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**ECONOMIC COMMISSION FOR EUROPE
COMMITTEE ON ENVIRONMENTAL POLICY**

Working Group for the preparation
of the first meeting of the Parties to
the Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

REPORT OF THE THIRD MEETING

1. The third meeting of the Working Group for the preparation of the first meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters took place in Pula, Croatia, from 8 to 10 July 2002.
2. The meeting was attended by representatives of the Governments of Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Latvia, Netherlands, Norway, Poland, Republic of Moldova, Romania, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States and Yugoslavia.
3. The Commission of the European Communities was represented.
4. The following regional and non-governmental organizations (NGOs) were represented: European ECO Forum, Global Legislators Organization for a Balanced Environment (GLOBE) Europe, Green Women (Kazakhstan), Nature Protection Team (Tajikistan) and the Regional Environmental Center for Central and Eastern Europe (REC).
5. The Chairperson of the Working Group, Mr. Francesco La Camera, opened the meeting.

6. The secretariat informed the Meeting that it had not been possible to prepare all the meeting documents in all three official languages, due to the short interval since the previous meeting and the busy schedule during that period. Informal Russian translations of certain documents had been prepared. The secretariat thanked the Russian NGO ECO-Accord, which had kindly prepared some of these Russian versions as a contribution towards the process.

I. ADOPTION OF THE AGENDA

7. The provisional agenda for the meeting (CEP/WG.5/2002/13) was adopted without amendment.

II. RATIFICATION STATUS AND PROSPECTS

8. The secretariat reported that, since the second meeting of the Working Group, Latvia had become a Party to the Aarhus Convention, having deposited its instrument of ratification on 14 June 2002. There were currently 21 Parties to the Convention.

9. The delegation of France stated that ratification by France was imminent and that it would be a Party at the first meeting of the Parties. No other delegation expected to be in a position to ratify by 23 July 2002, the deadline for deposit of the instrument of ratification in time to be a Party at the first meeting of the Parties.

III. ORGANIZATIONAL PREPARATIONS FOR THE FIRST MEETING OF THE PARTIES

10. The secretariat and the host country updated the Working Group on the organizational preparations for the first meeting of the Parties, in particular the high-level participation indicated so far and the organization of the high-level segment, the planned side events and the practical arrangements.

11. Italy, as the host country, informed the Meeting that formal invitations would be issued shortly and urged delegations to respond swiftly, indicating the number of participants in their delegation in view of the need to confirm hotel reservations urgently. It was confirmed that, in principle, countries in transition eligible for financial support represented by a Minister at the meeting would receive financial support for the Minister and two other delegates.

12. The European ECO Forum reported that an NGO pre-conference was being planned for 19-20 October 2002, provided that no further meeting of the Working Group would take place on those days, and that governmental delegates would be invited to the final afternoon session. It pointed out that more funding was needed for the event and delegations were invited to contribute. It also provided information on the side event that the Interactive Health and Ecology Access Links, the United Nations Environment Programme's Regional Office for Europe and REC were planning to organize on electronic tools.

IV. SUBSTANTIVE PREPARATIONS FOR THE FIRST MEETING OF THE PARTIES

Provisional agenda and list of documentation

13. A provisional annotated draft agenda for the first meeting of the Parties, incorporating a provisional list of documents for the meeting, had been prepared by the secretariat (CEP/WG.5/2002/3).

14. The Working Group considered that the structure and the format were appropriate, and made the following changes:

(a) The title of item 5 was considered to be inappropriate and it was agreed that it should be amended;

(b) In the draft annotated agenda, some items were referred to as points for information and possible decision (items 8 (b) and (d)). It was pointed out that if a decision of the Meeting of the Parties were to be made at the first meeting, such a decision would have to be prepared, and that this was not foreseen. It was consequently agreed to change item 8 (d) on the proposed protocol on strategic environmental assessment to an item for information and exchange of views and to delete the last sentence of the explanatory note. In the case of item 8 (b) on public participation in international forums, it was agreed to delete the reference to a possible decision and adjust the explanatory note;

(c) The Working Group agreed that item 11 should be adoption of the report instead of review of decisions;

(d) It was pointed out that there was no reference to the approval of the report on credentials in the agenda, which was foreseen in the draft rules of procedure. It was agreed that this issue could be handled in conjunction with the adoption of the report, and that the annotations to that agenda item could make this clear.

High-level panel discussion and ministerial statement

15. The host country informed the Meeting that a number of Ministers had indicated their intention to participate and eight of these had offered to deliver keynote addresses. Some Ministers from outside the ECE region had been invited and were expected to attend. A representative of the environmental organizations and one from the parliamentarians' group GLOBE Europe would also be invited to give keynote speeches. It was provisionally agreed that general statements should be a maximum of five minutes in length and keynote addresses a maximum of ten, though these lengths might need to be adjusted, depending on the number of delegations expressing a wish to take the floor.

16. As previously agreed, the ministerial segment would culminate in the adoption of a ministerial statement or declaration. A first draft of such a statement, prepared by the secretariat on the basis of the discussions at the previous meeting and comments received from three delegations and taking account of the Resolution of the Signatories adopted on the occasion of the adoption of the Convention, was discussed by the Working Group. There was a general feeling that the text would not attract the attention of the wider public outside the 'Aarhus community' and that the style should have more popular appeal and be more oriented towards the public.

17. Some delegations expressed the wish that the statement should be adopted not just by Ministers or Parties present in Lucca (Italy) but also by Signatories, other States, including for example non-ECE States, and other stakeholders such as non-governmental organizations. It was recognized that broadening the scope in this way would have implications for the content, and that some stakeholders might have problems with signing up to such a statement.

18. It was agreed that a new draft should be prepared by the secretariat, in consultation with the Bureau and other interested delegations. In order to facilitate the preparation of the new draft, delegations were invited to provide written comments to the secretariat by 22 July 2002. The Chairman proposed to convene a one-day meeting of the Bureau and others interested, in Italy on 25 July 2002, to discuss and amend the new draft so that a revised version could be submitted in time for translation. It would probably be necessary to hold a meeting at official level immediately before the meeting of the Parties, provisionally to take place in Lucca on Sunday morning, 20 October 2002, to further discuss the draft statement.

Rules of procedure

19. At the second meeting of the Working Group, the Chairman had put forward a proposal on how to resolve the main outstanding issues in the draft decisions on rules of procedure and on compliance (CEP/WG.5/2002/2, paras. 28 and 29 and annexes I and II).

20. At the third meeting, the Chairman presented an amended compromise proposal on these outstanding issues. With respect to the rules of procedure, the essence of the proposal was that a representative of non-governmental organizations would be invited to the meetings of the Bureau as an observer. One delegation expressed concern that rule 6, paragraph 2, of the draft rules of procedure, taken in conjunction with rule 23, might be used to exclude observers from the meeting. The Working Group agreed that it was not the intention that rule 6, paragraph 2, should be applicable in the case of the Bureau. Nor was it the intention to allow for the possibility that the NGO observer might be excluded from any part of a Bureau meeting.

21. The specific elements in the Chairman's new proposal, which amended his proposal made at the second meeting (CEP/WG.5/2002/2, annex I), were as follows:

(a) In rule 22, paragraph 1, the number of bureau members would be seven rather than eight, and subparagraph (c) would be deleted;

(b) A new paragraph 2, to read as follows, would be inserted and the subsequent paragraphs renumbered: “The Bureau shall invite a representative of non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development, appointed in accordance with paragraph 4, to attend bureau meetings as an observer.”

(c) Paragraph 3 of the earlier text – to become paragraph 4 – would be amended to read as follows: “The representative of the non-governmental organizations referred to in paragraph 2 shall be appointed by those organizations at meetings of the Parties.”

(d) Paragraph 6 of the earlier text – to become paragraph 7 – would be amended to read as follows: “If a member of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said member for the remainder of that member’s mandate.”

(e) Two new preambular paragraphs would be inserted in the draft decision concerning the rules of procedure as follows:

“Acknowledging the unique role that the Convention has in promoting the participation of civil society in international environmental decision-making processes;”

“Recognizing that this leads to a special role for non-governmental organizations established for the purpose of and actively engaged in promoting environmental protection and sustainable development.”

22. The Working Group accepted this proposal.

23. At the second meeting of the Working Group, a small group of lawyers had been established to check the draft rules of procedure and the draft decision on the compliance mechanism. Its Chairman, Mr. Alistair McGlone (United Kingdom), presented the outcome of its work. He indicated that the group had only had one round of consultations and that further work was needed. It was agreed that the group should finish its work by the end of July 2002. A number of substantive issues had been raised in the group. However, after a short exchange of views it was considered that the Working Group should not discuss these.

Compliance mechanism

24. The Chairman’s new compromise proposal included one amendment with respect to the Compliance Committee, namely that its members could be nationals of Parties or Signatories. It was furthermore decided to delete paragraph 3 of the draft decision on review of compliance.

25. The Working Group discussed the procedures for the nomination of candidates for the Compliance Committee. It was agreed to insert a new subparagraph after paragraph 1, subparagraph (f), in the annex to the draft decision on the review of compliance, as follows:

“Unless the Meeting of the Parties, in a particular instance, decides otherwise, the procedure for the nomination of candidates for the Committee shall be the following:

(a) Nominations shall be sent to the secretariat in at least one of the official languages of the Convention not later than 12 weeks before the opening of the meeting of the Parties during which the election is to take place;

(b) Each nomination shall be accompanied by a curriculum vitae (CV) of the candidate not exceeding 600 words and may include supporting material;

(c) The secretariat shall distribute the nominations and the CVs, together with any supporting material, in accordance with rule 10 of the rules of procedure.”

26. The Working Group also discussed the procedure for the nomination of candidates for the Compliance Committee to be elected at the first meeting of the Parties. The Working Group, thus, agreed to invite nominations of candidates to be sent to the secretariat not later than 9 September 2002 in at least one and preferably all three of the official languages of the Convention; the secretariat in turn will distribute the nominations and any supporting material, in the language(s) submitted, in accordance with rule 10 of the draft rules of procedures. Nominations should be accompanied by a CV of the candidate not exceeding 600 words and may include supporting material.

27. With the amendments referred to above, the Chairman’s proposal on the outstanding issues in the draft decision on arrangements for review of compliance, including the annex was agreed. The small expert group referred to in paragraph 21 above had also made some minor changes to the draft decision.

Reporting requirements

28. At its second meeting, the Working Group had undertaken preparatory work on a draft decision establishing a reporting mechanism on the basis of document CEP/WG.5/2002/9 prepared by the secretariat. The secretariat had subsequently prepared a draft annex to the draft decision setting out a possible reporting format (CEP/WG.5/2002/9/Add.1).

29. As agreed at the second meeting, a task force met on Sunday, 7 July 2002, to discuss the draft reporting format. The Chairman of the task force, Mr. Alistair McGlone, presented its report to the Working Group (see annex below).

30. On the basis of the work of the task force and a small group established subsequently, the Working Group agreed on a format. This would become an annex to the draft decision on reporting as set out in CEP/WG.5/2002/9, but required some changes to it:

(a) Paragraph 1 would read as follows: “Requests each Party to submit to the secretariat, in advance of the second ordinary meeting of the Parties, or in advance of the first ordinary meeting of the Parties following the entry into force of the Convention for that Party, whichever is the later, a report on:

- (i) The necessary legislative, regulatory or other measures that it has taken to implement the provisions of the Convention; and
- (ii) Their practical implementation,

in accordance with the format set out in the annex to this decision;”

(b) Paragraph 2 would read as follows: “Also requests each Party in advance of each subsequent meeting of the Parties to review the report and to prepare and submit to the secretariat an updated version of the report;”

(c) In paragraph 8, subparagraph (a), “implementation reports and activity reports” would read: “and the reports referred to in paragraphs 1 and 2 in the official languages of the Convention.”

31. It was noted that some changes were made to the draft decision at the second meeting of the Working Group and that these would remain relevant and should be taken into account in the preparation of the final document.

Pollutant release and transfer registers

32. At its second meeting, the Working Group had reviewed a second version of a draft decision on pollutant release and transfer registers (CEP/WG.5/2002/12). The main outstanding issue concerned the question of whether or not the protocol should be open to adherence by non-Parties to the Convention and non-ECE States. An open-ended ad hoc expert group was established to analyse the legal, administrative, institutional, practical and financial implications of the protocol being open to all States and regional economic integration organizations, whether or not they were Parties to the Aarhus Convention, and to suggest feasible solutions.

33. The Chairperson of the expert group, Mr. Maas Goote (Netherlands), presented the main findings of the analysis, which he had prepared in writing form with the support of the expert group. The Working Group welcomed the document and considered that it would be useful not only in the present context but also in any other context where the issue of whether a protocol should be open or closed was being discussed. It recommended to the Working Group on Pollutant Release and Transfer Registers (PRTRs) to take the analysis into account at its forthcoming session.

34. It was agreed that the draft decision on PRTRs should be in line with the mandate given by the Committee on Environmental Policy to the present Working Group on PRTRs, namely that the protocol should be open to non-Parties to the Convention and to non-ECE States. The text in paragraph 3 of document CEP/WG.5/2002/12 was considered to be acceptable in this regard.

35. It was agreed to amend the document CEP/WG.5/2002/12 as follows:

(a) To insert a new paragraph after paragraph 3: “Requests the Working Group on Pollutant Release and Transfer Registers, in preparing the protocol, to take fully into account the implications of paragraph 3, as identified by the Working Group for the preparation of the first meeting of the Parties to the Convention, and to pursue synergies with the Convention;”

(b) To delete from paragraph 6 the words “above-mentioned” and to insert at the end of the paragraph the words “referred to in decision I/[3]”

(c) In paragraph 7, after “Parties”, to insert “and Signatories”; and

(d) To insert two new paragraphs after paragraph 8:

“Welcomes the offer of [the Czech Republic] to chair the Working Group on Pollutant Release and Transfer Registers;”

“Encourages all negotiating States and regional economic integration organizations to contribute financially to the process of preparing and finalizing the protocol, and to further preparatory work needed until the first meeting of its Parties.”

36. In addition, it was agreed to separate out the elements in the draft decision on PRTRs relating to the convening of an extraordinary meeting of the Parties, namely the fifth and sixth preambular paragraphs and paragraphs 4 and 5, and to insert them into a separate draft decision on the proposed extraordinary meeting of the Parties. The preambular paragraphs would be included verbatim, and would be preceded by two preambular paragraphs, as follows:

“Recalling article 10, paragraph 2 (e) and (i), of the Convention,”

“Recalling also article 5, paragraph 9, and article 3, paragraph 7, of the Convention.”

37. Two final preambular paragraphs would be included, as follows:

“Noting with appreciation the progress made by the Working Group on Pollutant Release and Transfer Registers in preparing a protocol on pollutant release and transfer registers,”

“Bearing in mind decision I/2 on pollutant release and transfer registers,”

38. The operative paragraphs would be modified and included as paragraphs 1 and 2 of the new draft decision on the proposed extraordinary meeting of the Parties as follows:

“Decides to convene an extraordinary meeting of the Parties on the occasion of the fifth Ministerial Conference “Environment for Europe” at Kiev, with a view to the adoption and signature of the protocol on pollutant release and transfer registers;”

“Also decides that the provisional agenda for that meeting will consist of three items, namely the adoption of the agenda, the adoption and opening for signature of the protocol and any other business.”

39. The draft decision on the extraordinary meeting of the Parties was agreed as set out above, on the understanding that the secretariat would identify and insert the relevant text of the Convention referred to in the preambular paragraphs in paragraph 36.

Genetically modified organisms

40. The Working Group was informed of the outcome of the third meeting of the Working Group on Genetically Modified Organisms (GMOs), which had taken place on 17-19 June 2002. The Working Group had finalized a draft decision and draft guidelines on GMOs, and made them available for consideration.

41. The delegation of the United States stated that it would not be in a position to adopt either of the documents, but as it was not envisaging becoming a Party to the Convention for the time being, this would not prevent the Parties from doing so. The delegation of France reiterated its scrutiny reservation made at the Working Group on GMOs. The European ECO Forum expressed its dismay at the slow progress in the Working Group towards addressing the issue of genetically modified organisms on the legally binding level.

42. The working group welcomed the offer of Austria to chair the proposed new Working Group on GMOs and agreed that this should be reflected in the draft decision.

43. The Working Group took note of the reservations expressed and agreed that the two texts should be transmitted to the Meeting of the Parties for adoption.

Procedures for the preparation, adoption and monitoring of work programmes

44. The secretariat introduced the draft decision on procedures for the preparation, adoption and monitoring of work programmes (CEP/WG.5/2002/5), which had been prepared on the basis of discussions at previous meetings of the Working Group and within the Bureau. The document had been presented to the Working Group at its previous meeting in a draft version (CEP/WG.5/2002/2, paras. 51 and 52).

45. The Working Group considered the draft decision and in particular the degree of flexibility, including the possibilities for adjusting the work programme in the case of changing circumstances and unforeseen events, as well as the link between the level of priority and the budgetary resources made available.

46. To accommodate the different views expressed during the discussion, it was agreed to amend the draft decision as follows:

(a) The fifth preambular paragraph should be replaced with the following text: “Recognizing the need for flexibility in the implementation of the work programme and for the Working Group of the Parties to have the possibility of adjusting the work programme to changing circumstances within the framework of the budget agreed”;

(b) A new preambular paragraph should be inserted between the fifth and sixth preambular paragraphs, as follows: “Recognizing also that, in case of unforeseen events and minor changes, this possibility of adjusting the work programme is extended to the Bureau,”

(c) In paragraph 1, the word “flexible” should be deleted, as the words “framework” and “guiding” already contained the notion of flexibility;

(d) In paragraph 2, after subparagraph (f), the following text should be added: “Core requirements shall have priority in the allocation of the budgetary resources made available under the voluntary scheme of contributions adopted by decision I/13 on financial arrangements. Parties, Signatories and other States are encouraged to contribute to activities not covered by these resources as the need arises;”

(e) In both paragraphs 3 and 4, the word “second” should be used and the other options deleted.

Work programme and budget for 2003-2005

47. The Working Group discussed a draft decision on a work programme and budget for 2003-2005, using as a basis document CEP/WG.5/2002/15, which had been prepared by the secretariat on the basis of discussions at the second meeting of the Working Group and within the Bureau.

48. After some clarifications on particular aspects of the proposed work programme, there was broad agreement on the content as set out in document CEP/WG.5/2002/15. In addition, it was agreed to add a new category of activity relating to the meetings of the Parties. A proposal to add an item on the development of guidelines on public participation in international forums was opposed by several delegations so the proposed item was not included.

49. The main difficulty concerned the distinction between core and non-core activities, since some core activities might contain less essential elements and, conversely, some non-core activities might contain some aspects which should be of high priority.

50. It was agreed to amend the annex to document CEP/WG.5/2002/15 as follows:

(a) Delete the square brackets in the row “Electronic information tools” under the column heading “Objective and expected outcome” and add “as appropriate” after “input”;

(b) Add a new activity (XI) entitled “Extraordinary and second ordinary meeting of the Parties”, insert a corresponding figure of 40 in the column “’000 US\$ per year (average)” and accordingly increase the subtotal to 1020, the programme support costs to 150 and the total to 1170 in that column;

(c) Delete the column entitled “Priority of activities” and reflect the issue of core and non-core requirements by adding a column entitled “Core requirements” to the right of the table;

(d) Insert the following figures in the new column:

In the row “Compliance mechanism”:	300
In the row “Pollutant release and transfer registers”:	180
In the row “Genetically modified organisms”:	40
In the row “Access to justice”:	35
In the row “Electronic information tools”:	35
In the row “Coordination [...] intersessional activities”:	35
In the row “Capacity-building service”:	30
In the row “Information [...] clearing house”:	10
In the row “Awareness [...] of the Convention”:	50
In the row “Interlinkages with other Conventions”:	0
In the row “Extraordinary [...] meeting of the Parties”:	30
In the row “Subtotal”:	745
In the row “Programme support costs (13%)”:	110
In the row “TOTAL”:	855

51. The secretariat was requested to make the consequent changes to the draft decisions on the procedures for the preparation, adoption and monitoring of work programmes and on financial arrangements.

Financial arrangements

52. The Working Group continued the process of preparing a draft decision on financial arrangements on the basis of document CEP/WG.5/2002/4, taking into account the amendments proposed and issues raised at its second meeting (CEP/WG.5/2002/2, para. 55). There was a discussion on whether the shares system should apply to the full range of activities under the work programme, as had been the assumption at the second meeting, or just to the core activities. In the end, it was agreed that they should apply to the full range of activities but that a certain emphasis should be put on the core requirements.

53. It was agreed to amend the annex to document CEP/WG.5/2002/4 as follows:

(a) In the final preambular paragraph, insert “or other appropriate scales” after “assessments”, insert “stable and predictable” before “financial arrangements” and delete “on a mandatory basis”;

(b) Replace paragraph 2 with the following text: “Decides that activities under the work programme for 2003-2005 not covered by the United Nations regular budget should be covered by contributions of 59 shares of US\$ 20,000 per year, of which 43 shares would cover the core requirements and 16 shares would cover the remaining requirements;”

(c) In paragraph 3, rather than inserting the words “individually or jointly” after “contribute” as had been proposed at the previous meeting, after “shares” add “or parts thereof, especially to core activities identified in the work programme. No contribution should be less than US\$ 200;”

(d) In paragraph 9, replace “for the apportionment of the expenses of the United Nations” in subparagraph (a) with “or other appropriate scales”, replace “financial arrangements on a mandatory basis” in subparagraph (b) with “stable and predictable financial arrangements”, and in subparagraph (c), remove the square brackets around “second”, delete “[third]” and insert “ordinary” before “meeting”; and

(e) In paragraph 10, remove the square brackets around “second”, delete “[third]” and insert “ordinary” before “meeting”.

Access to justice

54. In the draft decision on access to justice (CEP/WG.5/2002/11, annex, as amended at the second meeting (CEP/WG.5/2002/2, para. 50)), the following amendments were agreed:

(a) To delete in paragraph 3 (b) the words “and provide explanatory background information on the different legal systems”;

(b) To reorder subparagraphs (a), (b) and (c) in paragraph 3 so that (b) and (c) would precede (a);

- (c) To add a new subparagraph after subparagraph (c) in paragraph 3 as follows: “Provide, to the extent feasible, the possibility for sharing experience with access to justice in relation to relevant provisions of the Convention other than its articles 4 and 6;”
- (d) To include the words “Working Group of the Parties” in paragraph 3, former subparagraph (d), and to delete the other option in square brackets; and
- (e) To remove the square brackets around “Belgium”.

Electronic information tools

55. At its second meeting, the Working Group had agreed on some amendments to the draft decision on promoting the use of electronic and other information tools as contained in document CEP/WG.5/2002/10. On the basis on the draft decision, as amended by the second meeting of the Working Group (CEP/WG.5/2002/2, para. 45), the Working Group made the following few changes to the draft decision:

- (a) In paragraph 3, it was agreed to include the title of the task force, so that the paragraph would begin “Establishes a task force on electronic information tools”;
- (b) At the end of subparagraph 4 (b), the following words should be added: “both in a physical and a virtual environment”; and
- (c) At the end of paragraph 4 (c), replace “of article 5, paragraph 3” to “of the Convention”.

56. With those amendments, the Working Group considered that the draft decision was ready for submission to the Meeting of the Parties.

Other draft decisions

57. The Working Group reviewed the draft decisions on the establishment of an intersessional body, the clearing-house mechanism and capacity-building service and national focal points (CEP/WG.5/2002/6, 7 and 8), taking into account the amendments made at its second meeting, and considered that no further amendments were required before their transmission to the Meeting of the Parties.

V. WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

58. The Chairperson briefed the Working Group on the relevant outcomes of the Fourth Preparatory Committee for the World Summit on Sustainable Development. Some paragraphs in the draft plan of action addressed the issues of information, participation and justice.

59. The secretariat informed the Working Group that the Economic Commission for Europe intended to hold a side event at the Summit on the theme "Participatory democracy: a fundamental tool for sustainable development". The event would provide an opportunity for participants from different regions to exchange information and perspectives on how the goals of environmental democracy may actually be achieved, taking the Aarhus Convention as an example of how one region has addressed the issue. Delegations whose Ministers would be at the Summit and who might be interested in participating were invited to contact the secretariat.

VI. ACTIVITIES INVOLVING COOPERATION WITH OTHER CONVENTIONS' BODIES

60. The secretariat informed the Working Group of progress on work mandated by the Committee on Environmental Policy on interlinkages between conventions and on the question of public participation in international forums. At the request of the Committee, consultants were preparing two analyses, the first on the links between the Aarhus Convention and the other ECE environmental conventions and protocols, the second examining good practices in public participation in international forums. The second study was to be reviewed by a task force and it had been envisaged that it might serve as a basis for the development of guidelines on public participation in international forums, for possible adoption at the Kiev Ministerial Conference. A decision on whether to prepare such guidelines would be taken by the Committee at its next session following preparation by its Bureau (ECE/CEP/80, paras. 34-35).

61. A meeting of representatives of the Bureaux of each of the five ECE environmental conventions and the Committee on Environmental Policy had taken place in Geneva on 1 July 2002. The purpose of the meeting had been to investigate possible synergies and areas of cooperation between the instruments and identify any inconsistencies or specific features of different legal texts. Among the specific areas of common interest which were discussed were compliance, pan-European environmental governance, the linkages between the Aarhus Convention and the other instruments, and public participation in international forums. The Bureaux representatives had reviewed the two draft analyses on the latter topics and provided feedback to the consultants, who would incorporate this in a revised draft.

62. The Committee's Bureau had met on 2 July 2002 and had discussed the outcome of the joint Bureaux meeting of the previous day. It considered that there might be advantages to developing such guidelines within the framework of the Aarhus Convention, based on article 3, paragraph 7. The Working Group agreed to suggest that invitations to a task force meeting being convened under the auspices of the Committee should be sent to the focal points for the Aarhus Convention.

63. The Working Group noted the information provided on the issue of the application of article 3, paragraph 7, which relates to public participation in international forums. The Working Group would await with interest any decision by the Committee on Environmental Policy, after which the Working Group of the Parties to the Aarhus Convention could consider the issue in depth.

VII. ACTIVITIES PROMOTING THE IMPLEMENTATION OF THE CONVENTION

64. The secretariat briefly informed the Working Group of the outcome of the workshop for the five Central Asian ECE member States, which had taken place in Dushanbe, Tajikistan, on 5-8 June 2002. The workshop had been organized jointly by UNECE, the Organization for Security and Cooperation in Europe (OSCE), the United Nations Environment Program (UNEP) and the American Bar Association's Central and Eastern Europe Initiative (ABA/CEELI) in close cooperation with the Ministry for the Environment of Tajikistan, and funded by the Government of Norway. The participants at the workshop had agreed on some recommendations concerning future activities, which were made available to the Working Group.

VIII. ANY OTHER BUSINESS

65. The secretariat updated the meeting on the progress with the joint project between UNECE and the United Nations Institute for Training and Research (UNITAR) to develop a guidance document to assist countries to document and assess their national policies, programmes and capacities related to the implementation of the Convention. A number of countries had expressed interest in the project and would be provided with further information. The intention was to identify by the end of the year three or four pilot countries to test the methodology and approach. The materials for applying to be part of the pilot phase would be circulated to interested countries in September.

66. The Working Group was shown the new logo for the Convention. The logo would initially be used in all the publicity material for the first meeting of the Parties.

IX. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

67. The Working Group adopted its report on the understanding that the Chairman and the secretariat would finalize the text and that the French- and Russian-speaking delegations would reserve their positions until the report was available in French and Russian as well.

68. The Working Group thanked the Croatian Ministry of Environmental Protection and Physical Planning for hosting the meeting in beautiful surroundings and for its excellent hospitality. Noting that this was expected to be its last meeting, the Working Group expressed its appreciation to the Chairman for his unique and very human style of chairing the meetings, which had enabled the Working Group to make substantial progress. Thanks were also given to the interpreters, to the secretariat for its efficient support and to the participants for helping to create a constructive atmosphere. The Chairman then closed the meeting.

Annex

**REPORT OF THE MEETING OF THE TASK FORCE ON REPORTING
REQUIREMENTS, 7 JULY 2002**

1. The task force on reporting requirements met on 7 July 2002. The meeting was chaired by Mr. Alistair McGlone (United Kingdom).
2. The task force based its discussions on document CEP/WG.5/2002/9/Add.1, prepared by the secretariat.
3. A general round of discussion took place. Some experts emphasized the need for the reporting to be concise and not excessively burdensome. There were mixed views as to whether the text prepared by the secretariat met this criterion.
4. Some experts considered the multiple-choice format ('yes/no/to some extent') to be inappropriate for such a questionnaire, or at least inappropriate for certain questions, as the response would be to some extent subjective. Others considered that such a self-assessment could be useful and would not be burdensome to complete. Some experts considered that, insofar as Parties were concerned, applying the multiple-choice format to questions relating to legal requirements was inappropriate because it could somehow be seen to give some legitimacy to non-compliance. Others considered that, since it was envisaged that Signatories and other States might be invited to participate in the reporting scheme, the multiple-choice format could be useful even for these questions, and that in any case some Parties may be willing to concede difficulties in achieving full compliance.
5. There was general agreement that more priority should be given in the questionnaire to the legally binding provisions, and that the 'soft' requirements should be treated in a more general, less detailed way. The identification of obstacles to implementation was considered to be important.
6. In the case of Parties having a federal structure, some experts considered that some flexibility might be needed in applying the questionnaire to the levels below the federal level. Others were of the opinion that information on the implementation at those levels was nonetheless important.
7. A more specific discussion then took place. There were no comments on the first and second pages (certification sheet and contact information).
8. A more detailed discussion on the questions relating to article 4 of the Convention took place, and an approach to redrafting those questions was agreed upon, along the following lines:
 - (a) "4.1 List legislative, regulatory and other measures that implement the provisions on access to environmental information with respect to article 4;

(b) 4.2 How has paragraph 1 of article 4 been implemented. In particular, please address:

(i) [series of bullet points taking up particular issues covered by paragraph 1, e.g. those in 4.2.1 to 4.2.3 - content yet to be agreed];

(ii) Describe any obstacles encountered in the implementation of paragraph 1.”

9. The task force was of the opinion that each of the remaining paragraphs of article 4 should be addressed in this way. Finally, there should be a concluding question that would say:

“Please provide further information on the practical application of the provisions on access to information in your State, e.g. available statistics on number of requests made, number of refusals and their reasons.”

10. It was considered that this approach could be applicable to articles 4 to 9, though in the questions on article 7 there might be fewer bullet points and in the questions on article 8 it might be necessary to use a slightly different approach.

11. Several experts did not consider it necessary to have a question relating to article 1 or considered that, if there were such a question, it should be optional. Others considered that a question establishing whether a Party’s constitution referred to the right to an environment adequate to health and well-being could be important to understanding the implementation framework in that State. The idea that such a question might come at the end, and also provide the opportunity for the Party to describe any other elements contributing to meeting the objective set out in article 1, was mentioned but not agreed. The task force did not reach consensus on this point.

12. There was consensus that it would not be necessary to have questions relating to articles 10 to 22, as these did not relate to national implementation. However, a note to this effect, as in the secretariat’s proposal, might be useful.

13. The task force did not discuss questions relating to articles 2 and 3. Nor did it discuss the questions on page 3 (concerning the process of preparing the report and background information on the particular circumstances of the State in question).

14. It was noted that a significant amount of work would need to be done in order to complete the task of preparing a reporting format, and that there could be difficulties in achieving this task in time for adoption at the first meeting of the Parties. The extraordinary meeting envisaged to take place in Kiev in May 2003 was mentioned as an alternative occasion on which the reporting format could be adopted, taking into account the fact that the first reports would only be submitted only at the second ordinary meeting of the Parties.