

FIFTEENTH MEETING OF THE BUREAU OF THE MEETING OF THE PARTIES TO THE AARHUS CONVENTION

**Palais des Nations, Geneva
19 June 2007**

Attendance:

Bureau members: Ms. Hanne Inger Bjurstrøm (Norway, Chair), Ms. Maud Istasse (Belgium), Ms. Zaneta Mikosa (Latvia), Ms. Giuliana Gasparrini (Italy) supported by Ms. Loredana Dall'Ora (Italy).

NGO Observer: Mr. John Hontelez (European Environmental Bureau representing European ECO Forum).

Apologies: Mr. Faig Sadigov (Azerbaijan), Mr. Alzhan Braliev (Kazakhstan), Ms. Elzbieta Kur (Poland).

I. Adoption of agenda

The provisional agenda was adopted.

II. Preparation of the 8th meeting of the Working Group of the Parties (WGP)

1. Pollutant Release and Transfer Registers

The secretariat reported that the contact group set up to draft rules of procedure and a compliance review mechanism for the PRTR Protocol had met on 18-19 June and had finalized the draft decisions on the rules of procedure and compliance review mechanism. The draft documents will be presented to the fifth meeting of the WG on PRTR (22-24 October 2007).

The Bureau took note of this information.

2. Preparation of a draft decision on the entry into force of amendments

The secretariat introduced a compilation of comments provided by experts of the article 14 legal group established at WGP-6 in response to a note from the secretariat circulated prior to WGP-7 (ECE/MP.PP/WG.1/2007/2, para. 15). On the basis of the comments received, the secretariat had prepared a preliminary draft decision on the entry into force of amendments, which it presented to the Bureau. The Bureau considered the draft, proposed some amendments and agreed to set a deadline of 25 June 2007 for the individual members of the Bureau to send further comments by email. Following this, the draft would be sent for comments to the legal group and following incorporation of its comments, to UNOLA. The draft would be presented as an input document for discussion at WGP-9.

The Bureau then discussed the issue of the transparency of the commenting process within the legal group which had been raised by some of its members who were reluctant to have their comments made public, in particular out of concern that comments made in an individual expert capacity might easily be confused with official positions of their respective governments. The

Bureau noted that the rules of procedure, while addressing the issue related to confidentiality of official documentation, did not specifically address processes such as commenting by experts or Parties. It agreed that the general rule should be that Aarhus commenting processes should be in the public domain and comments put on the website. However, it was noted that in the present case, comments were made by individual experts rather than by Parties. Also, had the discussion taken place in a physical meeting rather than electronically, there would not necessarily have been such detailed or fixed statements of positions. Finally and most important, the level of transparency of the commenting process had not been made clear from the outset. In these circumstances, the Bureau felt that each of those who commented should have the opportunity to request not to have their own comments placed on the website and/or put in the public domain, and such a request should be respected. It requested the secretariat to inform the relevant parties accordingly.

3. Preparation of an outline proposal for a workshop on the application of the Aarhus Convention in the field of GMOs

The Chair recalled the discussion at WGP-7 on the outline proposal for the GMO workshop and reminded the Bureau that it was mandated by the WGP to further develop the proposal in consultation with certain other concerned parties (ECE/MP.PP/WG.1/2007/2, paras. 18-21). The Bureau requested the secretariat to carry out the necessary consultations, starting with the Netherlands which had expressed interest in providing funding for the workshop but which had not been represented at WGP-7, with a view to reaching a common understanding about the scope of the workshop.

4. Report on the Kiev workshop for senior members of the judiciary and preparations for second meeting of task force on access to justice

The secretariat informed the Bureau of the outcome of the workshop on access to justice held in Kiev on 4-5 June 2007 for senior members of the judiciary from six EECCA countries (ECE/MP.PP/WG.1/2007/L.11). The workshop was seen as a success by both the organizers and the participants. The secretariat reported that most participants had expressed the wish to have more of these workshops on a regional level but also at national level. Due to the success of the methodology, the secretariat suggested to use a similar approach for the next workshops. One was planned to be held in Central Asia, jointly with the TACIS EU programme, and another one in South Eastern Europe, subject to availability of funds.

The secretariat reported on the progress in preparing the second meeting of the Task Force on Access to Justice, which would include a “mini-conference” addressing main challenges in implementation of article 9. It was envisaged that the meeting would bring together experts from ministries of environment and justice, senior judiciary and other legal professionals, judicial training centres, academia and NGOs.

The Bureau discussed the length necessary for such a meeting and the number of participants to be invited, in light of the budgetary considerations. It agreed that the total length of the meeting could be 2.5 days, subject to review of the draft agenda once it was available, and that involvement of all the aforementioned categories of participants would be beneficial.

5. Preparations for a workshop on public participation in strategic decision-making

The secretariat informed the Bureau that the draft programme for the PPSD workshop had been sent to the Espoo Convention for consultation. Preliminary discussions between the secretariats indicated that Espoo experts expressed interest in playing significant role in the meeting which would be organized under the auspices of the Aarhus Convention. Also, the ministries of Bulgaria and Austria showed interest in co-chairing the event.

Once there was agreement on the outline programme, the date would be notified to all concerned and a call for abstracts would be issued. The agenda would then be drawn up and speakers identified, partly on the basis of the abstracts received, and other organizational questions would need to be decided upon. The aim was to circulate the finalised detailed programme by the end of September 2007 and hold the workshop in late November or early December 2007.

6. Update on financial matters

The secretariat reported that even though the first half of the year was almost over, there had been very few contributions, amounting to just \$10,000 out of an expected annual income of \$800,000. It also noted that for this reason, for the time being, no increase in staffing to the levels foreseen in the work programme was possible. The situation was to some extent remedied by the use of consultants, but additional staff time would become more essential in the six-month run-up to the MoP.

The Bureau requested the secretariat to send a reminder to the Parties as had been agreed at WGP-7 (ECE/MP.PP/WG.1/2007/2, para. 75) and to convey the Bureau's concern regarding the potential impact on the work plan if the necessary funds were not forthcoming.

7. Preparations for the third meeting of the Parties

Latvia reported on the latest developments in the preparations for the MOP, including the discussions with the secretariat on the division of organizational and financial responsibilities (to be formalized through a Host Country Agreement), the necessary financial arrangements, the venue and logistics.

Regarding the possibility to have the first MOP to the PRTR Protocol back to back to the MOP to the Convention, should the Protocol be in force by then, it was expected that the issue of the entry into force would be clear one way or the other by the time of WGP-8. The Bureau briefly discussed the envisaged "Riga Declaration" and the timeline for the submission of various official documents and items to be included in the MoP-3 agenda.

The Bureau requested the secretariat to elaborate elements for a draft agenda for the MoP and circulate it to the Bureau members for comments, before finalising it for submission to WGP-8. A full draft of the annotated provisional agenda would be prepared following and in the light of the discussion at WGP-8, for discussion at WGP-9. A similar timetable would be followed for the Riga Declaration, with draft elements being discussed at WGP-8, and a full draft being discussed at WGP-9.

As regards possible key themes for the MoP, the following were mentioned:

- 10-year anniversary of the adoption of the Convention;
- Adoption of long-term strategic plan;
- Aarhus in other regions (possibly with some Ministers invited);
- Lessons from the compliance and reporting experiences;
- Outreach to other environmental conventions and initiatives;
- Linkages to sustainable production and consumption;
- New and emerging forms of public participation (esp. arts. 7 and 8);
- Applying Aarhus in transboundary contexts.

8. Preparation of a draft long-term strategic plan (LTSP)

The secretariat reported on the meeting of the LTSP expert group which had taken place in Rome earlier that month and presented the draft elements which had been prepared by that group.

The Bureau considered that the draft elements provided an excellent basis for the draft plan and expressed its appreciation of the work carried out by the expert group and particularly the Chair of the group. Bureau members then proceeded to comment on the draft and agreed upon various amendments. It was considered that the access to justice pillar had not been sufficiently reflected and it was agreed to prepare an additional clause on the topic that would be finalised in the week following the meeting through electronic discussion among the Bureau members.

The Bureau then agreed that the draft, as amended, would be presented to WGP-8. The Chair thanked Italy for having hosted the expert group meeting in Rome.

The Bureau considered that it would be useful if the Chair of the Expert Group would provide a paper explaining the choices made by the group.

9. Preparation of draft decision on financial arrangements

The Bureau briefly discussed the outcome of the discussion at WGP-7 on the topic of financial arrangements. It mandated the Chair, with the assistance of the secretariat, to prepare a new draft decision based on options 2A and 2B in document ECE/MP.PP/WG.1/2007/L.6 and to circulate it for review, revision and approval by the Bureau through electronic means. It was noted that some decisions establishing financial arrangements under other MEAs used more binding (if not legally binding) language than had been used in option 2A, and that the text should be strengthened in a way that was consistent with those examples. It was agreed that there was no need to elaborate on option 2B any further at that stage.

10. Participation in International Forums

The secretariat and the Chair of the Task Force presented the latest preparations for the workshop on Public Participation in International Forums that was due to start the following day. The Bureau discussed possible substitutions for speakers who had unexpectedly cancelled their participation. It was noted that the report of the workshop and summaries prepared by its Chairs

would be submitted as official input documents for WGP-8 but would also be available for consideration at the third meeting of the Task Force on PPIF (9-10 November 2007).

III. Any other matters

The Bureau briefly discussed the situation regarding the impact of mobility upon the secretariat and expressed its regret at the continuing lack of response from the UNECE management to its expressions of concern on the matter. It mandated the Chair to raise the matter again with the senior management of UNECE if there was no further development in the near future.
