



9 December 2019

## **EU+MS written comments on the draft Strategic Plan for 2022-2030**

To the Secretariat of the Convention on Access to Information,  
Public Participation in Decision-making and  
Access to Justice in Environmental Matters (Aarhus Convention)

The draft strategic plan for 2022-2030 was considered at the Aarhus Convention's 23rd Working Group of the Parties (26-28 June 2019). The EU and its Member States note that the comments made by Parties and others at the meeting have not resulted in any re-draft of the draft strategic plan. Given the limited opportunities for Parties, NGOs and other stakeholders to discuss and agree the plan prior to the 2021 Meeting of the Parties, we would like to express our disappointment that the 23rd Working Group of the Parties was not used as an opportunity to produce a new draft.

While we noted that scrutiny reservations were made in regards to the comments presented orally by the EU and its Member States at the meeting, we are not of the view that the comments were categorically rejected by the Working Group of the Parties.

### **Detailed comments**

Therefore, the EU and its Member States submit the following comments and drafting suggestions on the draft Strategic Plan for 2022-2030:

- **Paragraph 8 (a), 2nd indent** - The term “ensure due protection” is too prescriptive for a strategic document.

Furthermore, we suggest the replacement of the term “treaty” used in the proposal with “Aarhus Convention”.

- **Objective I.2**

### **National, Indicative types of activity/measure, 2nd paragraph**

EU+MS Drafting proposal - “To ensure compliance issues are addressed without delay, individual Parties implement the Committee’s findings and recommendations as soon as possible, with a view to already bringing about full compliance with the relevant provisions in the intersessional period, where possible, and subject to the agreement of the Party concerned that the Committee may make recommendations to them directly.”

### **National, Indicators of progress/targets, 3rd paragraph**

EU+MS Drafting proposal - “Findings, as well as recommendations of the Compliance Committee which are subject to the agreement of the Party concerned, are being implemented in the intersessional period by individual Parties found to be in non-compliance.”

The proposals aim to be realistic and in accordance with the requirements of Decision I/7 of the Meeting of the Parties, which does not oblige or request Parties to implement entirely the Committee’s findings and recommendations prior to the next session of the MOP. Furthermore, this proposal should reflect the requirements of paragraph 36 of Decision I/7, as well as paragraph 3 of Decision VI/8 on general issues of compliance, namely that the agreement of the Party concerned is needed for the Compliance Committee to make recommendations.

### **International, Indicators of progress/targets, 1st paragraph**

EU+MS Drafting proposal - “Adoption of the findings and recommendations by the Compliance Committee, and adoption of draft decisions on compliance by the Meeting of the Parties”.

The new wording referring to “endorsement” should not be used, as it limits the power of the MOP to decide as to how to adopt the decision.

Furthermore, we would need clarifications from the Secretariat on the following issues related to the international dimension of the Objective I.2 - Indicative types of activity/measure:

- What is the insertion of the word “requests” intended to cover, as Decision I/7 refers to submissions, communications and referrals.
- We would like to understand the change from “periodic” to “regular”, as we believe “periodic” conveys more certainty.
- We would question why there is a need for the addition of a “thematic review of systemic compliance problems”, as it appears to duplicate the existing procedures and does not seem justifiable given the Compliance Committee’s limited time and resources. We underline the fact that there is an existing process in place for progress reviews on cases of outstanding non-compliance.

Finally, we would ask the Secretariat to provide the links between the source documents which have been referred to in order to update the strategic plan and the proposed changes to the plan, as this will help us understand the basis for the proposals in the new strategic plan.

## **• Objective I.6**

### **National, Indicative types of activity/measure, 1st paragraph**

EU+MS Drafting proposal - “Information, training, organizational and budgetary measures. Translate text of the Convention and guidance material, as far as appropriate, into national and subnational languages and distribute it widely; provide adequate training to all relevant staff of the authorities.”

### **National, Indicators of progress/targets, 4th paragraph**

EU+MS Drafting proposal - “Convention and guidance material are, as far as appropriate, translated into national and subnational languages and distributed widely.”

In many cases, Parties already provide extensive guidance material for the public in their respective national languages.

- **Objective I.8**

**National, Indicative types of activity/measure, paragraph 5**

Under this objective, the new proposal of the Bureau and the Secretariat refers to effective implementation of art. 3, paragraph 8 of the Convention, through measures such as protections of whistle blowers and environmental defenders. In this regard, we believe it should be clarified first what measures or actions could be set in addition to provisions of national penal law or with regard to Environmental Information Acts.

- **Objective III.7**

**National, Indicators of progress/targets**

We question whether information in terms of numbers can be gathered from Parties if there are no legal obligations corresponding to that request. However, we would not support any obligatory assistance mechanisms on access to justice at UNECE level.

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