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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

Ninth meeting
Geneva, 13–15 February 2008

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

1. The ninth meeting of the Working Group of the Parties to the Convention was held from 13 to 15 February 2008 in Geneva.
2. The meeting was attended by representatives of 30 Parties, namely Albania, Armenia, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Latvia, Malta, Moldova, the Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the European Community represented by the European Commission; one Signatory, Ireland; and three other States, the Russian Federation, Turkey and Uzbekistan.
3. The United Nations Institute for Training and Research (UNITAR), the Regional Environmental Center for Central and Eastern Europe (REC) and the Regional Environmental Center for Moldova were also represented.
4. The following non-governmental organizations (NGOs) were represented: Earthjustice, International NGOs Training and Research Centre (INTRAC, United Kingdom), and within the framework of European ECO-Forum, the European Environmental Bureau, Women in Europe

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for a Common Future (Germany), Friends of the Earth (England, Wales and Northern Ireland), Friends of the Earth France, An Taisce (Ireland), Independent Ecological Expertise (Kyrgyzstan), Biosfera-Centre for Education, Environment and Nature Protection (The former Yugoslav Republic of Macedonia), Environment-People-Law (Ukraine), the Resource and Analysis Centre “Society and Environment” (Ukraine) and the Union for the Defence of the Aral Sea and Amudarya River (Uzbekistan).

5. The following academic and business organizations were represented: European Chemical Industry Council (CEFIC, Belgium), CropLife International (Belgium and the Czech Republic), European Crop Protection Association (Belgium), Humboldt University of Berlin (Germany) and Public Research and Regulation Initiative (PRRI, Belgium and the Netherlands).

6. Ms. Mona Aarhus (Norway), Chair of the Working Group, opened the meeting. She informed the meeting that the Government of Norway had appointed her to replace Ms. Hanne Inger Bjurstrøm (Norway) as its representative on the Bureau to the Meeting of the Parties. The Bureau had then elected her to serve as Chair.

7. The Working Group congratulated Ms. Aarhus on her election and expressed its appreciation and gratitude to Ms Bjurstrøm for her skilful and constructive leadership of the process over the previous years.

I. ADOPTION OF THE AGENDA

8. The Working Group adopted the agenda for the meeting as set out in document ECE/MP.PP/WG.1/2008/1.

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

9. The secretariat drew the attention of delegations to an informal paper it had prepared giving an overview of the status of ratification¹ of the Convention, the amendment to the Convention and the Protocol on Pollutant Release and Transfer Registers (PRTRs).

10. No new ratifications of the Convention had occurred since the previous meeting of the Working Group.

11. There had been one new ratification of the Protocol, by the Netherlands, bringing the number of ratifications of the Protocol to six. An additional six countries, namely Finland, Latvia, Slovenia, Spain, Sweden and Norway, were expected to ratify the Protocol during 2008.

12. Since the previous meeting of the Working Group, the Czech Republic, Estonia, Moldova and the European Community had ratified the amendment to the Convention. In addition, Sweden deposited its instrument of ratification during the meeting, bringing the total number of

¹ The terms “ratification” and “ratified” are used in this report to encompass ratification, acceptance, approval and accession in accordance with article 19 of the Convention.

ratifications to nine. Finland, Norway, Slovenia and Spain intended to deposit their instruments of ratification before the third meeting of the Parties, and Belgium, Latvia and Malta informed the meeting that they planned to ratify the amendment at some point during 2008.

III. PREPARATIONS FOR THE THIRD ORDINARY MEETING OF THE PARTIES

13. Latvia, as the host country, presented the logistical arrangements that had been made for the tenth meeting of the Working Group and the third ordinary meeting of the Parties. It notified the Working Group of the possibilities for holding side-events. Further information would be distributed through a separate website, including instructions on accreditation.

14. The secretariat reported on the plans to launch the invitation and registration process for the third meeting of the Parties, as well as the application process for side-events, in the coming weeks. It reminded delegations that financial support for attending the meeting would be available on a similar basis as for the first and second meetings of the Parties, and encouraged them to ensure that accreditation would be completed in due time.

15. The representative of REC emphasized the need for flexibility in the planning of the high-level segment of the meeting, so as to enable the participation of Ministers in side-events.

16. The Chair thanked Latvia for its preparatory work and encouraged all those Parties and others interested in organizing side-events to submit their proposals through the application process once it was in place, but in the meantime to feel free to notify the secretariat in advance.

17. The secretariat presented the draft provisional agenda for the third ordinary meeting of the Parties (ECE/MP.PP/WG.1/2008/L.1), prepared in consultation with the Bureau. It elaborated on the high-level segment of the meeting, including panel discussions.

18. Slovenia, on behalf of the European Union (EU), expressed support for the items suggested including the high-level segment, which it asserted should focus on political discussions rather than technical details. Other delegations believed that more priority should be given to implementation of the Convention, including reporting on implementation, as well as to access to justice, and proposed some presentational changes.

19. The Working Group agreed on the general outline of the agenda and made some small adjustments to the text. It mandated the Bureau to further develop the programme for the high-level segment, including lists of speakers, which would be elaborated in an addendum. Delegations were invited to provide any additional comments to the secretariat by 22 February 2008.

20. The Chair presented a first draft of the "Riga Declaration" (ECE/MP.PP/WG.1/2008/L.2), prepared by the Bureau in accordance with the mandate given by the Working Group at its eighth meeting (ECE/MP.PP/WG.1/2007/5, para. 67), and explained the main features of the draft.

21. Slovenia, on behalf of the EU, took note of the draft declaration and thanked the Bureau and secretariat for their work. It expressed support for the suggested structure of the text and emphasized the importance of the adoption of a long-term strategic plan for the Convention. It pointed out that the concrete wording of the declaration would need further reflection and adjustment so as to take account of the final version of the long-term strategic plan and the decisions foreseen for adoption at the third meeting of the Parties, and undertook to come forward with specific proposals.
22. European ECO-Forum and REC welcomed the draft as a good starting point for discussion. The latter wished for more emphasis to be given to specific ways to ensure public participation in strategic decision-making, including in legislative processes.
23. The Working Group agreed to have a written commenting process for the draft declaration and invited delegations to submit comments to the secretariat by 7 March 2008. It mandated the Bureau to prepare a new draft, taking into account the comments received as well as the discussion within the meeting. The new text would then be submitted for discussion at the third meeting of the Parties.
24. Mr. Michel Amand (Belgium), Chair of the Working Group on PRTRs, presented a draft statement prepared with a view to adoption by the Meeting of the Parties at a special session on PRTRs. The draft had been prepared by the Bureau of the Working Group on PRTRs (ECE/MP.PP/WG.1/2008/L.3).
25. The Chair of the Working Group of the Parties informed the meeting that its Bureau had recommended consolidating the paragraphs dealing with authorship of the statement, in line with the approach taken in the draft Riga Declaration. The Chair of the Working Group on PRTRs supported this suggestion. Slovenia, on behalf of the EU, welcomed the draft statement in its entirety. One delegation requested that the scope of the countries invited to accede to the Protocol by the statement should be widened.
26. Taking these and other proposals into account, the Chair of the Working Group on PRTRs proposed a revised text to the Working Group.
27. The Working Group of the Parties approved the text of the revised draft statement and agreed to present it to the Meeting of the Parties for adoption at its third session in Riga.

IV. POLLUTANT RELEASE AND TRANSFER REGISTERS

28. The secretariat reported on the preparation of the guidance document on implementation of the Protocol on PRTRs. Following the inclusion of a preface by the Executive Secretary of UNECE, the guidance had been finalized and submitted for publication in November 2007. Subsequently, some minor technical revisions had been requested by United Nations publications services and the document had been revised for publication in early 2008.

29. The secretariat informed the meeting of the preparations for the third meeting of the International PRTR Coordination Group, scheduled to be held at the Organisation for Economic Co-operation and Development (OECD) Conference Centre in Paris on 11 March 2008.

30. A representative of European ECO-Forum reported on a project on rating polluters' environmental performance in the Lviv (Ukraine) region, undertaken jointly by the Lviv Environmental Protection Agency and the NGO, Resource and Analysis Center, "Society and Environment". The project aimed to introduce a new instrument of compliance monitoring by rating the performance of polluters, using five colour categories and disclosing to the public the outcomes indicating the level of compliance with environmental standards and regulations by enterprises.

31. The Chair urged Signatories to the Protocol to speedily ratify it, with the aim of holding the first session of the Meeting of the Parties to the Protocol in early 2009.

V. GENETICALLY MODIFIED ORGANISMS

A. Interpretation of article 14 of the Convention

32. The secretariat presented a draft decision of the Meeting of the Parties on the interpretation of article 14 of the Convention (ECE/MP.PP/WG.1/2008/L.4). The draft decision had been developed in consultation with the Bureau and the United Nations Office for Legal Affairs and with the support of an ad hoc group of legal experts nominated by delegations (ECE/MP.PP/WG.1/2006/2, para. 20). The Working Group expressed its gratitude to the secretariat, the Bureau and the ad hoc group of legal experts for preparing the draft decision.

33. The secretariat also reported on the formal advice it had received from the Office of Legal Affairs, which had been circulated to all delegations in the three official languages.² This had indicated, inter alia, that:

(a) Where a treaty is silent or ambiguous as to the total number of States from which a required percentage will be calculated or the time at which the total number of States is to be determined, the practice of the Secretary General is to calculate the number of acceptances on the basis of the number of Parties to the treaty at the time of deposit of each instrument of acceptance of an amendment, known as the "current time approach". As article 14, paragraph 4 of the Convention does not specify the time at which the total number of Parties from which "three fourths" should be calculated, the Depositary is bound to adopt the "current time approach".

(b) With regard to whether the opinion of the Parties would carry any weight in determining the interpretation of article 14, paragraph 4, only a decision that has the agreement of all of the Parties to the Convention would be definitive, binding and authoritative.

² The text of the memorandum is available at: <http://www.unece.org/env/pp/wgp.htm#9thwgp>.

(c) As an alternative to the proposed draft decision, the Parties could adopt a protocol clarifying the interpretation of article 14, paragraph 4. The protocol would likewise need to be adopted with the agreement of all the Parties, but a streamlined procedure for doing so could be specified in the protocol, i.e. that it would enter into force for all Parties if within six months from its date of circulation to all United Nations Member States by the Depositary no objections from Parties were received by the Depositary. This approach would require a two-step procedure. First, Parties would adopt the Protocol (by consensus or vote). The text of the Protocol would then be circulated by the depositary for acceptance. If no objections were received within the specified timeframe, the protocol would enter into force for all Parties and would constitute a subsequent agreement among the Parties as referred to in article 31, paragraph 3 (a), of the 1969 Vienna Convention on the Law of Treaties.

34. The Office of Legal Affairs suggested that, in the light of the above, two draft decisions be prepared. One draft would reflect the draft version (ECE/MP.PP/WG.1/2008/L.4) with the language currently in brackets deleted. The second draft decision, which would be taken up if the first option were not possible, would provide for the adoption of the above-mentioned protocol.

35. The European Community reported that the secretariat of the Basel Convention³ had also previously received the advice of the Office of Legal Affairs regarding an article of that Convention which was similarly ambiguous as to the total number of Parties from which the required percentage of ratifications required for an amendment to the Convention to come into force should be calculated. Advice from the Office of Legal Affairs to the secretariat of the Basel Convention dated 12 February 2007 had indicated that a decision of the Parties (taken in accordance with that Convention's rules of procedure) would, in accordance with article 31, paragraph 3, of the Vienna Convention, "be taken into account, together with the context" in interpreting the provision, although in the view of the Office of Legal Affairs "only a decision taken with the concurrence of all the Parties would be definitive, binding and authoritative as to the interpretation of the provision...".

36. The Working Group confirmed its support for resolving the ambiguity in article 14, paragraph 4, through the proposed draft decision (ECE/MP.PP/WG.1/2008/L.4), rather than through the option of a protocol. It agreed to delete paragraph 2 and the bracketed text in paragraph 3, and to insert the words "number of" before the words "Parties to the Convention" in paragraph 1 in square brackets for further reflection. The Working Group expressed its clear understanding that the adoption of the decision would constitute a "subsequent agreement" in the sense of article 31, paragraph 3 (a), of the Vienna Convention, which the Depositary would have to take account of in the interpretation of article 14, paragraph 4.

37. The Working Group, stressing the importance of the amendment on genetically modified organisms (GMOs), encouraged all Parties to actively participate in the upcoming meeting of the Parties and to take the opportunity to reaffirm their support for the amendment by agreeing on an approach which would facilitate the amendment's early entry into force.

³ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

B. Meeting on genetically modified organisms

38. The secretariat reported on the steps taken towards the preparation of an international meeting on access to information, public participation and access to justice in the field of GMOs, scheduled to take place on 19 and 20 May 2008 in Cologne, Germany, with the financial support of the Netherlands (ECE/MP.PP/WG.1/2007/2, paras. 18–23). The meeting would take place immediately after the fourth Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP4) which would be held from 12 to 16 May 2008 in Bonn, Germany,. Taking into account the discussions at the previous meeting of the Working Group and the related written commenting processes, the Bureau together with the Netherlands had agreed that the meeting should address all three pillars of the Aarhus Convention⁴, but would not address the topic of contained use of GMOs.

39. The secretariat indicated that it had been in regular informal contact with the secretariat to the Convention on Biological Diversity as to the possible involvement of representatives of the Cartagena Protocol in the meeting on 19 and 20 May. It also reported that the secretariat of the Convention on Biological Diversity had invited the Aarhus Convention to hold a side-event at COP/MOP4.

40. The Working Group took note of the information provided and welcomed the progress in preparing the meeting. The Chair encouraged those present to ensure that when the invitation is issued to the national focal points, it is promptly relayed to those responsible for dealing with GMO issues. The Chair informed the Working Group that the Bureau would not recommend a draft decision on GMOs at this point. Further activities in the area, including any proposals arising from the forthcoming meeting, could be reflected in the future work programme. The Working Group agreed to this.

VI. PUBLIC PARTICIPATION IN INTERNATIONAL FORUMS

41. The Chair of the Task Force on Public Participation in International Forums, Mr. Laurent Mermet (France), together with the secretariat, presented the report of the third meeting of the Task Force, including: (a) the summary of comments submitted by Parties and NGOs on their experiences with the Almaty Guidelines⁵ pursuant to the procedure put in place by the Working Group at its seventh meeting; and (b) the outcome of the Task Force's discussions of possible future directions for work on promoting the application of the principles of the Convention in international forums (ECE/MP.PP/WG.1/2008/3).

42. In accordance with the Task Force's suggestion in paragraph 18 of its report, the secretariat gave an oral report regarding the information provided by Parties on measures taken to implement article 3, paragraph 7, in their national implementation reports, on the basis of the reports received to date. The secretariat indicated that the national implementation reports varied considerably as to their reporting on article 3, paragraph 7. Some Parties had provided quite

⁴ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

⁵ Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums.

detailed information, including: (a) the steps they had taken to inform their representatives in other international forums about the Guidelines; (b) their actions at the national level to involve the public in developing their official positions in preparation of, and in delegations for, the meetings of international forums; and (c) to prepare a list of forums in which they had taken steps to apply the principles of the Convention. A number of Parties did not report on their implementation of article 3, paragraph 7, at all.

43. Following up on the Chair of the Task Force's report on the outcome of discussions on possible directions for future work, the Chair of the Working Group presented a draft decision on the topic (ECE/MP.PP/WG.1/2008/L.5), prepared pursuant to the request made by the Working Group at its eighth meeting.

44. Slovenia, on behalf of the EU, stressed the important role of the Convention in international environmental governance and that this should be further pursued as a reference of good practice. It recognized the need to improve the reporting mechanisms with respect to the experience of the Parties regarding the application of the Almaty Guidelines. However, it indicated that it was not in favour of additional intersessional reporting, but rather considered that experiences with the implementation of article 3, paragraph 7, could be better highlighted as part of the implementation report of each Party. Some other delegations expressed support for intersessional reporting on article 3, paragraph 7, regarding this as a practical means for ensuring that the Almaty Guidelines were not ignored.

45. The Working Group welcomed the substantial and comprehensive work done by the Task Force under the chairmanship of France. There was general agreement that, subject to the availability of human and financial resources, the mandate of the Task Force should be extended in time. On the question of intersessional reporting, it was agreed to leave the text concerning this matter in square brackets for further consideration at a later stage. Pursuant to the Task Force's mandate under decision II/4, paragraph 8, and taking into account the report on the Task Force meeting, the Working Group revised the draft decision accordingly and agreed to forward it for consideration and possible adoption by the Meeting of the Parties.

VII. ACCESS TO JUSTICE

46. The Chair of the Working Group presented a draft decision on access to justice (ECE/MP.PP/WG.1/2008/L.6), prepared by the Bureau pursuant to the request made by the Working Group at its eighth meeting. The Chair invited delegations to contribute additional information on progress in planning and implementing further capacity-building activities in the field of access to justice.

47. The secretariat reported on the plans to hold a workshop on access to justice for senior members of the judiciary in South-Eastern Europe, funded by France and building on the experience with the Kyiv workshop.

48. Slovenia, on behalf of the EU, took note of the draft decision on access to justice and welcomed the work done by the Task Force on Access to Justice, especially the information exchange, capacity-building activities and conferences that had been organized in the course of the Task Force's work. It emphasized the importance of maintaining standards of access to justice and supported the extension in time of the current mandate of the Task Force, under the authority of the Working Group of the Parties, to carry out further work with a practical focus on the sharing of information, experiences and good practices. It suggested that the Task Force not only continue the exchange of information and analytical work on the issue of criteria for standing, but that it also consider other relevant information available such as studies and reports carried out by other stakeholders. However, it had some reservations concerning the reference to guidance in paragraph 16 (a), was opposed to the reference to an "Aarhus Justice Fund" in paragraph 16 (h), and proposed, through an amendment to paragraph 16 (l), to make it possible for the Task Force to carry out additional tasks during the intersessional period, subject to decision by the Working Group.

49. Some observers supported the recommendations of the draft decision prepared by the Bureau. European ECO-Forum drew the attention of the Parties to various barriers to access to justice, e.g. the lack of cost provisions and shortage of available legal counsellors. It suggested looking beyond the national implementation reports when trying to assess the implementation of the third pillar of the Convention, by considering reports by NGOs and other groups. Finally, it defended the proposal to establish an Aarhus Justice Fund and indicated that it would prefer to see a working group on access to justice. Uzbekistan also expressed its preference to have a working group on access to justice. This proposal, however, was not accepted by the Working Group of the Parties.

50. As no Parties had supported the reference to an Aarhus Justice Fund, the Working Group agreed to delete this reference. It also agreed to put the reference to the development of guidance in paragraph 16 (a) in square brackets for further discussion, and to change the wording of paragraph 16 (l) of the draft decision as proposed by the EU so as to give the Working Group a mandate to assign other tasks to the Task Force. With these changes, it was agreed to forward the revised draft decision for consideration and possible adoption by the Meeting of the Parties.

VIII. ELECTRONIC INFORMATION TOOLS AND THE CLEARINGHOUSE MECHANISM

51. The secretariat presented the report on the sixth meeting of the Task Force on Electronic Information Tools and the associated mini-conference (Geneva, 13–14 December 2007). The mini-conference, “Agenda 21 and the Information Society: Assessing progress on closing the digital divide, access to environmental information and ICT⁶ for sustainable development in the ECE Region”, had been chaired by Mr. Charles Geiger, Special Advisor for the Secretariat of the Commission on Science and Technology for Development (CSTD) of the United Nations Conference on Trade and Development (UNCTAD). It featured presentations by and debate among 14 national and international experts. The workshop addressed how ICT and key initiatives bringing environmental information services to the public could be applied to achieving environmental protection and sustainable development.

52. The Task Force considered that the event had been very useful in promoting synergies, in particular between clearinghouse mechanisms, and recommended in its report that similar events be organized in the future.

53. The Task Force meeting had considered possible elements for inclusion in the Convention’s work programme for the triennium 2009–2011. The Task Force agreed to recommend to the Bureau of the Working Group of the Parties that its mandate be extended and adjusted to include, inter alia, provision of technical assistance in support of the development of the Aarhus Clearinghouse, the monitoring of technical developments in the field of electronic information and exploration of synergies with other regional initiatives, and the development of electronic communication strategies.

54. The secretariat reported on its participation in the second experts’ meeting on the Web-based learning platform Marketplace for Environmental Training and Online Resources (MENTOR, Paris, 3–4 December 2007) of the United Nations Environment Programme (UNEP). The meeting had reviewed experience with development of distance-learning modules addressing various environmental themes. The secretariat had suggested that UNEP consider developing course modules addressing major multilateral environmental agreements (MEAs), including the Aarhus Convention.

55. The Chair of the Working Group presented a draft decision on electronic information tools, prepared by the Bureau pursuant to the request of the Working Group of the Parties at its eighth meeting (ECE/MP.PP/WG.1/2008/L.7) and taking into account the outcomes and recommendations of the sixth meeting of the Task Force.

56. The Working Group supported the renewal of the mandate of the Task Force, though it was noted that some elements of the programme of work assigned to the Task Force would more appropriately be carried out by the secretariat. It revised the text accordingly and agreed to forward the draft decision for consideration and possible adoption by the Meeting of the Parties.

⁶ Information and communications technology.

IX. PUBLIC PARTICIPATION IN STRATEGIC DECISION - MAKING

57. Bulgaria reported on the outcome of the workshop on public participation in strategic decision-making (Sofia, 3–4 December 2007). The secretariat indicated that the workshop had been attended by a good balance of Aarhus Convention and Espoo⁷ Convention experts. The Working Group thanked Austria, Bulgaria and the secretariat for their work in organizing, and hosting the workshop and endorsed its outcomes.

58. The Working Group considered possible further steps in this field following the third meeting of the Parties, taking into account the experience gained through the Sofia workshop.

59. The Chair introduced a paper by the Bureau proposing the establishment of a task force on public participation. The Bureau considered that, in comparison to the other pillars of the Convention, insufficient activities had been undertaken addressing implementation of the public participation provisions of the Convention. The task forces addressing the other pillars of the Convention had proven their ability to engage with other actors crucial to the implementation of the access to information and access to justice provision. It believed this could also be done for the public participation pillar and sought a mandate to develop a draft decision.

60. The Working Group was invited to consider the proposal and state whether there was an agreement in principle. Slovenia on behalf of the EU was not convinced that a horizontal expert-level task force was needed. Some Parties and observers looked favourably on the proposal to establish a task force, while the European ECO-Forum reminded the meeting that it had proposed a working group on public participation.

61. The Chair took note that some support existed for establishing such a task force and proposed that a mandate be given to the Bureau to develop a draft decision containing different options for addressing public participation. However, Slovenia, on behalf of the EU, reiterated its opposition to the Bureau preparing any draft decision for discussion at the meeting of the Parties, maintaining that the topic could be adequately dealt with within the framework of discussions of the work programme and the long-term strategic plan. The Chair concluded that there was not sufficient support for mandating the Bureau to prepare a draft decision along the proposed lines, but emphasized the importance of fully addressing the issue in the work programme and the long-term strategic plan. Several delegations expressed their dissatisfaction with this outcome and stated their intention to raise the issue at the third meeting of the Parties.

X. REPORTING REQUIREMENTS

62. The secretariat reported on the status of submission of national implementation reports. To date, 26 national implementation reports in one or more of the required languages had been received. Additionally, two national implementation reports had been received during the meeting. Considering that the deadline had been moved forward by two months in comparison with the first reporting cycle in Almaty, the consequences of late submission of reports were so far not too serious, although Parties that had not yet submitted their reports were urged to do so

⁷ Convention on Environmental Impact Assessment in a Transboundary Context.

as soon as possible. The secretariat reminded the delegates that according to decision I/8 of the Meeting of the Parties, reports are to be submitted in one of the the three official UNECE languages and in the national language of the submitting Party, where different. The secretariat expressed its hope to receive national implementation reports from all Parties, as had eventually been the case with the first reporting cycle.

63. The secretariat then reported on the preparation of the synthesis report. It informed the Working Group that the REC had been contracted to provide a first draft of the report, after which further drafting would be undertaken by the secretariat in close consultation with the Compliance Committee.

64. Slovakia and The former Yugoslav Republic of Macedonia announced that they had sent their national implementation reports to the secretariat.

65. European ECO-Forum expressed disappointment with the second reporting cycle, in particular regarding the late submission of reports and the considerable number of Parties that had not submitted a national implementation report yet and had not yet started preparations to do so. It noted with regret the absence of any requirement in the relevant decisions of the Meeting of the Parties to circulate the final report among the stakeholders who participated in the drafting process, as well as the lack of opportunities for NGO participation and the short commenting period provided in some countries.

66. Albania expressed its dissatisfaction with the lack of comments it had received after inviting NGOs to contribute to its national implementation report, in particular since it had negotiated an extension of the deadline for submission in order to incorporate such comments.

67. The Working Group took note of the information provided and considered implications for the discussion of the reports by the Meeting of the Parties. It requested the secretariat to put the reports on the Convention's website as they were submitted by Parties, and also in final form.

68. The Working Group mandated the Bureau to prepare a draft decision similar to decision II/10 and agreed that there would be a commenting period on the content of the draft decision until 7 March 2008. The Working Group requested the secretariat to contact Parties that had not yet submitted national implementation reports, to invite them to do so as soon as possible.

XI. COMPLIANCE MECHANISM

69. The secretariat reported on the activities of the Compliance Committee, including the preparations for its nineteenth meeting (Geneva, 5–7 March 2008). At that meeting, the Committee was expected to prepare and adopt its report to the Meeting of the Parties and certain findings and recommendations with respect to compliance by specific Parties. In addition, it was expected to review the progress made by Parties previously found by the Meeting not to be in compliance. The secretariat also reminded delegations of the procedure for nominating candidates for election to the Committee at the forthcoming meeting of the Parties.

70. European ECO-Forum expressed concern that some Parties that had been found by the Meeting of the Parties not to be in compliance had in its view manifestly failed to implement the recommendations of the Meeting, and expressed the hope that the Meeting would consider taking firm measures to address such situations.

71. The Working Group took note of the information provided by the secretariat as well as the comments of European ECO-Forum. It mandated the Bureau to prepare a draft decision or decisions on compliance for adoption by the Meeting of the Parties, taking into account the information and comments provided, as well as the content of the Compliance Committee's report, including any findings and recommendations, and the relevant national implementation reports once these became available.

XII. CAPACITY-BUILDING

72. Various delegations reported on capacity-building activities carried out since the last meeting of the Working Group. The secretariat reported that the annual capacity-building coordination meeting, originally scheduled for December 2007, had had to be postponed due to the difficulties in finding a suitable date.

73. UNITAR reported on its preparations for an International Conference on Environmental Governance and Democracy, being organized in conjunction with Yale University and with the support of UNECE, among others (Yale University, New Haven, Connecticut, United States of America, 10–11 May 2008; for further details, see <http://www.yale.edu/envirocenter/envdem/index.htm>).

74. REC reported on the second training for judges and prosecutors held in November 2007 in Albania in cooperation with the Magistrate School and funded by the Spanish International Cooperation Agency. It further reported that from the beginning of February 2008, a series of trainings was being held for civil society organizations involved in activities related to urban sustainability issues in South Eastern European countries, within an EU-funded project on e-PRTRs, which would also address issues related to the implementation of the Protocol on PRTRs.

75. European ECO-Forum reported on its public participation campaign, having held a workshop on using the compliance mechanism of the Convention in the context of the meetings of the Compliance Committee, as well as on its international strategy meeting that had resulted in the Vienna Declaration. It also reported on the launch of capacity-building workshops on the national and regional level, of which the first would take place in Kazakhstan and The former Yugoslav Republic of Macedonia.

76. The Netherlands reported on the publication of the Dutch translation of the Protocol on PRTRs and a brochure on the relationship between human rights and the environment, prepared by the Council of Europe and published by the Dutch Ministry of Foreign Affairs, and urged other Parties to publish this brochure in their own language.

77. The secretariat thanked the Netherlands, The former Yugoslav Republic of Macedonia and Spain for providing their translations of the Protocol, which had been made available to the public through the Aarhus Clearinghouse.

78. INTRAC reported on its organization of an international conference on civil society and capacity-building to link knowledge from practitioners and enable better organization, resulting in a book published by INTRAC, *Capacity Building for NGOs – Making It Work*. INTRAC encouraged Parties to consider the summary report of the conference, available at www.intrac.org/pages/CBprogramme.html.

79. Ukraine reported on its organization of seminars to provide information on the implementation of the Convention and to disseminate this information among national authorities and the general public, as well as on the setting-up of regional centres to provide support for activities in the context of the Convention.

80. Armenia reported on its activities to improve cooperation between the general public and public authorities on environmental matters, including involving the business sector through a seminar on economic development and environmental security and the organization of seminars on bioethics and the use of legal instruments under the Convention, which had been received with great interest. It reported that there was much interest among NGOs in obtaining information and advice on the options available to them under the Convention regarding their environmental rights. It noted the positive role played by the Aarhus Centre and the valuable involvement of the secretariat in the organization of a seminar on PRTRs in the fall of 2007.

81. Uzbekistan reported on its organization of roundtables with government officials and NGOs on environmental security, which aimed to involve the public and to communicate the requirements of the Convention. It announced that 14 such roundtables would be organized throughout the country in the coming period.

82. Albania reported that it had established two new Aarhus Centres and had held workshops with local government officials and NGOs.

83. The Chair noted the important work being done by the various Parties to promote implementation of the Convention. The Working Group took note of the various developments and activities as well as the needs described.

XIII. LONG-TERM STRATEGIC PLAN

84. The Chair of the Working Group presented, on behalf of the Bureau, a new draft of a long-term strategic plan (ECE/MP.PP/WG.1/2008/L.8). As no comments had been submitted during the commenting period agreed at the previous meeting, the Bureau had only been able to take account of the comments made at the previous meeting when adapting the previous version of the draft plan.

85. The Working Group proceeded to review the new draft. While several delegations, including Slovenia on behalf of the EU, suggested revisions, other delegations, including Parties

and observers, supported the text as prepared by the Bureau. During a round of general comments, European ECO-Forum expressed its disappointment at what it considered would be a weakening of the text that would result from many of the proposals made by the EU. It attributed this at least partly to the EU internal coordination procedures, which it considered as depriving citizens of EU countries of the opportunity to know the positions their Governments were taking, and introducing a major lack of transparency into the process.

86. Slovenia, on behalf of the EU, expressed its wish to emphasize the implementation of the provisions of the Convention rather than the need for improvements, while acknowledging that there was room for improvement. It noted that in order for the Convention to be an adequate instrument in the future, provisions should allow for adaptation to developments.

87. The Working Group reviewed part of the text of the draft decision, reflecting points where there was a lack of consensus with the use of square brackets, and agreed to establish a commenting period up to 7 March 2008 for comments to be submitted to the secretariat. The Bureau would then produce a consolidated draft, reflecting different opinions in square brackets, and forward it for consideration and possible adoption by the Meeting of the Parties. The Chair also indicated that the Bureau would prepare an informal paper proposing possible drafting solutions, which could be considered in parallel with the revised draft decision.

XIV. FINANCIAL STATUS REPORT

88. The secretariat reported on the status of financial contributions received in 2007 and early 2008 and the expenditures incurred in 2007. On the expenditure side, the secretariat provided a breakdown of expenditures incurred in 2007 according to work programme areas. On the basis of the information available at the time of the meeting, the income for 2007, adjusted to take account only of contributions earmarked for use in 2007, was US\$ 904,475. The expenditure for 2007 was \$847,792. The final figures, once confirmed, would be included in the financial report to the Meeting of the Parties.

89. The secretariat highlighted the positive developments regarding the Convention's financial status. The nominal level of the 2007 income itself, as well as its relation to expenditures was seen as positive and the overall position as quite healthy, while still not being sufficient to cover the anticipated core requirements. On the negative side, the secretariat noted the deteriorating value of the dollar and its adverse implications for the real level of the 2007 income of the Convention's trust fund, since many expenditures were incurred in currencies other than dollars, thus imposing an unpredicted but considerable cost on the implementation of the work programme.

90. The Working Group took note of the financial situation and concluded that the implementation of the 2006–2008 work programme could be carried out as planned. The Chair urged all Parties to consider increasing their contributions, taking into account the declining value of the dollar, and to make them earlier in the year.

91. The Chair invited delegations to state the amount of contributions intended to be contributed by their Governments for 2008. Their responses are summarized in the following table.

Table 1: Expected levels of contributions in 2008

Country or delegation	Amount to be contributed
Albania	Still under consideration.
Armenia	Noted that its contribution for 2007 had already been forwarded and that its contributions for 2008 and 2009 would be sent together.
Belgium	Noted that its contribution for 2008 was expected to be at a level comparable to that of 2007, but cautioned that its contribution might come late in the year.
Bulgaria	\$6,600.
Czech Republic	\$10,000, as in previous years.
Denmark	Contribution of \$33,724.91 for 2008 was deposited in 2007.
Estonia	\$10,000.
Finland	Noted that its contribution for 2008 of €15,000 was deposited in 2007, containing an increase of €5,000 compared with the contribution for 2007, due to the MoP3 taking place in 2008.
France	€60,000, in addition to the amount of €40,000 already contributed in 2007 for the subregional workshop on access to justice planned for autumn 2008.
Georgia	\$1,000.
Germany	\$60,000.
Greece	\$10,000, as in 2007.
Hungary	\$3,000, as in 2007.
Ireland	Confirmed its intention to make an informal contribution for 2008, expecting an increase compared to its 2007 contribution (€5,000), which was however subject to budgetary considerations.
Italy	Noted it would contribute for 2008, amount yet to be decided
Latvia	Contributed \$2000 for 2008 and will contribute in kind to the third meeting of the Parties.
Malta	Already contributed \$1,000 for 2008, the same as for 2007.
Moldova	Contribution of \$1,000 for 2007 sent but not received at the time of the Working Group meeting. Confirmed its intention to transfer its contribution for 2008 (at the levels of 2007) in the second half of 2008.
Netherlands	Confirmed its intention to contribute about \$ 30,000 for 2008, the same amount as for 2007, and will make a contribution in kind towards the organization of the workshop on GMOs.
Norway	\$20,000 for 2008, in addition to a contribution to cover travel expenses. Noted the adverse impact of contributions in U.S. dollars, due to the currency's value.
Poland	€5000.
Romania	\$2,500, as in 2007.
Slovakia	\$940, as in 2007.
Slovenia	€3,500, as in 2007.
Spain	€20,000, as in previous years.
Sweden	Already contributed \$19,975 for 2008, same as for 2007.
The former Yugoslav Republic of Macedonia	No information available as of yet.
Ukraine	Intends to contribute and requests an invitation by the Secretariat. Notes voluntary status of contribution scheme presents obstacle.
United Kingdom	Confirmed its intention to transfer its contribution for 2007/2008 before the third meeting of the Parties.
European Community	€100,000 for 2008.

XV. FINANCIAL ARRANGEMENTS

92. The Working Group continued the preparation of a draft decision on financial arrangements on the basis of the draft that was discussed at its previous meeting (ECE/MP.PP/WG.1/2007/L.13 and ECE/MP.PP/WG.1/2007/5, paras. 56–60).

93. Taking into account the proposal to include language ensuring continuation of the existing practice of providing financial support for NGOs, the Chair proposed inserting the following paragraph after paragraph 8:

“8 bis. Agrees that the practice of routinely providing financial support through the UNECE trust fund to facilitate the participation of environmental non-governmental organizations in meetings held under the auspices of the Convention, subject to availability of funds, should continue to apply on the same basis;”

94. Several delegations supported the proposal. However, Slovenia, on behalf of the EU, indicated a preference to reflect the text in the report of the Meeting of the Parties rather than in the decision on financial arrangements.

95. The Working Group agreed to reflect the newly suggested paragraph in the report of the Meeting of the Parties and to forward the draft decision on financial arrangements without further changes for consideration and possible adoption by the Meeting of the Parties.

XVI. WORK PROGRAMME 2009–2011

96. The Chair presented, on behalf of the Bureau, a procedural proposal whereby the Bureau would prepare a draft of the future work programme taking into account comments from delegations made during the meeting or submitted subsequently in written form during a three-week commenting period.

97. Slovenia, on behalf of the EU, announced that it would deliver its comments on the current work programme in time, but nevertheless regretted that no draft work programme had been put forward by the Secretariat and the Bureau for discussion at the meeting. This meant that no meaningful discussion could take place on other agenda items, such as the long-term strategic plan, as it was not possible to consider whether sufficient human and financial resources were available; or to prioritize between proposed activities where necessary.

98. The secretariat expressed its regret that it had not been able, with the Bureau, to prepare a draft of the work programme for 2009–2011, primarily due to shortage of staff which was in turn partly related to insufficient funding. The Chair added that it was difficult to know how to address certain substantive elements in the work programme while several draft decisions were still under discussion.

99. The Working Group mandated the Bureau to prepare a draft decision on the work programme for 2009–2011. It agreed upon a commenting period up to 7 March 2008, within

which delegations were invited to submit comments on the content of the work programme and how it should differ from the previous work programme.

XVII. ANY OTHER BUSINESS

100. The secretariat presented an informal note on developing a communication strategy for the Convention, to complement the anticipated adoption of the long-term strategic plan (LTSP) for the Convention. An earlier draft of the note had been presented to the Bureau at its seventeenth meeting (12 February 2008). The Bureau had requested the secretariat to further elaborate its content and circulate it to the Working Group. The Parties were asked to consider whether developing such a communication strategy would promote awareness of the Convention and further its implementation, strategic goals and objectives by crafting key messages and targeting constituencies considered to be essential for effective implementation of the Convention. It could also provide a framework for adopting the most effective means of communication, tailored to specific audiences, in a cost-effective manner. The communication strategy would provide the secretariat with guidance on concrete activities which could be undertaken during implementation of the Convention's work programme for the 2009–2011 triennium, in particular with respect to awareness-raising and capacity-building activities. The strategy could also highlight actions that could be undertaken by partner organizations in support of implementation of the Convention and/or its Protocol on PRTRs.

101. The note further proposed establishment of an ad hoc committee with a time-limited mandate to prepare a draft communication strategy for adoption by the Working Group of the Parties at its 2009 or 2010 annual meeting. Parties and Signatories would be invited to nominate experts for the committee drawn from the different functional areas of the Convention's work programme. The Convention's Bureau would finalize the selection of the committee's members, taking into account the nominations of Parties, functional representation of the areas of work, geographical representation, expertise in the field of communication, and the principle of public participation in the implementation of the Convention. Some delegations supported the idea of developing a communication strategy.

102. The Working Group agreed on the basis of a proposal from Slovenia, on behalf of the EU, not to include a specific agenda item on this issue at the meeting of the Parties, but rather to address the issue within the framework of the work programme and the long-term strategic plan.

103. Mr. Kaj Bärlund, Director of the UNECE Environment, Housing and Land Management Division, addressed the Working Group in light of his upcoming retirement after more than 12 years in his post. He recalled how he had travelled to Copenhagen to discuss the launch of negotiations on a public participation convention with Svend Auken, then Danish Minister of Environment, who subsequently chaired the Aarhus Conference at which the Convention was adopted. Mr. Bärlund emphasized that the sole decisive criterion for assessing the real importance of the Convention would always be its impact on the ground and the extent to which it succeeded in enabling ordinary citizens to influence decision-making. This core task of the Convention was especially important in countries without strong democratic traditions, where civil society was often quite weak. The national implementation reports currently in preparation would hopefully provide important guidance for the political emphasis of the future work. He

concluded by expressing the hope that the Convention would prosper, for the sake of the environment and ordinary citizens.

104. The Working Group thanked Mr. Bärlund for his support for the Convention from an early stage in its evolution and wished him well in his retirement.

XVIII. ADOPTION OF REPORT AND CLOSURE OF MEETING

105. The Working Group adopted its report based on a draft and entrusted the chair 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 Chair thanked the interpreters, the secretariat and the delegates for their participation, and closed the meeting.
