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Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Sixth session

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Item 9 (a) of the provisional agenda

**Programme of work and operation of the Convention:
implementation of the work programme for 2015-2017**

Report on the implementation of the work programme for 2015–2017

Note by the secretariat

Summary

The present report was prepared pursuant to the decision of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014) (see ECE/MP.PP/2014/2/Add.1, decision V/6, annex I, item X). It provides an overview of the implementation of the work programme for the Convention for 2015–2017 as of 31 May 2017.

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Introduction

1. The present report provides an overview of the implementation of the work programme for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) for 2015–2017 (ECE/MP.PP/2014/2/Add.1, decision V/6, annex I) as of 31 May 2017 (the reporting period). An overview of contributions and expenditures in relation to the implementation of the work programme is provided in document ECE/MP.PP/2017/4. Only some activities related to access to information, capacity-building and awareness-raising regarding the Convention's Protocol on Pollutant Release and Transfer Registers are included; a comprehensive report on the implementation of the Protocol's work programme for 2015–2017 (ECE/MP.PRTR/2017/8) has been submitted to the Meeting of the Parties to the Protocol for consideration at its third session (Budva, Montenegro, 15 September 2017).

2. In implementing the work programme, the secretariat made strenuous efforts to avoid duplication of work and the inefficient use of resources by pursuing synergies with activities under other United Nations Economic Commission for Europe (ECE) multilateral environmental agreements, United Nations agencies and other partners. This required spending more time on the preparatory phase of activities to ensure proper consultations with the chairs of the respective subsidiary bodies and partner organizations. Furthermore, the secretariat extended, and will continue to extend, the use of electronic tools (e.g., email consultations; conferencing by means of web-based, video or telephone technology; online databases; and the clearinghouse mechanism), with a view to rendering its activities more resource and time efficient.

I. Substantive issues

A. Access to information, including electronic information tools, the clearinghouse mechanism and PRTR.net

3. In the reporting period, numerous activities focused on improving public access to environmental information, as required by articles 4 and 5 of the Convention, and its active dissemination to the public, including through electronic information tools.

4. At its fourth meeting (Geneva, 8–10 December 2015),¹ the Task Force on Access to Information concentrated on a number of issues, including the scope of information, its quality and associated costs. Participants also took stock of good practices and challenges in the application of certain restrictions on access to environmental information in accordance with the Convention's provisions, and exchanged information on the recent trends in the dissemination of environmental information through electronic information tools and the further development of the Aarhus Clearinghouse for Environmental Democracy and national nodes.

5. At its fifth meeting (Geneva, 10–11 October 2016), the Task Force exchanged information, good practices and recent legislative, policy and practical developments on promoting public access to environmental information. In particular, members continued discussing issues related to the scope of environmental information and information on emissions; the application of restrictions to access to environmental information; the use of

¹ Meeting documents and other information on meetings of the Task Force are available from <http://www.unece.org/env/pp/tafi.html>.

public registers and other electronic information tools; and the further development of the Aarhus Clearinghouse and national nodes.

6. In consultation with the Task Force Chair, the secretariat finalized and distributed a questionnaire to Parties in February 2016 as part of a survey to monitor progress in the 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), adopted by the Meeting of the Parties at its second session (Almaty, Kazakhstan, 25–27 May 2005).

7. The findings of the survey were presented at the fifth meeting of the Task Force. The final report (ECE/MP.PP/WG.1/2017/4, annex) and its accompanying (informal) document (AC/WGP-21/Inf.2) were reported to the Working Group of the Parties at its twenty-first meeting (Geneva, 4–6 April 2017) and promoted at other international forums.

8. The survey resulted in a collection of case studies on promoting the use of electronic information tools.² The Task Force invited Parties and stakeholders to continue submitting case studies to the collection, using the template developed for that purpose.

9. The secretariat has continued managing the Aarhus Clearinghouse for Environmental Democracy³ and the PRTR.net global portal.⁴ The two portals are used to facilitate the collection, dissemination and exchange of information related to national implementation of the Convention and relevant global and regional developments regarding implementation of Principle 10 of the Rio Declaration on Environment and Development. They also provide information regarding pollutant release and transfer registers. In addition, the secretariat has been coordinating the upgrade of these two websites to make them more appealing and user-friendly, by integrating new technologies, web features and search options. The completely redesigned Aarhus Clearinghouse website includes, among others, a subpage on national nodes for quick access to national Aarhus Convention portals and improved search functionalities. Parties are encouraged to upload relevant news articles and resources and to provide the weblink to their national node.

10. The secretariat also continued to maintain and populate a jurisprudence database accessible through the Convention's web page and the Aarhus Clearinghouse. The database promotes the exchange of jurisprudence concerning the Convention and facilitates the work on access to justice. It includes decisions issued by courts of law or other bodies that make reference to the Convention or its principles, and includes summaries in English and decisions in the original language and in English, when available. The database includes case summaries in Russian as well. To date, there are more than 100 cases in the database. Maintaining the jurisprudence database is an ongoing activity. The secretariat also completed development of the Aarhus Good Practice online database, which is an online compendium of case studies on public participation in environmental decision-making.⁵

11. In the reporting period, the secretariat contributed to the work of other international forums dealing with access to environmental information and electronic information tools. For instance, it provided a number of inputs related to the development of the shared environmental information system across the pan-European region and also to the special session of the ECE Committee on Environmental Policy in February 2016.

12. Furthermore, the secretariat provided a number of inputs for documents produced by the Conference of European Statisticians, raising awareness about the relevance of the

² The case studies are available from http://www.unece.org/env/pp/aarhus/tfai/case_studies.html.

³ See <http://aarhusclearinghouse.unece.org/>.

⁴ See <http://www.prtr.net/>.

⁵ See <https://aarhus-good-practices.unece.org/>.

Convention and the Protocol with regard to the production of official statistics in environmental matters. It also briefed the ECE Joint Task Force on Environmental Statistics and Indicators at its twelfth meeting (Geneva, 17–18 November 2016) and provided information to the ECE Working Group on Environmental Monitoring and Assessment on relevant activities under the Convention and the Protocol.

13. In addition, the secretariat contributed a summary of the activities of the Convention and the Protocol for inclusion in the 2014, 2015 and 2016 reports of the Secretary-General on progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society (A/70/63–E/2015/10, A/71/67-E/2016/51 and A/72/64-E/2017/12, respectively).

B. Public participation in decision-making

14. With regard to the implementation of activities related to public participation in decision-making, the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Maastricht Recommendations) were made available in English, French and Russian, as an addendum to the report of the fifth session of the Meeting of the Parties (ECE/MP.PP/2014/2/Add.2).⁶ In 2016, the Maastricht Recommendations were issued as a publication in English, French and Russian.⁷ Hard copies were distributed to national focal points and stakeholders.

15. Participants at the fifth meeting of the Task Force on Public Participation in Decision-making (Geneva, 23–24 February 2014)⁸ discussed the main challenges and obstacles to effective public participation with a focus on: (a) identification and notification of the public concerned; (b) early public participation; (c) the role of private actors and project developers; and (d) taking due account of comments and outcomes of public participation. Innovative practices of public participation in decision-making were also discussed. The meeting included a thematic session on public participation in climate change-related decision-making at the domestic level.

16. At the sixth meeting of the Task Force on Public Participation in Decision-Making (Geneva, 10–11 February 2016) participants continued discussions on good practices and the main challenges to effective public participation, in particular with regard to identification and notification of the public concerned and early public participation. They also exchanged experiences on decisions on proposed activities not listed in annex I to the Convention, in accordance with article 6, paragraph 1 (b), of the Convention. The meeting helped to share experiences in the use of the Maastricht Recommendations. A survey was organized prior to the meeting in order to facilitate the discussion on this item. In addition, participants discussed challenges and shared experiences with regard to different aspects of public participation in energy-related planning.

17. At its seventh meeting (Geneva, 15–16 December 2016), the Task Force looked at public participation in decision-making: (a) related to sustainable development; (b) related to changes to or extensions of existing activities; and (b) in a transboundary context. The meeting also offered an opportunity to share experiences in the use of the Maastricht

⁶ Available on the web page for the session from http://www.unece.org/env/pp/aarhus/mop5_docs.html.

⁷ United Nations publication, Sales No. E.15.II.E.7, available from http://www.unece.org/env/pp/publications/maastricht_recommendations.

⁸ Meeting documents and other information on meetings of the Task Force are available from <http://www.unece.org/env/pp/ppdm.html>.

Recommendations. A survey was organized prior to the meeting in order to facilitate the discussion on this item.

18. A call for case studies on public participation in environmental decision-making is ongoing, to continue populating the Aarhus Good Practice online database.

C. Access to justice

19. In the reporting period numerous activities focused on promoting effective access to justice, thereby contributing to the implementation of Sustainable Development Goal 16, and in particular its target 16.3.

20. At its eighth meeting, the Task Force on Access to Justice (Geneva, 15–17 June 2015) looked at substantive issues, such as the scope of review, costs and remedies under the Convention.⁹ Delegates also deliberated on quantitative data provided in 2014 national implementation reports in relation to the practical application of the provisions of article 9 of the Convention (access to justice). Furthermore, delegates shared their experience in carrying out multi-stakeholder dialogues with a view to removing barriers to access to justice. The Task Force meeting was preceded by a special session for judges dedicated to the promotion of judicial networking in the pan-European region.

21. At its ninth meeting (Geneva, 14–15 June 2016), the Task Force considered recent developments and national efforts to remove barriers to access to justice. The meeting included a thematic session on the scope of review. In particular, delegates discussed what decisions, acts or omissions could be the subject of administrative appeal and judicial review in accordance with article 9 of the Convention, what could be the grounds for their review and to what extent both procedural and substantive issues might be reviewed. Following the success of the previous event, the Task Force meeting was again preceded by a special session for judges to promote judicial networking in the pan-European region.

22. The tenth meeting of the Task Force on Access to Justice (Geneva, 27–28 February 2017) included a thematic session on measures that could protect persons seeking justice and exercising their rights in conformity with the Convention from the possibility of persecution and harassment and advance the implementation of article 3, paragraph 8, of the Convention. Furthermore, delegates discussed recent developments related to (a) standing, (b) the scope of review, (c) adequate and effective remedies, (d) costs and (e) other issues of a systemic nature that might impede the implementation of the third pillar of the Convention. They also examined tools to promote effective access to justice, including specialization of judges, courts and tribunals, mediation and other alternative dispute resolution methods, e-justice initiatives, evaluation of effectiveness and capacity-building initiatives.

23. Pursuant to outcomes of the sixth meeting of the Task Force (Geneva, 17–18 June 2013) and in accordance with decision V/3 of Meeting of the Parties, in 2015 a study on the possibilities for non-governmental organizations promoting environmental protection to claim damages on behalf of the environment was finalized and made available online.¹⁰ Later during the intersessional period, the secretariat updated this study in the light of the comments received.

⁹ Information on the meetings of the Task Force is available from <http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envpptfaj/meetings.html>.

¹⁰ Available from http://www.unece.org/env/pp/tfaj/analytical_studies.html.

24. Furthermore, the secretariat carried out a study on the scope of review in selected countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia. The key findings of the study were presented to the Task Force at its ninth meeting in 2016 and progress on its finalization was discussed at its tenth meeting in 2017. For its part, the secretariat provided advisory support to a similar study being carried out in other countries of South-Eastern Europe by the Regional Environmental Centre for Central and Eastern Europe with the support of Germany.¹¹

25. In close cooperation with the Organization for Security and Cooperation in Europe (OSCE), the secretariat also provided substantive support to the workshop on access to justice in environmental matters for South Caucasus and Eastern Europe, held in Tbilisi on 19 and 20 February 2015.

D. Genetically modified organisms

26. Bilateral collaboration on genetically modified organisms (GMOs) is ongoing between the secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity. Pursuant to the conclusions of the first joint Aarhus Convention and Convention on Biological Diversity round table on GMOs (Geneva, 16–17 October 2013), the two treaty secretariats jointly prepared a checklist of key measures required for ratification and implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety with regard to its article 23 in the context of living modified organisms/genetically modified organisms (LMOs/GMOs).¹² The checklist was circulated to national focal points of the two treaties and stakeholders for comments through two rounds of consultations held in 2014 and 2015. The finalized checklist, taking into account the comments received, has been made available to Parties to both instruments and stakeholders for their information and use. Furthermore, the two secretariats have finalized a joint note summarizing sources of available technical assistance, tools and materials with regard to implementation of the two legal instruments and their LMO/GMO requirements in relation to article 23. To further promote the Aarhus Convention's provisions in this area, the secretariat provided input to the two training modules on access to information and on public participation in decision-making concerning LMOs being developed by the Convention on Biological Diversity secretariat.

27. During the reporting period, the two secretariats organized the second global round table on awareness-raising, access to information and public participation in decision-making related to LMOs/GMOs (Geneva, 15–17 November 2016). The meeting was organized under the leadership of the Government of Austria. The event aimed to assist participants to identify challenges in promoting public participation in decision-making on LMOs/GMOs, to build capacity of governmental experts and different stakeholders and to explore synergies between different countries, regions and organizations to promote transparency and public participation on biosafety.

28. Also during the intersessional period, France, Georgia and Malta ratified the amendment to the Convention regarding public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment). Two more Parties from among the following list must ratify the amendment for it to enter into force: Albania, Armenia, Azerbaijan, Belarus, Kazakhstan,

¹¹ The studies will be made available on a dedicated web page of the Convention website: http://www.unece.org/env/pp/tfaj/analytical_studies.html.

¹² Meeting documents and other information on this work area are available from <http://www.unece.org/env/pp/gmos.html>.

Kyrgyzstan, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.

29. The Parties whose ratification of the GMO amendment would count towards its entry into force were repeatedly called upon during the intersessional period to take serious steps towards ratification and to provide the secretariat with a written explanation on the status of ratification. Following the request of the Meeting of the Parties at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014),¹³ the Working Group of the Parties has been monitoring closely the progress towards entry into force of the GMO amendment and Parties and partner organizations have been called upon to offer assistance in ratifying it.

II. Procedures and mechanisms

A. Compliance mechanism

30. Since the fifth session of the Meeting of the Parties, the Compliance Committee held 12 regular meetings, namely, its forty-fifth to fifty-sixth meetings, and 11 virtual meetings. One regular meeting was held in parallel with the fifth session, two were held in the second half of 2014, four in 2015, four in 2016 and one so far in 2017. The fifty-seventh meeting of the Committee is scheduled to take place in Geneva from 27 to 30 June 2017. In parallel to the sixth session of the Meeting of the Parties, the fifty-eighth meeting will be held from 10 to 13 September in Budva, Montenegro. At its meetings, the Committee reviewed communications from the public concerning alleged non-compliance by Parties.¹⁴ Since the Committee's report to the fifth session of the Meeting of the Parties, 46 new communications have been forwarded to the Committee for consideration as to their preliminary admissibility. Thirty-five of those communications were determined to be admissible and are pending at different stages of the process. Two submissions were made to the Committee by Parties: one concerning another Party's compliance and the other concerning the Party's own compliance. In addition to the request from the Meeting of the Parties at its fifth session concerning a certain Party's compliance, the Committee received one request from a Party for advice or assistance. The secretariat made no referrals in the reporting period. In addition, the Committee followed up on the implementation of decisions V/9a-n concerning compliance by Armenia, Austria, Belarus, Bulgaria, Croatia, Czechia, the European Union, Germany, Kazakhstan, Romania, Spain, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

31. During the intersessional period, the Committee has continued to follow a more structured approach in following up on decisions of the Meeting of the Parties on compliance by individual Parties. At each meeting, to consider progress with the decisions' recommendations, the Committee reviews any written material submitted by the Parties and by observers. In order to further assist Parties in their efforts to comply with the Convention's provisions, the Committee has held regular discussions in open session with representatives of the Parties and observers, in person or by means of web-based, video and or telephone technology, in order to discuss the progress made to implement the decisions of the Meeting of the Parties. Such discussions are organized by the Committee on a needs basis.

¹³ See report of the fifth session of the Meeting of the Parties available from [http://www.unece.org/env/pp/aarhus/mop5_docs.html#/.](http://www.unece.org/env/pp/aarhus/mop5_docs.html#/)

¹⁴ For details, see the reports of the Compliance Committee available from <http://www.unece.org/env/pp/ccMeetings.html>.

32. With respect to the membership of the Compliance Committee, following the resignation of Ms. Dana Zhandaeva the Bureau appointed Ms. Áine Ryall as member for the remainder of Ms. Zhandaeva's term. At its forty-ninth meeting (Geneva, 30 June–3 July 2015), after inviting the views of Parties and observers participating in the session, the Committee considered Ms. Ryall's appointment in closed session and approved her appointment to the Committee.

33. The Compliance Committee is continuing its work on revising the guide to the Aarhus Convention Compliance Committee¹⁵ and is expected to complete this prior to the sixth session of the Meeting of the Parties. In the context of this revision, it has adopted a new stricter format for communications, with a greater emphasis on describing the use of available domestic remedies and a maximum page limit and number of attachments. Also in this context, and in response to calls by Parties at the fifth session of the Meeting of the Parties for greater transparency regarding the procedure for new communications, at its fifty-first meeting (Geneva, 15–18 December 2015) the Committee agreed its procedure on new communications. Both the required format for communications and the procedure for new communications are posted on the web page for communications for the reference of Parties and members of the public.

34. Also at its fifty-first meeting, the Committee discussed the use of electronic tools in its working methods, and in particular the possibilities for increasing its use of audio and web conferencing to facilitate the efficient management of its caseload. It agreed to expand its use of audio and web conferencing with respect to its preparation of draft findings in closed session, and to continue to offer Parties and observers the possibility to use these tools to take part in its open sessions on the preliminary admissibility of communications and on the follow-up to Meeting of the Parties' decisions on compliance. It agreed, however, that, e.g., use of web, video or telephone conferencing was not appropriate for the hearing of a communication or submission, and representatives of the Party concerned and the communicant were expected to attend the hearing of each communication or submission in person.

35. Further information on the work of the Compliance Committee during the intersessional period is available in the Committee's reports to the sixth session of the Meeting of the Parties.¹⁶

36. An informal network for the Chairs of the compliance and implementation bodies under the ECE multilateral environmental agreements was established in spring 2012 at the initiative of the Chair of the Aarhus Convention Compliance Committee. The network aims to exchange information and lessons learned on the work of the bodies and to share views on how to improve implementation and compliance mechanisms. The third meeting took place on 29 June 2015, back to back with the Committee's forty-ninth meeting (Geneva, 30 June–3 July 2015). The fourth meeting took place on 20 June 2016, back to back with the Committee's fifty-third meeting (Geneva, 21–24 June 2016). The Chairs of the compliance and implementation bodies under the ECE multilateral environmental agreements agreed that the informal network provided a valuable opportunity for exchange of experiences. It is proposed to hold the fifth meeting of the informal network in mid-

¹⁵ The *Guidance Document on the Aarhus Convention Compliance Mechanism*, an online publication, is available from <http://www.unece.org/env/pp/cc.html>.

¹⁶ Report on procedural matters (ECE/MP.PP/2017/31) and report on general issues of compliance (ECE/MP.PP/2017/32)

2018.¹⁷

B. Capacity-building activities

37. In addition to capacity-building activities mentioned under other areas of work to build synergies and enhance coordination with partners, the secretariat serviced the ninth and tenth Aarhus Convention capacity-building coordination meetings (Geneva, 25 February 2015 and 28 February 2017, respectively). It continuously maintained close cooperation with United Nations partner agencies and other international organizations and handled a number of consultations through electronic means.¹⁸

38. The capacity-building coordination meetings focused on those areas of the Convention's current strategic plan (ECE/MP.PP/2014/2/Add.1, decision V/5, annex) and the programme of work that require the special attention of capacity-building partners. The participants addressed specific aspects of projects and activities, such as their geographical scope, target groups, available and required funding, cooperation with partner organizations and challenges encountered in the implementation of activities. With a view to identifying the needs for future activities, the secretariat distributed a questionnaire on capacity-building strengths and challenges among national focal points for the Convention in South-Eastern Europe, Eastern Europe, the Caucasus and Central Asia.

39. The secretariat took part in the annual meetings of Aarhus Centres (Vienna, 3–4 June 2015 and 21–22 November 2016), highlighting the main focus of the activities under the Convention in the current intersessional period and the potential role of Aarhus Centres in their implementation and in the context of transition to green economy and implementing the 2030 Agenda for Sustainable Development. The secretariat also promoted the Convention and its Protocol at a meeting within the project "Strengthening the capacities of Aarhus Centres in disaster risk reduction in order to enhance awareness of local communities" (Vienna, 7 April 2016).

40. The secretariat continued providing substantive support to the implementation of the Environment and Security initiative project on the promotion of the Convention and its Protocol in Belarus. This included the promotion of the Protocol at a technical meeting with representatives from industry and local authorities (Grodno, Belarus, 23 June 2015). Moreover, against the backdrop of public hearings on a new green economy national action plan being held in the capital, a workshop was organized on ensuring effective public participation in environmental decision-making in Belarus (Minsk, 2–3 November 2016). The workshop was co-organized by the secretariat and OSCE, in close cooperation with the Ministry of Natural Resources and Environmental Protection of Belarus and its scientific and research centre. The secretariat also cooperated with OSCE in relation to a study tour on the implementation of the Aarhus Convention supported by Italy (Rome, 19–21 December 2016).

41. Further information on capacity-building activities is available in the report on capacity-building (ECE/MP.PP/2017/7) and its accompanying (informal) document (AC/MOP-6/Inf.2). During the reporting period, the secretariat liaised continuously with partner organizations, potential donors and interested countries and stakeholders on

¹⁷ Further information regarding the joint work and informal networks of ECE multilateral environmental agreements is available on a dedicated web page on the ECE website (<http://www.unece.org/environmental-policy/conventions/joint-work-and-informal-networks.html>).

¹⁸ Meeting documents and other information on this work area are available from <http://www.unece.org/env/pp/oa.html>.

possible capacity-building activities that could be implemented in the next intersessional period.

C. Reporting mechanism

42. Following the failure of Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan to submit their national implementation reports for the 2014 reporting cycle within the deadlines set by the Meeting of the Parties, these Parties were invited by the Meeting of the Parties to submit their reports by 1 October 2014. All three countries subsequently submitted their reports for the 2014 reporting cycle (Portugal on 24 September 2014; Turkmenistan on 7 July 2015; and the former Yugoslav Republic of Macedonia on 29 March 2017). The former Yugoslav Republic of Macedonia also submitted a national implementation report for the 2011 reporting cycle on 22 December 2015. As of 29 March 2017, all outstanding national implementation reports for the 2011 and the 2014 reporting cycles have been submitted.¹⁹

43. The 2017 reporting cycle was launched by the secretariat in March 2016, when Parties were invited to submit national implementation reports for consideration at the sixth session of the Meeting of the Parties. A training related to national implementation reports was held for delegates at the twentieth meeting of the Working Group of the Parties (Geneva, 15–17 June 2016).

44. As of 31 May 2017, 34 Parties have submitted their national implementation reports for the 2017 reporting cycle under the Convention, with 31 Parties submitting their reports before the deadline indicated in decision II/10. The following Parties failed to submit their reports for the 2017 cycle: Armenia, Bosnia and Herzegovina, European Union, France, Malta, Netherlands, Portugal, Republic of Moldova, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and United Kingdom.²⁰

III. Promotional activities

A. Awareness-raising and promotion of the Convention and the Protocol on Pollutant Release and Transfer Registers

45. The secretariat, or relevant experts invited by the secretariat to do so, participated in conferences, seminars, workshops and other events in various countries to promote and raise awareness about the Convention and its Protocol at the international level. Meetings and events at which promotional and awareness-raising activities were carried out include: a meeting of experts convened by the Access Initiative and the World Resources Institute to discuss and refine a draft set of indicators (the “Aarhus Index”) to test the legal transposition and practical implementation of the Convention (Dublin, 13–14 July 2015); a meeting with representatives of the Japan Federation of Bar Associations (Geneva, 8 September 2015); a visit by a delegation from Malaysia to the European Environment Agency as a part of The Environmental Technical Assistance and Information Exchange Facility (TAIEF) project on “Access to Information, Public Participation in Decision-

¹⁹ For more information, see the synthesis report on the status of implementation of the Convention (ECE/MP.PP/2014/6) submitted to the Meeting of the Parties at its fifth session (available from http://www.unece.org/env/pp/aarhus/mop5_docs.html, “category II” documents).

²⁰ For more information on the 2017 reporting cycle see http://www.unece.org/env/pp/reports_implementation_2017.html.

Making and Access to Justice in Environmental Matters” (26 April 2017), for which an online presentation was given; and presentations on the Convention at the Graduate Institute of International and Development Studies (Geneva, 30 October 2015 and 28 October 2016).

46. The secretariat provided input regarding the Convention and its Protocol to the sixth *Global Environment Outlook GEO-6 Assessment for the Pan European Region*, prepared by the United Nations Environment Programme (UNEP) and ECE with the support of the European Environment Agency, and in close collaboration with partner institutions and individual experts.²¹ In addition, the secretariat promoted synergy within the Multilateral Environmental Agreements Information and Knowledge Management Initiative coordinated by UNEP.

47. The ECE Executive Secretary promoted the Convention and its Protocol together with other ECE instruments at the fourth session of the International Conference on Chemicals Management (Geneva, 28 September–2 October 2015).²²

48. The secretariat further promoted the Convention and its Protocol at a side event on the margins of the chemicals management conference on “Occupational exposures: Experiences on advancing a more sustainable management of chemicals” (Geneva, 30 September 2015).

49. With regard to human rights issues, the secretariat participated at a side event on access to information and human rights in the margins of the thirty-second session of the Human Rights Council (Geneva, 14 June 2016). The secretariat also participated in a panel discussion on “How can human rights contribute to the protection of the environment?”, organized by the Geneva Environment Network (Geneva, 22 September 2016).

50. With respect to nuclear issues, the Aarhus Convention was promoted at the Nuclear Law Committee meeting jointly organized by the Organization for Economic Cooperation and Development (OECD) and the Nuclear Energy Agency (Paris, 24 March 2016), the Aarhus Convention and Nuclear European Roundtable on Nuclear Emergency Preparedness and Response (Luxembourg, 29–30 November 2016) and the OECD Nuclear Energy Agency Workshop on Stakeholder Involvement in Nuclear Decision-Making (Paris, 17–19 January 2017).

51. The secretariat also participated in the European Union enlargement and integration action workshop “Public participation and transparency in the implementation of energy policies” (Belgrade, 25–26 February 2016) in order to promote awareness of the Aarhus Convention’s requirements regarding public participation in energy-related areas, the role of Convention task forces and concrete Convention products that could assist officials in ensuring effective public participation in energy-related areas.

52. Furthermore, the Convention was promoted at a workshop on civil society activities for environmentally sound socioeconomic development implemented in the Western Balkans and Turkey (Tirana, 8–9 December 2016).

53. In Geneva, the secretariat promoted the Convention and its Protocol at an informal consultation meeting on the “International Coalition for Green Development on the Belt and Road”, organized by UNEP on 28 April 2017.

²¹ Nairobi, United Nations Environment Programme, 2016. Available from <http://www.unep.org/geo/news/geo-6-regional-reports-launched> (accessed on 28 June 2017).

²² More information is available from the web page for the meeting: <http://www.saicm.org/About/ICCM/ICCM4/tabid/5464/language/en-US/Default.aspx> (accessed 19 June 2017).

54. The secretariat also promoted the Convention and its Protocol within the framework of the Arctic Council and relevant activities of OECD.

55. The interactive English version and the printed Chinese-language²³ version of the second edition of the *Aarhus Convention: An Implementation Guide*²⁴ were made available in 2014 and printed copies of the English version were distributed to national focal points and relevant stakeholders. The final text version of the Russian translation has also been made available online. The interactive French and Russian versions of the publication are currently being finalized. Printing of these versions is also expected to be completed in 2017.

56. The promotional brochure, *Protecting Your Environment: The Power Is In Your Hands*, addressing the general public interested in the Convention and its provisions, was published in Arabic, English, French, Spanish and Russian and was widely distributed.²⁵ The Chinese version of the promotional brochure is currently being finalized. After the finalization of the Chinese version, this brochure will be available in all six official languages of the United Nations.

57. The secretariat also promoted the Convention and the Protocol through various reports and articles prepared under the auspices of ECE and partner organizations. In addition, the secretariat continued an enhanced outreach exercise, distributing materials about the Convention and the Protocol to national focal points, Aarhus Centres, other United Nations bodies, international organizations, non-governmental organizations and academic institutions in the ECE region and beyond.

58. Following a formal expression of interest by Guinea Bissau, the secretariat is providing advisory support to the country in its efforts to accede to the Convention.

B. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes

59. In connection with implementing the Almaty Guidelines on Promoting the Application of the Aarhus Convention in International Forums (Almaty Guidelines), at its nineteenth, twentieth and twenty-first meetings the Working Group of the Parties held thematic sessions on promoting the application of the principles of the Convention in international forums. The session at the nineteenth meeting (Geneva, 17–19 June 2015) focused primarily on the application of the Convention's principles in trade negotiations and on the promotion of public participation in the lead up to and during the twenty-first session of the Conference of the Parties to the United Nations Framework Convention for Climate Change (UNFCCC) (Paris, 30 November–11 December 2015). Participants at this thematic segment also reviewed the progress in promoting the principles of the Convention through developing, implementing and monitoring implementation of the Sustainable Development Goals, and in relation to stakeholder engagement in the framework of the United Nations Environment Assembly.

60. The thematic session during the Working Group's twentieth meeting (Geneva, 15–17 June 2016) looked at recent developments related to international financial institutions,

²³ The Chinese translation was provided within the framework of the European Union-China Environmental Governance Project.

²⁴ United Nations publication, Sales No. E.13.II.E.3. Available from http://www.unece.org/env/pp/implementation_guide.html.

²⁵ ECE/MP.PP/9. Available from http://www.unece.org/env/pp/publications/the_power_is_in_your_hands.html.

feedback from the promotion of public participation in the lead up to and at the twenty-first session of the Conference of the Parties to UNFCCC (Paris, 30 November–11 December 2015), an update on stakeholder engagement in the United Nations Environment Assembly and the high-level political forum on sustainable development processes.

61. During the thematic session held at the twenty-first meeting of the Working Group (Geneva, 4–6 April 2017), the participants addressed the application of the principles of the Convention in the European Environment and Health Process. In addition, the Working Group considered the progress made with regard to items discussed at the previous thematic sessions, including climate-related processes, with a focus on lessons learned from the twenty-second session of the Conference of the Parties to UNFCCC (Marrakesh, Morocco, 7–18 November 2016) and stakeholder engagement in the United Nations Environment Assembly, UNEP access to information policies and processes related to the 2030 Agenda on Sustainable Development.

62. During the intersessional period the secretariat continued supporting efforts to promote the principles of the Convention in various international forums, working with other United Nations bodies (in particular, the United Nations Department of Economic and Social Affairs, the United Nations Development Programme, UNEP and the United Nations Institute for Training and Research), other environmental treaty bodies (such as the Convention on Biological Diversity and its Cartagena Protocol on Biosafety) and other international organizations (inter alia, the European Bank for Reconstruction and Development, the European Investment Bank, OECD, OSCE and the World Bank).

63. The secretariat promoted the Aarhus Convention principles, in particular in relation to its national and international obligations on public access to environmental information, at a workshop organized by the Intergovernmental Panel on Climate Change (Geneva, 28–29 January 2015).

64. On the occasion of the United Nations World Conference on Disaster Risk Reduction (Sendai, Japan, 14–18 March 2015), the secretariat prepared input on the role of the Convention and its Protocol in relation to disaster risk prevention and management. The input was also included in the ECE brochure prepared for the event.

65. The secretariat also provided input on promoting the principles of the Convention in international forums for the round table “Climate change and response strategies in the context of sustainable development of the Republic of Belarus” (Minsk, 24 April 2015), which looked at the country’s contribution to the preparations for the United Nations Climate Change Conference in Paris.

66. The secretariat participated in the 2015 International Financial Institutions’ Working Group meeting on information disclosure and stakeholder engagement (Luxembourg, 29 October 2015) in order to promote awareness among those institutions of the Aarhus Convention’s contributions to international law on good environmental governance, and in particular the concrete Convention products that could be of assistance in their operations.

67. In accordance with paragraph 7 (b) of decision V/4, and at the request of the UNFCCC secretariat, the Aarhus secretariat provided expert advisory assistance to the UNFCCC secretariat with respect to observer engagement at the United Nations Climate Change Conference in Paris in December 2015. The secretariat also took part in and informed all national focal points and stakeholders on the consultation processes regarding the UNEP access to information policy and the proposed new environmental and social framework of the World Bank. Requests by international forums for advisory support from the Aarhus secretariat are noticeably increasing, though it is not always able to respond fully owing to its limited capacity.

68. Cooperation between the secretariat and the special procedures of the Human Rights Council was further enhanced in the reporting period. The secretariat provided input on the value added of the Convention and its Protocol to a study by the Office of the High Commissioner for Human Rights on “Promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law: best practices, experiences, challenges and ways to overcome them” (A/HRC/30/26). In response to the invitation of the High Commissioner for Human Rights, input was also provided to the civil society space report to be submitted to the Council at its thirty-eighth session, as requested in paragraph 18 of Human Rights Council resolution 32/31.

69. The secretariat provided input regarding the Convention and its Protocol to the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes for his annual report to the Human Rights Council in 2015 (A/HRC/30/40), which focused on the right to access information throughout the life cycle of hazardous substances and wastes. Furthermore, in relation to the same matter, the secretariat took part in interactive dialogue with the Special Rapporteur organized within the framework of the thirtieth session of the Human Rights Council (Geneva, 16 September 2015).²⁶

70. In addition, the secretariat provided input to the 2016 report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/34/49), which looked at the issue of human rights and biodiversity.²⁷ Furthermore, it took part in the interactive dialogue with the Special Rapporteur organized within the framework of the thirty-fourth session of the Human Rights Council (Geneva, 8 March 2017).

71. The secretariat provided substantive support to the preparations for the Eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 8–10 June 2016). It focused in particular on the promotion of the relevance of the Convention and the Protocol to the implementation of the Sustainable Development Goals, and the relevance of the treaties to the Conference’s air pollution and green economy themes.

72. The secretariat promoted the Convention and its Protocol at the second and third Inter-agency Meeting on Sound Chemicals Management (Vienna, 18 October 2016 and Geneva, 30 March 2017, respectively) organized by the Inter-Organization Programme for the Sound Management of Chemicals with the objective to facilitate exchange between agencies and organizations and to consider collaboration in the context of the Strategic Approach to International Chemicals Management intersessional process and the 2030 Agenda for Sustainable Development.

73. Also in an advisory capacity, the secretariat continued to support ongoing initiatives to implement Principle 10 of the Rio Declaration, namely: (a) the Advisory Group on International Environmental Governance for the project on the promotion of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines), led by UNEP; and (b) the “Access for All” initiative, launched at the Eye on Earth Summit in December 2011

²⁶ For more information, see Office of the United Nations High Commissioner for Human Rights, “Right to information on hazardous substances and wastes”. Available from <http://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/Righttoinformation.aspx> (accessed on 28 June 2017).

²⁷ For more information, see Office of the United Nations High Commissioner for Human Rights, “Biodiversity and Human Rights”. Available from <http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Biodiversity.aspx> (accessed on 28 June 2017).

and led by the World Resources Institute, which seeks to provide a platform for global promotion of Principle 10.

74. Also in the reporting period, the secretariat provided ongoing advisory support, including by engaging relevant experts, upon request to the Economic Commission for Latin America and the Caribbean for the initiative on a possible regional convention on access rights in Latin America and the Caribbean.

75. In the light of the ongoing discussion by Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) to strengthen that Convention's public participation provisions, the Aarhus Convention secretariat has been closely cooperating with the Industrial Accidents Convention secretariat in its work on this issue.

76. In addition, the Aarhus Convention secretariat provides ongoing advice to various academic bodies, non-governmental organizations and other stakeholders upon request.

77. Promotion of public participation in international decision-making was also discussed at the ninth capacity-building coordination meeting in February 2015. Partner organizations at the meeting addressed, inter alia, ways to support Parties in implementing the Almaty Guidelines through assisting them in organizing input from the public to national contributions to international forums and the need to apply the Almaty Guidelines in their own activities.

C. Coordination and oversight of intersessional activities

78. During the reporting period the status of the Convention with regard to accession, ratification or approval has remained unchanged: as of 31 December 2016, the Convention has 47 Parties. After the ratification by France, Georgia and Malta, the GMO amendment to the Aarhus Convention has 31 Parties to date. The ratification of the Protocol on Pollutant Release and Transfer Registers by Malta and Ukraine in 2016 raised the number of Parties to that treaty to 35.

79. Coordination and oversight of intersessional activities during the reporting period was mainly conducted by the Working Group of the Parties and its Bureau during regular meetings of those bodies.

80. The Working Group of the Parties held its nineteenth, twentieth and twenty-first meetings in Geneva in June 2015, June 2016 and April 2017, respectively.

81. The Bureau held its thirty-fifth and thirty-sixth meetings in Geneva, on 3 March 2015 and 19 June 2015, respectively. In 2016, the Bureau held its thirty-seventh, thirty-eighth and thirty-ninth meetings in Geneva, on 25 and 26 February 2016, 17 June 2016 and on 13 and 14 December 2016, respectively. The Bureau also held regular electronic consultations on different subjects.

82. Representatives of the ECE Committee on Environmental Policy and the governing bodies of the ECE multilateral environmental agreements continued to liaise at informal meetings to exchange information on priorities under the agreements and to identify and discuss possible areas of cooperation and synergy in the light of recent and future key developments in the area of the environment. In 2015, at the meetings in Geneva on 13 April and 26 October, the secretariat and the Chairs of the governing bodies of the

Aarhus Convention and its Protocol all participated.²⁸ In 2017, the informal meeting of the representatives of the Committee on Environmental Policy and the governing bodies of ECE conventions and protocols was held on 24 January 2017 in Geneva and was attended by the Chair of the Protocol and a member of the Bureau of the Convention.

83. Activities under the Convention and the Protocol were presented at the twenty-first session of the Committee on Environmental Policy by the Chairs of the two governing bodies (Geneva, 27–30 October 2015). Updates on the activities of the two treaties were presented by the Chair of the Protocol and by a member of the Bureau of the Convention at the twenty-second session of the Committee (Geneva, 25–27 January 2017).

84. The secretariat in close cooperation with the host country has been carrying out preparations for the sixth session of the Meeting of the Parties to the Convention, which will take place back to back with the third session of the Meeting of the Parties to the Protocol in Budva, Montenegro, during the week of 11 to 14 September 2017. A preparatory mission to Montenegro to inspect potential meeting venues and to discuss a number of practical arrangements with the host country and partner organizations was carried out by the secretariat in September 2016.

²⁸ Chair's summaries of the meetings, which include a list of participants, are available from <http://www.unece.org/environmental-policy/conventions/informal-networks.html>.