Public participation under Article 8

Working Group of the Parties
Thematic Session on Public Participation
Geneva, 26 June 2019
Key legal requirements

• Executive regulations and other generally applicable legally binding rules
• Decision-making processes – „that may have a significant effect on the environment”
• Principle of „effective public participation” at an appropriate stage
• Sufficient timeframes
• Commenting directly or through representative consultative bodies
• Access to draft rules
• Due account taken of the results „as far as possible”
Key systemic challenges

• Scope of executive regulations and other generally applicable legally binding rules “that may have a significant effect on the environment”
• Commenting directly vs through representative consultative bodies
• No sufficient time-frames
• Lack of effective notification
Key positive trends

• Possibility for commenting for everyone
• Electronic accessibility of all relevant documents
• Requirements for
  – recording all comments
  – clearly addressing each comment in the table
Key systemic actions to be taken by Parties to improve the situation

• Assuring possibilities for public participation in case of all executive regulations and other generally applicable legally binding rules “that may have a significant effect on the environment”

• Introducing mechanisms to assure sufficient time-frames

• Providing effective means of notification

• Enhancing access to “all relevant information”