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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: 21st meeting of the Working Group of the Parties (WGP 21) (Geneva, 4-6 April 2017)
- Compilation of statements by the EU and its Member States

Delegations will find in the [Annex](#), for information, a compilation of statements by the EU and its Member States agreed and delivered during the 21st meeting of the Working Group of the Parties to the Aarhus Convention (WGP 21).

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: 21st meeting of the Working Group of the Parties (WGP 21) (Geneva, 4-6 April 2017)

- Statements by the EU and its Member States -

Agenda item 3 (a): Access to Information

Draft Decision VI/... on promoting effective access to information to be submitted to the Meeting of the Parties for consideration at its sixth session

(Montenegro, 11–14 September 2017)

The EU and its Member States would like to thank the Bureau for preparing this Draft Decision on promoting effective access to information (ECE/MP.PP/WG.1/2017/L.1).

We appreciate the work done by the Bureau on the Draft Decision, taking into account the relevant outcomes of the Working Group of the Parties in its 20th Meeting and the comments by Parties and stakeholders since then.

We thank Moldova for leading this Task Force over the last years and we welcome the offer of Moldova to continue leading it.

With regard to paragraph 4, we believe that the qualification “from all sources” cannot be substantiated from the text of the Convention as the Convention does not define “emissions in the environment”. We therefore propose to delete the words “from all sources”.

Concerning paragraph 7, we support to lift the brackets.

Subject to the above mentioned adjustment, we could approve the current proposal for a draft decision on Access to Information and we would ask the Bureau, with the assistance of the Secretariat, to prepare the document for final decision making at MoP 6.

Agenda item 3 (b): Public participation in decision-making

The EU and its Member States would like to thank the Bureau for preparing this revised Draft Decision on promoting effective public participation in decision-making (ECE/MP.PP/WG.1/2017/L.2).

We appreciate the work done by the Bureau on the Draft Decision, taking into account the comments by Parties and stakeholders since the 20th meeting of the Working Group of the Parties.

We thank Italy for leading this Task force over the last years and for its offer to continue leading it.

In order to be consistent with para 2 of Decision V/2, we believe that para 2 should be formulated in a more neutral way. We propose to include the words “in a number of contracting parties” between “recognizes the valuable role” and “of the Maastricht Recommendations”. We also propose to insert “as appropriate” before “local languages”.

We welcome the suggestions for substantive issues to be given priority in the next intersessional period, taking into account, where appropriate, relevant parts of the Maastricht Recommendations. In this regard, we agree with the proposal by the Bureau for the text in paragraph 11 sub (a).

On paragraph 11 sub (d) under (vi) we emphasize that “ensuring the provision of feedback on how the public’s comments have been taken into account in the decisions” is not an issue for all Parties to the Convention, but that it may still be an issue of a systemic nature to others. We therefore propose to include the wording “as appropriate,” between “and ensuring” and “the provision”.

Subject to the incorporation of the above mentioned amendment, we could approve the current proposal for a Draft Decision on Public Participation in Decision Making and we would ask the Bureau, with the assistance of the Secretariat, to prepare the document for decision making at MoP 6.

Agenda item 3 (c): Access to justice

**Draft Decision VI/... on promoting effective access to justice to be submitted to the Meeting of the Parties for consideration at its sixth session
(Montenegro, 11–14 September 2017)**

The EU and its Member States would like to thank the Bureau for the revised Draft Decision on promoting access to justice (ECE/MP.PP/WG.1/2017/L.3).

We appreciate the work done by the Bureau on the Draft Decision, taking into account the relevant outcomes of the Working Group of the Parties in its 20th Meeting as well as the comments by Parties and stakeholders received thereafter.

We thank Sweden for leading the Task Force Access to Justice for many years.

We bear in mind that in particular, target 16.3 under Goal 16 of the 2030 Agenda for Sustainable Development calls to "promote the rule of law at the national and international levels and ensure equal access to justice for all". We strongly believe that this also includes environmental matters.

We can therefore agree with the revised proposal of the Draft Decision by the Aarhus Convention Bureau as it stands and we would ask the Bureau, with the assistance of the Secretariat, to prepare the document for decision-making at MoP 6.

Agenda item 3 (d): Genetically modified organisms

The EU and its Member States welcome the work done by the Aarhus Convention Secretariat under the leadership of Austria in promoting the GMO amendment.

We call upon those countries who would count towards the entering into force of the amendment, to ratify this amendment as soon as possible, as well as other countries who have yet to ratify.

Agenda item 4 (a): Compliance mechanism

The EU and its Member States would like to thank Mr. Jonas Ebesson for his role in leading the Compliance Committee and for the good work of the Committee.

We echo the call upon the UN to provide reliable audio and video equipment which would allow further use of audio and video conferencing with regard to the Compliance Committee with the full support of UN translation services. These audio and video connections would make it possible to make better use of experts in other locations, while saving travel costs. The experience today with the video connection with Mr. Ebesson again shows that the current facilities in UNOG are not suitable for this.

With regard to the second version of the guide on Compliance, EU and its Member States submitted a proposal to include realistic response times for Parties that take into account the time needed to translate documents from the Compliance Committee in local languages and to coordinate between relevant institutions.

We also would appreciate to receive a direct link to the location of the current draft version of the revised guide as it is hard to find.

The EU and its Member States thank the Compliance Committee for the possibility to have an open dialogue at MoP 6 and looks forward to this opportunity.

Agenda item 4 (b): Capacity-building and awareness-raising

The EU and its Member States welcome the work done by the Aarhus Convention Secretariat as well as other international organizations to raise awareness, provide training and exchange experiences with regard to the implementation of the Convention, as well as the activities undertaken by governments together with these international organizations.

Agenda item 5: Promotion of the Convention and relevant developments and interlinkages

The EU and its Member States welcome the efforts and progress made by the Secretariat in promoting capacity-building and awareness-raising in various international forums and by enhanced bilateral and multilateral cooperation with stakeholders.

The EU and its Member States welcome the continued support by the Secretariat in developing a regional instrument on access rights in the Latin American and Caribbean region.

Agenda item 6: Implementation of the work programme for 2015-2017, including financial matters

The EU and its Member States would like to thank the Aarhus Convention Secretariat for the preparation of the reports on the Implementation of the work programme 2015-2017 and on Contributions and expenditures in relation to the implementation of the work programme 2015-2017. We continue to share the concern of the Secretariat with regard to the Umoja reporting, which negatively affects the effectiveness of the work of the Secretariat.

Agenda item 7: Promotion of the principles of the Convention in international forums

The EU and its Member States would like to thank the secretariat and the Bureau for the revised draft decision on Promoting the Principles of the Convention in International Forums (ECE/MP.PP/WG.1/2017/L.4).

We express our warm appreciation for the Chair of the PPIF-sessions, Mr. Etienne Ballan, who has led the special sessions on PPIF since 2011 and before that chaired the Task force on PPIF. We regret that this is the last meeting Mr. Etienne Ballan can chair, and we wish you good luck with your future work. We welcome the expression of interest of France, to continue leading this topic.

We appreciate that our previous proposals have been taken on board, and we especially welcome the more cautious text in paras 6a and 6b.

We believe that it is important to continue working on the topic of trade negotiations under this item, and we welcome the continued cooperation with WTO in this regard.

We are therefore prepared to lift the brackets in para 6c, thus retaining the original text.

Subject to the above mentioned adjustment, we could approve the Draft Decision on Promoting the Principles of the Convention in international forums and we would ask the Bureau, with the assistance of the Secretariat, to prepare this Decision for final decision making at MoP 6.

Agenda item 8 (a): Agenda of the sixth session of the Meeting of the Parties

The EU and its Member States welcome the revised draft of the Agenda of the 6th session of the Meeting of the Parties (ECE/MP.PP/WG.1/2017/L.8).

With regard to the preparatory segment of the Meeting of the Parties, we appreciate the extra time that is found to discuss the draft decisions on compliance. We believe that this will do justice to the important work of the Compliance Committee.

We appreciate the opportunity to have a Joint high-level segment of the Meetings of the Parties to the Convention and the Protocol on Pollutant Release and Transfer Registers in which a thematic debate can take place on the role that the Convention and its Protocol can play in the implementation of the Sustainable Development Goals (SDGs).

We trust the Bureau to prepare a thematic session on promoting the rule of law at the national and international levels to ensure equal access to justice for all and to make it possible for citizens to make use of their rights to live in a healthy environment in practice.

We believe that the provisions of the Convention and the Protocol can facilitate the implementation of the SDGs by Parties to the Convention and the Protocol.

We welcome initiatives such as side events that provide an opportunity for the Ministers and high-level representatives who will attend the Meetings of the Parties to exchange views, share best practices and get an update on concrete tools to uncover the relations between the Convention and the Protocol and specific targets under the SDGs.

Against this background, we can approve the current proposal for a draft provisional agenda for the sixth session of the Meeting of the Parties and we would ask the Bureau, with the assistance of the Secretariat, to prepare the document for final decision-making at MoP 6.

Agenda item 8 (b): Programme of work for 2018-2021

The EU and its Member States welcome the revised draft of the work programme 2018-2021 (ECE/MP.PP/WG.1/2017/L.5).

We emphasize that the proposal in annex III takes into account our request for having an annual meeting of the Task Force on Access to Justice, while at the same time aiming for a frequency of approximately 18 months between meetings of the other Task Forces.

We believe that this contributes to a balanced schedule of meetings and an optimal use of resources for these meetings, both on the side of the Secretariat and on the side of the participating countries and stakeholders.

In light of the above, we can approve the current proposal for a draft work programme 2018-2021 and we would ask the Bureau, with the assistance of the Secretariat to prepare the work programme for final decision making at MoP 6.

Agenda item 8 (c): Financial arrangements under the Convention

The EU and its Member States thank the Secretariat and the Bureau for the opportunity to again discuss the draft Decision on Financial Arrangements (ECE/MP.PP/WG.1/2017/L.6).

We believe that the current text of the draft Decision is clear in its ambition that each Party – within its ability – should contribute to the implementation of the Convention in its country as such and to the functioning of the Convention as a whole. To provide some direction, we believe that no contributing country should pay less than 1000 USD in a given calendar year, since under this threshold, the expenses incurred in the collection will surpass the revenues.

In line with previous discussions in the Working Group of the Parties as well as the Meetings of the Parties, the EU and its Member States propose to continue the current interim scheme of voluntary contributions. Therefore we suggest to delete the current bracketed texts in the chapeau of paragraph 1, para 1b, 1c and 1d as well as the annex to the Decision.

However, in order to ensure consistency with our position that contributions should be voluntary, we repeat our earlier proposal to add in the new para 1[(b)] the words ‘where a contribution is made’ between the words ‘is expected’ and ‘to contribute’.

We believe that there is an overlap in the text of preamble para 3, preamble para c and para 14. We therefore propose to delete the last part of preamble para 3.

In light of the previous discussions, we do not see merit in burdening the Bureau and the Secretariat with an exercise to use the period until the next MoP to examine new proposals in this regard. Therefore we repeat our proposal to delete the bracketed text at the end of the preamble (Believing that).

We believe that the current text of paragraph 15 is confusing. Referring to the review of the 2005 reform sounds as ancient history. We therefore propose to include the word ‘2013’ between the words “the” and “review”.

Subject to the incorporation of the above mentioned amendments, we could approve the revised proposal for a draft Decision on Financial Arrangements and we would ask the Bureau, with the assistance of the Secretariat, to prepare the document for final decision making at MoP 6.

Agenda item 8 (d): Reporting requirements

The EU and its Member States would like to thank the secretariat and the Bureau for the revised draft Decision on Reporting requirements (ECE/MP.PP/WG.1/2017/L.9).

We welcome the suggestions for the addition of the text in the fifth recital, acknowledging the usefulness of the national implementation reports, as a valuable input to the work of Task forces, capacity-building activities, environmental performance reviews and other review programmes.

We propose to extend in paragraph 6 the period for preparation of the National Implementation Reports from 5 to 6 months, to bring them in line with the term mentioned in the Guidance on Reporting. We also request from the Secretariat to put deadlines for submission of NIRs on the Conventions' website.

We welcome paragraph 11 of the draft Decision, whose aim is to discontinue submission of hard copies of the reports to the Secretariat.

In these circumstances and subject to the above mentioned adjustment, we could approve the current proposal for a draft Decision on Reporting requirements and we would ask the Bureau, with the assistance of the Secretariat, to prepare the document for final decision making at MoP 6.

Agenda item 8 (e): Draft Budva Declaration

The EU and its Member States would like to thank the Secretariat and especially the Bureau for preparing the revised draft of the Budva Declaration.

We appreciate that many suggestions that we made in the written consultation have been taken on board. With regard to this revised draft, we have the following comments:

1. General comments:

We appreciate the structure of the Declaration and the fact that it has been attempted to reduce the text in the third section of the Declaration. However, we still believe that for a ministerial declaration, the text is very long.

We also believe that the Declaration should include a reference to the GMO amendment, and we would welcome a paragraph along these lines:

“14bis: We call upon Parties to the Convention to ratify the amendment on genetically modified organisms in order to ensure its entry into force.”

2. Detailed comments:

Para 4: we propose to include a new sentence between the first and the last sentence: “We believe that measures undertaken to combat terrorism, are no justification to reduce the rights under the Convention”.

Para 8: the EU and its Member States propose to replace “to take similar steps that ensure” with “take similar steps in the direction of ensuring”. We also propose to delete the words “other” and “similar”.

Para 9: we propose to insert “Kigali amendment to the” before “Montreal Protocol” to make clear that the texts should refer to the most recent amendment to the Montreal Protocol.

Para 11: we propose to include “in particular Goal 16, as well as other Goals under” between “achieving” and “the Sustainable Development Goals”, and to include before “human health” the words “their impact on”. We also propose to replace the words “are instrumental for” and “all” by “can significantly contribute to”.

Para 15: we propose to replace the listing in the first sentence by “Governments and all relevant stakeholders, and fully...”

Para 16: we propose to replace “Echoing” by “We welcome” and place a full stop after “2016)”.

Para 20: we propose to insert after “Justice for all” the words “in line with the requirements of the Convention”.

Para 26: we believe that this para should be brought more in line with the goals and purpose of the Convention. We therefore propose to add at the end of the para after “their lives” the words “and well-being”, and delete the remaining part of the sentence. We also propose to delete the explicit reference to poverty and inequality. With this amendment, we will be able to lift our earlier reservation with regard to this para.

Para 27: the EU included a footnote for explanation; this can be removed after WGP21.

Subject to the incorporation of the above mentioned amendments, we could approve the current proposal for a draft Budva Declaration and we would ask the Bureau, with the assistance of the Secretariat and in consultation with the Bureau of the PRTR Protocol, to prepare the Declaration for final adoption at the joint High Level Segment of the two MoPs.

Agenda item 10: Other Business (NGO allegations against Belarus)

The EU and its Member States are concerned about the report made by the NGOs on the current situation for NGOs and activists.

The EU Member States will consult with our Ministries of Foreign Affairs to look into this issue.

We ask the chair of the Aarhus Convention to write a letter to the authorities in Belarus to express the concern of the Working Group of the Parties and to remind them of the respective paragraphs in the Maastricht Declaration on the protection of Environmental Activists and the reference in the draft Budva Declaration on this topic.

