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### Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Working Group of the Parties

Twelfth meeting

Geneva, 30 June–2 July 2010

Item 4 (c) of the provisional agenda

### Report of the Expert Group on Public Participation on its First Meeting<sup>1</sup>

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<sup>1</sup> This report was prepared pursuant to a decision of the Working Group of the Parties at its eleventh meeting (ECE/MP.PP/WG.1/2009, para. 89).

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## Introduction

1. At its third session, the Meeting of the Parties agreed to address implementation of the Convention's second pillar by establishing, through decision III/9 on the work programme for 2009–2011, an intersessional body under the authority of the Working Group of the Parties in the form of an ad hoc expert group on public participation (ECE/MP.PP/2008/2/Add.17, para. 5).
2. The first meeting of the Expert Group on Public Participation was held from 7 to 8 July 2009 in Geneva.
3. The meeting was attended by representatives of 21 Parties, namely Armenia, Austria, Belarus, Croatia, Finland, France, Georgia, Germany, Greece, Italy, Kyrgyzstan, Latvia, Norway, Portugal, Slovakia, Spain, Sweden, Tajikistan, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the European Community,<sup>2</sup> represented by the European Commission; one Signatory, Ireland; and one other State, Uzbekistan.
4. The Association Nationale des Commissions Locales d'Information des activités nucléaires (ANCLI, France), the Global Legislators Organisation for a Balanced Environment (GLOBE) Europe, the Regional Environmental Center for Central and Eastern Europe and the Regional Environmental Centre – Moldova were also represented.
5. The following Aarhus Centres were represented: Aarhus Centre Minsk (Belarus) and the Osh Information Centre on the Aarhus Convention (Kyrgyzstan).
6. The following non-governmental organizations (NGOs) were represented: Caucasus Environmental NGO Network (Georgia) and Earthjustice (Switzerland), and within the framework of the European ECO Forum, the Association for Sustainable Human Development (Armenia), Khazer Ecological and Cultural NGO (Armenia), the Association of Socio Economic Research (Azerbaijan), ECOS (Azerbaijan), Teta Khazri (Azerbaijan), the European Environmental Bureau (Belgium), Friends of the Earth (France), Florozon Skopje (the former Yugoslav Republic of Macedonia), Elliniki Etairia – Hellenic Society for the Protection of the Environment and Cultural Heritage (Greece), Greenwomen Environmental Analytical Agency (Kazakhstan), Regional Development Centre (Kyrgyzstan), Eco-Tiras International Environmental Association of River Keepers (Republic of Moldova), Environmental Movement of Moldova, Sun Valley Association (Romania), the Ural Ecological Union (Russian Federation), the Foundation to Support Civil Initiatives (Tajikistan), Environmental Law Alliance Worldwide (United States of America), Bureau of Environmental Investigation (Ukraine), Environment-People-Law (Ukraine), International Charity Organization Green Dossier (Ukraine), MAMA-86 (Ukraine), Resource and Analysis Centre Society and Environment (Ukraine), and the Armon Women's Center for Environmental Law (Uzbekistan).
7. The following academic and business organizations were represented: EuropaBio (Belgium), Centre international de droit comparé de l'environnement (International Centre of Comparative Environmental Law), University of Limoges (France), Mutadis (France), Opole University (Poland), Monsanto International SARL (Switzerland), and CropLife International (United States).

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<sup>2</sup> The European Union replaced and succeeded the European Community as of 1 December 2009. However, since the meeting took place before that date, references to the European Community have been maintained throughout the document.

8. The Secretary to the Convention opened the meeting. He recalled that the Expert Group of Ireland had offered to lead the new work on public participation, a proposal that had been welcomed by the Meeting of the Parties at its third session (ECE/MP.PP/2008/2). He informed the meeting that the Irish Government had designated Mr. Philip Kearney to serve as Chair of the Expert Group. He also reminded the meeting of the possibility to elect one or more Vice-Chairs.

## **I. Election of officers**

9. Mr. Philip Kearney (Ireland) was elected Chair by consensus.

10. Ms. Aida Iskoyan (Armenia) was elected Vice-Chair by consensus.

## **II. Adoption of the agenda**

11. The Expert Group adopted the agenda for the meeting based on a provisional agenda prepared by the secretariat in consultation with the lead country.

## **III. Terms of reference for the establishment of a Task Force on Public Participation in Decision-making**

12. The Chair presented the Expert Group with draft terms of reference for a task force on public participation in decision-making, prepared in consultation with the Bureau of the Meeting of the Parties and with the assistance of the secretariat for consideration by the Working Group of the Parties at its eleventh meeting (ECE/MP.PP/WG.1/2009/L.1). He recalled that through decision III/9 on the work programme for 2009–2011 (ECE/MP.PP/2008/2/Add.17, para. 5 (b)), the Meeting of the Parties had given the Expert Group a mandate to advise the Working Group of the Parties on the terms of reference for a task force on public participation. The Chair invited the participants to comment on and propose any revisions to the draft terms of reference.

13. The Expert Group's discussions proceeded on the assumption that the terms of reference would be adopted at an extraordinary session of the Meeting of the Parties held in the first half of 2010, possibly back to back with the first session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers, and would cover a period up to the fifth session of the Meeting of the Parties. This implied a two-phased approach to the work of the future Task Force (the periods before and after the fourth session of the Meeting of the Parties) and a linkage with relevant elements of the strategic plan for 2009–2014 (ECE/MP.PP/2008/2/Add.16). Some experts reserved their positions on these assumptions.

14. The members of the Expert Group shared their comments on the draft document and prepared a revised version of the text, reflecting differences of opinion through the use of square brackets. The revised text was forwarded to the Working Group of the Parties for discussion at its eleventh meeting (Geneva, 8–10 July 2009).<sup>3</sup>

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<sup>3</sup> Following a request made by the Working Group of the Parties during its eleventh meeting, in which it was noted that many issues remained to be resolved with respect to the draft terms of reference, the Expert Group held an informal evening session on 8 July 2009 to carry out further work on the draft text. It reported back to the Working Group, presenting a text in which most of the outstanding issues had been resolved.

## **IV. Exchange of information and experience, collection of good practices**

15. Through decision III/9 on the work programme for 2009–2011, the Expert Group was mandated to coordinate information-sharing on public participation, including through the collection of good practice examples in the implementation of articles 6 to 8 of the Convention (ECE/MP.PP/2008/2/Add.17, para. 5 (a)). At its first meeting, the Expert Group exchanged thoughts and experiences with respect to the implementation of the relevant provisions of the Convention, addressing various aspects of public participation in decision-making on environmental matters.

### **1. Problems with implementing the second pillar identified in the national implementation reports**

16. A representative of the Regional Environmental Center for Central and Eastern Europe informed the meeting about certain problems encountered in implementing the public participation provisions of the Convention that had been identified in the national implementation reports. In assisting with the preparation of the synthesis report for the third session of the Meeting of the Parties, based on the national implementation reports, the Center had observed that legislative developments had taken place in many countries but that implementing regulations were often missing and that the scope of article 6 needed clarification, as well as the definition and consistent interpretation of “the public concerned”, with respect to which diverging practices existed, including among European Union (EU) countries.

17. Standing criteria for NGOs had been narrowed and there was a need for clarity as to when to provide public participation in multiple decision-making processes, e.g. when both environmental permits and construction permits needed to be granted and several legal obligations related to environmental protection were applicable, such as requirements under environmental impact assessment and the integrated pollution prevention and control directives. In addition, a lack of control over the level and quality of public participation was observed where developers were given responsibility for its implementation, particularly in countries in Eastern Europe, the Caucasus and Central Asia.

18. Notification of the public was often not performed adequately and detailed provisions did not exist on this issue, resulting in a lack of knowledge and ability on the part of officials and inadequate outreach to the concerned public. In some cases, notably in EU countries, only electronic tools were used; in other cases not all required information was provided or access to documentation was poor. Other problematic areas for the implementation of articles 6, 7 and 8 in the countries of Eastern Europe, the Caucasus and Central Asia, as well as in those of the EU, were as follows: a lack of reasonable timeframes for public participation; a lack of public participation in an early stage of decision-making; incomplete or inaccessible information; an absence of legislation to implement article 6, paragraphs 5, 9 and 10, and regulate public participation procedures under articles 6, 7 and 8, including early participation; procedures for taking due account of the outcomes of public participation efforts and the provision of information on how public comments were taken into account.

19. The speaker pointed out several problems concerning public participation in decision-making on plans, programmes and policies relating to the environment covered by article 7, including a lack of clarity on the scope of the article’s applicability because of the wide variety of plans and programmes and corresponding legislation, and a lack of legislation on public participation in strategic decision-making, particularly in the countries

of Eastern Europe, the Caucasus and Central Asia. In some EU countries the same public participation requirements were applied to policies, plans and programmes, while in others there was no legal obligation for public participation in political programmes or strategies. Noting that the quality of practical implementation varied between regions, within countries and between countries, the speaker emphasized that where there was a lack of public participation in the early stage of decision-making, public comments could not effectively influence the outcome, adding that this was mostly observed in Eastern Europe, the Caucasus and Central Asia.

20. The speaker further observed that with respect to the implementation of articles 7 and 8 in the EU, the exclusive use of electronic tools for public participation had resulted in a lack of transparency, feedback and debate, as well as a lack of clarity on how public comments had been taken into account. Regarding the preparation of legal regulations, covered by article 8, the speaker stressed that in the countries of Eastern Europe, the Caucasus and Central Asia as well as in those of the EU, timeframes for public participation in the drafting of normative acts were too short and drafts were published too late for effective commenting.

21. The Expert Group took note of this information and discussed weaknesses of present legal frameworks, definitions of “the public concerned” and “timely and effective notification”, and which criteria ought to be used to determine whether public participation was effective.

## **2. Findings of the Compliance Committee relating to the public participation provisions of the Convention**

22. A representative of the University of Opole (Poland), who was also a member of the Compliance Committee, informed the meeting about issues the Committee had been faced with in determining its findings and recommendations regarding implementation of the public participation provisions of the Convention. After giving an overview of legal complexities relating to the implementation of articles 6, 7 and 8, he elaborated on the difficulty of drawing a line between the scope of article 6 and that of article 7, distinguishing strategic from project-related decisions and noting that these were governed by different legal regimes involving varying levels of procedural detail. The speaker elaborated on the criteria that he considered should be used to distinguish decision-making processes falling under article 6 and 7, respectively. He recalled the Committee’s view that labels under Parties’ domestic law should not necessarily determine the categorization of such decision-making processes, as these should rather be categorized based on their legal functions and effects (ECE/MP.PP/C.1/2006/4/Add.2, para. 29).

23. Key legal issues relating to article 6 included timely notification, reasonable timeframes and early public participation. The requirement for early participation, when all options were still open, should apply within each procedure where public participation was required. The speaker raised the question as to how often and in which stage of multi-layered decision-making public participation should take place, as well as what constituted adequate and effective notification, adding that public participation could not be effective when a decision had already been taken. The Committee had found that the requirement for reasonable timeframes was met by providing approximately six weeks for the inspection of documents and preparation for a public inquiry, and approximately the same time for the public inquiry itself and the submission of public comments; however, the context needed to be taken into account in each case when determining what was a reasonable timeframe. Although due account should be taken of all public comments, this did not mean that the public had a right of veto.

24. In addition, key legal issues relating to articles 7 and 8 included the scope of strategic decisions covered by the Convention and the determination of the significance of environmental effects of executive regulations and other legally binding rules. Lastly, the obligations specified in article 8 were phrased in such general terms that it had given rise to confusion about the scope of their applicability, making it difficult for the Committee to formulate any findings relating to these obligations.

### **3. An NGO perspective on public participation problems in the UNECE region**

25. A representative of the European ECO Forum presented an NGO perspective on problematic aspects of public participation in the UNECE region. Stressing the importance of having a common understanding of what constituted public participation, the speaker noted that the level at which the public was involved varied with the relevant applicable legislation and the attitudes of different stakeholders involved. In addition, studies indicated that there was a serious lack of understanding and trust between stakeholders. This was seen to stem from decision-making structures in which decision-makers tended to defend decisions that had already been made rather than involving the public beforehand.

26. The speaker reported on the preliminary results of a survey carried out by the European ECO Forum, assessing the implementation of articles 6, 7 and 8 across the region, in which NGOs from various countries, including 13 Parties and three Signatories, had participated. Results indicated that national legislative frameworks were seen as more or less adequate with respect to articles 6 and 7, and as inadequate with respect to article 8. Implementation of laws and other government actions to provide public participation were mostly considered inadequate, while the effectiveness of laws and government efforts with respect to public participation was mostly considered highly inadequate. While a wealth of expertise and a wide range of methods were available to enhance public participation, there was a great lack of capacity and understanding on the issue and a perceived clash between representative and participatory democracy.

27. A representative of Austria acknowledged the need for a shared definition of what public participation meant in practice, referring to the standards of public participation adopted by the Austrian Council of Ministers in 2008, which included recommendations for good practice and offered guidance on providing public participation in plans and programmes. Emphasizing the importance of information, consultation, and cooperation, she also noted the need for a common understanding of how to take due account of public comments, stating that ideally a decision would be made in a collaborative process between public authorities and the public concerned.

28. A representative of the European ECO Forum remarked that in some countries, legislation on public participation was very poor, noting that national legislation needed to be brought in line with the Convention and should guarantee and enshrine public participation. She expressed the hope that a future task force on public participation would be able to assist countries in improving their national legislation.

### **4. Good practices in the application of public participation principles and legislation**

#### **(a) Key elements of public participation procedures**

29. A representative of the University of Limoges International Centre of Comparative Environmental Law (France) stated that public participation was the weakest link in the processes taking place under the Convention and that some seemed to perceive it as a

luxury and even superfluous subject, while others saw it as an instrumental mechanism to legitimize public policies. Noting the need for relevant mechanisms to be in place to achieve effective public participation, the speaker pointed out that neither public participation in decision-making nor consultation were clearly legally defined in the Convention, leaving them open to various interpretations. Adding that participation was often seen to be a negotiation or an opportunity for dialogue, and on a higher level than consultation, he remarked that uncertainty about the meaning of these terms led to difficulties in implementing the Convention.

30. The speaker emphasized the need for consensus on what constituted a decision-making process, as well as the need for public authorities to be committed to implementing the Convention, to take on a proactive role and to endeavour to actively involve the public. He noted that if authorities refused to provide relevant information, they were in violation of the Convention and a case could be brought before a domestic court or the Compliance Committee. He stressed the importance of clear administrative procedures and legal structures for public participation in environmental matters and noted that some countries applied public participation principles not only in the environmental field but also in other areas of governance, potentially causing confusion about which category of law the relevant legislation should belong to. Different types of decisions were subject to different legal regimes, involving different procedures for public participation and creating a need for clarity on the scope of participation in the various decision-making processes. Further, different implementation conditions might require different strategies to achieve compliance with the Convention.

31. A public participation consultant from Austria stressed the need for a broad interpretation of the public concerned, in order to include a wide range of interests and not hamper the ability of individuals or groups to make a claim of interest. Further, there was a need to involve critical voices early on and incorporate their concerns rather than face a confrontation at a later stage. With respect to notifying the public, it was important to use multiple means of communication in as many ways as possible, and to adjust them to fit relevant target groups. A good example was the EU portal for open consultation processes, “Your voice on Europe 2020”, which included a newsletter. The speaker also stressed the importance of providing reasonable timeframes, particularly for the submission of public comments, and recommended a commenting period of 6–12 weeks and more if a vacation fell within the period. In addition, reasonable timeframes improved the quality of submissions. Early opportunities for public participation should be provided at the start of the drafting process for a plan, programme or policy, e.g. through roundtables, because the decision-makers were likely to be more resistant to incorporating different views when a draft had already been completed.

32. With respect to the provision of adequate access to information, there was a need to make balanced information available that addressed different aspects of an issue, and to actively inform interested groups. Referring to the Austrian standards for public participation, the speaker noted that taking due account of public comments entailed reviewing, discussing and evaluating the comments and taking them into consideration during the drafting of a policy, plan, programme or legal instrument. Subsequently, a report on the consultation process should be made available, clarifying how and why the comments were incorporated or not. The speaker also recommended facilitation of the public participation process by a third party who was trusted and respected by both the public authorities and public stakeholders.

33. A representative of the European ECO Forum pointed out that some Parties considered environmental impact statements to be private intellectual property and that documents held by authorities were sometimes not allowed to be made public. Some Parties charged disproportionately high fees for producing copies of documents, in violation of the

Convention. He supported the recommendation to involve a third party in discussions between public authorities and the public to deal with the process rather than the content, stating that the role of facilitator was essential in a dialogue. He also noted the need for mechanisms to ensure that legislation worked in practice and called attention to an example of good practice with respect to article 8 in Ireland, where a regulatory impact analysis (RIA) was routinely conducted involving public participation at two levels. An informal public consultation took place during the screening RIA, in which potential impacts on the environment of proposed regulations were examined. If significant negative environmental impacts were identified, a full RIA had to be conducted with a compulsory formal public consultation. The informal consultation was not necessarily publicly advertised or all-inclusive, while the formal consultation was usually based on a written document containing the outcome from the screening RIA, encompassed a wider population, involved a specific time period for responses and should be widely publicized through appropriate channels such as national media and government websites.

34. A representative of Armenia noted the need to establish a mechanism for dealing with cases in which public comments were not taken into account, raising the question of what type of procedure would be needed, as well as of how the impact of draft legislation on the environment should be assessed.

35. In response to the concerns raised with respect to a shared definition of public participation (see para. 29), the representative of the Regional Environmental Center for Central and Eastern Europe remarked that the Convention provided a framework for understanding the meaning of the term “public participation” by promoting transparent and accountable decision-making and a rights-based approach to participation, while acknowledging the rights of everyone to live in a healthy environment.

**(b) Building capacity and expertise among the public and public authorities**

36. A representative of the Aarhus Information Centre in Osh, Kyrgyzstan, noted that the Centre helped to build capacity for public participation by promoting cooperation and a free flow of information between authorities and civil society. In addition, it facilitated meetings upon request by public authorities or NGOs. He stressed the value of involving a third party such as an Aarhus Centre to facilitate and mediate, and of allowing the Centres to be a platform for environmental problem-solving. Although the public participation process should take place before decisions were made, the Centre had been confronted with *faits accomplis* on numerous occasions. Other activities of the Centre included organizing training sessions on the Convention for local and regional authorities, environmental management bodies and NGOs in regions where breaches of legislation occurred, as well as organizing public hearings on environmental issues to bring decision makers, the affected public and other stakeholders together and thereby stimulate participatory and environmentally sound decision-making.

37. The speaker described various problems hampering public participation, including insufficient technological and human resources, a lack of knowledge of legislation among the public and a lack of experience among the public in addressing complaints to authorities. Nevertheless some improvements had been observed, such as a more active local population and better cooperation between authorities and the public. The Organization for Security and Co-operation in Europe (OSCE) had played a vital role in the establishment of Aarhus Centres, enabling the Osh Centre to ensure that environmental information reached the population and to get people involved in decision-making. The Centre had also organized trainings for judges and legal professionals.

38. A representative of the Regional Development Centre (Kyrgyzstan) noted that one Aarhus Centre was not enough and that six more had therefore been established in Kyrgyzstan with the support of the OSCE. He emphasized the value of these Centres, since

the public was largely unaware of its rights and of human rights in general, and the Centres were essential in disseminating and providing such information. The Regional Development Centre had gained much experience working with the Aarhus Centres and was keen to share this information with others at an international level.

**(c) Making public participation procedures more effective at different levels (national, provincial, local)**

39. A representative of the French National Association of Local Information Commissions (Association Nationale des Commissions Locales d'Information (ANCLI)), responsible for providing information on nuclear activities at the local and national level, reported on its Aarhus and nuclear initiative in the context of the European Nuclear Energy Forum. Through the organization of workshops and roundtables for citizens, NGOs and other stakeholders, the initiative aimed to assess the practical implementation of the Convention in the nuclear field in the EU at the local, national and European level. Noting that the provisions of the Convention applied to nuclear activities, the speaker stated that although some progress had been reported, implementation did not meet expectations and in particular the goal of transparency had not been reached. Changes in legislation should be complemented by the opening up of institutions, the broadening of local participation, capacity-building and empowerment of citizens. Furthermore, the implementation of the Convention in the nuclear field required translation and adaptation to the specific context of the country or activity in question, since each country had its cultural, legal and institutional particularities and the Convention applied to different aspects of nuclear activities, including the building, operation and decommissioning of nuclear facilities and the problem of nuclear waste.

40. As part of the Aarhus and nuclear project, ANCLI planned to organize several national and European roundtables in 2010, for which thematic priorities were being identified. The roundtables would address general issues relating to the Convention in a concrete way by placing them in the context of the nuclear field. Aiming to foster dialogue and participation, the roundtables would involve institutions and civil society and focus on both legal aspects and practical experience, including good and bad practices.

41. The Expert Group discussed the need to develop effective policies for involving the public in decision-making on nuclear waste facilities, public concern over nuclear problems, the practice of applying exceptional legislation to nuclear issues which circumvented conventional law and the need to apply the Convention in strategic decision-making on energy issues.

**(d) Applying public participation procedures in transboundary contexts**

42. The representative of the University of Opole (Poland) addressed the meeting on the application of public participation principles in a transboundary context. Compared with non-transboundary public participation procedures, public participation in a transboundary context tended to be more limited in scope and based on reciprocity between the countries concerned, which shared responsibility for the process. With respect to the principle of non-discrimination as formulated in article 3, paragraph 9, of the Convention, the speaker noted that members of the public of a non-Party State enjoyed rights derived from the Convention vis-à-vis all Parties to the Convention. He also pointed to the need for internationally applicable and broad definitions of terms such as “non-governmental organizations”, “public” and “the public concerned”, stating that by definition the public concerned could encompass all interests. The choice of language and means of notification could pose a dilemma when several countries were involved in a public participation process, since different languages and media were used by respective national constituencies. The speaker also emphasized the importance of timely notification in transboundary procedures. He

raised the question as to whether Parties concerned should have an obligation to translate relevant documentation, as well as where and in which country documents should be made available. Similar concerns were expressed with regard to the language in which comments should be submitted, the location of public hearings and the issue of translation during such hearings.

43. A representative of the European ECO Forum stressed the importance of using a broad definition of “the public concerned” in transboundary cases, as the broader affected public might be different from the public directly involved in a transboundary project, programme, policy or legal instrument with an environmental impact.

44. A representative of the European Commission noted that the European Community attached great importance to the transboundary context of public participation issues, for which specific rules were in force in EU member States. States that were Parties to both the Aarhus and Espoo Conventions had obligations derived from both the nationally applicable Aarhus provisions and the Espoo provisions that applied to a transboundary context. He expressed doubt about the possibility of applying the non-discrimination principle to States that were not a Party to the Convention.

## **5. Summary of discussion**

45. The Expert Group took note of the information provided and the views exchanged. The Chair invited the participants to share their views and pose questions after each presentation, giving the various presenters the opportunity to elaborate on the issues raised. Participants expressed satisfaction with the good start that had been made with respect to the Expert Group’s mandate to exchange information and experience and collect good practices. The Chair noted there had been a useful discussion and exchange of information.

## **V. Mechanisms for information exchange and dissemination**

46. The secretariat presented various options and mechanisms for the exchange and dissemination of information, drawing from its experience in connection with the activities of the Task Force on Electronic Information Tools. It recalled decision III/2 on electronic information tools and the clearinghouse mechanism, through which the Meeting of the Parties encouraged countries to use the full potential of information and communication technology to improve the involvement of the public in environmental decision-making, to develop national programmes and strategies for e-participation in such decision-making at all levels, and to create quality e-content on environmental information. Through the decision, the Meeting also welcomed the further development of the Aarhus Clearinghouse and the application of the recommendations in decision II/3 to promote public participation in environmental decision-making through electronic means. It further mandated the Task Force to document case studies on the use of information and communication technology to promote public access to environmental information and public participation in environment-related decision-making.

47. The secretariat reported on the development of online mapping of countries’ participation in multilateral environmental agreements, as well as on the construction of an online database for national implementation reports to facilitate public access to the reports, contribute to the transparency of implementation, promote the sharing of good practices, and facilitate the comparative analysis of national and subregional gaps and needs. The new database would be integrated into the Aarhus Clearinghouse and would allow the public to perform multiple searches and view the content in English, French and Russian. The secretariat further reported on the development of an online system for the preparation of,

and public consultation on, national implementation reports. It also reported on its efforts to facilitate electronic public participation as part of climate change mitigation, including a feasibility study on the use of teleconferencing and webcasting during meetings under the Convention.

48. The Expert Group took note of this information.

## **VI. Organization of future work**

49. The Chair invited participants to share their views on the organization of the future work of the Expert Group, including the scheduling of its next meeting, and encouraged all countries to contribute to the work, e.g. by hosting the next meeting of the Expert Group if they would be in a position to do so.

50. No indications were given that any country other than the lead country would be in a position to host the next meeting of the Expert Group.

51. It was recognized that the lifespan of the Expert Group, and therefore its plan of work, would depend upon whether a task force on public participation would be established during the first half of 2010 as widely envisaged (see para. 13). Similarly, whether the Expert Group would be called upon to do further work in relation to the preparation of draft terms of reference for such a task force would depend upon the outcome of the forthcoming discussions on the matter among the Working Group of the Parties. Thus the question of whether a further meeting of the Expert Group would be held, and if so, when, was left open.

## **VII. Adoption of conclusions and close of the meeting**

52. The Chair summarized the conclusions, recommendations and decisions of the Expert Group, thanked the interpreters and the participants for their contributions and the secretariat for its support, and closed the meeting.

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