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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 (Aarhus Convention) Twenty-fifth meeting of the Working Group of the Parties (WGP 25) (Geneva, 3 May (online) and 7 and 8 June 2021 (hybrid)) - 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 delivered during the 25th meeting of the Working Group of the Parties to the Aarhus Convention (WGP 25).

Aarhus Convention
25th Working Group of the Parties (WGP 25)
(Geneva, 3 May 2021 (online) and 7 and 8 June 2021 (hybrid))

- Statements by the EU and its Member States

Agenda item 1: Opening of the meeting and adoption of the agenda

The EU and its Member States would like to thank the Secretariat and the Chair of the 25th meeting of the Working Group of the Parties for the preparatory work and organization, considering conditions caused by the COVID-19 pandemic.

We support the proposal made by Bureau of having WGP 25 in two parts, and that the first part is held virtually to exchange information and have discussions while the second part that is planned to be held in hybrid format on 7-8 June would focus on items requiring decision-making.

We welcome possibilities to join the meeting remotely for those delegations who choose to do so, also in the spirit of fostering digital transformation and more green and sustainable practices, and especially when this is also warranted by health and safety concerns in these challenging times.

Agenda item 3: Reports by the Chairs of the task forces and other updates on recent developments in the areas of access to information, public participation in decision-making and access to justice

Access to information

The EU and its Member States would like to thank the Chair of the Task Force on Access to information and the Secretariat for their work on this topic.

We welcome the outcomes of the 7th meeting of the Task Force of Access to Information (Geneva, 16-17 November 2020) and the overall assessment made of recent and upcoming developments with regard to public access to environmental information, including those related to COVID-19 pandemic and to the application of restrictions regarding disclosure in accordance with the Convention.

The EU and its Member States recognize that effective public access to environment-related product information harnessing the benefits of digitalization can support Parties in achieving a number of Sustainable Development Goals and in implementing effectively the initiatives related to the European Green Deal, transition towards green and circular economy, greening public procurement and implementing zero wastes approaches.

We thank for the work undertaken in order to update the Recommendations on the more effective use of electronic information tools and on the recent developments regarding the dissemination of environmental information and the use of electronic information.

Access to justice

The EU and its Member States would like to thank the Chair of the Task Force on Access to Justice and the Secretariat for their work on this topic.

We welcome the outcomes of the 13th meeting of the Task Force on Access to Justice under the Aarhus Convention (Geneva, 15-16 February 2021).

The EU and its Member States acknowledge the increase of public interest litigation cases related to climate change, biodiversity protection, environmental assessments and other matters and recognize the need to enable accountability of decision-making and the rule of law in these matters.

We welcome the exchange of experiences, good practices and challenges related to access to justice in cases relating to air quality.

The EU and its Member States would like to thank the Chair of the Task Force, involved Parties and stakeholders for their contribution to the study on access to justice in information cases.

We welcome the expression of interest from Belgium to lead the work in the area of access to justice.

Public participation in decision-making

The EU and its Member States would like to thank the Chair of the Task Force on Public Participation in Decision-making and the Secretariat for their work on this topic.

We welcome the outcomes of the 9th meeting of the Task Force on Public Participation in Decision-making under the Aarhus Convention (Geneva, 1-2 March 2021).

The EU and its Member States welcome the discussion of the participation of vulnerable and marginalized groups in decision-making and agree that the COVID-19 pandemic cannot justify restrictions of the public's right to participation in environmental matters, in particular of vulnerable and marginalized groups. We thank for the exchange of practices that facilitate a more effective public participation without entailing additional significant resources on the part of public authorities.

The EU and its Member States acknowledge that the issue of emerging technologies is rather unknown to the general public and, therefore, awareness raising to facilitate the public's involvement in decision-making will be required. We express concern that the impacts of emerging technologies are not fully known, and recognize that it is important to apply a precautionary principle when considering decision-making on such technologies while, at the same time, take into account the need for allowing scientific progress.

We support the assessment that ensuring effective public participation in decision-making in matters related to extractive industries sector, energy and climate is critical not only for fulfilment of commitments and requirements under national legislation, but also for the implementation of a number of international commitments, notably the Paris Agreement and 2030 Agenda for Sustainable Development.

Agenda item 4: Capacity-building and awareness-raising

The EU and its Member States welcome the work done by the Aarhus Convention Secretariat and 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.

We would like to thank the Secretariat for its continuous work done in building synergies and enhancing coordination with other international organizations within the Aarhus Convention capacity-building coordination framework, and we strongly support the use of electronic tools whenever it is possible for capacity-building and awareness-raising.

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 regarding the Aarhus Convention at international level in various international forums.

We appreciate the involvement of the Secretariat in providing advisory support regarding the negotiation of the Regional Agreement on Access to Information, Public Participation and Justice in environmental matters in Latin America and the Caribbean (Escazú Convention) and would like to particularly welcome its entry into force on 22 April 2021.

We also welcome the continuous advisory support provided by the Secretariat in assisting Guinea Bissau's efforts to accede to the Aarhus Convention, and we reiterate our encouragement to other States from outside the UNECE region to become Parties to this international instrument.

The EU and its Member States appreciate the work undertaken by the Secretariat during the reporting period in promoting the Convention and its principles and interlinkages with various international forums, including in the context of the 2030 Agenda on Sustainable Development processes.

Agenda item 9(a): Access to information

Draft decision VII/... Promoting effective access to information and draft updated recommendations on the more effective use of electronic information tools

The EU and its Member States would like to thank the Bureau for preparing the draft Decision on promoting effective access to information (ECE/MP.PP/WG.1/2021/14).

We appreciate the work done by the Bureau on the draft Decision and thank the Bureau for taking our proposals on board.

We would like to express our gratitude to the Republic of Moldova for its leadership of the Task Force over the last years.

The EU and its Member States would like to thank the Chair of the Task Force on Access to Information and the Secretariat for preparing the revised draft of the updated Recommendations on electronic tools and its Addendum with a view to their submission for consideration and adoption by MoP7 (ECE/MP.PP/WG.1/2021/13 and ECE/MP.PP/WG.1/2021/13/Add.1).

We support the revised draft as this document aims to assist Parties, signatories and other interested States in supporting the implementation of the Convention through the development, maintenance, upgrade and use of electronic information tools by applying common approaches and standards, as well as to facilitate the implementation of other relevant international commitments, such as environment-related Sustainable Development Goal and targets, bearing in mind that these are non-binding recommendations and not a legally binding instrument.

We can support the proposal of the draft Decision on promoting effective access to information as it stands and we would ask the Bureau to prepare, with the assistance of the Secretariat, the document for decision-making at MoP 7.

Agenda item 9(b): Public participation in decision-making

Draft decision VII/... Promoting effective public participation in decision-making

The EU and its Member States would like to thank the Bureau for preparing this draft Decision on promoting effective public participation in decision-making (ECE/MP.PP/WG.1/2021/15).

We appreciate the work done by the Bureau on the draft Decision and thank the Bureau for taking our proposals on board.

We would like to acknowledge the Republic of Italy for its leadership of the Task Force over the last years.

We could approve the draft Decision on Promoting Effective Public Participation in Decision-Making and we would ask the Bureau to prepare, with the assistance of the Secretariat, the document for decision-making at MoP 7.

Agenda item 9(c): Access to justice

Draft decision VII/... Promoting effective Access to Justice

The EU and its Member States would like to thank the Bureau for preparing this draft Decision on promoting effective Access to Justice (ECE/MP.PP/WG.1/2021/16).

We appreciate the work done by the Bureau on the Draft Decision and thank the Bureau for taking our proposals on board.

We would like to thank the Kingdom of Sweden for its leadership of the Task Force over the last years.

We could approve the draft Decision on Promoting Effective Access to Justice and we would like to ask the Bureau to prepare, with the assistance of the Secretariat, this Decision for final decision making at MoP 7.

Agenda item 9(d): Application of the principles of the Convention in international forums

Draft decision VII/... Application of the principles of the Convention in international forums

The EU and its Member States would like to thank the Bureau for preparing the draft Decision on Promoting the application of the principles of the Convention in international forums (ECE/MP.PP/WG.1/2021/17).

We would like to show gratitude to France for its ongoing leadership and welcome its willingness to continue its leading role in this work area.

The EU and its Member States appreciate that our previous proposals have been taken on board, and we especially welcome the more cautious text in para 10.

We believe that it is important to continue working on the topic of trade negotiations under this item, as well as on the loss of biodiversity, the marine environment and climate change, underlining the need for prioritization. We would like to particularly welcome the entry into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), on 22 April 2021.

We can agree with the proposal of the Draft Decision as it stands and we would ask the Bureau to prepare, with the assistance of the Secretariat, the document for decision-making at MoP 7.

Agenda item 9(e): Rapid response mechanism to deal with cases related to article 3 (8) of the Convention

Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention

The EU and its Member States would like to thank the Bureau for the draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2021/12).

We would like to acknowledge the work done by the UNECE Secretariat and the Bureau on this matter, and specially thank for the efforts made to answer our questions and requests for clarification, namely the ‘Explanatory note regarding comments by EU and its Member States’ (AC/WGP-25/Inf.4).

The EU and its Member States confirm their preference for a Rapporteur on environmental defenders, being flexible regarding ‘Special Rapporteur’ instead of just Rapporteur.

Agenda item 9 (f): Accession by Guinea-Bissau

The EU and its Member States would like to thank the Secretariat and the Bureau for the revised draft decision on the accession of Guinea-Bissau to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), pursuant to decision IV/5 on the accession to the Convention by non-ECE States, adopted by the Convention’s Meeting of the Parties at its fourth session, and for the note on the expression of intention by Guinea-Bissau to accede to the Convention submitted by the Secretariat to the Working Group of the Parties to the Convention at its twenty-fourth meeting (ECE/MP.PP/WG.1/2021/21).

We welcome the draft document on accession by Guinea-Bissau to the Convention, which can be considered as an important step underlining the Convention’s potential to serve as an instrument of global relevance and to strengthening democratic principles, transparency, accountability and the rule of law (not only) in environmental matters in this African country, something which is in line with the European Union’s broader strategic priorities.

The EU and its Member States could approve the revised proposal for a draft Decision on the accession by Guinea-Bissau, and we would ask the Bureau, to prepare with the assistance of the Secretariat, the document for final decision making at MoP 7.

Agenda item 9(g): Work programme for 2022–2025

Draft decision VII/... on the work programme for 2022–2025

The EU and its Member States welcome the revised draft of the work programme 2022-2025 (ECE/MP.PP/WG.1/2021/8).

We emphasize that the proposal in annex III takes into account our request for prioritizing activities and exploring the use of digital platforms for meetings under the auspices of the Convention to the extent possible, while noting the challenges and limitations that digital platforms have.

We also welcome the inclusion of a thematic discussion on substantive issues at each meeting of the Working Group of the Parties.

We recognize that environmental human rights defenders face increasing threats, violence and other safety problems as a result of their work and we fully support efforts to protect human rights defenders, including environmental human rights defenders, and to ensure respect of their fundamental rights. Therefore, the EU supports a mechanism to better respond to cases where environmental human rights defenders are penalized, persecuted or harassed in any way for their peaceful work promoting and exercising their human rights.

In light of the above, we can approve the current proposal for a draft work programme 2022-2025, and we would ask the Bureau to prepare, with the assistance of the Secretariat, the work programme for final decision making at MoP 7.

Agenda item 9(h): Strategic Plan for 2022–2030

Draft decision VII/... on the Strategic Plan for 2022–2030

The EU and its Member States would like to thank the Bureau and the Secretariat for preparing a revised draft decision on the future Strategic Plan for 2022-2030, pursuant to decision VI/5 and the 24th meeting of Working Group of the Parties, which is in line with the drafting suggestions made on the document (ECE/MP.PP/WG.1/2021/11).

The EU and its Member States could approve the revised proposal for a draft Decision on the Strategic Plan for 2022-2030 and we would ask the Bureau to prepare, with the assistance of the Secretariat, the document for final decision making at MoP 7.

Agenda item 9 (i): Declaration

Draft decision VII/... Draft Declaration on Environmental Democracy for Sustainable, Inclusive and Resilient Development

The EU and its Member States thank the Chairs of the Bureaux and the two Bureaux for preparing the draft Declaration on Environmental Democracy for Sustainable, Inclusive and Resilient Development to be considered by the Meetings of the Parties to the Aarhus Convention and to the Protocol on Pollutant Release and Transfer Registers at a joint segment of MOP 7 and MOPP 4 (ECE/MP.PP/WG.1/2021/18).

We could approve the current proposal for a draft Declaration and we would ask the Bureau to prepare, with the assistance of the Secretariat and in consultation with the Bureau of the PRTR Protocol, the Declaration for final adoption at the joint High Level Segment of the two Meetings of the Parties.

Agenda item 9(j): Financial arrangements

Draft decision VII/... Draft decision on 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.1/2021/9).

In line with previous discussions in the 24 Working Group of the Parties, as well as the Meetings of the Parties, the EU and its Member States proposes that the discussion on future financial arrangements only focus on Option A for a financial scheme with voluntary contributions.

Agenda item 9(k): Agenda of the seventh session of the Meeting of the Parties

Draft decision VII/... Agenda of the seventh session of the Meeting of the Parties

The EU and its Member States welcome the revised draft provisional Agenda of the 7th session of the Meeting of the Parties (ECE/MP.PP/WG.1/2021/10).

We support the draft elements of the provisional agenda of the seventh session of the Meeting of the Parties to the Aarhus Convention.

In line with the October Working Group session and the announcement from Georgia that it has to withdraw its commitment to host the sessions due to financial challenges linked to the COVID-19 pandemic, the EU and its Member States support that in these circumstances the above Convention's session should be held in Geneva unless any Party would confirm its willingness to host it.

The EU and its Member States also support the Bureau's willingness to proceed with the preparations for the session as planned.

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 seventh session of the Meeting of the Parties and we would ask the Bureau to prepare, with the assistance of the Secretariat, the document for final decision-making at MoP 7.

Agenda item 10: Compliance mechanism

The EU and its Member States would like to thank the Compliance Committee and its Secretariat for the work done. In particular, we would like to thank the members that will leave or will be re-elected, namely Ms. Ryall and Mr. Kodjabashev, for their good work, and Mr. Ebbesson, for his role in leading the Compliance Committee.

The EU and its Member States would like to thank the Compliance Committee for its close engagement with the Parties in assisting the implementation of the three pillars of the Aarhus Convention and for the preparation of its meeting reports.

We also welcome the use of virtual and audio meetings which can save resources and time.

Agenda item 12: Implementation of the work programme for 2018–2021, including financial matters

The EU and its Member States would like to thank the Secretariat for providing the Report on the Implementation of the Convention's work programme for 2018-2021 and the Report on contributions and expenditures in relation to the implementation of the Convention's work programme for 2018–2021, with an overview of the implementation of the work for the Convention (ECE/MP.PP/WG.1/2021/6 and ECE/MP.PP/WG.1/2021/7).

We appreciate the dedicated work of the Secretariat and its efforts to avoid duplication of work and an inefficient use of resources by pursuing synergies with activities under other United Nations Economic Commission for Europe (UNECE) multilateral environmental agreements, United Nations agencies and other partners, and the adjustment to new methods of work in the light of restrictions associated with the COVID-19 pandemic.

We believe that the implementation of the different work programme areas will further contribute to the attainment of the Sustainable Development Goals across the whole 2030 Agenda for Sustainable Development, particularly SDG 16.