



## **Contribution by the EU and its Member States and Croatia to the 16th Working Group of the Parties to the Aarhus Convention (WGP 16)**

### **Proposal on preparation of an in-depth evaluation of the current functioning and implementation of the Convention (ECE/MP.PP/WG.1/2013/8)**

#### Item 8(b)(1) of the provisional agenda for WGP 16

- (1) The EU and its Member States and Croatia would like to thank the Bureau and the Secretariat for their work in preparing the draft report: An Evaluation of the current functioning and implementation of the Convention.
- (2) The draft report provides a detailed and comprehensive study of certain aspects of the workings of the Convention; in particular, its focus on the functioning of the various task forces is useful in providing a comparison between the task forces. The small sample size, resulting in a correspondingly low confidence level in the survey results, is acknowledged in the report and should be a consideration in the making of possible recommendations on foot of this study.
- (3) The role of oversight of activities on a national level is a role for the Aarhus Convention Compliance Committee and national judicial systems and we do not support the expansion of the remit of any other Convention bodies, including task forces, to include this function.
- (4) Part III of the report makes a number of negative assumptions regarding the attitude of EU Member States to the Convention. Some of these appear to be based on individual comments received and therefore the validity of the prescribed attitude is questioned. For example in paragraphs 123 - 124 “*As one interviewee states, the western countries considered that the Convention was “not for them” ...*” or “*The relative “backwardness” of the West – to use a phrase from one interviewee...*” Such comments appear to be summarised as evidence of “strong resistance” in paragraph 125 from some EU Member States which is again included in very strong language in paragraph 171. The EU and its Member States wish to reiterate their commitment to the Convention and request that the text be generally amended to more accurately reflect that in many cases these views were expressed by one respondent rather than being representative of the views of the majority; the inclusion of an explicit proviso to that effect would be welcomed. Specific amendments that we would also request are:

- Para 123 – “*According to one interviewee statement, some EU Member States have given the impression that the Convention was “not for them anymore...”*”
- Para § 171 - add “*potential*” before “*ambivalence*”.
- Para § 171 – replace “*come to grips*” with “*recognise*”.

- (5) In respect of the relationship between Parties, we support on-going and regular communication and have welcomed the recent development of informal discussions between the EU and its Member States and NGO representation in advance of Working Groups and Meetings of the Parties; Part III omits references to this and we would like that such references be included.
- (6) We welcome the proposed future role of the three thematic task forces as bodies for the exchange of information and for exploring activities for future Convention activities under each of the three pillars in conjunction with the production of concrete outcomes; for example, the development of guidance materials and online resources to facilitate the practical implementation of the Convention.
- (7) Further information is requested on how the proposed increased role of these task forces in relation to reporting requirements can be married with the evident resistance to any increased involvement of task forces in examining national implementation of the Convention as referred to in point (3) above given that the production of these reports is solely a national task.
- (8) It is important that the continuation of the existing task forces be further explored, and that it be verified that they continue to play a useful role. We do not believe that it would be appropriate that these continue indefinitely without regular examination of their workings, outcomes and remit.
- (9) Attendance at task forces should be facilitated through remote technology / electronic communications, including through the use of web conferencing; this may lead to increased attendance and engagement without increasing financial burden for Members.
- (10) Further information is requested on the proposed use of private companies to provide training, capacity building and other technical services; in particular how such initiatives are going to be financed.
- (11) In conclusion, the EU and its Member States and Croatia consider that at this stage, the work of the Convention should focus on implementation of the current tasks rather than on expanding the scope of the Convention.