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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

Seventeenth meeting

Geneva, 26–28 February 2014

## Report of the seventeenth meeting of the Working Group of the Parties

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## **I. Introduction**

1. The seventeenth meeting of the Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 26 to 28 February 2014 in Geneva, Switzerland.

### **A. Attendance**

2. The meeting was attended by delegations from the following Parties and Signatories to the Convention: Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union (EU), Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkmenistan, Ukraine and United Kingdom of Great Britain and Northern Ireland.

3. A delegate from Uzbekistan was also present. A delegate from Chile participated by video link.

4. Also present were representatives of the United Nations Environment Programme (UNEP), the Organization for Security and Cooperation in Europe (OSCE), and the Economic Commission for Latin America and the Caribbean (ECLAC), the latter participating by video link. The meeting was also attended by the representatives of the European Investment Bank (EIB), Regional Environmental Centres, Aarhus Centres and business and academic organizations. Furthermore, representatives of international, regional and national environmental non-governmental organizations (NGOs) participated in the meeting, many of whom coordinated their input within the framework of the European ECO Forum.

### **B. Opening of the meeting and organizational matters**

5. The Working Group adopted its agenda as set out in document ECE/MP.PP/WG.1/2014/1.<sup>1</sup>

6. At the invitation of the delegate from Ukraine, the Working Group of the Parties observed a few moments of silence to remember recent tragic events in Ukraine.

7. The Chair informed the Working Group that, with a view to ensuring equal opportunities for English-, French- and Russian-speaking delegations, the meeting would result in a list of decisions and outcomes that would be distributed by e-mail to meeting participants around 30 minutes before the close of the meeting and would be presented by the Chair verbally for adoption, thereby allowing for interpretation. The adopted list of decisions and outcomes would be distributed to participants by e-mail after the meeting and would be incorporated in the report.

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<sup>1</sup> Documents for the meeting are available online from <http://www.unece.org/env/pp/aarhus/wgp17.html>. Statements delivered at the meeting that were made available to the secretariat by presenters are also accessible from this web page.

## **II. Status of ratification of the Convention and the Protocol on Pollutant Release and Transfer Registers**

8. The secretariat reported on the status of ratification of the Convention, the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) and the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs). At time of the meeting there were 46 Parties to the Convention, 33 Parties to the Protocol on PRTRs and 27 Parties to the GMO amendment. Since the sixteenth meeting of the Working Group of the Parties in June 2013, the Republic of Moldova had ratified the Protocol on PRTRs (on 23 December 2013). There had been no new ratifications of the Convention or the GMO amendment.

9. The Working Group took note of the information provided by the secretariat and welcomed the ratification of the Protocol on PRTRs by the Republic of Moldova. It further welcomed the statement by a representative of Switzerland on the country's intent to ratify the Convention and its amendment on 3 March 2014.<sup>2</sup> The Working Group also took note of information provided by other delegations on recent developments, including from Turkmenistan and Belarus with regard to their plans for ratifying the Protocol on PRTRs.

## **III. Substantive issues**

### **A. Access to information**

10. Turning to access to information issues, the Working Group considered the section of the report on the implementation of the work programme for 2012–2014 concerning access to information, including electronic information tools, the clearinghouse mechanism and PRTR.net (see ECE/MP.PP/WG.1/2014/3).

11. The Working Group took note of the report of the second meeting of the Task Force on Access to Information (Geneva, 16–17 December 2013) (ECE/MP.PP/WG.1/2014/4), presented by the representative of the Republic of Moldova on behalf of the Chair of the Task Force, as well as the information provided by other delegates on recent developments related to access to information.

12. The Working Group then considered a draft decision on access to information (ECE/MP.PP/WG.1/2014/L.1). Pursuant to the discussion, the Working Group reached a consensus on the draft document. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.1)<sup>3</sup> and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session (Maastricht, the Netherlands, 30 June–2 July 2014).

### **B. Public participation in decision-making**

13. The Working Group next considered the section of the report on the implementation of the work programme for 2012–2014 concerning public participation in decision-making.

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<sup>2</sup> Switzerland has since ratified the two instruments, as planned, on 3 March 2014.

<sup>3</sup> All conference room papers (CRPs) are also available on the web page of the meeting <http://www.unece.org/env/pp/aarhus/wgp17.html>.

14. The Working Group took note of the information provided by delegations on recent developments related to public participation in decision-making.

15. The Working Group then considered a draft decision on public participation in decision-making (ECE/MP.PP/WG.1/2014/L.2), but did not reach a consensus on several parts of the text. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.2) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session. The Working Group also agreed on the final unedited text of the recommendations on public participation in environmental decision-making and requested the secretariat to make the document available to the Meeting of the Parties at its fifth session without any substantive changes, subject only to editing in accordance with the rules for the presentation of official United Nations documents.

### **C. Access to justice**

16. Turning to access to justice issues, the Working Group took note of the report presented by the Chair of the Task Force on Access to Justice on the seventh meeting of the Task Force, which had been held on 14 and 15 March in Geneva, back to back to the seventeenth meeting of the Working Group. It also took note of other information provided by delegations on recent developments related to the subject area, and considered the section of the report on the implementation of the work programme for 2012–2014 concerning access to justice.

17. The Working Group then considered a draft decision on promoting effective access to justice (ECE/MP.PP/WG.1/2014/L.3). Pursuant to the discussion, the Working Group reached a consensus on the draft document. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.3) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

### **D. Genetically modified organisms**

18. The Working Group took note of the report presented by the secretariat on the joint round table on access to information, public participation and access to justice regarding living modified organisms/genetically modified organisms (Geneva, 16–17 October 2013) (ECE/MP.PP/WG.1/2014/6), and expressed its appreciation to the Government of Austria for its leadership of the work area on genetically modified organisms (GMOs). It also considered the section of the report on the implementation of the work programme for 2012–2014 concerning GMOs and took note of the information provided by delegations.

19. The Working Group expressed its serious concern that, although objective II/3 of the Strategic Plan 2009–2014 (see ECE/MP.PP/2008/2/Add.16, annex) envisaged that the GMO amendment would be approved by a sufficient number of Parties to enter into force by 2009, that objective had not been achieved.

20. The Working Group called upon the Parties whose ratification of the GMO amendment would count towards its entry into force — i.e., Albania, Armenia, Azerbaijan, Belarus, France, Georgia, Kazakhstan, Kyrgyzstan, Malta, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine — to take serious steps towards ratification, and requested them to report at the fifth session Meeting of the Parties on the progress achieved.

21. The Working Group considered and approved the respective section in the draft decision on the work programme for 2015–2017 (AC/WGP-17/CRP.6).

## **IV. Procedures and mechanisms**

### **A. Compliance mechanism**

22. The Working Group considered the section of the report on the implementation of the work programme for 2012–2014 concerning the compliance mechanism and took note of the information provided by the secretariat on the outcomes of the Compliance Committee's forty-first (Geneva, 25–28 June 2013), forty-second (Geneva, 24–27 September 2013) and forty-third (Geneva, 17–20 December 2013) meetings (see ECE/MP.PP/C.1/2013/6, ECE/MP.PP/C.1/2013/8 and ECE/MP.PP/C.1/2013/11, respectively). Since the fourth session of the Meeting of the Parties (Chisinau, 29 June–1 July 2011), the Compliance Committee had held 10 meetings at which it had followed up on the implementation of decisions IV/9a-i concerning compliance by Armenia, Belarus, Kazakhstan, the Republic of Moldova, Slovakia, Spain, Turkmenistan, Ukraine and the United Kingdom. The Committee had received 36 new communications since the last session of the Meeting of the Parties, out of which 27 had been ruled admissible and were now pending at different stages of the process.

23. The Working Group took note of the statements made by delegations and the information provided by the secretariat that the Bureau would start working on decisions regarding compliance matters in March. The decisions related to compliance matters would be submitted directly to the Meeting of the Parties at its fifth session.

24. The Working Group then considered and approved the section in the draft decision on the work programme for 2015–2017 (AC/WGP-17/CRP.6) concerning the compliance mechanism.

### **B. Capacity-building and awareness-raising**

25. The Working Group considered sections of the report on the implementation of the work programme for 2012–2014 on capacity-building activities and on awareness-raising on and promotion of the Convention and the Protocol on PRTRs.

26. The Working Group took note of the report of the eighth capacity-building coordination meeting (AC/WGP-17/Inf.3) and information related to capacity-building and awareness-raising presented by delegations.

27. Belarus informed the meeting about a workshop on advancing the implementation of the Aarhus Convention in Belarus (Minsk, 29–31 January 2014), and expressed its appreciation to the United Nations Economic Commission for Europe (ECE) and OSCE for their cooperation and support for the event.

28. The Working Group also took note of information provided by delegations on their capacity-building activities, including by the Regional Environmental Centre for Central and Eastern Europe, the Quakers United Nations Office and the European ECO Forum.

29. The Working Group welcomed the cooperation of the secretariat on capacity-building activities with other partners, including within the framework of the Environment and Security Initiative.

30. The Working Group considered and approved the section in the draft decision on the work programme for 2015–2017 (AC/WGP-17/CRP.6) concerning capacity-building and awareness-raising.

## **V. Accession by States not members of the United Nations Economic Commission for Europe and promotion of the Convention's principles in other regions**

31. Representatives from the Ministry of Foreign Affairs and the Ministry of Environment of Chile and from ECLAC made a presentation via video link on the Declaration on the Implementation of Principle 10 of the Rio Declaration on Environment and Development in Latin America and the Caribbean, which aimed to promote the rights of the public in environmental matters based on regional consensus and with the participation of civil society. The delegates from Chile presented the outcome of the third meeting of the focal points appointed by the Governments of the signatory countries, which had been held in Lima on 30 and 31 October 2013. At the meeting signatory States had set priority action lines for capacity-building and cooperation and approved a common vision for the regional instrument. The initiative had grown in membership, and to date had 18 signatory countries, potentially addressing more than 500 million people. In recent months, Argentina, Brazil, Colombia, El Salvador, Guatemala, Honduras, Saint Vincent and the Grenadines and Trinidad and Tobago had joined the Declaration to which Chile, Costa Rica, the Dominican Republic, Ecuador, Jamaica, Mexico, Panama, Paraguay, Peru and Uruguay had initially committed.

32. The Chair also informed the Working Group about his participation at the Lima meeting in October, where he had had an opportunity to share the experiences of Parties in implementing the Aarhus Convention and had presented the benefits for the Parties in engaging in a legally binding instrument.

33. The Working Group took note of the statements by delegations, welcomed the progress in developing a regional instrument on the application of Principle 10 of the Rio Declaration in Latin America and the Caribbean and reiterated its support to that important initiative. The Chair invited Chile and ECLAC to the upcoming fifth session of the Meeting of the Parties at which the Parties to the Aarhus Convention would very much welcome a presentation on concrete outcomes of the process.

34. The secretariat informed the Working Group about the outcomes of the recently completed Environmental Performance Review of Morocco, which had been undertaken by ECE at the invitation of the Government of Morocco and in cooperation with the Economic Commission for Africa.<sup>4</sup> The Working Group in particular welcomed the acceptance by the Moroccan authorities of the Review's recommendation that the country should consider acceding to the Aarhus Convention and its Protocol on PRTRs.

## **VI. Implementation of the work programme for 2012–2014, including financial matters**

35. With regard to the work programme for 2012–2014, including financial matters, the Working Group took note of: (a) the report on the implementation of the work programme

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<sup>4</sup> United Nations publication, Sales No. E.14.II.E.5.A available from <http://www.unece.org/index.php?id=35483>.

for 2012–2014 (ECE/MP.PP/WG.1/2014/3); (b) the overview of contributions and expenditures in relation to the implementation of the Convention’s work programme for 2012–2014 (ECE/MP.PP/WG.1/2014/7); (c) the note on the ratio of extrabudgetary contributions vis-à-vis regular budget contributions for environmental activities of ECE (AC/WGP-17/Inf.2); and (d) information provided by the secretariat on the human resources situation of the Convention secretariat.

36. The secretariat informed the Working Group about the recent contributions not reflected in the report on implementation, as set out in the table below.

Table 1  
**Contributions received after 6 December 2013**

(in United States dollars)

<i>Donor country</i>	<i>Contributions received</i>	<i>Remarks</i>
Albania	3 000	For Aarhus Convention 2013, received in 2014
	2 994	For Aarhus Convention 2013, received in 2014
Austria	13 758	For Aarhus Convention 2014
Bosnia and Herzegovina	1 359	For Aarhus Convention and Protocol on PRTRs 2013
Cyprus	503	For Protocol on PRTRs, year unspecified
Estonia	543	For Protocol on PRTRs 2013
Germany	60 000	For Aarhus Convention 2014
Greece	1 000	For Aarhus Convention 2012, received in 2013
	1 000	For Aarhus Convention 2013
Italy	135 685	For Aarhus Convention 2014
Lithuania	1 000	For Aarhus Convention and Protocol on PRTRs 2013
Norway	32 066	Additional contribution for Aarhus Convention 2013
	60 817	For Aarhus Convention and Protocol on PRTRs, received in 2013 for 2014
	24 049	Additional contribution for Protocol on PRTRs 2013
Poland	6 793	For Aarhus Convention 2014, received in 2013
Slovakia	1 031	For Aarhus Convention 2013
	678	For Protocol on PRTRs 2013
<b>Total</b>	<b>346 276</b>	<b>(of which 28 768 explicitly for the Protocol on PRTRs)</b>

37. The Working Group took note of the pledges provided by delegations present at the meeting of their planned financial contributions for 2014, as per the table below, and called upon Parties to proceed with making their financial contributions as soon as possible.

Table 2  
**Pledges of planned financial contributions for 2014**

<i>Country</i>	<i>Pledges for 2014 contributions</i>
Armenia	Looking into possibility of increasing the contribution from previous year
Azerbaijan	Not in a position to inform the meeting
Belarus	The contribution is expected to be transferred in March 2014
Belgium	The same amount as in 2013
Croatia	3,000 EUR for Aarhus Convention and 3,000 EUR for Protocol on PRTRs
Estonia	The same amount as in 2013
Finland	5,000 EUR, and additional contribution of 5,000 EUR
France	The same amount as in 2013
Georgia	500 USD for Aarhus Convention and 300 USD for Protocol on PRTRs
Iceland	Will contribute, but amount has not been decided yet
Kazakhstan	Not in a position to inform the meeting
Kyrgyzstan	Contribution will be made shortly
Netherlands	The same amount as in 2013; additional contribution also considered; in addition the Netherlands are organizing the upcoming sessions of the Meetings of the Parties
Serbia	Contribution is planned in March for the Convention; for Protocol on PRTRs the decision has not been made yet
Slovakia	The same amount as in 2013 for both instruments
Spain	Not in a position to inform the meeting
Sweden	The same amount as in 2013
Switzerland	Will follow the adjusted United Nations scale of assessment as a reference for the amount of their contribution
Ukraine	Not in a position to inform the meeting

38. The Working Group welcomed the synergies with partner organizations that had helped the effective implementation of the work programme.

39. The Working Group recognized the urgent need to allocate resources from the United Nations regular budget to support the work of the Aarhus Convention.

## **VII. Promotion of the principles of the Convention in international forums**

40. The Working Group considered the section of the report on the implementation of the work programme for 2012–2014 concerning the promotion of the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines).

41. In that connection, the Working Group considered a draft decision on promoting the application of the principles of the Convention in international forums (ECE/MP.PP/WG.1/2014/L.4), but did not reach a consensus on several parts of the text. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.4) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

### **A. Follow-up from the previous thematic session**

#### **Measures to systematically promote the principles of the Convention in all forums dealing with matters relating to the environment**

42. The Chair of the thematic session on the promotion of the principles of the Convention in international forums expressed his appreciation to the 21 Parties<sup>5</sup> that had completed the “three-minute survey” prepared by the secretariat on measures at the national level to systematically promote the principles of the Convention in international forums. The results of the survey, undertaken in 2013–2014, were summarized and presented by the secretariat.

43. The session Chair outlined the main features of the checklist of measures to be borne in mind by Parties when developing a national action plan to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment. The checklist had been a major outcome of the current intersessional period and participants were encouraged to use that valuable tool. The checklist had been prepared by the secretariat in consultation with the Chair of the thematic session at the request of the Working Group at its fifteenth meeting (ECE/MP.PP/WG.1/2012/2, para. 76 (d)), and following a commenting period it had been made available on the Aarhus web page in English and Russian.<sup>6</sup>

#### **Update on the establishment of a United Nations High-level Political Forum on Sustainable Development**

44. The Chair of the thematic session brought to the attention of participants written updates on the establishment of the High-level Political Forum on Sustainable Development, including, inter alia, its organizational modalities, objectives and expected outcomes, which had been provided by the United Nations Department of Economic and Social Affairs. In that respect, the Chair invited Parties to use the opportunity to provide input into that process.

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<sup>5</sup> Albania, Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Estonia, France, Germany, Georgia, Greece, Iceland, Kazakhstan, Latvia, Norway, Poland, Romania, Serbia, Slovakia and Spain.

<sup>6</sup> See <http://www.unece.org/env/pp/aarhus/wgp17.html> (“PPIF thematic session” tab).

### **Update on civil society engagement in the processes of the United Nations Framework Convention on Climate Change**

45. The Chair of the thematic session brought to the attention of participants a written update on civil society engagement in the United Nations Framework Convention on Climate Change (UNFCCC) processes, which had been provided by the UNFCCC secretariat. In that context, the European ECO Forum recognized the significant progress and improvement in stakeholder engagement that had been made, but expressed concerns over certain processes under UNFCCC, namely the Clean Development Mechanisms and the Green Climate Fund. The European ECO Forum also reiterated its call for the inclusion of access to information and public participation provisions in the design of environmental and social safeguard policies of international forums. In that regard, the session Chair encouraged Parties to promote the principles of the Convention at the fortieth session of the Subsidiary Body for Implementation of UNFCCC, to be held in Bonn, Germany, from 4 to 15 June 2014.

### **Update on actions to actively promote the principles of the Aarhus Convention in the upgrading of the United Nations Environment Programme**

46. A representative of UNEP updated participants with regard to actions to promote the principles of the Aarhus Convention in the upgrading of UNEP, in particular in view of the upcoming meeting of the Open-ended Committee of Permanent Representatives to the United Nations Environment Assembly (Nairobi, 24–28 March 2014) and the first session of the Environment Assembly (Nairobi, 23–27 June 2014), as well as with respect to the implementation of decision 27/2 of the UNEP Governing Council/Global Ministerial Environment Forum (Nairobi, 18–22 February 2013) and the possible establishment of new mechanisms to enhance transparency and the effective engagement of civil society. The proposals, which aimed to broaden the scope of stakeholder engagement in the implementation of the UNEP programme of work, included, inter alia: (a) new accreditation modalities; (b) enhancement of working methods and processes for informed discussions and contributions by all relevant stakeholders; (c) mechanisms for expert input and advice; and (d) a new access-to-information policy, including the use of modern information and communication technology to enhance stakeholder engagement and access to information. Besides the pre-existing nine major groups, the establishment of two new categories had been proposed, namely environmental NGOs and other stakeholders (e.g., local communities, volunteers, foundations and persons with disabilities). Moreover, UNEP intended to expand accreditation to national-level organizations (as opposed to the current policy restricting accreditation to international organizations) and to allow all major groups and stakeholders to be able to submit draft agendas for consideration by member States.

47. In the light of the call from UNEP to Aarhus Parties to support these proposals, the Chair of the thematic session invited Parties to make every effort to ensure that the new innovative mechanisms were approved at the first meeting of the United Nations Environmental Assembly in June 2014, as that progress was partly the outcome of the involvement of Aarhus Parties in promoting public participation in international forums in the post-United Nations Conference on Sustainable Development (Rio+20 Conference) negotiations.

### **Policy reviews by international financial institutions**

48. The Chair of the thematic session brought to the attention of participants written updates provided by the European Bank for Reconstruction and Development (EBRD) and EIB regarding their recent and upcoming activities to review their environmental and social policies. The session Chair praised the engagement of the international financial institutions in the work under the Convention and stressed the importance of applying the relevant

provisions of the Aarhus Convention when they developed or revised their policies. The European ECO Forum expressed serious concerns over the draft revised environmental and public information policies of EBRD, arguing that the revisions weakened the current requirements on information disclosure and public engagement. Reacting to those concerns, the session Chair encouraged Parties to participate in the process of revision of environmental and social policies of the international financial institutions in line with article 3, paragraph 7, of the Convention.

## **B. Focus on United Nations Economic Commission for Europe multilateral environmental agreements**

49. The segment on ECE multilateral environmental agreements (MEAs) included presentations followed by an interactive discussion on the experiences of the ECE MEAs in addressing the issues covered by the Almaty Guidelines on promoting the application of the principles of the Aarhus Convention in international forums.

50. A representative of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) outlined the Espoo Convention's provisions and practices that promoted access to information, public participation and access to justice.

51. The speaker highlighted that all documentation (official and informal) produced for the meetings of the bodies under the Espoo Convention and its Protocol on Strategic Environmental Assessment was publicly available, with the exception of the Implementation Committee, where, pending consideration of a case, some documents remained confidential. Documents regarding the implementation of activities under the Convention and the Protocol were also available to the public both in printed and electronic form.

52. With regard to public participation, NGOs participated in the sessions of the Meeting of the Parties to the Espoo Convention and meetings of its subsidiary bodies as observers, except for the Implementation Committee and the Bureau, where specific rules applied. Funding was provided for a number of eligible NGOs to participate in those meetings.

53. With regard to access to justice, there was no mechanism facilitating public access to review procedures relating to any application of the rules, practices and standards regarding access to information and public participation within the scope of the Almaty Guidelines. However, the public, including NGOs, participating in the Espoo meetings could express their views and refer difficulties with respect to the application of the rules and standards applied regarding access to information and public participation to the Meeting of the Parties. To date, that had not occurred.

54. Challenges in access to information and public participation identified by the Espoo Convention secretariat included:

(a) Possible changes in the Implementation Committee's operating rules which, if adopted, could potentially limit public participation in the meetings;

(b) Limited funds to provide financial support for the participation of NGOs at official meetings;

(c) Technical constraints (mail servers) which could potentially limit access to information in Eastern Europe, the Caucasus and Central Asia.

55. A representative of the Convention on Long-Range Transboundary Air Pollution (CLRTAP) provided information on practices to promote access to information and public participation under that Convention.

56. With respect to access to information, it was mentioned that all official and informal documents of the CLRTAP Executive Body and its subsidiary bodies, as well as data and information from the scientific centres under the Convention, expert opinions, videos and documentation from different meetings, were publicly available online.

57. With regard to public participation, the rules of procedure of CLRTAP had specific provisions for the participation of NGOs as observers.

58. Concerning access to justice provisions, reports and recommendations of the CLRTAP Implementation Committee were available online. Further to changes in the compliance mechanism that had become effective in 2013, and the availability of 2010 data on compliance with the ceilings set in the Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, there had been a substantive increase in compliance cases brought before the Implementation Committee. Similar increases had also been observed under the CLRTAP protocols.

59. Challenges with regard to public participation had been observed due to the technical nature of the Convention, which limited participation mainly to technical expert groups.

60. The representative of CLRTAP also informed participants that there were plans to raise public awareness and visibility of air pollution issues. There were also efforts being made to improve communication in Russian in order to enhance outreach in the countries of Eastern Europe, the Caucasus and Central Asia.

61. A representative of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) and its Protocol on Water and Health described the requirements for access to information and public participation under both legal instruments.

62. Water Convention documents were made publicly available and efforts were being made to build capacity on the Convention within the region and to raise awareness about the Convention beyond the ECE region at international events.

63. Concerning public participation, although no specific requirements existed under the Water Convention, active participation of NGOs in the work under the Convention was a long-standing practice. There were, however, clear requirements for public participation in the implementation of the Protocol on Water and Health, which explicitly referred to the principles of the Aarhus Convention.

64. With regard to access to justice, the Water Convention had adopted a similar approach to the one applied under the Espoo Convention, whereby the Implementation Committee, created in 2012, could take the initiative and ask the public for information. A specific mechanism also existed under the Protocol for the public to submit a communication about Parties' compliance to the Compliance Committee.

65. In terms of current or future plans to further promote respect for the three principles of the Aarhus Convention, a study was being conducted to examine whether a reporting mechanism was needed for the Water Convention. Efforts were also being made to increase public awareness of both the Convention and the Protocol, in particular through the promotion of the new *Guide to Public Participation under the Protocol on Water and Health*.<sup>7</sup>

66. The main challenges to access to information, public participation and access to justice in relation to the Water Convention included:

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<sup>7</sup> ECE/MP.WH/9. Available from <http://www.unece.org/?id=34075>.

(a) Financial constraints, which limited opportunities to provide financial support for the participation of NGOs in meetings and to implement awareness-raising activities beyond the ECE region;

(b) A lack of public awareness, particularly with respect to the possibility of triggering the review of a Party's compliance by the Compliance Committee of the Protocol on Water and Health;

(c) Limited staff resources.

67. A representative of the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) outlined that Convention's requirements on access to information, public participation and access to justice, as well as the possible challenges.

68. Concerning access to information, adequate information was provided to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity, with information transmitted through appropriate channels, as the Parties deemed necessary. National implementation reports remained confidential, however, due to security risks and concerns.

69. In terms of public participation, there were opportunities for the public in areas capable of being affected by an industrial accident arising out of a hazardous activity to participate in the decision-making process regarding such activities. Equal treatment was accorded to the public of affected Parties to participate in decision-making on the same footing as the public in the Party of origin in that regard.

70. With regard to access to compliance procedures, monitoring of implementation was conducted in closed sessions by the Working Group on Implementation, but the public and observers could be invited for some parts of the discussions.

71. The representative noted that amendments to the Industrial Accidents Convention were being considered by its Working Group on Development, including provisions for strengthened public participation and access to information. The Working Group on Development had also been requested by the Conference of the Parties to the Convention to consider introducing provisions on the review of compliance.

72. In terms of challenges to implementing the Aarhus Convention's principles in the framework of the Industrial Accidents Convention, it was observed that:

(a) There was limited interest among the public because of the technical nature of the Convention;

(b) There were constraints due to security reasons;

(c) Although there was political will to enhance access to information and public participation, that needed to be done carefully as it concerned sensitive information;

(d) Language barriers meant that communication of information was sometimes difficult.

73. Parties and other stakeholders participating in the meeting welcomed the progress achieved and the plans to further enhance application of the Aarhus Convention principles by the ECE MEAs.

74. The session Chair also praised the significant steps made by the ECE MEAs and highlighted the importance of addressing pending issues, such as financial resources problems, confidentiality and a lack of public awareness.

75. The Working Group:

(a) Welcomed the written updates provided by EBRD and EIB regarding their recent and upcoming activities to review their environmental and social policies;

(b) Took note of the statement by the European ECO Forum expressing its strong concern that the draft revised environmental and public information policies of EBRD weakened the current requirements on information disclosure and public engagement;

(c) Welcomed the written updates provided by the Department of Economic and Social Affairs and UNFCCC, and encouraged Parties to continue promoting the Convention's principles in those forums;

(d) Also welcomed the progress reported by UNEP regarding preparation of its new stakeholder engagement policy and the prospect of making public participation broader and more inclusive;

(e) Welcomed the positive experiences of the ECE MEAs, and took note of the challenges in promoting the Convention's principles in the rules, procedures and practices of those instruments;

(f) Recognized opportunities for further exchange of experiences and good practices between the ECE MEAs in order to enhance coherence regarding the respect of the Aarhus Convention's principles under other MEAs.

76. Concluding the thematic session, the session Chair:

(a) Encouraged Parties to continue promoting the Convention's principles in the negotiations on the new UNEP stakeholder engagement policy, and invited Parties to report on the results achieved to the Meeting of the Parties at its fifth session;

(b) Encouraged Parties to promote the Convention's principles in the current policy reviews being undertaken at EBRD, EIB and the World Bank;

(c) Encouraged Parties to continue fulfilling their obligations under article 3, paragraph 7, of the Aarhus Convention.

77. The Working Group took note of the session Chair's conclusions.

## **VIII. Other substantive preparations for the fifth session of the Meeting of the Parties**

### **A. Agenda of the fifth session**

78. The Working Group considered and approved the draft provisional agenda for the fifth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2014/L.9), and requested the secretariat to finalize it in consultation with the Chair and submit it to the Meeting of the Parties for consideration at its fifth session.

79. The host country (the Netherlands) presented key aspects with regard to the thematic session of the joint High-level Segment: the chairmanship, moderator, format and themes for panel discussions, which would be selected in the light of topics to be addressed in the joint declaration.

### **Chairmanship**

80. The High-level Segment would be organized under the leadership of the host country and its morning session would be chaired by Mrs. Wilma Mansveld, the Minister for the Environment of the Netherlands. The chairmanship of the afternoon session remained to be confirmed.

### **Moderator**

81. The thematic session of the High-level Segment would be moderated by Mr. Hans Alders, former Minister for the Environment of the Netherlands and former director of the UNEP Regional Office for Europe.

### **Panellists**

82. Ministers or other high-level officials from countries should as a principle receive priority for the seats on the panels at the thematic session; however, senior representatives of relevant organizations, civil society, the private sector and other stakeholders would also be invited to take part in the panels.

### **Format**

83. Each panel would be organized following a “Davos style” of discussion, where the moderator invited panellists to speak on the basis of few questions and then led an interactive discussion. In addition, participants would also be given an opportunity to ask questions from the floor and engage in the discussion.

### **Themes**

84. The Bureau considered that the themes of the joint High-level Segment should be based on the key issues addressed through the draft Maastricht Declaration.

85. The first panel would address the issue of the right to information and environmental democracy, including such items as:

- (a) Citizens’ rights;
- (b) Freedom of information;
- (c) Open source data;
- (d) E-governance;
- (e) Environmental democracy;
- (f) The right to protection of whistle-blowers and environmental activists;
- (g) The mutual obligations of Governments, citizens and the private sector.

86. The second panel would address the issue of the right to information and social media, including such items as:

- (a) The role of social media in benefiting the environment;
- (b) Data collection by citizens/citizens as a source of data collection;
- (c) Means of participation;
- (d) The trustworthiness of environmental information obtained via social media;
- (e) Green accounting and green procurement.

87. The Working Group took note of information provided by the host country on the outcomes of the discussion held within the Bureaux of the Convention and the Protocol and the vision of the host country with regard to the key aspects of the thematic session of the joint High-level Segment, as well as the information provided by delegations.

88. The Working Group agreed to invite Parties and stakeholders to submit possible comments with regard to the themes of the session to the secretariat before 10 March 2014.

89. The Working Group mandated the Bureau to finalize the programme for the High-level Segment in cooperation with the Bureau of the Protocol on PRTRs.

## **B. Strategic plan for 2015–2020**

90. The Working Group took note of the overview of the implementation of the Strategic Plan 2009–2014 (AC/WGP-17/Inf.1), which looked at the implementation of the Convention's current strategic plan in connection with the Convention's work programmes for 2009–2011 and 2012–2014, as well as the self-assessment completed by Parties to evaluate the progress achieved in accomplishing the objectives of the current strategic plan.

91. The Working Group then considered a draft decision on the Strategic Plan for 2015–2020 (ECE/MP.PP/WG.1/2014/L.5). Pursuant to the discussion, the Working Group reached a consensus on the draft document. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.5) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

## **C. Programme of work for 2015–2017**

92. The Working Group considered a draft decision on the work programme for 2015–2017 (ECE/MP.PP/WG.1/2014/L.6). Pursuant to the discussion, the Working Group reached a consensus on the draft document. The Working Group accordingly revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.6) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

## **D. Financial arrangements under the Convention**

93. The Working Group next considered a draft decision on financial arrangements under the Convention (ECE/MP.PP/WG.1/2014/L.7), but was not able to reach a consensus on several parts of the text. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the draft decision (AC/WGP-17/CRP.7) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

## **E. Reporting requirements**

94. The secretariat informed the Working Group that, as of the time of the meeting, 37 Parties (80 per cent) had submitted their national implementation report for the 2014 reporting cycle under the Convention, with 29 Parties submitting their reports before the

official deadline. Only nine<sup>8</sup> Parties had failed to submit their reports before the Working Group meeting: Cyprus, Czech Republic, EU, Iceland, Luxembourg, Malta, Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan. The secretariat reported on good practices of Parties by submitting the report in several official ECE languages and by promoting the report to a wider audience.

95. The Working Group took note of the information provided by the secretariat on the status of submission of national implementation reports for the 2014 reporting cycle.

96. The Working Group called upon those Parties that had failed to submit their reports so far to proceed with their submissions urgently, so as to ensure that their national implementation reports would be taken into consideration during the preparation of the synthesis report for the consideration of the Meeting of the Parties at its fifth session.

97. The Working Group welcomed the good practice of Germany in submitting its 2014 national implementation report in all three ECE languages, of Kazakhstan and Tajikistan for submitting their reports in two ECE languages and of Bosnia and Herzegovina for producing the report also as a publication in English and in the country's national languages.

98. The Working Group then considered and approved the draft decision on reporting requirements (ECE/MP.PP/WG.1/2014/L.10) and requested the secretariat to finalize it in consultation with the Bureau and submit it to the Meeting of the Parties for consideration at its fifth session.

## **F. Declaration**

99. The Working Group considered the draft elements for the joint Maastricht declaration (ECE/MP.PP/WG.1/2014/L.8), which were distributed to Parties and stakeholders for comments prior to its consideration by the Bureaux, but was not able to reach a consensus on several parts of the text.

100. Pursuant to the discussion, the Working Group revised and approved, as amended at the meeting, the draft of the joint declaration (AC/WGP-17/CRP.8) and mandated the Convention's Bureau to finalize it in cooperation with the Bureau of the Meeting of the Parties to the Protocol, and to submit it for consideration by Parties to both instruments at the joint High-level Segment of the Meetings of the Parties in Maastricht.

## **IX. Practical preparations for the fifth session of the Meeting of the Parties**

101. The Working Group took note of the information provided by the host country regarding preparations for the fifth session of the Meeting of the Parties.<sup>9</sup>

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<sup>8</sup> Since then the Czech Republic, Cyprus, the EU, Iceland and Luxembourg have submitted their national implementation report.

<sup>9</sup> See the web page of the host country for the fifth session of the Meeting of the Parties to the Convention and the second session of the Meeting of the Parties to the Protocol ([www.aarhusmaastricht.org](http://www.aarhusmaastricht.org)).

## **X. Adoption of outcomes**

102. The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate the adopted outcomes and decisions.

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