirements that could complicate the reporting process and thereby deter Parties from reporting. At the same time, it believes that the level of detail in the current reporting format should not be reduced.

## **I. PROCESS OF PREPARATION OF NATIONAL REPORTS**

### **A. National consultations**

#### **(i) Governmental consultations**

8. While ministries of environment are usually responsible for the preparation of the national implementation reports, these reports are submitted to the Meeting of the Parties in the name of the Government of a particular Party. Furthermore, the reports are more comprehensive where inter-agency and, as appropriate, intra-agency consultations take place at various stages of the preparation process. Such consultations also provide an opportunity for environment ministries to engage other relevant ministries (of transport, health, industry, natural resources, justice, etc.), agencies and authorities at various levels of government in a discussion on implementation of the Convention. It can therefore be useful to identify, in advance of the

consultation phase, a list of various agencies and authorities that can contribute to the preparation process.

**(ii) *Public/stakeholder consultations***

9. The process of preparing the reports, which involves a dialogue with the public at the national level, is an extremely important aspect of the reporting mechanism (ECE/MP.PP/C.1/2006/4, para. 36 (c)).

10. Such consultation is most effective if the public is involved at an early stage, when issues and information to be included in the report are identified. An effective consultation process should involve two stages: (1) an early consultation on which issues should be reflected in the report (prior to the development of the first draft of the report), and (2) a follow-up consultation on the draft report. So, for example, an agency or official tasked with preparing the report may wish to issue a call for suggestions as to which aspects of implementation the report should focus on (see paras. 36–39) or which practical examples it should reflect. Any such invitation or notification would need to provide information on the reporting requirements and the content of the previous national report, if applicable. Information collected from the public and other stakeholders would then be reflected in the first draft of the report. Once the first draft of the report is completed, its text could be published on the agency's website with an invitation to provide comments.

11. Experience with preparing various national assessments demonstrates that multi-stakeholder consultations, including in the form of multi-stakeholder working groups, provide one of the best ways of ensuring comprehensiveness of information. Such groups may involve representatives of various public authorities, judicial authorities and NGOs. So, for example, multi-stakeholder working groups established under various national-level assessments in the course of the UNECE/UNITAR project on the development of the national profiles and several projects of the Regional Environmental Center (REC) have been very successful in ensuring that the opinions of various groups and stakeholders were represented in the final output.

12. It is important, however, that any drafts elaborated by such multi-stakeholder groups be made publicly available (for example, through the Internet) and that the general public have an opportunity to be involved both at an early stage and throughout the consultation process.

**B. *Timeline***

13. While most of the Parties submitting reports to the second meeting of the Parties submitted them within the deadline, some of the reports were submitted late. This late submission of reports prevented integration of the information contained therein into the synthesis report. It also resulted in additional expenditures related to informal translation of the reports to make them available at the meeting of the Parties.

14. The Meeting of the Parties encouraged Parties to give early consideration to the preparation of national implementation reports (decision II/10, para. 6).

15. If the Parties wish to ensure a meaningful consultation process and timely submission of reports, they may wish to consider using the following timeline for the national report

preparation process, keeping in mind that, in accordance with decision II/10, the reports should be submitted to the secretariat 180 days in advance of the meeting of the Parties:

| <b>Process</b>  | <b>Time required</b>                              | <b>Timing</b>                     |
|---|---|-----------------------------------|
| National Consultation on the content of the report                | 3 months  | Mid-May – mid-August 2007         |
| First draft   | 1 month   | Mid-August – mid-September 2007   |
| Consultation on the draft   | 30–60 days  | Mid-September – mid-November 2007 |
| Final report preparation (including translation, where necessary) | 30 days   | Mid-November – mid-December       |
| NIRs submission deadline  | 180 days in advance of the meeting of the Parties | Mid-December 2007                 |

### **C. Submission of reports to the secretariat**

16. The Meeting of the Parties requested that reports be submitted to the secretariat so as to arrive no later than 180 days before the meeting of the Parties for which they are submitted (decision II/10, para. 9). The Parties may therefore wish to note that, given the intention to hold the next meeting of the Parties in June 2008, the deadline for such submission will be in December 2007 (the exact date to be determined at a later stage).

17. The Committee also notes that paragraph 4 of decision I/8 of the Meeting of the Parties requires that Parties submit their reports both electronically and on paper in one of the official languages of the Convention, as well as in the language(s) of the Party. The Committee therefore wishes to draw to the Parties' attention the importance of carrying out a consultation process on the report in the national language(s) to enable broad and effective participation by various stakeholders.

### **D. Online reporting**

18. Online reporting could provide a useful means of facilitating access to information on implementation and the functioning of the reporting regime. It allows information to be reordered in various report (output) formats, facilitating the comparison, synthesis and analysis of responses to queries by users. The Committee encourages Parties to make use of electronic information tools, including online reporting where available, in elaborating and submitting the reports.

## **II. CONTENT OF NATIONAL IMPLEMENTATION REPORTS**

### **A. New information and consolidated reports**

19. The Meeting of the Parties requested each Party, in complying with the reporting requirements for subsequent reporting cycles as set out in paragraph 2 of decision I/8, to submit to the secretariat new information and, where available, a consolidated national implementation report. The Meeting of the Parties also requested that, in order to avoid duplication and extra cost, only such new information be translated by the secretariat into the three official languages (decision II/10, paras. 7 and 8).

20. In this regard two issues of potential concern in preparation of the reports emerge:

- (i) How to identify which information is new and should be included in the reports submitted to the secretariat; and
- (ii) How to ensure that overall implementation reports are user-friendly and provide comprehensive information on the status of implementation in each country, in particular for various stakeholders at the national level.

#### ***(i) New information***

21. In identifying any new developments under particular items, the Parties may consider:

- Whether any significant amendments have been made in the laws, regulations and official instructions/guidance since the first report was prepared;
- Whether any new official interpretation of the laws, regulations and official instructions/guidance has been introduced since the first report was prepared (such interpretation could include decisions of courts, circulars or other forms of instructions issued by central government authorities);
- Whether implementation reports prepared in the previous reporting cycle have been adapted to provide guidance to members of the public on the exercise of their rights under the Convention and the relevant implementing legislation (see para. 9 of decision I/8);
- Whether any new practical measures or arrangements have been introduced by public authorities (see section B below).

22. In order to provide comprehensive information, the above issues should be assessed and addressed under each individual paragraph of the reporting requirements.

#### ***(ii) Consolidated reports***

23. The Meeting of the Parties requested each Party to submit to the secretariat in the second reporting cycle new information and, where available, a consolidated national implementation report (para. 7 of decision II/10).

24. The Committee notes that, while the process whereby only new information is included in the official documents submitted to the Meeting of the Parties is possible under decision II/10, the resulting new documents would necessarily reflect only a small part of the overall picture of

national implementation. As such, they would be difficult to use, both as sources of information and as input documents in the national consultation process. This would be even more true of documents prepared in subsequent reporting cycles.

25. Understanding this constraint, the Meeting of the Parties encouraged those submitting the reports to provide consolidated versions of the national reports, building on the reports prepared in the previous cycles.

26. Consolidated reports provide comprehensive and user-friendly information allowing for a meaningful consultation process and can make an important contribution to the reporting process.

27. The Committee therefore recommends that reports submitted in the previous reporting cycle be used as a basis for the preparation of the new reports. The Committee believes that by editing the existing reports using the revision (change-tracking) function to reflect changes and provide new information, the Parties would contribute to a more effective national consultation process as well as to making the final reports more user-friendly and usable.

28. Use of the revision mode might be particularly useful to further consultation processes at the national level, enabling the reader to focus on new developments without taking away the opportunity to comment on the other parts of the report.

29. The Committee believes that by clearly identifying new information, such an approach would also be consistent with the intention of the Meeting of the Parties to avoid duplication of costs by having only new information be translated by the secretariat into the three official languages.

30. The report would be submitted to the secretariat in two versions: with revisions highlighted, and as a consolidated clean text. The revision-mode version of the report would be used by the secretariat to arrange translation of the new information. Both versions would be made available through the Convention's website, *inter alia*, to ensure easy access to the information on the new developments in implementation. The consolidated text could later be used by each Party as a basis for preparing the report in the following reporting cycle.

31. With regard to the length of the reports, in the Committee's opinion the 8,500-word limit applied during the first reporting cycle helped to ensure consistency in the length of the reports. This should be kept in mind when preparing the reports, along with the need to reduce the overall burden on the United Nations translation and document reproduction services.

## **B. Information on practical implementation**

32. Having reviewed the reports submitted in the first reporting cycle, the Meeting of the Parties noted that there was insufficient information on practical measures taken to implement the Convention at the national and local levels. It invited the Parties, in subsequent reporting cycles, to provide more information on the practical implementation of each of the Convention's provisions, pursuant to paragraph 1 (b) of decision I/8. It also invited Parties to indicate any major differences of opinion emerging from the consultation process.

33. This indicates that, among other things, some of the new information provided by the Parties pursuant to paragraph 7 of decision II/10 should relate to practical measures, institutional arrangements (such as establishing special posts or work units), establishment of relevant working groups, special budgetary allocations, and capacity-building actions (e.g. training events, training and analytical materials, support provided to NGOs) initiated or undertaken by the public authorities.

34. While environmental authorities will undertake many such activities, given the nature and scope of the obligations established in the Convention, the information should also reflect any such steps undertaken by other relevant ministries, agencies and authorities.

35. Additionally, clear references to sources of information in the report tend to facilitate a more effective national consultation process and make the end result more user-friendly.

### **C. Common or prominent areas of difficulties with implementation**

36. The Parties through decision II/10 and the Committee in its report to the second meeting of the Parties noted that information provided in some reports submitted in the first reporting cycle was rather general and did not address important but rather specific aspects of how certain provisions are applied (decision II/10, para. 5; ECE/MP.PP/2005/13, para. 50; and ECE/MP.PP/2005/18, para. 7).

37. The overall principle of the reporting requirements is that the Parties should address all the topics covered in the reporting format in sufficient detail. However, to reflect specific difficulties with or share a unique approach to implementation, a Party may wish address some issues or provisions in more detail.

38. To assist Parties in selecting issues they may wish to address in greater detail in their second round of reporting, the Committee would like to draw attention to some specific aspects of implementation that could be focused on in the reports. The annex to this document contains a checklist of issues that in the Committee's view would merit being addressed in greater detail in the national reports because of their importance for further work on implementation of the Convention.

39. The list is non-prescriptive. When preparing its report, a Party, rather than addressing in detail all the items on the list, might consider selecting those that are causing the most problems with implementation on the national level or for which it has developed particularly interesting implementation practice.

## ANNEX

### LIST OF ISSUES FOR POSSIBLE CONSIDERATION IN PREPARING NATIONAL REPORTS

#### Article 3

##### Paragraph 1: A clear, transparent and consistent framework to implement the Convention

- Have there been any legislative changes in non-environmental (sectoral) legislation significant for the environment that may *limit* public participation in certain cases (e.g. facilitating construction of highways or inland navigation issues)?
- Is there any mechanism in place to *monitor implementation* of the Convention's provisions and those of the relevant domestic legislation (e.g. information ombudsperson or commissioner)?

##### Paragraph 2: Assistance and guidance to the public in public participation matters

- Which principal legal tools does the *general administrative law* provide to facilitate exercise by the members of the public of their procedural rights? Does environmental legislation provide for any additional such tools?
- What are the *institutional and budgetary* arrangements for capacity building (e.g. public relations departments, information booths, full- or part-time officers)?
- Are there specific regulations and/or practices concerning capacity building *for public authorities* performing functions relating to the environment (e.g. water management, forestry, fishery authorities)?
- Are there specific training curricula *for judges* concerning environmental protection and issues addressed in the Convention?

##### Paragraph 3: Environmental education and awareness raising

- How do *curricula* of lower-, medium- and higher-level education institutions address environmental and governance issues, in particular those addressed in the Convention? Are there any institutional arrangements that deal with this matter (e.g. memoranda of understanding between ministries of environment and education)?
- Are there *awareness-raising campaigns* implemented by the environmental administration?



- Are there any relevant capacity-building activities aimed at *journalists* and, if so, which institutions or organizations implement them?
- Do environmental *non-governmental organizations* (NGOs) participate in environmental awareness raising? If so, how do they do this, and what support do they receive from the government to implement such activities?

Paragraph 4: Support for environmental NGOs

- What is the level of complexity of the existing procedures for NGO *registration* (e.g. registration by a court or an administrative authority, length of procedure, expenses involved, required documentation, need of legal assistance)?
- Is there an established practice of *including NGOs* in environmental decision-making structures (committees, etc.)?
- How do any existing recognition and support measures address *local-level* and grass-roots (community) organizations?
- Does the government provide *financial support* to environmental NGOs?

Paragraph 7: Public participation in international environmental decision-making processes

- Is there a practice of including NGO members in *delegations* representing the State in international environmental negotiations or in any national-level discussion groups forming the official position for such negotiations?
- What measures have been undertaken by the Party to implement the *Guidelines on Public Participation in International Forums* adopted at the second meeting of the Parties?
- Has there been *internal consultation* between the officials dealing with the Aarhus Convention and officials involved in other international forums in matters relating to the environment with regard to the implementation of the Guidelines?

Paragraph 8: Prohibition of penalization for public participation

- Have any *libel*, *slander* or similar provisions of civil or criminal law been used in the context of environmental decision-making processes?
- Have there been any cases of NGOs being ordered to pay *damages* (of a private entity or a public authority) in connection with their public interest environmental protection activities or litigation (e.g. due to a delay in a procedure)?

## Article 4

### Paragraph 1, chapeau: Ensuring provision of information and other general issues

- Are public authorities required to *keep records* of information requests received and responses provided, including refusals? If so, is there a practice in place to periodically report on such activities?
- Is there a separate body that *oversees* matters of access to environmental information (e.g. a data protection ombudsperson or a commission on access to administrative documents)?

### Paragraph 1 (a): The interest not having to be stated

- Is there a requirement or practice of requesting certain *basic data* from the applicant for administrative purposes (e.g. for budgetary purposes, record keeping, statistics)?
- Is there a mechanism in place to assist the original provider of information in identifying the applicants in cases of claims related to *misuse* of information?

### Paragraph 2: Timeliness of information

- In addition to the specific deadline, is there a requirement to provide information *as soon as possible*?
- Are there separate deadlines for *refusals* to provide information or for other specific cases?
- What is the legal effect of a *failure to respond* to an information request?

### Paragraph 3 (a): Information not in the public authority's possession

- What are the procedure and practice for handling situations when the public authority does not hold the requested information but *should have it* pursuant to the relevant legislation?

### Paragraph 3 (b): Unreasonable or overly general requests

- Do public authorities have a responsibility to try to *clarify* with the applicant requesting the information any questions which appear unreasonable or too general?

### Paragraph 3 (c): Confidentiality of administration

- What mechanisms are in place to ensure free expression of *professional opinion* by the officials involved in internal communications or in preparing the relevant materials?

- Can materials that directly or indirectly serve as a *basis* for an administrative decision be considered confidential?

#### Paragraph 4 (d): Commercial confidentiality

- Are *various categories* of confidentiality of commercial or industrial information defined by several laws (e.g. trade law, civil law, commercial law, business law, company law, competition law, banking law, insurance law), and are these definitions in harmony with each other and with the Convention?
- Does the original provider of information have to *justify* the existence of a potential adverse effect that a public release of information might have on a legitimate economic interest?

#### Paragraph 4 (f): Personal data

- How does the national legislation *define* personal data?
- Can a *legal person* (entity) have personal data protection?

#### Paragraph 4 (general)

- Does confidentiality of classified information *remain protected* after such information has been made public through other means?
- Does the national legislation envisage a strict classification of certain types of information as confidential, or is there a requirement to *balance the argument* for and against the disclosure individually in each case?

#### Paragraph 5: Forwarding requests submitted to the wrong authority

- How are the deadlines referred to in article 4, paragraph 2, applied in cases where a public authority does not hold the information requested and forwards the request to another authority?

#### Paragraph 8: Charges

- Are charges for public information services regulated *uniformly* (e.g. in a published table of charges or fees)? If not, are there large differences between charges for information in different sectors?
- Is there a charge for supplying information? If yes, what is the cost or range of costs *per page* for having official documents copied?
- Is there a requirement and/or practice with regard to waiving or partially waiving the charges (e.g. by determining preferential rates for certain users or purposes)?

- Is there a differentiation between the limited charges for making and providing copies of information that is and/or is required to be in the possession of a public authority and any *additional services* (e.g. research, compilation of data not required by laws)?

## Article 5

### Paragraph 1 (a) and (b): Existence and quality of environmental data

- Is there an institutionalized system of *data transfer* between the authorities of several branches of administration? If yes, what are the main features of the system (e.g. is environmental data provided free of charge within the system)?
- Do various levels and kinds of environmental and sectoral authorities operate *parallel* data-processing systems? If so, are there any measures to make the information flow more effective and harmonize the data (e.g. linking several databases together, using standard definitions or operator codes)?
- Are there mechanisms in place to ensure or control the *quality* (accuracy, categorization, comparability and timeliness) of environmental data included in the databases?
- Is certain information provided in *real-time* mode (e.g. information on air quality in larger cities)?

### Paragraph 1 (c): Environmental emergency information

- How is communication of information to the public covered under the *emergency planning* legislation? Are there measures in place to coordinate emergency information dissemination efforts of the participating authorities?
- Do *polluters* have an obligation to directly inform the public in emergencies?
- Is there a legal requirement and/or practice to disseminate *post-emergency* information (e.g. information about responsible parties, causes of the emergency, measures taken to prevent future accidents)?

### Paragraph 2: Information on the type and scope of the available environmental information and practical arrangements for information dissemination

- Is there an environmental *meta-database* (e.g. a catalogue of environmental data sources)?

Paragraph 5: Dissemination of information: strategic and normative materials

- Are environmental laws, strategies, policies, international agreements and the like, as well as information about their implementation, *widely and easily* accessible for the public?

Paragraph 6: Encouraging operators to actively disseminate information

- Are there any measures of the kind referred to in this paragraph that have been specially designed for *small and medium-size enterprises*?

Paragraph 7: Dissemination of information: facts, analyses, explanatory materials and information on the performance of public functions relating to the environment

- What kinds of environmental *facts, analyses and explanatory materials* are being published?

Paragraph 8: Product information

- Is there a legal requirement and/or practice of *public participation* in awarding or monitoring the use of eco-labels?

Paragraph 9: Pollutant release and transfer registers (PRTRs)

- Please describe briefly your progress towards ratification of the *Kiev Protocol*.
- If a PRTR system is already in place, what are its *outstanding features* (unique to the given Party, elements additional to those of the Protocol or the EC Regulation)?
- Have the PRTR reporting obligations been *harmonized* with the other existing environmental and related reporting obligations (e.g. CO<sub>2</sub> reporting, chemical safety, accident prevention) to reduce parallel reporting?

**Article 6**

Paragraph 1: Activities falling under article 6

- Does national legislation or practice apply the procedures of article 6 of the Convention exclusively to decision-making requiring an environmental impact assessment (EIA) or also to *other types* of decision-making?
- In case a number of *consecutive decisions* are required in order to permit a proposed activity listed in annex I (e.g. a planning permission, a construction consent, an environmental permit, a mining license), does the legislation require public participation

only in relation to one of such decisions (which one?), some of them (which ones?) or all of them?

Paragraph 2: Notification of the public concerned

- Does the national law define the *public concerned* and, if so, *how*?
- Are any special measures taken to *encourage* public participation in the most significant environmental decision-making cases?
- What is the *legal effect* of failing to duly notify the public concerned?

Paragraph 3: Time frames for public participation

- How much time is usually allocated for public consultation? Is there a *minimum* period prescribed by law?
- What are the *time frames* for:
  - notifying the public about the availability of the relevant information?
  - the public to access the relevant information, form its opinion and submit its comments?
  - notifying the public about the commencement of public hearings?

Paragraph 4: Early public participation

- Does the law clearly identify *specific stage(s)* of a decision-making procedure at which the public notification shall take place?
- Is public participation provided for in the *screening and/or scoping* phase of an EIA procedure?
- Does public participation in a decision-making process for proposed activity which is subject to an EIA take place at a stage when *alternatives* are still open?

Paragraph 5: Encouraging prospective applicants to enhance public participation

- What is the developer's role in *organizing* public participation during the decision-making procedure?

Paragraph 6: Ensuring access to information relevant to decision-making

- Have there been cases where a complete set of *EIA documentation* was classified on the basis of commercial confidentiality or intellectual property rights?

Paragraph 7: Public comments

- What role do *multilateral discussion techniques* (e.g. public hearings, clarification meetings) play in the environmental decision-making procedures?

Paragraph 8: Taking due account of the results of public participation

- Are there practical techniques for taking due account of public comments in cases where *many comments* have been received? Are there legal regulations to this end?
- Can *public comments* which have already been submitted be viewed by other members of the public throughout the commenting procedure?

Paragraph 9: Information about the decision

- Does the *reasoning* part of the decision refer to the factual, professional and legal arguments raised in the procedure? If not, can such omissions be challenged under the procedure referred to in article 9, paragraph 2 of the Convention?

Paragraph 10: Public participation in reconsideration or updating of the decision

- What kinds of changes in the operating conditions of an activity falling within the scope of paragraph 1 of article 6 qualify as *significant* and therefore lead to a new decision-making procedure where public participation should be provided for?

**Article 7**

- What are the most important differences between *definitions of plans, programmes and policies* according to the national legislation (e.g. in scope, in details, in binding force)?
- Which types of strategic decisions are considered to be “*relating to the environment*”?

**Article 8**

- Are there any requirements for public participation at the *conceptual stage* of the legislative procedure?
- What are the *time limits* given to the members of the public to form their opinion?
- Are drafts regulations and rules available through the *Internet*?
- Are the public comments received in the course of the participation process under article 8 of the Convention *communicated* to the legislature?

- Are there specific techniques for *facilitating* public participation in the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment (e.g. public committees, advisory bodies with NGO members)?

## Article 9

### General issues

- Do the courts apply the text of the Aarhus Convention *directly*?
- Do the courts have only *cassation* or also *reformatory* rights in cases under this article?

### Paragraphs 1 and 2: Remedies

- How is the *independence* of the administrative review ensured?
- How do the national law and adjudication interpret the phrase “NGOs promoting environmental protection and meeting any *requirements under national law*”?

### Paragraph 3: The public’s right to challenge acts and omissions by private persons and authorities

- Which *level of legislation* implements the requirements of article 9, paragraph 3?
- Can members of the public initiate administrative cases through *petitions, complaints or motions*?
- Can a member of the public challenge decisions of the type regulated by *articles 7 and 8* of the Convention by challenging them as contravening the provisions of the national law relating to the environment?
- What are the conditions of issuing an *injunctive relief* by the court in cases brought under article 9, paragraph 3, of the Convention and/or the relevant national legislation?

### Paragraph 4: Timely, adequate, effective, fair, equitable and not prohibitively expensive remedies

- What kinds of *sanctions* are available in cases where an official fails to fulfil his or her responsibilities concerning access to information or public participation?
- Are there judges *specializing* in environmental cases?
- What overall *costs* do members of the public incur in bringing cases to court?