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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

#### Fifth session

Maastricht, the Netherlands, 30 June and 1 July 2014

## Report of the fifth session of the Meeting of the Parties

### Addendum

### Decisions adopted by the Meeting of the Parties

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## Decision V/1 on access to information

*The Meeting of the Parties,*

*Recalling* the provisions of articles 4 and 5 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

*Further recalling* its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism and decision IV/1 on access to information, as well the relevant objectives of the Strategic Plan for 2015–2020 as adopted through decision V/5 and the relevant sections of the Work Programme for 2015–2017 as adopted through decision V/6,

*Recognizing* the need to further the implementation of the first pillar of the Convention (articles 4 and 5) so as to provide effective public access to environmental information and actively disseminate it to the public, including through electronic information tools,

*Underlining* the importance of the Aarhus Clearinghouse for Environmental Democracy as an effective global mechanism to share knowledge and practices related to principle 10 of the Rio Declaration on Environment and Development,

*Having reviewed* the reports of the Task Force on Access to Information (ECE/MP.PP/WG.1/2013/5 and ECE/MP.PP/WG.1/2014/4),

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Information and expresses its gratitude to the Republic of Moldova for its leadership of the Task Force;

2. *Welcomes* initiatives by Parties, Signatories and other stakeholders to improve public accessibility of environmental information, including through electronic information tools and e-government<sup>1</sup> and open government data<sup>2</sup> initiatives, which promote effective implementation of articles 4 and 5 of the Convention;

3. *Invites* Parties, Signatories and, where in a position to do so, other stakeholders to continue strengthening implementation of the information pillar of the Convention at the national level;

4. *Calls on* Parties, Signatories, international organizations, non-governmental organizations and other stakeholders to continue contributing resources to the Aarhus Clearinghouse and online databases and welcomes the further development of the Aarhus Clearinghouse and other electronic tools under the Convention;

5. *Also calls on* Parties, Signatories, international organizations, non-governmental organizations and other stakeholders to further application of the recommendations in decision II/3 to promote the wider use of electronic information tools as an effective instrument for putting into practice the Convention's provisions, including

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<sup>1</sup> E-government initiatives encompass activities of the public authorities to deploy information and communication technologies for improving knowledge and information in the service of the public.

<sup>2</sup> Open government data initiatives encompass activities to make information or data produced or commissioned by governments available for everyone to access, reuse and redistribute without any restrictions.

through public-private partnerships,<sup>3</sup> and to contribute to the Aarhus Clearinghouse and online databases;

6. *Stresses* the important role of Aarhus Centres, the media, public libraries and other information sites in facilitating public access to environmental information;

7. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group of the Parties to the Convention, to carry out work in cooperation with other international forums, taking into consideration the relevant activities being undertaken by Parties, Signatories and other stakeholders;

8. *Welcomes* the offer of the Republic of Moldova to continue to lead the Task Force on Access to Information;

9. *Requests* the Task Force on Access to Information, subject to the availability of resources, to:

(a) Promote the exchange of information, experiences, challenges and good practices, as well as to discuss possible further developments and strengthening of public access to environmental information with regard to the following issues, including:

(i) The scope of environmental information, the provision of environmental information by the different public authorities, the associated costs and the quality and comparability of the environmental information;

(ii) The application of restrictions on access to environmental information in accordance with the Convention's provisions;

(b) Continue monitoring and supporting the implementation of the recommendations in decision II/3 and the development of the Shared Environmental Information System across the region, as well as to promoting approaches to and standards for active dissemination of environmental information;

(c) Identify capacity-building needs and priorities with respect to public access to environmental information, taking into account issues of a systemic nature, identified through the reporting and compliance mechanisms;

(d) Continue monitoring technical developments and, where appropriate, contribute to other initiatives relevant to access to environmental information;

(e) Continue contributing to further development of the Aarhus Clearinghouse for Environmental Democracy and PRTR.net;

10. *Invites* Parties, Signatories, other interested States and international and other organizations to participate in the Convention's activities on access to information and to allocate resources for this matter as far as possible;

11. *Entrusts* the secretariat, subject to the availability of resources, to participate in and implement, as appropriate, capacity-building activities, including workshops and trainings; to contribute to relevant initiatives under other forums; and to promote electronic information tools in the region and beyond through the maintenance and further development of the Aarhus Clearinghouse, media tools and online databases (e.g., for jurisprudence, national implementation reports and case studies on public participation at the national level and in international forums).

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<sup>3</sup> A public-private partnership is a scheme that involves cooperation between the public and the private sector aiming at financing, designing, implementing and operating public sector infrastructure and services supporting the implementation of the Convention.

## Decision V/2 on public participation in decision-making

*The Meeting of the Parties,*

*Recalling* the provisions of articles 6, 7 and 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and the provisions of article 6 bis of 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,

*Further recalling* its decisions EMP.II/1 on public participation in decision-making, decision V/5 on the strategic plan for 2015–2020 and V/6 on the work programme for 2015–2017,

*Mindful* that the 2011 cycle of national implementation reports, the findings of the Compliance Committee and the work carried out under the auspices of the Task Force on Public Participation in Decision-making to date have collectively shown that challenges remain to the full implementation of the second pillar of the Convention across the region,

*Recognizing* the vital role played by the Task Force on Public Participation in Decision-making in bringing together experts from governments, civil society and other stakeholders to exchange experiences regarding those challenges and to explore possible good practices to address them,

*Welcoming* the important contribution to furthering the implementation of the second pillar played by organizations engaged in capacity-building at the national and subregional levels,

*Welcoming* also the work of Aarhus Centres in several countries as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies, programmes and projects and providing assistance to members of the public in exercising their rights,

*Underlining* the need to further the implementation of the second pillar of the Convention (articles 6, 7 and 8, and eventually 6 bis) so as to provide for more effective public participation in decision-making in environmental matters,

1. *Notes* with appreciation the work undertaken by the Task Force on Public Participation in Decision-making and expresses its gratitude to Ireland for its leadership of the Task Force;

2. *Takes note* of the Maastricht recommendations on promoting effective public participation in decision-making (ECE/MP.PP/2014/8) developed under the auspices of the Task Force, and invites Parties, Signatories, other interested States and stakeholders to use them as a guidance to improve implementation of the second pillar of the Convention;

3. *Welcomes* initiatives taken by Parties, Signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

4. *Requests* the secretariat to make information on such activities as widely accessible as possible through the Aarhus Good Practice database and other online tools;

5. *Invites* Parties, Signatories, international organizations, non-governmental organizations and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level and where possible to make resources available for this purpose;

6. *Invites* organizations engaged in capacity-building to consider developing training programmes at the national and subregional levels for public officials involved in the day-to-day task of carrying out public participation procedures covered by articles 6, 7 and 8 of the Convention;

7. *Invites* researchers focusing on participatory processes and environmental decision-making to use the resources gathered under the auspices of the Task Force in their research, and also to share the results of their research with the Task Force;

8. *Encourages* Parties, Signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the activities under the Convention on public participation in decision-making and to allocate sufficient resources for this matter;

9. *Decides* to extend in time the mandate of the Task Force on Public Participation in Decision-making, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, Signatories and other stakeholders;

10. *Welcomes* the offer of Italy to lead the Task Force on Public Participation in Decision-making;

11. *Requests* the Task Force, subject to the availability of resources, to undertake the following tasks:

(a) Continue working to strengthen the implementation of the public participation provisions of the Convention;

(b) Continue working to identify the main obstacles to effective public participation in all types of decision-making within the scope of articles 6, 7 and 8 of the Convention at the national, provincial and local levels, including barriers to participation for non-governmental organizations, the general public and marginalized groups, and taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee, other relevant assessments and the experiences of the public;

(c) Continue working to exchange good practices to address the main obstacles to the full implementation of the second pillar of the Convention, including, inter alia, the different types of “decisions” and “decision-making” covered by the Convention and the implications for public participation of different decision-making methods, also through the gathering of experiences from Parties and stakeholders regarding the application of the Maastricht recommendations on promoting effective public participation in decision-making;

(d) Continue working to identify innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities;

(e) Continue to oversee the collection and dissemination of good practices in public participation in decision-making through the Aarhus Good Practice online database;

(f) While taking care to allow sufficient time to address the implementation of articles 6, 7 and 8 generally, investigate possibilities for focusing in greater depth on collaboration with relevant partner organizations, as appropriate, on implementation of the Convention’s public participation requirements in decision-making in those fields of activity considered to be of particularly high priority at the current time, for example, decision-making for sustainable development; climate change-related decision-making; energy-related planning; and, if resources allow, decision-making on the extractive sector; chemicals; emerging technologies (e.g., nanotechnology); and product-related decision-making;

(g) Assess the Convention's provisions on public participation in decision-making having a significant impact on the environment, encompassing, inter alia, sustainable development, and consider options for a possible follow-up identified through the assessment.

## Decision V/3 on promoting effective access to justice

*The Meeting of the Parties,*

*Recalling* the provisions of article 9 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Also recalling* the eighth and ninth preambular paragraphs of the Convention,

*Further recalling* its decisions I/5, II/2, III/3 and IV/2 on promoting effective access to justice,

*Noting* the relevant objectives of the Strategic Plan for 2015–2020 as adopted through decision V/5, and the relevant sections of the Work Programme for 2015–2017 as adopted through decision V/6,

*Having reviewed* the reports of the Task Force on Access to Justice (ECE/MP.PP/WG.1/2012/5; ECE/MP.PP/WG.1/2014/5; ECE/MP.PP/2014/5),

1. *Recognizes* the challenges faced by Parties in implementing the third pillar of the Convention (article 9), and the need for further considerable efforts to achieve effective access to justice;
2. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice;
3. *Expresses its gratitude* to Sweden for its leadership of the Task Force;
4. *Welcomes* capacity-building initiatives by Parties, Signatories and international organizations and other stakeholders aimed at promoting more effective implementation of article 9 of the Convention and encourages them, as appropriate, to undertake such initiatives in the next intersessional period;
5. *Expresses its appreciation* to the Parties, Signatories and other stakeholders for contributing material to the online jurisprudence database concerning the Convention, and encourages Parties, Signatories and other stakeholders, including judges, legal professionals and academics, to use and promote the database and to further contribute to its expansion and improvement;
6. *Encourages* Governments to provide the public with information on access to administrative and judicial review procedures, including through electronic information tools, to ensure public access to relevant decisions of courts and other bodies, and to share their experiences in implementing e-justice initiatives;<sup>4</sup>
7. *Stresses* the significant role of national and international associations of judges, prosecutors and other legal professionals, and in particular of judicial training institutions, as well as the substantial role of public interest lawyers and non-governmental organizations, with regard to information exchange and capacity-building, and invites Governments to support their activities

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<sup>4</sup> E-justice initiatives include the use of information and communication technologies to improve public access to justice and other types of activities involving the resolution of disputes.

8. *Encourages* Governments to stimulate a multi-stakeholder dialogue aiming at removing as the case may be, barriers to access to justice, involving the different ministries and agencies responsible, inter alia, for national policies on environment, justice, education, the judiciary, constitutional courts, ombudsmen, bar associations, public interest lawyers and non-governmental organizations, and to share these experiences within the activities of the Task Force;

9. *Encourages* Parties to integrate to the extent possible the issue of access to justice in environmental matters into the curriculum of law faculties, public administration and judicial training institutions and other relevant institutions supporting the implementation of the Convention;

10. *Invites* Parties, Signatories and international and national organizations to cooperate and avoid duplication of activities in information exchange, the organization of training events and other capacity-building activities for the judiciary and other legal professionals at the national and international levels;

11. *Decides* to extend in time the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties to the Convention, to carry out further work in relation to the implementation of the Convention, taking into consideration the relevant activities being undertaken by Parties, Signatories and other stakeholders;

12. *Welcomes* the offer of Sweden to continue to lead the work of the Task Force;

13. *Requests* the Task Force, subject to the availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, on such issues as costs, remedies, scope of review, timeliness, protection against persecution and harassment;

(b) To identify priority needs with respect to public access to justice in environmental matters, to take stock of capacity-building initiatives taking place in the region and beyond, and to promote the involvement of associations of judges, public interest lawyers and other legal professionals in these initiatives;

(c) As resources allow, to prepare analytical, guidance and training materials to support the work in the above subparagraphs (a) and (b);

(d) To promote understanding and the use of relevant findings of the Compliance Committee of a systemic nature;

14. *Entrusts* the secretariat, subject to availability of resources, to undertake the following work:

(a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings related to access to justice, to be organized in cooperation with relevant partner organizations;

(b) To expand, in cooperation with the Task Force, the web portal for the exchange of jurisprudence concerning the Convention;

15. *Invites* the Parties, Signatories and international and other organizations to participate in the Convention's activities on access to justice, and to allocate funds for this matter;



16. *Requests* the Parties, Signatories and other interested States to facilitate the involvement in relevant activities under the Convention of representatives of ministries of justice, the judiciary, judicial training institutions and other organizations having a strong profile in access to justice issues.

## **Decision V/4 on promoting the application of the principles of the Convention in international forums**

*The Meeting of the Parties,*

*Recalling* article 3, paragraph 7, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

*Recalling also* its decisions II/4, III/4 and IV/3 on promoting the principles of the Convention in international forums, decision V/5 on the Strategic Plan for 2015–2020 and decision V/6 on the Work Programme for 2015–2017,

*Mindful* of the importance of increasing understanding of the challenges faced and the good practices employed by international forums with respect to public participation, through further sharing experience gained under the Convention with international forums,

*Welcoming* the increasing number of requests from interested international forums seeking expert assistance from the secretariat and Parties on this topic,

*Acknowledging* the progress made by Parties, international organizations, international financial institutions, non-governmental organizations and other stakeholders in promoting the application of the Convention's principles,

*Recognizing* that expert assistance is an important powerful tool for the promoting the principles of the Convention and sharing the considerable experience accumulated under the Aarhus Convention in an efficient and direct manner,

*Also recognizing* the valuable work that has been done to implement article 3, paragraph 7, while acknowledging the considerable challenges still to be addressed to fully implement this provision,

1. *Notes with appreciation* the work undertaken under the auspices of the Working Group of the Parties, which has provided a true multi-stakeholder platform for effectively addressing a number of important issues;

2. *Expresses its gratitude* to France for its ongoing leadership of this work area;

3. *Reiterates* its commitment to continue to apply the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in international forums (Almaty Guidelines) (contained in decision II/4) within the activities and subsidiary bodies established under the Convention;

4. *Decides* to continue the work on promoting the application of the principles of the Convention in international forums under the authority of the Working Group of the Parties;

5. *Requests* each Party to:

(a) Further actions to promote public participation at the national level regarding international environmental decision-making processes and take appropriate actions within the framework of international organizations in matters relating to the environment, bearing in mind relevant provisions of the Almaty Guidelines;

(b) Interact within and between its ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines;

(c) Consider innovative ways to improve its own public's access to information and participation in international forums and share their experience with other Parties;

(d) Continue, either individually or in collaboration with other Parties, Signatories or like-minded Governments, to promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums whose practices do not presently reflect the Guidelines or the principles of the Convention;

(e) Consider providing expert assistance to other interested Parties, Signatories or Governments on possible good practices to facilitate the public to participate more effectively in international forums, including when hosting important international events;

6. *Requests* the Working Group of the Parties:

(a) To convene regularly, on a needs basis, a thematic session on promoting the principles of the Convention in international forums as an item on the agenda of its meetings with a view to providing opportunities for Parties, Signatories and stakeholders to exchange experiences in the context of promoting the application of the principles of the Convention with respect to those international forums within the definition of paragraph 4 of the Almaty Guidelines identified by Parties or stakeholders to be of particular priority;

(b) If it considers that one or more specific issues merit more in-depth consideration, to convene, on an ad hoc basis, a workshop or other event on that theme, and/or mandate a consultant or group of experts to examine the subject matter and to report on their findings to the Working Group of the Parties;

(c) To oversee the collection and dissemination of good practices and innovative initiatives to promote the principles of the Convention through the Aarhus Good Practice online database;

(d) Subject to available resources, undertake a global review of the state of the art with respect to participatory tools and mechanisms for consulting the public on international decision-making and to share the outcomes of the review with Parties, stakeholders and interested international forums;

7. *Requests* the secretariat to provide upon request expert assistance, including, as appropriate, commenting on draft documents and expert participation at meetings or events organized by international forums, training sessions, workshops, learning centres or other platforms:

(a) To interested international forums seeking to make their processes more transparent and participatory;

(b) To individual Parties wishing to put in place tools or mechanisms to assist the public to participate more effectively in international forums, including when hosting an important conference of any international forum;

8. *Invites* Parties, Signatories, international and other organizations to continue supporting the implementation of article 3, paragraph 7, of the Convention:

(a) At the national level, by supporting the participation of the public before, during and in the follow-up to meetings and events of international forums;

(b) At the international level, by supporting international forums to promote more effective public participation in their projects, processes and policies;

(c) By supporting the activities of the Convention's work programme on this topic, including the secretariat's expert assistance and capacity-building work, in order that it may respond usefully to the expected ongoing demand;

9. Welcomes the offer of France to continue to lead the work on promoting the application of the principles of the Convention in international forums.

## Decision V/5 on the Strategic Plan for 2015–2020

*The Meeting of the Parties,*

Recalling its decision IV/8 on strategic planning, through which it requested 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, with the assistance of the secretariat and the appropriate involvement of the public, to develop a strategic plan for the Convention covering the period 2015–2020, based on the experiences and results of the implementation of the current Strategic Plan 2009–2014, for consideration and adoption at the fifth Meeting of the Parties,

Welcoming the work undertaken by the Working Group of the Parties and the Bureau, under the leadership of the Chair, to develop a draft plan,

1. Adopts the Strategic Plan for 2015–2020 as set out in the annex to this decision;
2. Agrees that the Plan will guide the implementation and further development of the Convention up until the seventh session of the Meeting of the Parties;
3. Also agrees that a mid-term review of the Strategic Plan for 2015–2020 should be considered at the sixth session of the Meeting of the Parties, focusing in particular on the progress indicators, which would facilitate the preparation of the next strategic plan.

### **Annex Strategic Plan for 2015–2020**

## **Introduction**

1. Environmental rights and democracy are essential elements of good governance and informed decision-making and a prerequisite for achieving the objective of sustainable development. Since the adoption of the Rio Declaration on Environment and Development in 1992, and continuing through the 2002 World Summit on Sustainable Development and the 2012 United Nations Conference on Sustainable Development (Rio+20 Conference), there has been a continued reinforcement of environmental democracy worldwide and progress in recognizing the economic benefits of sustainability, as well as the potential opportunities it presents for society as a whole. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) strongly contributed to putting Principle 10 of the Rio Declaration into practice and has proved an effective tool for promoting effective governance and green economy.

2. Through their ratification of the Convention, 46<sup>5</sup> countries from throughout Europe, the Caucasus and Central Asia as well as the European Union have committed themselves to ensure that they have in place adequate laws and practices relating to access to

<sup>5</sup> To be updated in the light of possible new ratifications.

information, public participation and access to justice in the environmental field. Furthermore, initiatives have been taken by Parties to promote the Convention and its principles globally and to encourage interested non-Parties to participate in its activities.

3. Nonetheless, significant problems remain. The national implementation reports, coupled with the experience gathered through the work of the Convention's compliance mechanism and task forces, indicate that implementation of the access to justice provisions of the Convention appears to be the most difficult area for Parties. Although Parties report that they have elaborated legislation on most aspects relating to access to information and public participation, implementation of these provisions has also proven challenging in some countries.

4. The Strategic Plan for 2015–2020 set out in the present document gives priority to securing effective implementation by Parties, while recognizing the need to promote the lessons learned and the experience of Parties in all countries that wish to accede to the Convention or to replicate its achievements. Furthermore, it acknowledges the necessity of addressing new thematic challenges within its scope. The Strategic Plan also recognizes the cornerstone role of civil society in protecting the environment and promoting sustainable development and the green economy. The document outlines the overall aspiration of Parties for 2020, while priorities for specific periods will be defined in greater detail in the respective work programmes and will take into account the financial resources available.

## **I. Vision and mission**

5. Worldwide, social, economic and environmental challenges are becoming increasingly complex and interrelated. This fact should not, however, discourage the public from involvement in decision-making and Governments must provide the necessary stimulus, tools, information and assistance to enable transparent decision-making processes in order to ensure informed, balanced and effective public participation. Making decisions and decision-making processes fully accountable to the public whom they should serve should become an essential, and not only procedural, matter. Furthermore, Governments should recognize that the Convention establishes the grounds for future developments and should endeavour to raise the accepted international standards in the future, based upon experience with higher standards on the domestic level.

6. The economic and social value of the environment and the environmental impacts of today's actions should be fully reflected in all decisions at the policy, strategic and project levels, particularly in the light of the increasing pressures put on resources by rapid global economic development and population growth. The social dimension of sustainable development is also closely linked to public participation in decision-making.

7. Our long-term mission is to minimize the depletion of environmental resources that should remain for future generations and to ensure sustainable and environmentally sound development through strengthening participatory environmental democracy in the United Nations Economic Commission for Europe (ECE) region and beyond.

8. Our immediate mission is:

(a) As a first priority, to work towards full implementation of the Convention by each Party where this has not already been achieved and to encourage and support its use by the public;

(b) To increase the impact of the Convention by increasing the number of Parties within the ECE region and by encouraging States outside the region to accede to the Convention, replicate it or implement its principles, and by promoting Principle 10 of the Rio Declaration on Environment and Development;

(c) To keep the provisions and principles of the Convention under constant review and consider forward-looking interpretations of the Convention and its further development so as to ensure that it continues responding to modern challenges and provides an adequate instrument to achieve its objectives.

9. This vision and mission are part of our broader aspiration to achieve a more equitable world and a better quality of life for all.

## II. Roles and responsibilities

10. Parties should play a proactive role in promoting and facilitating the implementation of the Strategic Plan in their countries and in multilateral processes under the Convention. They should assess and regularly follow up its implementation at all levels of governance. In this context it should be understood that “Parties” includes all relevant public authorities at the national, subnational and local levels (responsible for, e.g., environment, justice, water, agriculture, transport, industry, health, education and foreign issues). Focal points could contribute, as appropriate, to the implementation of the Strategic Plan.

11. Stakeholders, including the general public, civil society organizations, experts from the education and scientific sectors, the health sector, the private sector, industry, transport and agriculture, trade and labour unions, the mass media, various communities, indigenous peoples and international organizations, are encouraged to support implementation of the Strategic Plan. Civil society organizations promoting environmental protection have an important role in implementation by alerting the public to its rights and by supporting Governments in understanding and acting upon their obligations.

12. The secretariat facilitates implementation of the Strategic Plan through servicing the Convention’s bodies, organizing regional and subregional capacity-building activities and undertaking advisory and promotion work.

## III. Framework for implementation

### A. Focal area I: Implementation

#### Strategic goal I

#### Full implementation of the Convention by each Party

To achieve full implementation of the Convention by each Party, Parties will implement the objectives set out below as far as possible.

*Objective 1.1:* Each Party has a clear, transparent and consistent framework for the implementation of all provisions of the Convention, comprising not only the necessary constitutional, legislative and regulatory provisions, but also the operational procedures and mechanisms required for their practical application both in a national context as well as in transboundary situations, without discrimination as to citizenship, nationality or domicile.

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<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
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#### National

Identify and remediate any deficiencies in the implementation framework to ensure that adequate legislative, regulatory and

Parties, partner organizations,<sup>a</sup> stakeholders

Adequate legislative, regulatory and policy measures, and institutional mechanisms are in place.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
policy measures, and institutional mechanisms are in place. All activities are to be implemented through a participatory process, such as a robust consultation in the preparation of the National Implementation Report (NIR).		<p>A participatory mechanism, such as a robust consultation in the preparation of the NIR, to monitor progress in the implementation of the Aarhus Convention is operational.</p> <p>Good quality and timely submitted NIRs.</p> <p>Good practices are reported through NIRs.</p>
<b>International<sup>b</sup></b>		
Strengthen Parties' capacities to implement the Convention and address obstacles to its implementation through the compliance mechanism, sharing good practices and developing guidance material.	<p>Meeting of the Parties and relevant Convention bodies<sup>c</sup></p> <p>Parties and the secretariat</p>	<p>The objective is adequately addressed through the work of the respective Convention bodies (e.g., good practices have been shared and relevant guidance material has been developed).</p> <p>Effective implementation of decisions regarding Parties' non-compliance.</p>

<sup>a</sup> Wherever reference is made to partner organizations, it is understood that the organizations participating in the Convention's capacity-building coordination framework and other relevant organizations will be involved.

<sup>b</sup> Refers to multilateral processes established under the Convention.

<sup>c</sup> Activities of the Meeting of the Parties and other bodies under the Convention also involve stakeholders.

*Objective I.2:* The Convention's mechanism for compliance review fulfils the role of an effective instrument to address compliance problems that cannot be resolved at the national level. The findings and recommendations of the Compliance Committee are regarded by Parties as an authoritative source of advice on the implementation of the Convention and are used by them to improve their national practices in the best way possible.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
<p>Implement effectively the decisions regarding non-compliance by individual Parties adopted by the Meeting of the Parties.</p> <p>Having a system in place to monitor the implementation of decisions, involving all relevant authorities, communicants and other interested stakeholders.</p>	<p>Parties</p> <p>Interested stakeholders</p>	<p>Having a system in place for monitoring the implementation of decisions.</p> <p>Decisions of the Meeting of the Parties are implemented effectively and reported through NIRs</p> <p>Positive feedback from Parties and stakeholders</p>

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Review of submissions, communications and referrals and preparation and publication of findings and recommendations.	Meeting of the Parties, Parties Compliance Committee Secretariat	Adoption of the findings and recommendations by the Compliance Committee and adoption of the respective decisions by the Meeting of the Parties.
Thematic review of generic compliance problems.		Positive feedback from Parties and stakeholders.
Periodic review of the implementation of decisions on compliance by individual Parties with the Convention adopted by the Meeting of the Parties.		

*Objective 1.3:* The reporting mechanism under the Convention fulfils the role of an effective instrument to monitor the Convention's implementation

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Preparing national implementation report through wide multi-stakeholder consultations.	Parties Interested stakeholders	Good quality reports have been prepared through wide multi-stakeholder consultations.
<b>International</b>		
Review of the implementation.	Meeting of the Parties, Parties Compliance Committee Secretariat	Timely submission of good quality reports. Good quality synthesis report is drawn up with the major conclusions drawn from the submitted NIRs.

*Objective 1.4:* In implementing the Convention, each Party not only complies with its mandatory provisions, but also endeavours to give effect to its provisions whose application is discretionary.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Develop adequate legislation, regulations and implement required measures.	Parties Stakeholders	Adequate legislation and regulations are developed and the required measures are taken.
Pilot projects.		

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
		Pilot projects are implemented.
		Positive feedback from Parties and stakeholders.
		Good practices are reported through NIRs.

**International**

Strengthening Parties' capacities through sharing good practices and developing guidance material.	Meeting of the Parties, relevant Convention bodies and the secretariat	The objective is adequately addressed through the work of the respective Convention bodies (e.g., good practices have been shared and relevant guidance material has been developed).
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*Objective 1.5:* Environmental education is widely available and promotes active and responsible behaviour among the public as regards the environment, including the exercise of the rights guaranteed by the Convention.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Addressing provisions and principles of the Aarhus Convention through formal, informal and non-formal programmes on education for sustainable development (ESD).	Parties, Stakeholders, in particular educational institutions, local and subnational authorities Media Civil society organizations	Adequate educational programmes and curriculum. Good practices are reported through NIRs.

**International**

Strengthening Parties' capacities through sharing good practices and developing guidance material.	Secretariat, mostly through implementation of the ECE Strategy for ESD <sup>a</sup> Partner organizations	The objective is adequately addressed through the work on the ECE Strategy for ESD and Convention bodies, as appropriate (e.g., good practices have been shared and relevant guidance material has been developed).
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*Objective I.6:* Public authorities at all levels and in all relevant sectors of government are aware of the obligations under the Convention and allocate as far as possible the resources needed to comply with them.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Information, training, organizational and budgetary measures. Translate text of the Convention into national and subnational languages and distribute it widely; provide adequate training to all relevant staff of the authorities.	Parties All public authorities concerned within Parties Stakeholders Partner organizations	The required information, training, organizational and budgetary measures are taken. National focal points have capacity to carry out the required work. Resources are allocated as far as possible.
Strengthening of national focal points.		Convention is translated into national and subnational languages and distributed widely.
National capacity-building <sup>a</sup> activities.		Adequate training is provided regularly to relevant staff in the authorities. Programmes for capacity-building activities are being implemented. Good practices are reported through NIRs.
<b>International</b>		
Regional and subregional capacity-building activities.	Partner organizations and the secretariat	The objective is adequately addressed through subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed)
Strengthening Parties' capacities through sharing good practices and developing guidance material.		

<sup>a</sup> Wherever reference is made to capacity-building activities, it is understood that the organizations participating in the Convention's capacity-building coordination framework will be involved.

*Objective I.7:* The implementation of the Convention leads to the development of an open administrative culture which supports public participation and transparency in environmental matters and values them as positive contributions to democratic, effective and good governance. Public officials concerned have and apply the knowledge and skills to provide assistance and guidance to the public to facilitate the exercise of its rights.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Political support at the highest level. Encourage proactive officials.	Parties All public authorities concerned within Parties	Programmes for capacity-building activities are being implemented.
Exchange of best practices and national capacity-building for officials at all levels. Regular awareness-raising. Establishing and implementing the operational procedures and mechanisms promoting an open administrative culture.	Partner organizations	The operational procedures and mechanisms are established and implemented. Good practices are reported through NIRs.
<b>International</b>		
Regional and subregional capacity-building activities. Sharing good practices.	Partner organizations and the secretariat	The objective is adequately addressed through regional and subregional capacity-building activities (e.g., good practices have been shared).

*Objective I.8:* Each Party provides for appropriate recognition of and support to civil society organizations promoting environmental protection as important actors in advancing democratic debate on environmental policies, raising public awareness and mobilizing and assisting citizens in exercising their rights under the Convention and contributing to its implementation.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Identifying and remediating any deficiencies in the framework to ensure that adequate legislative, regulatory and policy measures, and institutional mechanisms are in place. National capacity-building and awareness-raising	Parties Donor institutions Partner organizations Civil society organizations	Measures are implemented. Programmes for capacity-building and awareness-raising activities are implemented. Civil society organizations participate effectively in the related activities.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
activities. Preparing and disseminating adequate resource material in national and subnational languages to assist civil society organizations in exercising their rights under the Convention. Provision of financial and expert assistance. Consideration of measures for the implementation of article 3, paragraph 8, such as “whistleblower” protection.		Support for public interest environmental civil society organizations is being provided. Good practices are reported through NIRs.
<b>International</b>		
Strengthening Parties’ capacities through sharing good practices.	Parties Donor institutions Partner organizations Civil society organizations Secretariat	Civil society organizations participate effectively in the activities at the international level. Good practices have been shared through regional and subregional capacity-building activities and the work of the Convention’s bodies.

*Objective 1.9:* Civil society organizations and the general public are aware of their rights under the Convention and assert them to effectively engage in addressing environmental and sustainable development issues and to advance both environmental protection and good governance, thus contributing to sustainable development.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Public awareness campaigns. Support for public interest environmental civil society organizations, including environmental law organizations.	Parties Civil society organizations Partner organizations Academic Institutions Donors	Measures for raising public awareness are being implemented. Support for public interest environmental civil society organizations is being provided. Good practices are reported through NIRs.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Regional and subregional activities.	Parties Partner organizations Donors Meeting of the Parties and relevant Convention bodies Secretariat	Civil society organizations and the general public have the opportunity to participate effectively in the activities under the Convention.

**Access to information**

*Objective I.10:* Public authorities at all levels and in all relevant sectors of government have well-established information policies and mechanisms, under which environmental information of a high quality is routinely provided and proactively disseminated to the public in a user-friendly manner, making full use of electronic tools where available.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Further development of systems to collect environmental information, including environment-related health information.	Parties All stakeholders, including health professionals' organizations	Environmental information of a high quality is routinely provided and proactively disseminated to the public in a user-friendly manner.
Further development of public registers, national nodes and information centres.	Partner organizations	Good practices are reported through NIRs.
Increasing compatibility of electronic databases containing environmental information.		Review mechanism on access to information.
Implementation of recommendations adopted through decision II/3 and implementation of other decisions of the Meeting of the Parties related to access to information.		

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Regional and subregional capacity-building activities. Strengthening Parties' capacities through sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

### **Public participation**

*Objective I.11:* Public participation procedures are regarded by public authorities and all other actors concerned as an integral part of the preparation of policies, plans, programmes, projects, legal instruments and executive regulations that may have a significant effect on the environment, and are implemented in their full scope. Prospective applicants are, where appropriate, encouraged to undertake proactive efforts to identify and inform the public concerned and enter into discussions with them at an early stage of planning, allowing for the effective participation of all interested members of the public.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Informational and organizational measures to facilitate public participation procedures.	All authorities within Parties responsible for carrying out public participation procedures	Measures have been taken to ensure that effective public participation procedures are in place.
Training and other capacity-building activities of officials and executives in communication with the general public.	Private sector Partner organizations	Good practices are reported through NIRs. Public authorities demonstrably take account of public input.
Application of recommendations developed under the Convention and other decisions of the Meeting of the Parties related to public participation. Decisions broadly reflect the public input.		

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Strengthening Parties' capacities through regional and subregional capacity-building activities, sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

### **Access to justice**

#### *Objective I.12:*

(a) Each Party ensures access to administrative or judicial review procedures that can provide timely and effective remedies for members of the public who consider that their rights under the Convention have not been respected;

(b) Each Party empowers members of the public, where they meet the criteria, if any, laid down in national law, to challenge acts and omissions that contravene provisions of national environmental law. Any such criteria should be established taking fully into account the Convention's objective of guaranteeing access to justice;

(c) Each Party undertakes genuine efforts to reduce and eliminate financial and other barriers that may prevent access to such review procedures and establishes, where appropriate, assistance mechanisms to that end.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Identifying and remediating any deficiencies through a multi-stakeholder dialogue to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place with regard to (a) remedies, (b) standing and (c) financial barriers. Capacity-building activities. Implementing decisions of the Meeting of the Parties related to access to justice.	Parties All authorities within Parties responsible for the functioning of administrative or judicial review procedures, in particular ministries of justice Civil society organizations Public interest lawyers Partner organizations	Effective access to administrative or judicial review procedures is ensured through: (a) providing timely and effective remedies to members of the public; (b) empowering members of the public to obtain access to justice; and (c) reducing and eliminating financial and other barriers that may prevent access to review procedures and through establishing assistance mechanisms.  Good practices are reported through NIRs.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Strengthening Parties' capacities through regional and subregional capacity-building activities, sharing good practices, maintaining jurisprudence database and developing guidance material.	Meeting of the Parties and relevant Convention bodies Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

*Objective 1.13:* Judges, public prosecutors and other legal professionals are familiar with the provisions of the Convention and are ready to exercise their respective responsibilities to uphold them.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Information, education/training and capacity-building measures for legal professionals in accordance with decisions on access to justice adopted by the Meeting of the Parties.	Parties, in particular, ministries of justice or similar national bodies Judicial training centres Law schools Professional organizations	Adequate curricula/training programmes. Measures are being implemented. Decisions of courts, and whenever possible of other judicial bodies, are publicly accessible.
Taking measures to make decisions of courts, and whenever possible of other judicial bodies, publicly accessible.	Civil society organizations	Good practices are reported through NIRs.
<b>International</b>		
Strengthening Parties' capacities through regional and subregional capacity-building activities, maintaining jurisprudence database, sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

## B. Focal area II: Expansion

### Strategic goal II

#### Increase the impact of the Convention in the United Nations Economic Commission for Europe region and beyond

To increase the impact of the Convention in the ECE region and beyond, Parties will implement the following objectives as far as possible:

*Objective II.1:* The number of Parties to the Convention within the ECE region continues to increase steadily throughout the plan period.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Build public and political support for ratification in non-Parties.	Parties Partner organizations	Completed ratification procedures.
Bilateral consultations to discuss and overcome obstacles to ratification.	Civil society organizations Interested non-Party within the ECE region	
<b>International</b>		
Strengthen Parties' capacities through capacity-building activities, sharing good practices, developing guidance material and providing assistance upon request.	Secretariat Civil society organizations Parties Interested non-Party Partner organizations	Increased number of Parties.

*Objective II.2:* The amendment to the Convention on public participation in decisions on the deliberate release into the environment and the placing on the market of genetically modified organisms (GMOs) is approved by a sufficient number of Parties to enter into force by 2015 and is progressively implemented.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Build public and political support for ratification in Parties.	Interested Parties Partner organizations	Completed ratification procedures.
Parties seek bilateral consultations with other Parties that have ratified the amendment, to discuss and overcome obstacles to ratification and receive/provide capacity-building assistance and share good practices.	Civil society organizations	Good practices are reported through NIRs.



<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Strengthening the capacities of the Parties concerned through capacity-building activities, sharing good practices and provision of advisory assistance upon request.	Secretariat Civil society organizations Parties concerned	Increased number of ratifications.
Use of regional and international cooperation arrangements to raise interest in the GMO amendment.	Partner organizations, in particular the secretariat of the Cartagena Protocol to the Convention on Biological Diversity.	

*Objective II.3:* States in other regions of the world effectively exercise their right to accede to the Convention. Parties actively encourage accession to the Convention by States of other regions of the world.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Build public and political support for ratification in non-Parties.	Parties Partner organizations	Completed ratification procedures.
Bilateral consultations between Parties and non-Parties to discuss and overcome obstacles to ratification, provide capacity-building assistance and share good practices with interested non-Parties.	Civil society organizations Interested non-Party outside the ECE region	Good practices are reported through NIRs.
<b>International</b>		
Strengthening the capacities of interested non-Parties through capacity-building activities, sharing good practices, translating guidance material into national and subnational languages and providing advisory and technical assistance upon request.	Secretariat Civil society organizations Parties Interested non-Party outside the ECE region	Increased number of Parties.
Use of regional and international cooperation arrangements to raise interest in the Convention.		

*Objective II.4:* The Convention sets an internationally recognized standard for access to information, public participation in decision-making and access to justice in environmental matters, and inspires the development of similar instruments in other regions of the world thereby putting Principle 10 of the Rio Declaration into practice.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Promoting the Convention: (a) at national level to national focal points dealing with other international forums; and (b) through bilateral cooperation with countries in other regions through providing capacity-building assistance and sharing good practices.	Parties Partner organizations Civil society organizations	Convention promoted effectively within interministerial processes and through Parties' positions in major international forums, as well as among countries in other regions.  Good practices are reported through NIRs.
<b>International</b>		
Participation in key regional and international events to publicize the Convention.	Parties Meeting of the Parties and its Bureau and the Working Group	Convention promoted effectively in major international forums and among countries in other regions.
Encouraging references to the Convention in other forums (political and academic).	Secretariat	
Cooperating with other regional bodies interested in the implementation of Principle 10 of the Rio Declaration.	Civil society organizations Partner organizations	
Providing capacity-building and advisory assistance.		

*Objective II.5:* The Parties to the Convention actively promote the application of its principles in international environmental decision-making processes and within the framework of international organizations relating to the environment, and endeavour to influence the practices of international forums in matters relating to the environment, in particular the development and implementation of multilateral environmental agreements.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Consideration of possible measures to give effect to the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums at the national level.	Parties Partner organizations Civil society organizations	Increased number of international forums that apply the Almaty Guidelines in their procedures.  National coordination mechanisms are in place and are working effectively.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
Implementation of the decisions of the Meeting of the Parties related to application of the Convention's principles in international environmental decision-making.		Good practices are reported through NIRs.
<b>International</b>		
Strengthening Parties' capacities to apply the Almaty Guidelines.	Parties Secretariat	Application of the Convention's principles is promoted effectively in major international forums.
Promotion of the application of the Almaty Guidelines in international forums.	Civil society organizations Partner organizations	The objective is adequately addressed through the work of the respective Convention bodies.
Adoption of appropriate practices and procedures in international forums; review of existing practices.	Meeting of the Parties and its Working Group	Parties coordinate collectively in other forums on matters relevant to the application of the Convention's principles.
Consultations with other forums.		

*Objective II.6:* The Parties to the Convention, both in their participation in international policymaking and in their national implementation activities, achieve synergies between the Convention and other international environmental and human rights agreements.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Coordinated implementation of the Convention and the provisions on access to information and public participation of other multilateral environmental agreements (MEAs).	Parties	Synergies between the implementation of the Convention and other international environmental and human rights agreements are ensured.  Good practices are reported through NIRs.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Organization of joint activities with other MEAs, in particular those of ECE, and human rights bodies.	Parties	Joint activities with other MEAs and human rights bodies are implemented effectively.
	Meeting of the Parties and relevant Convention bodies	
	Secretariat	Parties coordinate collectively in other forums on matters relevant to the application of the Convention.
	Civil society organizations	
Partner organizations		

### C. Focal area III: Development

#### Strategic goal III

#### Further development of the provisions and principles of the Convention where necessary to ensure that it continues to achieve its objectives

To achieve the further development of the provisions and principles of the Convention where necessary to ensure that it continues to achieve its objectives, Parties will endeavour to implement the following objectives:

*Objective III.1:* The provisions of the Convention are interpreted in a dynamic way, enabling practice to adapt to experience acquired in the course of implementation, new developments in society, technological innovation and new environmental challenges.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Forward-looking interpretation of the Convention in view of new environmental and development challenges.	Parties	Adequate legislative, regulatory and policy measures, and institutional frameworks are in place.
	Civil society organizations	
	Private sector	Good practices are reported through NIRs.
<b>International</b>		
Strengthening Parties' capacities and addressing obstacles in implementing the Convention through the compliance mechanism, sharing good practices and developing guidance material.	Parties	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).
	Meeting of the Parties and relevant Convention bodies	
	Secretariat	

*Objective III.2:* The Parties explore possibilities for the development of measures under the Convention to ensure greater opportunities for public participation in policy formulation and implementation concerning each of the three pillars of the Convention, so as to contribute to sustainable development, recalling the Johannesburg Declaration on Sustainable Development and the related Plan of Implementation and the Rio+20 Declaration. Furthermore, the Parties share their experiences in implementing the Convention with other forums interested in using them as a basis or a source of inspiration for further strengthening participatory democracy in their respective fields.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Use of participatory procedures in the revision and/or development of national strategies for sustainable development and for the development of sustainable development goals.	Parties	Provisions for effective public participation are implemented.  Good practices are reported through NIRs.
<b>International</b>		
Exchange of experience and best practices on the impact of instruments of participatory democracy on decisions related to all dimensions of sustainable development, public participation in policy formulation and implementation contributing to sustainable development.	Meeting of the Parties and relevant Convention bodies Parties Secretariat Civil society organizations Partner organizations	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

### **Access to information**

*Objective III.3:* The range of environmental information that is made available to the public is gradually widened, inter alia, by developing and implementing mechanisms enabling more informed consumer choices as regards products, thereby contributing to more sustainable patterns of production and consumption. Through exchange of information and good practice, consideration is given as to how to promote the increasing accessibility of environmental information held by the private sector, taking into account relevant issues of confidentiality of commercial and industrial information and protection of intellectual property rights, in line with the current approach under the Convention.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Identify and remediate through a participatory intersectoral and multi-stakeholder process any	Parties Civil society organizations	Environmental information, including related to products is made available effectively.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
deficiencies in the national framework to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place.  Capacity-building activities.	Private sector  Partner organizations	Good practices are reported through NIRs.
<b>International</b>		
Regional and subregional capacity-building activities, exchange of information and best practice in promoting the accessibility of environmental information held by the private sector based on national experience, preparing studies and guidance material.	Meeting of the Parties and relevant Convention bodies  Civil society organizations  Private sector  Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant studies and guidance material has been developed).

**Public participation**

*Objective III.4:* The provisions on public participation in decisions having a significant impact on the environment, encompassing, inter alia, product-related decision-making, are assessed, further reflected on and, where appropriate, elaborated upon.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Identify and remediate through a participatory intersectoral and multi-stakeholder process any deficiencies in the national framework to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place.  Application of recommendations developed under the Convention with regard to relevant provisions on public participation.  Capacity-building activities.	Parties  Civil society organizations  Private sector	Measures are taken.  Provisions for effective public participation are implemented.  Capacity-building activities are implemented.  Good practices are reported through NIRs.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice with regard to the implementation of the provisions on public participation in decisions having a significant impact on the environment.	Meeting of the Parties and relevant Convention bodies Civil society organizations Partner sector Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

*Objective III.5:* The provisions of the Convention relating to public participation in the preparation of plans, programmes and policies relating to the environment, as well as executive regulations and other generally applicable legally binding normative instruments that may have a significant effect on the environment, are applied, kept under review and, as appropriate, further developed to enhance public participation from an early stage in strategic decision-making processes. This should be done with appropriate public involvement and taking fully into account the specific nature and constraints of such processes and related obligations under other MEAs, in particular the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and by involving its bodies in such processes.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Identify and remediate through a participatory intersectoral and multi-stakeholder process any deficiencies in the national framework to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place.  Application of the recommendations developed under the Convention with regard to relevant provisions on public participation.  Capacity-building activities.	Parties	Measures are taken.  Provisions for effective public participation are implemented.  Capacity-building activities are implemented.  Good practices are reported through NIRs.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>International</b>		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice with regard to implementation of the provisions of articles 7 and 8 of Convention and in context of the implementation of the SEA Protocol.	Meeting of the Parties and relevant Convention bodies Parties Civil society organizations Partner organizations Espoo Convention/ Protocol on SEA bodies Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

*Objective III.6:* To enhance the effectiveness of public participation, the development and application of innovative forms and tools of public participation beyond traditional consultation procedures are encouraged, the development of the capacity of civil society organizations is supported and civil society is strengthened.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Promote good practices regarding different modes of public participation.	Parties Civil society organizations Partner organizations	Innovative and effective forms and tools of public participation are in place. Capacity of civil society organizations and civil society is strengthened. Good practices are reported through NIRs.
<b>International</b>		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice on innovative and effective forms of and tools for participation.	Meeting of the Parties and relevant Convention bodies Parties Civil society organizations Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).



## Access to justice

*Objective III.7:* Work on promoting effective access to justice continues, in particular by way of further information exchange, capacity-building and exchange of good practice, inter alia, on the issue of adequate and effective remedies, taking fully into account the Convention's objective of, inter alia, guaranteeing access to justice. The extension of the range of members of the public having access to administrative and judicial procedures is explored, with particular focus on access by environmental civil society organizations. Further steps are taken to remove or reduce financial and other barriers and to establish assistance mechanisms where appropriate.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
<b>National</b>		
Review of implementation of article 9, paragraphs 2, 3 and 4, through a multi-stakeholder dialogue to identify gaps and obstacles to implementation.	Parties Civil society organizations	Adequate measures are implemented.
Reducing or removing financial and other barriers and provision of assistance mechanisms where appropriate.		
<b>International</b>		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice with regard to implementation of the provisions of article 9.	Meeting of the Parties and relevant Convention bodies Parties Civil society organizations Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (e.g., good practices have been shared and relevant guidance material has been developed).

## Decision V/6 on the work programme for 2015–2017

*The Meeting of the Parties,*

*Recalling* its decision I/11 on the procedures for the preparation, adoption and monitoring of work programmes,

*Taking into account* the Strategic Plan for 2015–2020 for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted through decision V/5, and the scheme of financial arrangements adopted through decision V/7,

1. *Adopts* the work programme for 2015–2017, containing the estimated costs of each activity, as set out in annex I to this decision;

2. *Agrees* upon the indicative allocation of resources and the resulting estimated costs set out in annexes I and II, subject to annual review and, as appropriate, revision by the Working Group of the Parties on the basis of annual reports provided by the secretariat pursuant to decision V/7 on financial arrangements;

3. *Encourages* Parties to endeavour to ensure that the funding of the activities of the work programme remains stable throughout the period 2015–2017;

4. *Also encourages* Parties, insofar as possible, and subject to the internal budgetary procedures of the Parties, to contribute to the Convention's trust fund for a given calendar year by 1 October of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the work programme for 2015–2017;

5. *Reiterates* its commitment to implementing the Almaty Guidelines on Promoting the Principles of the Convention in International Forums (Almaty Guidelines), through all the activities of the work programme, as relevant;

6. *Decides* to give general priority<sup>6</sup> to issues related to compliance and implementation, including capacity-building;

7. *Also decides* to give particular priority to the following substantive issues:

- (a) Access to justice;
- (b) Public participation;
- (c) Access to information;

8. *Calls on* the Parties, and invites Signatories, other States and relevant intergovernmental, regional and non-governmental organizations, to contribute actively to the activities contained in the work programme;

9. *Requests* the secretariat, taking into consideration the results of the implementation of the Strategic Plan for 2015–2020 and the work programme for 2015–2017, to prepare a draft work programme for the intersessional period following the sixth session of the Meeting of the Parties, including a detailed breakdown of estimated costs, for consideration and further elaboration by the Bureau and the Working Group of the Parties, at the latest three months before the sixth session of the Meeting of the Parties, with a view to possible adoption at that meeting;

10. *Further requests* the secretariat to ensure that an estimated costing for each draft decision finalized by the Working Group of the Parties during the intersessional period is properly reflected in the draft work programme for 2018–2020, in due time for the preparation of the sixth session of the Meeting of the Parties, in order to enable Parties to better prioritize activities and allocate sufficient financial resources in the budget to take them forward.

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<sup>6</sup> The primary function of the prioritization indicated in paragraphs 6 and 7, apart from explaining and reflecting the proposed allocation of resources in the annexes, is to provide guidance in situations in which there is a significant discrepancy between the actual income and the estimated financial requirement. If there is a significant shortfall in resources, then savings need to be made, and the prioritization provides guidance as to where those savings should be made. If there are surplus resources that are not earmarked, then the prioritization provides guidance as to how that surplus may be used. If the resources available closely match the estimated requirements set out in the annexes, the resources can simply be applied as indicated therein, i.e., there is no need for any further exercise of prioritization.

**Annex I**  
**Draft work programme for 2015–2017**

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US\$)</i>
<i>Substantive issues</i>				
I. Access to information, including electronic information tools	<p>Widen the range of environmental information made available to the public, including product information, and exchange of information and good practices, with a focus on several issues, including:</p> <p>(a) The distribution, quality and comparability of environmental information through the effective use of electronic information tools and sharing of good practice;</p> <p>(b) The further improvement of the implementation of the existing information obligations under the Convention;</p> <p>(c) The scope of environmental information, the provision of environmental information from different public authorities, associated costs, and the quality and comparability of the environmental information;</p> <p>(d) The application of the restrictions on access to environmental information in accordance with the Convention's provisions.</p> <p>Monitor implementation of the Recommendations on the More Effective Use of Electronic Information Tools to Provide Public Access to Environmental Information (ECE/MP.PP/2005/2/Add.4, annex).</p> <p>Provide policy and guidance for the Aarhus Clearinghouse. Upgrade and use the Clearinghouse to facilitate the collection, dissemination and exchange of information related to the national implementation of the Convention and relevant global and regional developments on Principle 10 of the Rio Declaration on Environment and Development.</p> <p>Continue cooperation with the United Nations Economic Commission for Europe (ECE) Working Group on Environmental Monitoring and Assessment and the European Environment Agency towards supporting a Shared Environment Information System.</p>	<p>Task Force on Access to Information</p> <p>Secretariat, enlisting technical support as necessary</p>	<p>Task Force meetings and workshops; survey(s); participation in other relevant regional initiatives, as appropriate, through development of sector-based partnership approaches; pilot projects and capacity-building activities at the subregional and national level, which are expected to be funded by partners.</p> <p>Central management of the Aarhus Clearinghouse and promotion through online social media; provision of advice to and coordination of national and information nodes of the clearinghouse mechanism; information sharing and promotion of electronic tools through maintaining online databases for jurisprudence and national implementation reports, and maintaining online case studies on (a) public participation at the national level, and (b) public participation in international forums.</p>	153 250

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US\$)</i>
	Monitor technical developments in information and communication technology.			
II. Public participation	<p>Identify common difficulties and the main obstacles to effective public participation in all types of decision-making and at all levels (national, provincial, local) within the scope of articles 6, 7 and 8 of the Convention; and coordinate the collection and exchange of good practices to address the common difficulties and the main obstacles identified, including through the further development of the online compendium of case studies in public participation in decision-making.</p> <p>In order to inform the future work of the Task Force on Public Participation, review the application of the recommendations on public participation in decision-making, including through written surveys to Parties and stakeholders.</p> <p>In addition to considering public participation in environmental decision-making generally, focus on public participation in decision-making in such fields as decision-making for sustainable development; climate-change related decision-making, the nuclear domain; energy-related planning and policymaking, and the extractive sector; and if resources allow, decision-making on chemicals; food and agriculture; emerging technologies (e.g., nanotechnology) and product-related decision-making.</p> <p>Provide advisory assistance to partner organizations on training of public officials involved in the day-to-day task of carrying out public participation procedures covered by the Convention; provide a forum for sharing the results of researchers focusing on participatory processes and environmental decision-making; and assess, keep under review and explore further possibilities for development of the provisions of the Convention relating to public participation.</p>	Task Force on Public Participation in Decision-making Secretariat	<p>Task Force meetings; workshops; collection of case studies; exploring synergies and possibilities for cooperation with relevant bodies under other multilateral environmental agreements and partner organizations.</p> <p>Participation in other relevant regional initiatives as appropriate; pilot projects and capacity-building activities at the subregional and national levels, which are expected to be funded by partners.<sup>a</sup></p>	133 160

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US\$)</i>
III. Access to justice	<p>Implementation of the decisions adopted at the fourth and fifth sessions of the Meeting of the Parties, as well as previous decisions, as appropriate; exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, on such issues as costs, remedies, scope of review, timeliness, protection against persecution and harassment; identification of priority needs with respect to public access to justice in environmental matters; raising of awareness of the access to justice provisions of the Convention; and building of capacity among key groups of stakeholders, such as the judiciary, public interest lawyers and other legal professionals,<sup>b</sup> through organizing joint events with existing networks and other organizations.</p> <p>As resources allow, prepare analytical, guidance and training materials to support this work area.</p>	<p>Task Force on Access to Justice</p> <p>Secretariat, enlisting expert support as necessary</p>	<p>Task Force meetings, if feasible back to back with other relevant capacity-building events, to be organized in liaison with partner organizations active in access to justice, and through development of sector-based partnership approaches, where appropriate.</p> <p>Strengthen cooperation with existing networks of judges and other legal professionals, as well as other international forums, to exchange information and support capacity building.</p> <p>Develop analytical and training materials.</p> <p>Pilot projects and capacity-building activities at the subregional and national levels, which are expected to be funded by partners.</p>	137 160
IV. Genetically modified organisms (GMOs)	<p>Support the implementation of decision II/1 on GMOs (GMO amendment) and relevant provisions of the Convention in this area, as well as the application of the Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms (MP.PP/2003/3), inter alia, by promoting exchange of information on common difficulties and the main obstacles to their implementation, as well as good practices to address them.</p>	<p>Secretariat, in close cooperation with other stakeholders</p>	<p>Workshop(s); survey(s); advisory support to, and cooperation with, relevant bodies under the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; advisory support to countries upon request; and use of the Aarhus Clearinghouse to facilitate exchange of information on good practices.</p>	36 923
<i>Procedures and mechanisms</i>				
V. Compliance mechanism	<p>Monitor and facilitate the implementation of and compliance with the Convention.</p> <p>Increase support to individual Parties in following up on decisions on compliance</p>	<p>Compliance Committee</p> <p>Secretariat</p>	<p>Compliance Committee to review submissions, referrals and communications on cases of possible non-compliance, prepare decisions and reports and undertake fact-finding missions.</p> <p>Compliance Committee to explore possible synergies with other relevant forums.</p> <p>Secretariat to publicize the mechanism, manage the Committee's web page and develop a database of the Compliance Committee's findings.</p>	289 410

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US\$)</i>
VI. Capacity-building	Coordination of capacity-building activities to assist countries in the effective implementation of the Convention; implementation of capacity-building measures at the regional and subregional levels.	Secretariat, in close cooperation with other relevant stakeholders	Annual inter-agency coordination meetings; maintaining the Convention's web pages with information on capacity-building activities; use of the Aarhus Clearinghouse to facilitate exchange of information on good practices; training workshops and technical assistance, mostly separately funded under other substantive work areas; capacity-building activities at the national and subregional levels, which are expected to be funded by partners.	52 135
VII. Reporting mechanism	Production of national implementation reports and a synthesis report.	Secretariat, enlisting expert and administrative support as necessary  Compliance Committee	Preparation and processing of national implementation reports.  Analysis of reports and preparation of a synthesis report.  Adjustment of guidance on reporting requirements, as needed.	10 000
<i>Awareness-raising and promotion</i>				
VIII. Awareness-raising and promotion of the Convention, including through:  VIII.1. Communication Strategy  VIII.2. Promotion of the principles of the Convention in international forums  VIII.3. Support to non-ECE States to accede to the Convention  VIII.4. Support to regional and global initiatives on	Raise public awareness of the Convention throughout the ECE region and beyond; increase the number of Parties to the Convention; support regional and global initiatives on Principle 10 of the Rio Declaration.  Activities should be carried out in synergy with the relevant activities of the work programme of the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs).	Secretariat  Bureau of the Meeting of the Parties  Working Group of the Parties	Participation in key regional and international events and processes; use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, e.g., the European Neighbourhood Policy; feed into international processes that closely relate to the Convention, including, the special procedures under the United Nations Human Rights Council (depending on the mandate), the United Nations Environment Programme, the international financial institutions and other relevant international forums.  Expert assistance to regional and global initiatives on Principle 10 of the Rio Declaration; support to relevant events organized by others; missions and assistance to countries organized at the request of host Governments, with a focus on States that have expressed formal interest in becoming Parties to the Convention.	109 570

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US\$)</i>
Principle 10 of the Rio Declaration			Implementation of the Communication Strategy; website management; preparation of leaflets, publications, news bulletins, articles and other information materials.	
IX. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	Further the application of the principles of the Convention throughout all activities under the Convention, as appropriate, and in the context of the work of relevant international bodies and processes, inter alia, through the promotion of the Almaty Guidelines and the Recommendations on the More Effective Use of Electronic Information Tools to Provide Public Access to Environmental Information and monitoring of their implementation.	Secretariat  Bureau of the Meeting of the Parties  Working Group of the Parties	Thematic sessions, on a needs basis, at meetings of the Working Group of the Parties to oversee progress in promoting the application of the principles of the Convention in international forums and to address challenges encountered in the implementation of article 3, paragraph 7, of the Convention.  Surveys regarding experiences gained in the implementation of article 3, paragraph 7, and the Almaty Guidelines; online networks; expert assistance to relevant international forums and to Parties upon request and developing a repository of good practices on establishing effective processes for the public to participate in international forums; joint activities with other treaties and multilateral processes; concrete actions by Parties at the national and international level to promote the principles of the Convention in international forums, and the Almaty Guidelines.  Subject to resources, commissioning a study on how to make public participation in international forums more effective.	39 035
<i>Coordination, horizontal support and Meeting of the Parties</i>				
X. Coordination and oversight of intersessional activities	Coordination and oversight of the activities under the Convention.  Preparation of substantive documents for the sixth session of the Meeting of the Parties (e.g., drafting decisions, the future work programme, reviewing the implementation of the current work programme and the Strategic Plan).	Working Group of the Parties  Bureau of the Meeting of the Parties	Working Group meetings, meetings of the Bureau and consultations among Bureau members electronically.	123 503

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US\$)</i>
XI. Sixth ordinary session of the Meeting of the Parties	See article 10 of the Convention.	Meeting of the Parties	Session of the Meeting of the Parties.	— <sup>c</sup>
XII. Horizontal support areas	Overall support that covers multiple substantive areas of the work programme.	Secretariat	Secretarial support, staff training, equipment.	150 000
<b>Total (including costs for all work areas and 13% programme support costs)</b>				<b>1 394 586</b>

<sup>a</sup> Experts involved in the work of the Task Force will be invited to provide substantive support to the activities through commenting documents and participating in trainings, workshops, pilot projects etc. Meetings of the Task Force will provide a forum to discuss key outcomes of the activities and identify good practices and challenges in implementation.

<sup>b</sup> Experts involved in the work of the Task Force will be invited to provide substantive support to the activities through commenting documents and participating in trainings. Meetings of the Task Force will provide a forum to discuss key outcomes of the activities and identify good practices and challenges in implementation.

<sup>c</sup> Costs are reported under work area X.



## Annex II

### Estimated costs of activities of the work areas proposed in the work programme for 2015–2017

Work area	Cost type	Description	Average estimated costs in US\$ per year <sup>a</sup>			
			2015	2016	2017	2015–2017 annual average
I. Access to information <sup>b</sup>	Staff time	Professional support, two P–3 staff: one at 30 per cent and one at 20 per cent of full-time equivalent (FTE)	90 450	90 450	90 450	90 450 <sup>c</sup>
	Subcontracts	Consultancy (e.g., upgrade and maintenance of Aarhus Clearinghouse and Aarhus good practice database)	15 000	15 000	15 000	15 000
	Travel, daily subsistence allowance (DSA) (experts/participants)	Travel of eligible participants (3 meetings)	40 800	40 800	40 800	40 800
	Travel, DSA (staff)	Missions	7 000	7 000	7 000	7 000
<b>Subtotal</b>			<b>153 250</b>	<b>153 250</b>	<b>153 250</b>	<b>153 250</b>
II. Public participation	Staff time	Professional support, one P–3 staff at 40 per cent of FTE	72 360	72 360	72 360	72 360
	Subcontracts	Consultancy (e.g., preparation of the required materials)	13 000	13 000	13 000	13 000
	Travel, DSA (experts/participants)	Travel of eligible participants (3 meetings)	40 800	40 800	40 800	40 800
	Travel, DSA (staff)	Missions	7 000	7 000	7 000	7 000
<b>Subtotal</b>			<b>133 160</b>	<b>133 160</b>	<b>133 160</b>	<b>133 160</b>
III. Access to justice	Staff time	Professional support, two P–3 staff: one at 30 per cent and one at 10 per cent of FTE	72 360	72 360	72 360	72 360
	Subcontracts	Consultancy (e.g., preparation of the required materials)	17 000	17 000	17 000	17 000
	Travel, DSA (experts/participants)	Travel of eligible participants (3 meetings)	40 800	40 800	40 800	40 800
	Travel, DSA (staff)	Missions	7 000	7 000	7 000	7 000
<b>Subtotal</b>			<b>137 160</b>	<b>137 160</b>	<b>137 160</b>	<b>137 160</b>
IV. GMOs	Staff time	Professional support, two P–3 staff: each at 5 per cent of FTE	18 090	18 090	18 090	18 090
	Subcontracts	Consultancy (preparation of the required material)	4 000	4 000	4 000	4 000

Work area	Cost type	Description	Average estimated costs in US\$ per year <sup>a</sup>			
			2015	2016	2017	2015–2017 annual average
	Travel, DSA (experts/participants)	Eligible participants travel to event (e.g., workshop, round table)	—	34 000	—	11 333
	Travel, DSA (staff)	Missions	3 500	3 500	3 500	3 500
	<b>Subtotal</b>		<b>25 590</b>	<b>59 590</b>	<b>25 590</b>	<b>36 923</b>
V. Compliance mechanism	Staff time	Professional support, three P-3 staff: one at 70 per cent and two at 10 per cent each of FTE	162 810	162 810	162 810	162 810
	Subcontracts	Consultancy (e.g., translation outside United Nations, preparation of the required material)	25 000	25 000	25 000	25 000
	Travel, DSA (experts/participants)	Committee members, other participants (four Compliance Committee meetings per year)	91 800	91 800	91 800	91 800
	Travel, DSA (Staff)	Missions	9 800	9 800	9 800	9 800
	<b>Subtotal</b>		<b>289 410</b>	<b>289 410</b>	<b>289 410</b>	<b>289 410</b>
VI. Capacity-building <sup>d</sup>	Staff time	Professional support, two P-3 staff: one at 10 per cent and one at 5 per cent of FTE	27 135	27 135	27 135	27 135
	Subcontracts	Consultancy (e.g., capacity-building activities, materials, studies)	7 000	7 000	7 000	7 000
	Travel, DSA (experts/participants)	Eligible experts (e.g., annual meeting of capacity-building partners, capacity-building activities)	6 800	6 800	6 800	6 800
	Travel, DSA (staff)	Missions	11 200	11 200	11 200	11 200
	<b>Subtotal</b>		<b>52 135</b>	<b>52 135</b>	<b>52 135</b>	<b>52 135</b>
VII. Reporting mechanism	Subcontracts	Consultancy (processing of national implementation reports, preparation of the synthesis report)	—	10 000	20 000	10 000
	<b>Subtotal</b>		<b>—</b>	<b>10 000</b>	<b>20 000</b>	<b>10 000</b>
VIII. Awareness-raising and promotion of the Convention	Staff time	Professional support, three P-3 staff: one at 20 per cent and two at 5 per cent each of FTE	54 270	54 270	54 270	54 270
	Subcontracts	Consultancy (publications, promotion materials)	14 000	14 000	14 000	14 000 <sup>e</sup>
	Travel, DSA (experts/participants)	Participation in events and country missions to promote the Convention	23 800	23 800	23 800	23 800

Work area	Cost type	Description	Average estimated costs in US\$ per year <sup>a</sup>			
			2015	2016	2017	2015–2017 annual average
	Travel, DSA (Staff)	Participation at relevant events where no other funding is available	17 500	17 500	17 500	17 500
<b>Subtotal</b>			<b>109 570</b>	<b>109 570</b>	<b>109 570</b>	<b>109 570</b>
IX. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	Staff time	Professional support, one P-3 staff at 15 per cent of FTE	27 135	27 135	27 135	27 135
	Subcontracts	Consultancy (expert studies)	5 000	5 000	5 000	5 000
	Travel, DSA (experts)	Expert missions	3 400	3 400	3 400	3 400
	Travel, DSA (staff)	Missions	3 500	3 500	3 500	3 500
<b>Subtotal</b>			<b>39 035</b>	<b>39 035</b>	<b>39 035</b>	<b>39 035</b>
X. Coordination and oversight of intersessional activities, including sixth ordinary session of the Meeting of the Parties	Staff time <sup>f</sup>	Professional support, three P-3 staff: one at 15 per cent; one at 10 per cent and one at 5 per cent of FTE	54 270	54 27	54 270	54 270
	Travel, DSA (experts/participants)	Eligible participants (meetings of Working Group of the Parties, Bureau, sixth session of the Meeting of the Parties)	47 600	47 600	102 000	65 733
	Travel, DSA (staff)		3 500	3 500	3 500	3 500
<b>Subtotal</b>			<b>105 370</b>	<b>105 370</b>	<b>159 770</b>	<b>123 503</b>
XI. Sixth ordinary session of the Meeting of the Parties						— <sup>g</sup>
XII. Horizontal support areas	Secretarial support (G-5) <sup>h</sup>	General support	140 000	140 000	140 000	140 000
	Technical support costs	Computers, equipment, external printing	6 000	6 000	6 000	6 000
	Training of staff	Training activities to enhance staff skills	4 000	4 000	4 000	4 000
<b>Subtotal</b>			<b>150 000</b>	<b>150 000</b>	<b>150 000</b>	<b>150 000</b>

<i>Work area</i>	<i>Cost type</i>	<i>Description</i>	<i>Average estimated costs in US\$ per year<sup>a</sup></i>			
			<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2015–2017 annual average</i>
<b>Total</b>			<b>1 194 680</b>	<b>1 238 680</b>	<b>1 269 080</b>	<b>1 234 147</b>
Programme support costs (13%)			155 308	161 028	164 980	160 439
<b>Grand total</b>			<b>1 349 988</b>	<b>1 399 708</b>	<b>1 434 060</b>	<b>1 394 586</b>

<sup>a</sup> The estimated costs shown here are limited to those intended to be covered by voluntary contributions made under the Convention's scheme of financial arrangements, either through its trust fund or in kind. They do not include costs that are expected to be covered by the United Nations regular budget or other sources. Figures are rounded up. They may change in accordance with the United Nations administrative regulations.

<sup>b</sup> Including responsibility for electronic information tools under the Convention and Protocol.

<sup>c</sup> Professional staff costs are estimated by multiplying expected staff time in each activity area by the projected annual salary costs of staff hired at the level indicated.

<sup>d</sup> This category of activities encompasses activities that build capacity in areas that relate to the Convention as a whole. Capacity-building activities relating to a specific topic under the Convention (e.g., electronic information tools, access to justice) are covered under those activity areas.

<sup>e</sup> In line with past practice, it is anticipated that some publications will be funded from the United Nations regular budget.

<sup>f</sup> Including provision of legal advice and general tasks.

<sup>g</sup> Costs are reported under work area X.

<sup>h</sup> This staff member would also support administrative activities under the reporting mechanism and other administrative tasks in relation to preparation for the sixth session of the Meeting of the Parties. The extrabudgetary secretarial support will be required as of the last quarter of the year preceding the sixth session of the Meeting of the Parties. In the event that currently available staff funded by the 13 per cent programme support costs, levied from the trust funds of the ECE Environment Division, is discontinued, the secretarial support at the G-5 level will need to be increased to 100 per cent throughout the triennium, as shown in the table above.

**Annex III****Overview of extrabudgetary staff needs to be covered from the Convention trust fund<sup>7</sup>**

1. The following estimation of staff needs for the period 2015–2017 is based on the experience with regard to the implementation of the work programme for 2012–2014. The estimate aims to provide an overview of staff needs that reflects the reality of the requirements for implementation of the work programme as closely as possible. The information below is also shown in table format on the following page, for ease of reference.

**(a) One P-3 Environmental Affairs Officer<sup>8</sup>**

2. One P-3 Environmental Affairs Officer will be responsible for the Aarhus Convention Compliance Committee (70);<sup>9</sup> work on access to justice (10); awareness-raising and promotion (5); support to the main bodies under the Convention; and expert legal support to the secretariat (15).

**(b) One P-3 Environmental Affairs Officer<sup>10</sup>**

3. One P-3 Environmental Affairs Officer will be responsible for electronic information tools for the Convention and Protocol, the Aarhus Clearinghouse, PRTR.net and web content management (20); other responsibilities include servicing of all activities under the Protocol on PRTRs funded from the contributions earmarked for the Protocol (80).

**(c) One P-3 Environmental Affairs Officer<sup>11</sup>**

4. One P-3 Environmental Affairs Officer will be responsible for work on public participation in decision-making (40); GMOs (5); providing support to the Compliance Committee (10); the main bodies under the Convention (5); capacity-building (5); and outreach, awareness-raising and promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes (35).

<sup>7</sup> The secretariat is currently serviced by three staff members funded through the United Nations regular budget: one at the P-4 level, one at the P-2 level (recruited through National Competitive Examinations/young professionals programme) and one at 50 per cent at the G-5 level. One G-3 Programme Assistant is financed through the 13 per cent of programme support costs levied from the trust funds of the ECE Environment Division. Extension of the latter contract is subject to availability of the required amount from the programme support costs in the Convention's trust fund.

<sup>8</sup> This post is currently held by a P-3 Environmental Affairs Officer responsible for, inter alia, the Aarhus Convention Compliance Committee, work on access to justice and expert legal support to the secretariat.

<sup>9</sup> Figures contained in parentheses in this annex refer to the percentage of work time for each staff member, as compared with 100 per cent capacity for a full-time post.

<sup>10</sup> This post is currently held by a P-3 Environmental affairs Officer who performs tasks for both the Convention and the Protocol on PRTRs, and is responsible for, inter alia, the Meeting of the Parties to the Protocol on PRTRs, the PRTR Compliance Committee and the PRTR Bureau and Working Group of the Parties; PRTR.net and the Aarhus Clearinghouse; and electronic information tools, awareness-raising and promotion of the Protocol.

<sup>11</sup> This post is currently vacant and temporarily occupied by a short-term P-2 Environmental Affairs Officer responsible for, inter alia, work on public participation in international forums; genetically modified organisms; the Aarhus Convention Implementation Guide and outreach.

**(d) One P-3 Environmental Affairs Officer<sup>12</sup>**

5. One P-3 Environmental Affairs Officer will be responsible for work on access to information (30); access to justice (30); GMOs (5); providing support to the Compliance Committee (10); the main bodies under the Convention (10); capacity-building (10); and awareness-raising (5). In 2017 (or other year, if the date is changed) the staff member will also support organization of the sixth session of the Meeting of the Parties, including coordination with the host country regarding logistics and finance, overseeing nominations/participation and credentials, and provide support in the preparation of meeting documentation.

**(e) One G-5 Programme Assistant**

6. During the last quarter of the year preceding the sixth session of the Meeting of the Parties (2017), an additional programme assistant could be hired to provide horizontal administrative support, including for the Working Group of the Parties, the Meeting of the Parties, the Bureau, the Compliance Committee and national reporting.

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<sup>12</sup> This post is currently held by a P-3 Environmental Affairs Officer, responsible for, inter alia, work on access to information, access to justice; capacity-building; and support to the Compliance Committee.

**Table of estimated extrabudgetary staff needs for 2015–2017**

<i>Post</i>	<i>Activities</i>							
	<i>Access to information, including electronic information tools, Aarhus Clearinghouse and web management</i>	<i>Public participation in decision-making</i>	<i>Access to justice</i>	<i>GMOs</i>	<i>Compliance Committee</i>	<i>Capacity-building</i>	<i>Awareness-raising and promotion, including promotion of Almaty Guidelines and other interlinkages with relevant international bodies and processes</i>	<i>Working Group of the Parties, Meeting of the Parties, Bureau, legal advice and general tasks</i>
(a) P–3 full time	—	—	10	—	70	—	5	15
(b) P–3 part-time	20	—	—	—	—	—	—	—
(c) P–3 full time	—	40	—	5	10	5	35	5
(d) P–3 full time	30	—	30	5	10	10	5	10
(e) G–5 full time	5	5	5	5	5	5	5	65

*Note:* Figures in the table refer to an aggregate estimated percentage of work time for each staff member for three years, as compared with 100 per cent for a full-time post.

## Decision V/7 on financial arrangements under the Convention

*The Meeting of the Parties,*

*Recalling* article 10, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which states that the Meeting of the Parties to the Convention may, as necessary, consider establishing financial arrangements on a consensus basis,

*Also recalling* its decisions I/13, II/6, III/7 and IV/7, through which an interim voluntary scheme of contributions based on a system of shares, open to contributions from Parties, Signatories and other States having opted to participate in it, has been established and maintained,

*Having considered* the outcomes of the assessment of the current interim scheme of contributions (ECE/MP.PP/WG.1/2013/9),

*Recognizing* the need to:

- (a) Ensure that sufficient resources are available for implementing the Convention's work programme for 2015–2017 adopted through decision V/6;
- (b) Ensure a scheme of financial contributions that is transparent and accessible to all Parties, Signatories and other States and organizations wishing to contribute;
- (c) Establish financial arrangements under the Convention based on the principles of an equitable sharing of the burden, stable and predictable sources of funding, accountability and sound financial management,

*Noting with regret* that the amounts contributed under the interim voluntary scheme have fallen short of the estimated costs of implementing the work programme for 2012–2014, and regretting that the financial burden has not been evenly distributed, with a significant number of Parties and Signatories not contributing at all,

*Believing* that alternative options to the financial arrangements in place under the Convention will be considered by the Meeting of the Parties at its next session to ensure that the arrangements continue to meet the goals of stability, predictability and an equitable sharing of the burden,

1. *Agrees* to continue to use the existing interim scheme of contributions aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

- (a) The Parties should collectively ensure that the costs of the activities of the work programme that are not covered by the United Nations regular budget are covered through the financial scheme;
- (b) No Party or Signatory is expected to contribute less than 500 United States dollars for the Convention's work programme in its contribution for a given calendar year;
- (c) Contributions shall be made in cash and shall not be earmarked for a particular activity;
- (d) Additional contributions may be made in cash or in kind and may be earmarked for a particular activity;



(e) Contributions in cash shall be made through the United Nations Economic Commission for Europe Trust Fund for Local Technical Cooperation (Aarhus Convention project);

(f) If allowed by the domestic budgetary procedures of the Parties, contributions for a given calendar year should be made by 1 October of the preceding year, or where this is not an option, it is recommended that contributions are made in the first six months of the calendar year, so as to secure payment of staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the respective programme of work;

(g) Parties pledge, where possible, prior to the adoption of a work programme by the Meeting of the Parties, their expected annual or multi-annual financial and in-kind contributions. Signatories, other interested States and organizations may wish to indicate their expected contributions as well;

2. *Requests* Parties to contribute each year or to make multi-annual contributions towards the costs of activities under the work programme, in accordance with the scheme referred to in paragraph 1;

3. *Invites* Signatories, other interested States and public entities, as well as the private sector, in accordance with the 2009 Revised Guidelines on Cooperation between the United Nations and the Business Sector,<sup>13</sup> to contribute, in cash or in kind, towards covering the costs of the work programme;

4. *Calls upon* countries with economies in transition to finance to the extent possible their own participation in the activities;

5. *Calls upon* international organizations working in countries with economies in transition to support participation of representatives of these countries and non-governmental organizations in the meetings and other activities;

6. *Encourages* Parties that have historically contributed generously to maintain, or return to, their previous levels of contribution;

7. *Requests* all Parties to ensure the equitable distribution of the financial responsibility for implementation of the work programme and requests the Bureau to liaise with Parties where appropriate concerning the achievement of this goal;

8. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to allocate in the Convention Trust Fund by 1 October of each year the sum required for the extension of the contracts of extrabudgetary staff of the secretariat for the upcoming year, as a priority, and also costs needed for implementation of activities in the first quarter of the upcoming year;

9. *Also requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports specifically indicating contributions, and reflecting any changes to:

(a) The estimated costs of activities for the next calendar year;

(b) The composition of the Parties, for review by the Working Group of the Parties in order to strive to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

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<sup>13</sup> Issued by the Secretary-General in November 2009. Available from <http://business.un.org/en/documents/6602>

10. *Requests* from the Bureau, with the assistance of the secretariat, an estimation of the operational costs needed for the effective functioning of the Convention, which should be clearly distinct from the cost of other activities which are subject to the availability of resources;

11. *Requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required in the content or time frame of the work programme, in the event that the level of actual and/or pledged contributions does not match the level of funding needed;

12. *Requests* the secretariat to prepare a comprehensive report on financial matters for each session of the Meeting of the Parties, including information on how much Parties and other participating States and organizations have contributed to the budget of the Convention in cash and in kind, and how the contributions were spent;

13. *Agrees* to review the operation of the scheme of financial arrangements at its sixth meeting;

14. *Mandates* the Bureau and the Working Group of the Parties to explore in the next intersessional period options for more predictable, stable and equitably shared funding, and requests them to make the appropriate proposals for consideration by the Meeting of the Parties at its sixth session;

15. *Requests* the United Nations Economic Commission for Europe to allocate more resources to support the work under the Convention considering, inter alia, the balance in the use of regular budgetary resources in the different subprogrammes.

## **Decision V/8 on reporting requirements**

*The Meeting of the Parties,*

*Recalling* its decisions I/8, II/10, III/5 and IV/4 on reporting requirements,

*Recalling also* the mandate of the Compliance Committee set out in paragraph 13 (c) of the annex to decision I/7 on review of compliance,

*Having considered* the reports submitted by Parties and the synthesis report on the status of implementation by Parties (ECE/MP.PP/2014/6) prepared by the secretariat pursuant to paragraphs 1 to 5 of decision I/8,

*Having also considered* the report of the Compliance Committee (ECE/MP.PP/2014/9) and its supplementary reports (ECE/MP.PP/2014/10 to ECE/MP.PP/2014/23),

*Considering* that the reporting procedure as set out in decisions I/8, II/10, and IV/4, including the revised reporting format as set out in the annex to decision IV/4 and the procedure regarding translation of the reports as set out in paragraphs 14 to 16 of decision IV/4, should continue to apply for the next reporting cycle,

1. *Notes with appreciation* the implementation reports submitted by more than three quarters of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters pursuant to paragraphs 1 to 4 of decision I/8;

2. *Welcomes* the synthesis report prepared by the secretariat pursuant to paragraph 5 of decision I/8;

3. *Also welcomes* the reports submitted by non-governmental organizations pursuant to paragraph 7 of decision I/8;

4. *Considers* that these reports provide a valuable overview of the status of implementation of the Convention, as well as help to identify significant trends in and challenges to implementation, which will help to guide future activities;

#### **Timely submission of reports**

5. *Notes with concern* that 9 Parties that submitted reports did not do so within the deadline indicated in decision II/10;

6. *Reiterates its encouragement* of Parties to start the preparation of national implementation reports in future reporting cycles sufficiently in advance of, and at the latest five months before, the deadline for submission of the reports to the secretariat set out in decision II/10, with a view to ensuring meaningful public consultation on the reports at the national level;

#### **Failure to submit reports**

7. *Notes with regret* that Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan, all of which were Parties to the Convention at the time of the deadline for submission of the implementation reports, have failed to submit reports to date;

8. *Calls upon* each of those Parties to submit its national implementation report to the secretariat by 1 October 2014, for subsequent consideration, inter alia, by the Compliance Committee;

#### **Public consultation**

9. *Welcomes* the fact that most Parties prepared their reports through a process involving consultations with various governmental agencies as well as civil society;

10. *Encourages* Parties to ensure transparency and public consultation during the process of the preparation and submission of the reports;

#### **Preparation of reports for the next session of the Meeting of the Parties**

11. *Requests* the secretariat to circulate to all Parties and relevant stakeholders a formal reminder of the reporting requirements, including guidance on the preparation of the reports, as well as the proposed timing and confirmation of the date for the submission of the reports to the secretariat in accordance with decision II/10, paragraph 9, at least one year in advance of the next session of the Meeting of the Parties.

### **Decision V/9 on general issues of compliance<sup>14</sup>**

*The Meeting of the Parties,*

*Having regard* to its decision I/7 on the review of compliance, and in particular to paragraph 37 of the annex thereto,

*Having regard also* to decision IV/9 on general issues of compliance and decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i on compliance by individual Parties with their obligations under the Convention on Access to Information,

<sup>14</sup> There was no draft decision V/9k submitted to the Meeting of the Parties. The numbering of the decisions on compliance was corrected in the present report to run sequentially.

Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

*Recalling* decisions V/9a, V/9b, V/9c, V/9d, V/9e, V/9f, V/9g, V/9h, V/9i, V/9j, V/9k, V/9l, V/9m and V/9n concerning compliance by Armenia, Austria, Belarus, Bulgaria, Croatia, the Czech Republic, the European Union (EU), Germany, Kazakhstan, Romania, Spain, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland, adopted in parallel with this decision and containing the findings and recommendations of the Meeting of the Parties concerning specific Parties found to be in non-compliance, as well as the outcome of the review of implementation of decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i,

1. *Welcomes* the report of the Aarhus Convention Compliance Committee to the Meeting of the Parties at its fifth session;<sup>15</sup>

2. *Also welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2011–2014 within the framework of decision I/7, as reflected in the reports of its meetings;

3. *Considers* that the implementation of measures to bring legislation or practice of a Party into compliance with the Convention should commence as soon as possible once specific problems with compliance have been identified, with a view to already bringing about full compliance with the relevant provisions in the intersessional period, where possible;

4. *Appreciates* that recommendations, advice and expert assistance from the Committee to the Parties concerned in the intersessional period contributes to the effectiveness of facilitating their compliance;

5. *Urges* each Party to cooperate in a constructive manner with the Committee in connection with any review of its compliance;

6. *Notes:*

(a) The need for the Committee to ensure transparency and due process for both communicants and the Parties concerned in respect of communications received from members of the public (including informing the Party concerned, at an early stage, of the receipt of a communication by the Committee);

(b) That the Committee should ensure that, where domestic remedies have not been utilized and exhausted, it takes account of such remedies, in accordance with paragraph 21 of the annex to decision I/7;

#### **Findings and recommendations in 2011–2014 and cooperation by the Parties**

7. *Welcomes* the constructive approach and cooperation demonstrated by Austria, Belarus, Bulgaria, Croatia, the Czech Republic, Denmark, the EU, Germany, Kazakhstan, Romania and the United Kingdom, whose compliance was the subject of review in the intersessional period 2011–2014;

8. *Also welcomes* the consideration and evaluation by the Committee with respect to the specific cases of alleged non-compliance set out in the findings and recommendations adopted by the Committee during the intersessional period;<sup>16</sup>

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<sup>15</sup> ECE/MP.PP/2014/9.

<sup>16</sup> ECE/MP.PP/C.1/2013/14 (Armenia); ECE/MP.PP/C.1/2012/4 and ECE/MP.PP/C.1/2014/3 (Austria); ECE/MP.PP/C.1/2011/6/Add.1 (Belarus); ECE/MP.PP/C.1/2013/4 (Bulgaria);

9. *Endorses* the main findings with regard to compliance contained in the findings and recommendations adopted by the Committee during the intersessional period;<sup>17</sup>

10. *Notes* the conclusions by the Committee in its findings on communications ACCC/C/2008/32 (Part I)<sup>18</sup> and ACCC/C/2012/68<sup>19</sup> that the European Union had not failed to comply with the provisions of the Convention in those cases; its findings on communications ACCC/C/2010/45 and ACCC/C/2011/60<sup>20</sup> and ACCC/C/2011/61<sup>21</sup> that the United Kingdom had not failed to comply with the provisions of the Convention in those cases; and its finding on communication ACCC/C/2010/53<sup>22</sup> that the United Kingdom no longer failed to comply with the provisions of the Convention in that case;

11. *Welcomes* the recommendations by the Committee during the intersessional period 2011–2014, in accordance with paragraph 36 (b) of the annex to decision I/7, with regard to compliance by individual Parties, and the acceptance by most of the Parties found not to be in compliance of the Committee making such recommendations to them;

12. *Also welcomes* the measures taken by Denmark during the intersessional period with respect to the point of non-compliance identified in the Committee's findings on communication ACCC/C/2011/57, and notes the Committee's finding in its report that Denmark was no longer in non-compliance;<sup>23</sup>

13. *Notes* the efforts that have been made by Austria, Belarus, Bulgaria, the Czech Republic, the EU and Kazakhstan during the intersessional period to address the recommendations made to those Parties by the Committee with respect to the points of non-compliance identified, respectively, in the Committee's findings on communications ACCC/C/2010/48, ACCC/C/2009/44, ACCC/C/2011/58, ACCC/C/2010/50, ACCC/C/2010/54 and ACCC/C/2011/59, while also noting the Committee's findings in its reports on the implementation of those recommendations that further work was needed by each Party to fully address the outstanding points of non-compliance;<sup>24</sup>

#### **Implementation of decisions on compliance by individual Parties**

14. *Takes note* of the reports of the Committee on the implementation of decisions IV/9a,<sup>25</sup> IV/9b,<sup>26</sup> IV/9c,<sup>27</sup> IV/9d,<sup>28</sup> IV/9e,<sup>29</sup> IV/9f,<sup>30</sup> IV/9g,<sup>31</sup> IV/9h<sup>32</sup> and IV/9i;<sup>33</sup>

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ECE/MP.PP/C.1/2014/4 (Croatia); ECE/MP.PP/C.1/2012/11 and ECE/MP.PP/C.1/2014/9 (Czech Republic); ECE/MP.PP/C.1/2012/7 (Denmark); ECE/MP.PP/C.1/2011/4/Add.1 and ECE/MP.PP/C.1/2012/12 and Corr.1 (EU); ECE/MP.PP/C.1/2014/5 (EU and United Kingdom); ECE/MP.PP/C.1/2014/8 (Germany); ECE/MP.PP/C.1/2013/9 and Corr.1 (Kazakhstan); ECE/MP.PP/C.1/2014/12 (Romania), forthcoming; ECE/MP.PP/C.1/2013/3, ECE/MP.PP/C.1/2013/12 and ECE/MP.PP/C.1/2013/13 (United Kingdom).

<sup>17</sup> Ibid.

<sup>18</sup> ECE/MP.PP/C.1/2011/4/Add.1.

<sup>19</sup> ECE/MP.PP/C.1/2014/5.

<sup>20</sup> ECE/MP.PP/C.1/2013/12.

<sup>21</sup> ECE/MP.PP/C.1/2013/13.

<sup>22</sup> ECE/MP.PP/C.1/2013/3.

<sup>23</sup> ECE/MP.PP/2014/15.

<sup>24</sup> ECE/MP.PP/2014/11 (Austria), ECE/MP.PP/2014/12 (Belarus), ECE/MP.PP/2014/13 (Bulgaria), ECE/MP.PP/2014/14 (Czech Republic), ECE/MP.PP/2014/16 (EU) and ECE/MP.PP/2014/17 (Kazakhstan).

<sup>25</sup> ECE/MP.PP/2014/10 (Armenia).

<sup>26</sup> ECE/MP.PP/2014/12 (Belarus).

<sup>27</sup> ECE/MP.PP/2014/17 (Kazakhstan).

15. *Welcomes* the Republic of Moldova's and Slovakia's committed action to fully address the recommendations made by the Meeting of the Parties through decisions IV/9d and IV/9e, respectively, and to bring their legislation and practice into compliance with the Convention;

16. *Also welcomes* the constructive efforts made by Armenia, Belarus, Kazakhstan, Spain, Turkmenistan and the United Kingdom to address the recommendations made by the Meeting of the Parties through decisions IV/9a, IV/9b, IV/9c, IV/9f, IV/9g and IV/9i, respectively, to bring their legislation and practice into compliance with the Convention, while recognizing that further work is needed by each Party to fully address the outstanding points of non-compliance;

17. *Expresses its deep concern* at the absence of concrete progress by Ukraine in implementing decision IV/h, which urged Ukraine to implement the measures requested by the Meeting of the Parties at its second session (Almaty, Kazakhstan, 25–27 May 2005) through decision II/5b “as soon as possible”;

18. *Requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, to make recommendations to the Parties concerned to support the implementation of decisions V/9a–n concerning their compliance;

19. *Undertakes* to review the implementation of decisions V/9a–o<sup>34</sup> at its sixth ordinary session, as well as the more general recommendations contained in the following paragraphs, and, with this in mind, requests the Committee to examine these matters in advance of that meeting and to submit reports on the implementation of those decisions and recommendations to it for consideration at its sixth session;

#### **Resources**

20. *Invites* all Parties and other interested States and organizations in a position to do so to provide countries with economies in transition with assistance aimed at improving implementation of, and compliance with, the Convention;

21. *Notes* that the workload of both the secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the intersessional period 2011–2014 and is expected to increase further, and requests the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient human and financial resources are made available for this purpose;

22. *Requests* the secretariat to continue to produce the agendas, reports, findings and other documents prepared by the Compliance Committee as official documents and to make them available in time in the three official languages of ECE, without recourse to additional extrabudgetary resources.

### **Decision V/9a on compliance by Armenia**

*The Meeting of the Parties,*

<sup>28</sup> ECE/MP.PP/2014/18 (Republic of Moldova).

<sup>29</sup> ECE/MP.PP/2014/19 and ECE/MP.PP/2014/19/Add.1 (Slovakia).

<sup>30</sup> ECE/MP.PP/2014/20 (Spain).

<sup>31</sup> ECE/MP.PP/2014/21 (Turkmenistan).

<sup>32</sup> ECE/MP.PP/2014/22 (Ukraine).

<sup>33</sup> ECE/MP.PP/2014/23 (United Kingdom).

<sup>34</sup> *Ibid.*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Mindful* of the conclusions and recommendations set out in decision III/6b (ECE/MP.PP/2008/2/Add.10) and decision IV/9a (see ECE/MP.PP/2011/2/Add.1) with regard to compliance by Armenia,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9) and the report of the Committee on the implementation of decision IV/9a concerning compliance by Armenia (ECE/MP.PP/2014/10), as well as the findings of the Committee on communication ACCC/C/2011/62 (ECE/MP.PP/C.1/2013/14) concerning access to justice for environmental non-governmental organizations (NGOs),

*Encouraged* by Armenia's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Takes note* of the progress made by the Party concerned in implementing decision IV/9a of the Meeting of the Parties, including the new practice of posting notifications and conclusions of environmental expertise on the website of the Ministry of Nature Protection;

2. *Regrets* the continued slow progress by the Party concerned to finalize and adopts a law on environmental impact assessment (EIA) which would fully implement the Convention and shares the Compliance Committee's concern with the continued non-implementation by Armenia of its obligations under the Convention;

3. *Endorses* the finding of the Committee with regard to decision IV/9a that since the relevant legislative measure proposed by the Party concerned to meet the requirements of that decision have not to date been adopted, Armenia has not yet met the requirements of decision IV/9a. This means the Party concerned remains in non-compliance with article 6 of the Convention on public participation and article 3, paragraph 1, requiring a clear, transparent and consistent framework to implement the Convention;

4. *Reiterates* its decision IV/9a and, in particular:

(a) Encourages the Party concerned to continue its constructive dialogue with the Committee;

(b) Urges the Party concerned to accelerate the process for the new legislation on environmental impact assessment (EIA), including the procedures on public participation contained in it, to be finalized and come into effect;

(c) Invites the Party concerned to take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

(i) Thresholds for activities subject to an EIA procedure, including public participation, are set in a clear manner;

(ii) The public is informed as early as possible in the decision-making procedure, when all options are open, and that reasonable time frames are set for the public to consult and comment on project-related documentation;

(iii) The responsibilities of different actors (public authorities, local authorities, developers) in the organization of public participation procedures are defined as clearly as possible;

(iv) A system of prompt notification of the public concerned of the final conclusions of environmental expertise is arranged, e.g., through the website of the Ministry of Nature Protection;

5. *Invites* the Party concerned to:

(a) Prior to their adoption and no later than 1 September 2014, provide the Committee with an English translation of the text of the draft EIA law and other legislative measures as they stand on that date for the Committee's review;

(b) Provide the Committee with evidence that the draft EIA law and other legislative measures that have been proposed by the Party concerned to meet the requirements of decision IV/9a have been adopted;

6. *Endorses* the finding of the Committee with regard to communication ACCC/C/2011/62 that, while the wording of the legislation of the Party concerned does not run counter to article 9, paragraph 2, of the Convention, the decision of the Court of Cassation of 1 April 2011, by declaring that the environmental NGO did not have standing, failed to meet the standards set by the Convention. Thus the Party concerned fails to comply with article 9, paragraph 2, of the Convention;

7. *Invites* the Party concerned to:

(a) Review and clarify its legislation, including the law on NGOs and administrative procedures, so as to ensure compliance with article 9, paragraph 2, of the Convention with regard to standing;

(b) Take the measures necessary to raise awareness among the judiciary to promote implementation of domestic legislation in accordance with the Convention;

8. *Requests* the Party concerned to provide detailed progress reports to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in implementation of the above recommendations;

9. *Undertakes* to review the situation at its sixth session.

## **Decision V/9b on compliance by Austria**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2010/48 (ECE/MP.PP/C.1/2012/4) concerning access to justice in environmental matters generally, the Committee's report on the implementation of the recommendations contained in those findings (ECE/MP.PP/2014/11) and the findings of the Committee on communication ACCC/C/2011/63 (ECE/MP.PP/C.1/2014/3) concerning access to justice in criminal proceedings regarding contraventions of national environmental law,

*Encouraged* by Austria's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2010/48:



(a) The requirement for a separate “official notification” as a precondition for an appeal of a denial of an information request is not in compliance with article 4, paragraph 7, of the Convention;

(b) The Party concerned, by not ensuring access to a timely review procedure for access to requests for information, is not in compliance with article 9, paragraph 4, of the Convention;

(c) The Party concerned, in not ensuring standing of environmental non-governmental organizations (NGOs) to challenge acts or omissions of a public authority or private person in many of its sectoral laws, is not in compliance with article 9, paragraph 3, of the Convention;

2. *Also endorses* the finding of the Committee with regard to communication ACCC/C/2011/63 that, because members of the public, including environmental NGOs, have in certain cases no means of access to administrative or judicial procedures to challenge acts and omissions of public authorities and private persons which contravene provisions of national laws, including administrative penal laws and criminal laws relating to the environment, such as contraventions of laws relating to trade in wildlife, nature conservation and animal protection, the Party concerned fails to comply with article 9, paragraph 3, in conjunction with paragraph 4, of the Convention;

3. *Welcomes* the recommendations made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7, and the willingness of the Party concerned to accept them, namely that the Party concerned:

(a) Take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that:

(i) The procedure for having a refusal of a request for information reviewed is simplified for the requester. This could preferably be done by requiring any written refusal of a request for information to have the legal status of an “official notification” and that any such refusal is to be made as soon as possible, and at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months after the request;

(ii) The available review procedures for persons who consider that their request for information under article 4 has been ignored, wrongfully refused or inadequately answered, or otherwise not dealt with in accordance with the provisions of that article, are timely and expeditious;

(iii) Criteria for NGO standing to challenge acts or omissions by private persons or public authorities which contravene national law relating to the environment under article 9, paragraph 3, of the Convention be revised and specifically laid down in sectoral environmental laws, in addition to any existing criteria for NGO standing in the environmental impact assessment, integrated pollution prevention and control, waste management or environmental liability laws;

(b) Develop a capacity-building programme and provide training on the implementation of the Aarhus Convention for federal and provincial authorities responsible for Aarhus-related issues, and for judges, prosecutors and lawyers;

4. *Notes* the efforts made by the Party concerned so far;

5. *Expresses its concern* that, despite nearly two years having passed since the findings of the Committee on communication ACCC/C/2010/48 were adopted at the Committee’s thirty-fifth meeting, no relevant legislative measures have been adopted yet to address the Committee’s recommendations;

6. *Recommends* that, when addressing the recommendations in paragraph 3 above, the Party concerned also ensure that members of the public, including NGOs, have access to adequate and effective administrative or judicial procedures and remedies in order to challenge acts and omissions of private persons and public authorities that contravene national laws, including administrative penal laws and criminal laws, relating to the environment;

7. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendation set out above;

8. *Undertakes* to review the situation at its sixth session.

## **Decision V/9c on compliance by Belarus**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9) and the findings of the Committee on communication ACCC/C/2009/44 (ECE/MP.PP/C.1/2011/6/Add.1) concerning access to information and public participation with respect to the proposed construction of a nuclear power plant, as well as the report of the Committee on compliance by Belarus with its obligations under the Convention (ECE/MP.PP/2014/12), examining the implementation by Belarus of decision IV/9b and the Committee's recommendations in its findings on communication ACCC/C/2009/44;

*Encouraged* by Belarus' willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2009/44:

(a) In relation to the general legal framework, recalling the Committee's findings on communication ACCC/C/2009/37 (ECE/MP.PP/2011/11/Add.2):

(i) There is considerable uncertainty as to the participatory procedures applicable in case of nuclear activities;

(ii) There is lack of clarity as to the decision which is considered to be the final decision permitting an activity in terms of article 6, paragraph 9;

(iii) Concerning the role of the project developer, it is not in compliance with the Convention that the authority responsible for taking the decision (including the authorities responsible for the *expertiza* conclusions) are provided only with the summary of the comments submitted by the public;

(b) In relation to the nuclear power plant (NPP):

(i) By restricting access to the full version of the environmental impact assessment (EIA) report to the premises of the Directorate of the NPP in Minsk only and by not allowing any copies to be made, the Party concerned failed to comply with article 6, paragraph 6, and article 4, paragraph 1 (b), of the Convention;

(ii) By not duly informing the public that, in addition to the publicly available 100-page EIA report, there was a full version of the EIA report (more than 1,000

pages long), the Party concerned failed to comply with article 6, paragraph 2 (d) (vi), of the Convention;

(iii) By providing for public participation only at the stage of the EIA for the NPP, with one hearing on 9 October 2009, and effectively reducing the public's input to only commenting on how the environmental impact could be mitigated, and precluding the public from having any input on the decision on whether the NPP installation should be at the selected site in the first place (since the decision had already been taken), the Party concerned failed to comply with article 6, paragraph 4, of the Convention;

(iv) By not informing the public in due time of the possibility of examining the full EIA report, the Party concerned failed to comply with article 6, paragraph 6, of the Convention;

(v) By limiting the possibility for members of the public to submit comments, the Party concerned failed to comply with article 6, paragraph 7, of the Convention;

2. *Welcomes* the recommendations made by the Committee in its findings on communication ACCC/C/2009/44 (ECE/MP.PP/C.1/2011/6/Add.1, para. 90), made in accordance with paragraph 36 (b) of the annex to decision I/7, and the willingness of the Party concerned to accept them, but regrets the slow progress made in implementing those recommendations since their adoption almost three years ago;

3. *Also welcomes* the serious and active engagement of the Party concerned in the compliance review process, in particular its efforts to follow the recommendations set out in paragraph 4 of decision IV/9b and paragraph 90 of the Committee's findings on ACCC/C/2009/44, as well as its efforts to provide additional information to the Committee upon request and to meet deadlines;

4. *Endorses* the finding of the Compliance Committee that the Party concerned has fulfilled paragraphs 90 (a) and 90 (e) of the Committee's findings on ACCC/C/2009/44, but has not yet taken the necessary measures to fulfil the recommendations set out in paragraphs 90 (b), (c), and (d) of those findings or paragraphs 4 (a)-(i) of decision IV/9b;

5. *Notes with regret* that the Party concerned therefore remains in non-compliance with the Convention, including through failing to implement the earlier recommendations of the Meeting of the Parties;

6. *Reiterates* its recommendation to the Party concerned to take as a matter of urgency the necessary legislative, regulatory, and administrative measures and establish the practical arrangements to ensure that, in accordance with paragraphs 4 (a)-(i) of decision IV/9b:

(a) The general law on access to information refers to the 1992 Law on Environmental Protection that specifically regulates access to environmental information, in which case the general requirement of stating an interest does not apply;

(b) There is a clear requirement for the public to be informed of decision-making processes that are subject to article 6 in an adequate, timely and effective manner;

(c) There are clear requirements regarding the form and content of the public notice, as required under article 6, paragraph 2, of the Convention;

(d) There are reasonable minimum time frames for submitting comments during the public participation procedure for all decisions under article 6 of the Convention, including those that may not be subject to an EIA decision procedure, taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;

(e) There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e., the authorities competent to take the decisions subject to article 6 of the Convention);

(f) There are clear provisions imposing obligations on the relevant public authorities to ensure such opportunities for public participation as are required under the Convention, including for making available the relevant information and for collecting the comments through written submission and/or at the public hearings;

(g) There are clear provisions imposing obligations on the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in the publicly available statement of reasons and considerations on which the decisions is based;

(h) There are clear provisions imposing obligations on the relevant public authorities to:

(i) Promptly inform the public of the decisions taken by them and their accessibility;

(ii) Maintain and make accessible to the public copies of such decisions along with the other information relevant to the decision-making, including the evidence of fulfilling the obligations regarding informing the public and providing it with possibilities to submit comments;

(iii) Establish relevant publicly accessible lists or registers of all decisions subject to article 6 held by them;

(i) Statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6, paragraph 1 (c), of the Convention;

7. *Recommends*, in addition, that the Party concerned to take the necessary legislative, regulatory, and administrative measures and establish the practical arrangements to ensure that, in accordance with paragraph 90 (b), (c), and (d) of the Committee's findings on communication ACCC/C/2009/44:

(a) The amended legal framework clearly designates which decision is considered to be the final decision permitting the activity and that this decision is made public, as required under article 6, paragraph 9, of the Convention;

(b) The full content of all the comments made by the public (whether claimed to be accommodated by the developer or those which are not accepted) is submitted to the authorities responsible for taking the decision (including those responsible for the *expertiza* conclusion);

(c) Appropriate practical and other provisions are made for the public to participate during the preparation of plans and programmes relating to the environment;

8. *Requests* the Party concerned to provide detailed progress reports to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in the implementation of the above recommendations;

9. *Undertakes* to review the situation at its sixth session.

## **Decision V/9d on compliance by Bulgaria**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2011/58 (ECE/MP.PP/C.1/2013/4) concerning access to justice on spatial plans and the Committee's report on the implementation of the recommendations contained in those findings (ECE/MP.PP/2014/13),

*Encouraged* by Bulgaria's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2011/58:

(a) By barring all members of the public, including environmental organizations, from access to justice with respect to General Spatial Plans, the Party concerned fails to comply with article 9, paragraph 3, of the Convention;

(b) By barring almost all members of the public, including all environmental organizations, from access to justice with respect to Detailed Spatial Plans, the Party concerned fails to comply with article 9, paragraph 3, of the Convention;

(c) By not ensuring that all members of the public concerned having sufficient interest, in particular environmental organizations, have access to review procedures to challenge the final decisions permitting activities listed in annex I to the Convention, the Party concerned fails to comply with article 9, paragraph 2, in conjunction with article 9, paragraph 4, of the Convention;

2. *Welcomes* the recommendations made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7, and the willingness of the Party concerned to accept them, namely that the Party concerned undertake the necessary legislative, regulatory and administrative measures to ensure that:

(a) Members of the public, including environmental organizations, have access to justice with respect to General Spatial Plans, Detailed Spatial Plans and (either in the scope of review of the spatial plans or separately) also with respect to the relevant strategic environmental assessment statements;

(b) Members of the public concerned, including environmental organizations, have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention;

3. *Also welcomes* the efforts made so far by the Party concerned to the extent they meet the recommendations of the Committee;

4. *Expresses* its concern that neither the legislative amendments adopted so far nor any other measures taken by the Party concerned specifically address the aspects of the Bulgarian legal system which the Committee has found to be in non-compliance with the requirements of the Convention, namely, the possibilities for members of the public concerned to challenge the legality of spatial plans and construction and exploitation permits;

5. *Also expresses* its concern that the Party concerned seems to maintain the position that implementing the recommendations of the Committee is not required for its full compliance with article 9, paragraphs 2 and 3, of the Convention;

6. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendation set out above;

7. *Undertakes* to review the situation at its sixth session.

## **Decision V/9e on compliance by Croatia**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2012/66 (ECE/MP.PP/C.1/2014/4) concerning public participation in the adoption of waste management plans,

*Encouraged* by Croatia's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2012/66:

(a) The present arrangements under the law of the Party concerned are not sufficiently clear to ensure that the requirement of article 7 for a transparent framework is met. Thus, the Party concerned fails to comply with article 7 of the Convention;

(b) The legislation in force in the Party concerned fails to provide for a consistent and uniform application throughout the territory and is not clear as regards public participation in the preparation of municipality waste management plans, and therefore is not in compliance with article 3, paragraph 1, of the Convention;

2. *Welcomes* the recommendations made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7;

3. *Further welcomes* the willingness of the Party concerned to accept the Committee's recommendations, namely, that it ensure that a transparent framework is in place providing for appropriate practical and/or other provisions for the public to participate during the preparation of municipal waste management plans, by, inter alia, including municipal waste management plans in the list of plans relating to the environment which are not formally subjected to strategic environmental assessment but for which public participation is required, so that article 7 of the Convention is clearly applicable to such plans;

4. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendation set out above;

5. *Undertakes* to review the situation at its sixth session.

## **Decision V/9f on compliance by the Czech Republic**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2010/50 (ECE/MP.PP/C.1/2012/11) concerning access to justice in environmental matters, the Committee's report on the implementation of the recommendations contained in those findings (ECE/MP.PP/2014/14) and the findings of the Committee on communication ACCC/C/2012/70 (ECE/MP.PP/C.1/2014/9, forthcoming) concerning public participation in the implementation of the European Union's Emission Trading System,

*Encouraged* by the Czech Republic's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2010/50:

(a) Through its restrictive interpretation of "the public concerned" in the phases of the decision-making to permit activities subject to article 6 that come after the environmental impact assessment (EIA) procedure, the system of the Party concerned fails to provide for effective public participation during the whole decision-making process, and thus is not in compliance with article 6, paragraph 3, of the Convention;

(b) By failing to impose a mandatory requirement that the opinions of the public in the EIA procedure are taken into account in the subsequent stages of decision-making to permit an activity subject to article 6, and by not providing an opportunity for all members of the public concerned to submit any comments, information, analyses or opinions relevant to the proposed activities in those subsequent phases, the Party concerned fails to comply with the requirement in article 6, paragraph 8, of the Convention to ensure that in the decision due account is taken of the outcome of the public participation;

(c) The rights of non-governmental organizations (NGOs) meeting the requirements of article 2, paragraph 5, to access review procedures regarding the final decisions permitting proposed activities, such as building permits, are too limited, to the extent that the Party concerned fails to comply with article 9, paragraph 2, of the Convention;

(d) By limiting the right of NGOs meeting the requirements of article 2, paragraph 5, to seek review only of the procedural legality of decisions under article 6, the Party concerned fails to comply with article 9, paragraph 2 of the Convention;

(e) To the extent that the EIA screening conclusions serve also as the determination required under article 6, paragraph 1 (b), members of the public should have access to a review procedure to challenge the legality of EIA screening conclusions. Since this is not the case under Czech law, the Party concerned fails to comply with article 9, paragraph 2, of the Convention;

(f) By not ensuring that members of the public are granted standing to challenge the act of an operator (private person) or the omission of the relevant authority to enforce the law when that operator exceeds some noise limits set by law, the Party concerned fails to comply with article 9, paragraph 3. Similarly, in cases of land-use planning, by not allowing members of the public to challenge an act, such as a land-use plan, issued by an authority in contravention of urban and land-planning standards or other environmental protection laws, the Party concerned fails to comply with article 9, paragraph 3, of the Convention;

2. *Also endorses* the following findings of the Committee with regard to communication ACCC/C/2012/70:

(a) The application, including its National Investment Plan, prepared by the Party concerned under the revised rules for the European Union Emissions Trading System is a plan within the purview of article 7 of the Convention and therefore article 6, paragraphs 3, 4 and 8, apply to its preparation;

(b) By not providing sufficient time for the public to get acquainted with the draft and submit comments, the Party concerned failed to comply with article 7, in conjunction with article 6, paragraph 3, of the Convention;

(c) Given that the preparation process for the application was initiated on 31 October 2009 and that, officially, the general public had only seven days to get acquainted with the draft and submit comments, starting on 19 August 2011, that is, almost two years after the start of the preparation process, the Committee finds that the Party concerned failed to comply with article 7, in conjunction with article 6, paragraph 4, of the Convention, because no early public participation was ensured, when all options were open;

(d) By failing to show through its written and oral submissions how the outcome of public participation was duly taken into account, the Party concerned failed to comply with article 6, paragraph 8, of the Convention;

3. *Welcomes* the recommendations made by the Committee during the intersessional period with regard to its findings on communication ACCC/C/2010/50, in accordance with paragraph 36 (b) of the annex to decision I/7;

4. *Also welcomes* the willingness of the Party concerned to accept those recommendations, namely, to ensure that:

(a) Members of the public concerned, including tenants and NGOs fulfilling the requirements of article 2, paragraph 5, are allowed to effectively participate and submit comments throughout a decision-making procedure subject to article 6;

(b) Due account is taken of the outcome of public participation in all phases of the decision-making to permit activities subject to article 6;

(c) NGOs fulfilling the requirements of article 2, paragraph 5, have the right to access review procedures regarding any procedures subject to the requirements of article 6, and in this regard they have standing to seek the review of not only the procedural but also the substantive legality of those decisions;

(d) To the extent that the EIA screening process and the relevant criteria serve also as the determination required under article 6, paragraph 1 (b), as to whether a proposed activity is subject to the provisions of article 6, the public concerned, as defined in article 2, paragraph 5, is provided with access to a review procedure to challenge the procedural and substantive legality of those conclusions;

(e) Members of the public are provided with access to administrative or judicial procedures to challenge acts of private persons and omissions of authorities which contravene provisions of national law relating to noise and urban and land-planning environmental standards;

5. *Welcomes also* the recommendation made by the Committee during the intersessional period with regard to its findings on communication ACCC/C/2012/70, in accordance with paragraph 36 (b) of the annex to decision I/7;

6. *Further welcomes* the willingness of the Party concerned to accept that recommendation, namely, that the Party concerned, in future, shall submit plans and programmes similar in nature to the National Investment Plan to public participation as required by article 7, in conjunction with the relevant paragraphs of article 6, of the Convention;



7. *Welcomes in addition* the efforts made by the Party concerned to start a process of legislative changes and encourages it to speed up the process;

8. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendations set out above;

9. *Undertakes* to review the situation at its sixth session.

## **Decision V/9g on compliance by the European Union**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2010/54 (ECE/MP.PP/C.1/2012/12 and Corr.1) in connection with Ireland's renewable energy programme and the Committee's report on the implementation of the recommendations contained in those findings (ECE/MP.PP/2014/16),

*Encouraged* by the European Union's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2010/54:

(a) That the Party concerned, by not having in place a proper regulatory framework and/or clear instructions to implement article 7 of the Convention with respect to the adoption of National Renewable Energy Action Plans (NREAPs) by its member States on the basis of Directive 2009/28/EC, has failed to comply with article 7 of the Convention;

(b) That the Party concerned, by not having properly monitored the implementation by Ireland of article 7 of the Convention in the adoption of Ireland's NREAP, has also failed to comply with article 7 of the Convention;

(c) That the Party concerned, by not having in place a proper regulatory framework and/or clear instructions to implement and proper measures to enforce article 7 of the Convention with respect to the adoption of NREAPs by its member States on the basis of Directive 2009/28/EC, has failed to comply also with article 3, paragraph 1, of the Convention;

2. *Welcomes* the recommendation made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2010/54 in accordance with paragraph 36 (b) of the annex to decision I/7;

3. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendation, namely, that it adopt a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention with respect to the adoption of NREAPs. This would entail that the Party concerned ensure that the arrangements for public participation in its member States are transparent and fair and that within those arrangements the necessary information is provided to the public. In addition, such a regulatory framework and/or clear instructions must ensure that the requirements of article 6, paragraphs 3, 4 and 8, of the Convention are met, including reasonable time frames, allowing sufficient time for informing the public and for the public to prepare and

participate effectively, allowing for early public participation when all options are open, and ensuring that due account is taken of the outcome of the public participation. Moreover, the Party concerned must adapt the manner in which it evaluates NREAPs accordingly;

4. *Expresses its concern* as to whether letters will provide “a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention with respect to the adoption of NREAPs” and that it remains unclear how the Party concerned will “adapt the manner in which it evaluates NREAPs” in accordance with the recommendations of the Committee;

5. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendations set out above;

6. *Undertakes* to review the situation at its sixth session.

## **Decision V/9h on compliance by Germany**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2008/31 (ECE/MP.PP/C.1/2014/8, forthcoming) concerning access to justice for environmental non-governmental organizations (NGOs),

*Encouraged* by Germany’s willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2008/31:

(a) By imposing a requirement that to be able to file an appeal under the Environmental Appeals Act an environmental NGO must assert that the challenged decision contravenes a legal provision “serving the environment”, the Party concerned fails to comply with article 9, paragraph 2, of the Convention;

(b) By not ensuring the standing of environmental NGOs in many of its sectoral laws to challenge acts or omissions of public authorities or private persons which contravene provisions of national law relating to the environment, the Party concerned fails to comply with article 9, paragraph 3, of the Convention;

2. *Recommends* to the Party concerned that it take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

(a) NGOs promoting environmental protection can challenge both the substantive and procedural legality of any decision, act or omission subject to article 6 of the Convention, without having to assert that the challenged decision contravenes a legal provision “serving the environment”;

(b) Criteria for the standing of NGOs promoting environmental protection, including standing with respect to sectoral environmental laws, to challenge acts or omissions by private persons or public authorities which contravene national law relating to the environment under article 9, paragraph 3, of the Convention are revised, in addition to

any existing criteria for NGO standing in the Environmental Appeals Act, the Federal Nature Conservation Act and the Environmental Damage Act;

3. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendation set out above;

4. *Undertakes* to review the situation at its sixth session.

## **Decision V/9i on compliance by Kazakhstan**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9) and the findings of the Committee on communication ACCC/C/2010/59 (ECE/MP.PP/C.1/2013/9) concerning public participation for a road corridor project, as well as the report of the Committee on compliance by Kazakhstan with its obligations under the Convention (ECE/MP.PP/2014/17) examining the implementation by Kazakhstan of decision IV/9c and the Committee's recommendations in its findings on communication ACCC/C/2010/59,

*Encouraged* by Kazakhstan's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Welcomes* the solid efforts made by the Party concerned to implement decision IV/9c, including the studies on access to justice carried out by the Party concerned in 2011–2012 and 2013, and the efforts of the Party concerned to implement the action points set out in the latter study, such as the Supreme Court's drafting of the regulatory statute "On several issues in application of legislation by the courts when reviewing civil cases on environmental disputes";

2. *Encourages* the Party concerned to continue to implement the action points set out in its 2013 study on access to justice, and to report on these through its national implementation reports;

3. *Endorses* the finding of the Compliance Committee that the Party has fulfilled the requirements of decision IV/9c, and specifically the condition in paragraph 4 of that decision;

4. *Also endorses* the following findings of the Committee with regard to communication ACCC/C/2010/59:

(a) By not providing the requirement for informing the public in a timely manner, and by not specifying the means of informing the public other than publication in the mass media, the Party concerned fails to ensure that the public is informed in an adequate, timely and effective manner and thus fails to comply with article 6, paragraph 2, of the Convention;

(b) By not establishing consistent and clear legal requirements for making the information relevant to decision-making accessible for the public, the Party concerned fails to comply with article 6, paragraph 6, of the Convention;

(c) By allowing the submission of public comments only on the OVOS report at the stage of State environmental *expertiza*, and by limiting the range of the public comments only to those containing reasoned argumentation, the legislation of the Party

concerned fails to guarantee the full scope of the rights envisaged by the Convention and thus fails to comply with article 6, paragraph 7, of the Convention;

(d) By not establishing appropriate procedures to promptly notify the public about the environmental *expertiza* conclusions and by not establishing appropriate arrangements to facilitate public access to these decisions, the Party concerned fails to comply with article 6, paragraph 9, of the Convention;

4. *Welcomes* the recommendations made by the Committee during the intersessional period in its findings on communication ACCC/C/2010/59 (ECE/MP.PP/C.1/2013/9, para. 70), made in accordance with paragraph 36 (b) of the annex to decision I/7, and the willingness of the Party concerned to accept them and the efforts it has made so far to address them;

5. *Endorses* the finding of the Compliance Committee that the legislative measures taken so far by the Party concerned to implement the recommendations set out in the Committee's findings on communication ACCC/C/2010/59 alone are not sufficient to fulfil those recommendations;

6. *Regrets* that the Party thus remains in non-compliance with article 6, paragraphs 2, 6, 7, and 9, of the Convention on public participation in decision-making;

7. *Invites* the Party concerned to continue its efforts to address the recommendations of the Committee on communication ACCC/C/2010/59, namely, to take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

(a) Mandatory requirements for the public notice are detailed by law, such as the obligation to inform the public in a timely manner and the means of public notice, including the obligation that any information relevant for the decision-making is also available on the website of the public authority competent for decision-making;

(b) There is a clear possibility for any member of the public concerned to submit any comments on the project-related documentation at different stages of the public participation process, without the requirement that these comments be reasoned;

(c) There is a clear responsibility of the relevant public authorities to:

(i) Inform the public promptly of the decisions they have taken and of how the text of the decisions can be accessed;

(ii) Maintain and make accessible to the public, through publicly available lists or registers, copies of the decisions taken and other information relevant to the decision-making, including evidence of having fulfilled the obligation to inform the public and provide it with opportunities to submit comments;

8. *Requests* the Party concerned to submit to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 detailed information on its further progress in implementing the above recommendations, including drafts of any legislation being prepared for that purpose;

9. *Undertakes* to review the situation at its sixth session.

## **Decision V/9j on compliance by Romania**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2010/51 (ECE/MP.PP/C.1/2014/12, forthcoming) concerning Romania's nuclear energy strategy and the planned construction of a nuclear power plant,

*Encouraged* by Romania's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2010/51:

(a) Since the authorities did not respond at all to two of the three information requests submitted by the communicant in relation to the decision-making process regarding the proposed construction of a new nuclear power plant, the Party concerned failed to comply with article 4, paragraph 1, in conjunction with paragraphs 2 and 7, of the Convention;

(b) With respect to the communicant's third information request, by not ensuring that the requested information regarding the possible locations for the nuclear power plant was made available to the public, and by not adequately justifying its refusal to disclose the requested information under one of the grounds set out in article 4, paragraph 4, of the Convention, taking into account the public interest served by disclosure, the Party concerned failed to comply with article 4, paragraphs 1 and 4, of the Convention;

(c) By not providing sufficient time for the public to get acquainted with the draft 2007 Energy Strategy and to submit comments thereon, the Party concerned failed to comply with article 7, in conjunction with article 6, paragraph 3, of the Convention;

2. *Recommends* that the Party concerned:

(a) Take the necessary legislative, regulatory and administrative measures to ensure that public officials are under a legal and enforceable duty:

(i) To respond to requests of members of the public to access environmental information as soon as possible, and at the latest within one month after the request was submitted, and, in the case of a refusal, to state the reasons for the refusal;

(ii) To interpret the grounds for refusing access to environmental information in a restrictive way, taking into account the public interest served by disclosure, and in stating the reasons for a refusal to specify how the public interest served by disclosure was taken into account;

(iii) To provide reasonable time frames, commensurate with the nature and complexity of the document, for the public to get acquainted with draft strategic documents subject to the Convention and to submit their comments;

(b) Provide adequate information and training to public authorities about the above duties;

3. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on its further progress in implementing the recommendations set out above;

4. *Undertakes* to review the situation at its sixth session.

## Decision V/9k on compliance by Spain

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the report of the Committee on compliance by Spain with its obligations under the Convention (ECE/MP.PP/2014/20) examining the implementation of decision IV/9f,

*Encouraged* by Spain's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Welcomes* the efforts made by the Party concerned to meet the recommendations of the Committee and the significant progress it has achieved in that respect;

2. *Endorses* the finding of the Committee that the Party concerned has seriously and actively engaged in efforts to follow the recommendations set out in paragraphs 5, 6 and 9 of decision IV/9f, to the extent that the Party concerned is no longer in a state of non-compliance with the provisions of article 3, paragraph 8, article 4, paragraphs 1 (a), (b) and 2, and article 6, paragraphs 3 and 6, of the Convention with respect to the specific points of non-compliance identified in the Committee's findings on communications ACCC/C/2008/24 (ECE/MP.PP/C.1/2009/8/Add.1) and ACCC/C/2009/36 (ECE/MP.PP/C.1/2010/4/Add.2);

3. *Also endorses* the findings of the Committee that the Party has failed to take sufficient measures to comply with article 4, paragraph 8, of the Convention with respect to the fees charged by the Murcia City Council for copies of environmental information, and to take sufficient efforts to overcome remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, with respect to legal aid to non-governmental organizations (NGOs);

4. *Notes with regret* that the Party concerned therefore remains in non-compliance with the Convention through failing to implement some of the earlier recommendations of the Meeting of the Parties;

5. *Recommends* that the Party concerned take as a matter of urgency the necessary measures to ensure that the fees charged by the Murcia City Council for the provision of copies of land use and urban planning information are reasonable and are set out in a publicly available schedule of fees;

6. *Also recommends* that the Party concerned take measures by 30 November 2014 to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, of the Convention with respect to legal aid to NGOs are overcome;

7. *Requests* the Party concerned to provide detailed progress reports to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in accordance with the above recommendation;

8. *Undertakes* to review the situation at its sixth session.

## Decision V/91 on compliance by Turkmenistan

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9) and the report of the Compliance Committee on compliance by Turkmenistan with its obligations under the Convention (ECE/MP.PP/2014/21) examining implementation of decision IV/9g,

*Encouraged* by the willingness of Turkmenistan in recent months to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Welcomes* the engagement of the Party concerned in the compliance review process during the intersessional period, including its efforts to implement decision IV/9g;

2. *Endorses* the finding of the Committee that, through article 4, paragraph 2, article 11, paragraphs 1 and 5, and article 18, paragraph 1, of the 2014 Act on Public Associations, the Party concerned has fulfilled decision IV/9g to the extent that it is no longer in non-compliance with article 3, paragraph 9, of the Convention with respect to the rights of non-citizens to found and participate in public associations;

3. *Also endorses* the finding of the Committee that, in the light of the recent legislative developments, the Party concerned has fulfilled decision IV/9g to the extent that it is no longer in non-compliance with the obligation in article 3, paragraph 1, of the Convention to provide a clear, transparent and consistent framework to implement the Convention with respect to the points of non-compliance set out in decision IV/9g;

4. *Furthermore endorses* the finding of the Committee that, while the recent legislative developments are welcome, in the light of the lack of clarity as to how the prohibition on activities of unregistered associations set out in article 7, paragraph 2, of the 2014 Act on Public Associations is to be applied in practice, it is not in a position to conclude that the Party concerned is no longer in non-compliance with article 3, paragraph 4, of the Convention and the Party concerned thus remains in non-compliance with that provision;

5. *Decides* to lift the caution that entered into force on 1 January 2013;

6. *Recommends* that by 30 November 2014 the Party concerned provide information through an official statement to confirm, to the satisfaction of the Committee, that:

(a) The concept of “citizen” in article 9, paragraph 2, of the 2014 Law on Nature Protection includes any natural person, i.e., also foreign citizens and persons without citizenship, and that the concept of “natural persons” in article 11, paragraph 1, of the 2014 Act on Public Associations includes foreign citizens and persons without citizenship;

(b) The intended interpretation of article 4, paragraph 2, of the 2014 Act on Public Associations is that foreign citizens and persons without citizenship may, in the same way as citizens of Turkmenistan, become founders of public associations;

(c) With respect to activities of non-registered associations within the scope of the Convention, article 9 of the 2014 Law on Nature Protection prevails over the

prohibition on activities of non-registered associations in article 7, paragraph 2, of the 2014 Act on Public Associations and other relevant legislation (e.g. as *lex specialis*, in the form of a special law which prevails over a more general law);

7. *Invites* the Party to organize meetings (e.g., round tables, workshops or conferences) with broad public participation, open to all members of the public and dedicated to:

(a) Sharing experiences in activities carried out by associations, organizations and groups promoting environmental protection in the Party concerned;

(b) Ensuring the consistency of the national legal system of the Party concerned with the obligation set out in article 3, paragraph 4, of the Convention;

and to report on these meetings by 30 November 2015 as well as in its national implementation report to the sixth session of the Meeting of the Parties;

8. *Mandates* the Committee to confirm whether the Party concerned has sufficiently fulfilled the requirements of paragraph 6 above to the extent that it is no longer in non-compliance with article 3, paragraph 4, of the Convention;

9. *Undertakes* to review the situation at its sixth session.

## **Decision V/9m on compliance by Ukraine**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9) and the report of the Compliance Committee on compliance by Ukraine with its obligations under the Convention, examining implementation of decision IV/9h (ECE/MP.PP/2014/22),

*Encouraged* by the willingness of Ukraine throughout most of the current intersessional period to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Welcomes* the constructive engagement of the Party concerned throughout most of the intersessional period with respect to the follow-up on decision IV/9h;

2. *Endorses*, however, the finding of the Committee with respect to decision IV/9h that, as the legislative measures proposed by the Party concerned during the intersessional period to fulfil the requirements of paragraph 2 of decision II/5b have not been adopted and no longer exist even in draft form, Ukraine has failed to meet the requirements of both decision II/5b and paragraph 5 of decision IV/9h of the Meeting of the Parties;

3. *Also endorses* the finding of the Committee that the Party concerned thus remains in non-compliance with article 4, paragraph 1, of the Convention on access to information, numerous provisions of article 6 concerning public participation in decision-making and article 3, paragraph 1, requiring a clear, transparent and consistent framework to implement the Convention;

4. *Expresses* its deep concern at the absence of concrete results by the Party concerned in implementing decision IV/h during this intersessional period;



5. *Reiterates* paragraph 5 of decision IV/9h and calls upon the Party concerned to implement the measures requested by the Meeting of the Parties in decision II/b as a matter of urgency, namely for the Party to bring its legislation and practice into compliance with the provisions of the Convention, and in particular:

(a) To provide for public participation of the kind required by article 6 of the Convention (article 6, paragraph 1 (a), and, in connection with this, article 6, paragraphs 2 to 8, and article 6, paragraph 9 (second sentence));

(b) To ensure that information is provided by public authorities upon request (article 4, paragraph 1);

(c) To address the lack of clarity with regard to public participation requirements in environmental impact assessment and environmental decision-making procedures for projects, such as time frames and modalities of a public consultation process, requirements to take its outcome into account and obligations with regard to making information available in the context of article 6, in order to ensure a clear, transparent and consistent framework for the implementation of the Convention (article 3, paragraph 1);

6. *Decides* to:

(a) Maintain the caution currently in place since the fourth session of the Meeting of the Parties;

(b) Provide for the caution to be lifted if the Party concerned has adopted the necessary measures to bring its legislation into full compliance with the provisions of the Convention, in particular fully satisfying the conditions set out in paragraph 5 above, and has notified the secretariat of this fact by 31 December 2015;

7. *Requests* the Compliance Committee to establish the successful fulfilment of the conditions set out in paragraph 5 above;

8. *Also requests* the Compliance Committee to report to the Meeting of the Parties at its sixth session on whether the Party concerned has fulfilled the conditions set out in paragraph 5 above, with a view to assisting the Meeting of the Parties in deciding whether to suspend the special rights and privileges accorded to Ukraine under the Convention;

9. *Invites* the Party concerned to provide detailed progress reports to the Committee:

(a) By 30 November 2014, regarding the proposed process of legislative reform, including the steps taken so far and future steps to be taken, the proposed timetable for doing so and the consultation plan;

(b) By 1 March 2015, enclosing the text of the draft law(s);

(c) By 31 October 2016, regarding the results achieved in the further implementation of the above recommendations;

10. *Undertakes* to review the situation at its sixth session.

## **Decision V/9n on compliance by the United Kingdom of Great Britain and Northern Ireland**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), the findings of the Committee on communication ACCC/C/2010/53 (ECE/MP.PP/C.1/2013/3) concerning the rerouting of traffic through a residential area of Edinburgh and the findings of the Committee on communication ACCC/C/2012/68 (ECE/MP.PP/C.1/2014/5) regarding Scotland's renewable energy programme, as well as the report of the Compliance Committee on compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention, examining implementation of decision IV/9i (ECE/MP.PP/2014/23),

*Taking note also* of paragraphs 38 and 40 of the report of the Compliance Committee's thirty-sixth meeting (Geneva, 27–30 March 2012) (ECE/MP.PP/C.1/2012/2), concerning communications ACCC/C/2011/64 and ACCC/C/2012/65, respectively,

*Encouraged* by the willingness of the United Kingdom to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Welcomes* the constructive ongoing engagement of the Party concerned throughout the intersessional period with respect to the follow-up on decision IV/9i;

2. *Endorses*, however, the findings of the Committee with respect to decision IV/9i that, despite the Party's serious and active efforts to implement the recommendations made by the Committee to the Party with its agreement and welcomed by the Meeting of the Parties through paragraph 4 of decision IV/9i, the Party concerned has not yet fully addressed the points of non-compliance identified in paragraph 3 (a)-(d) of that decision, and in particular that:

(a) By not taking sufficient measures to ensure that the costs for all court procedures subject to article 9 in England and Wales, Scotland and Northern Ireland are not prohibitively expensive and, in particular, by not providing clear legally binding directions from the legislature or the judiciary to this effect, the Party concerned continues to fail to comply with article 9, paragraph 4, of the Convention;

(b) In the light of the above finding that the Party concerned has failed to take sufficient measures to ensure that the costs for all court procedures subject to article 9 in England and Wales, Scotland and Northern Ireland are not prohibitively expensive, the Party concerned has failed to sufficiently consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice, as required by article 9, paragraph 5;

(c) By still not ensuring clear time limits for the filing of all applications for judicial review within the scope of article 9 of the Convention in England and Wales, Scotland and Northern Ireland, nor a clear date from when the time limit started to run, the Party concerned continues to fail to comply with article 9, paragraph 4, of the Convention;

(d) By not having taken the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent framework to implement article 9, paragraph 4, the Party concerned continues to fail to comply with article 3, paragraph 1, of the Convention;

3. *Also endorses* the findings of the Committee with regard to communication ACCC/C/2010/53 that by not providing the requested raw data to the public the Party concerned failed to comply with article 4, paragraph 1, of the Convention for a certain period, but that since the raw data are now provided to the public, the Party concerned is no longer in non-compliance with article 4, paragraph 1, of the Convention;

4. *Endorses in addition* the Committee's decision at its thirty-sixth meeting to apply its summary proceedings procedure (ECE/MP.PP/C.1/2010/4, para. 45) with respect to the allegations in communication ACCC/C/2011/64 that judicial review was prohibitively expensive, as the issue of costs had already been extensively considered by the Committee in its findings on communication ACCC/C/2008/33 and subsequently by the Meeting of the Parties in decision IV/9i (ECE/MP.PP/C.1/2012/2, para. 38);

5. *Endorses also* the Committee's decision at its thirty-sixth meeting to apply its summary proceedings procedure with respect to the allegations in communication ACCC/C/2012/65 on cross-undertakings on damages, in the light of its findings on communication ACCC/C/2008/33 and decision IV/9i of the Meeting of the Parties (ECE/MP.PP/C.1/2012/2, para. 40);

6. *Furthermore endorses* the findings of the Committee with regard to communication ACCC/C/2012/68 that, because the United Kingdom's National Renewable Energy Plan (NREAP) was not subjected to public participation, the Party concerned failed to comply with article 7 of the Convention;

7. *Notes with regret* that the Party concerned therefore remains in non-compliance with the Convention, including through failing to implement the earlier recommendations of the Meeting of the Parties;

8. *Reiterates* its recommendation through decision IV/9i that the Party concerned take urgent action to:

(a) Further review its system for allocating costs in all court procedures subject to article 9, and undertake practical and legislative measures to ensure that the allocation of costs in all such cases is fair and equitable and not prohibitively expensive;

(b) Further consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice;

(c) Further review its rules regarding the time frame for the bringing of applications for judicial review to ensure that the legislative measures involved are fair and equitable and amount to a clear and transparent framework;

(d) Put in place the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent framework to implement article 9, paragraph 4, of the Convention;

9. *Recommends* with respect to the Committee's findings on communication ACCC/C/2012/68 that the Party concerned in future submit plans and programmes similar in nature to NREAPs to public participation as required by article 7, in conjunction with the relevant paragraphs of article 6, of the Convention;

10. *Notes* the commitment of the Party concerned to ensure, through the continued operation of the domestic systems put in place to enable the decisions of public authorities to be reviewed, that the practice of releasing raw data in appropriate circumstances in ongoing decision-making processes is maintained;

11. *Requests* the Party concerned to provide detailed progress reports to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in implementation of the above recommendations;

12. *Undertakes* to review the situation at its sixth session.