

**Cefic comments on:
Draft decision on Strategic Plan for 2015-2020**

Cefic, the European Chemical Industry Council, welcomes the opportunity provided by the Secretariat to comment on the draft decision on the Strategic Plan for 2015-2020 under the Aarhus Convention.

Cefic supports the view expressed by the EU and its Member States and Croatia at the 16th meeting of the Working Group of the Parties that the new thematic challenges to be addressed under the Strategic Plan should be within the scope of the Aarhus Convention and have targets that primarily relate to the implementation of the Convention rather than its further development.

Accordingly, we recommend the following modifications:

- i. Under Objective III.1: after “The provisions of the Convention are interpreted in a dynamic way, enabling practice to adapt to experience acquired in the course of implementation, new developments in society, technological innovation and new environmental challenges”, specify “without prejudice to legitimate public and private interests”.
- ii. Under Objective III.3: instead of “The range of environmental information that is made available to the public is gradually widened,” state that “The range of environmental information that is currently made available to the public is gradually clarified”. Further, mechanisms enabling more informed consumer choices should be “identified” rather than “developed”. We are of the view that there is already a wide range of environmental information made available in the EU, and that the first step should consist into identifying that information.

Furthermore, as far as access to information originating from the private sector is concerned, we urge the Secretariat and Parties to the Convention to promote an implementation of the Aarhus Convention that is consistent with the TRIPS agreement.

In particular, we recommend the following modification:

- iii. Under Objective III.3: Instead of “consideration is given as to how to promote the increasing accessibility of environmental information held by the private sector...in line with the current approach under the Convention”, state “consideration is given as to how to promote the accessibility of environmental information originating from the private sector and held by public authorities...in line with applicable provisions of the Aarhus Convention and TRIPs agreement”.

The General Court ruling in case T-545/11 has raised the issue of consistency between the access to information rules adopted by the EU to transpose the Aarhus Convention and the provisions applicable under the TRIPS agreement. This is of very high importance for chemical companies in the EU, who are required to submit highly valuable commercial information on substances and products to public authorities in the EU at risk of jeopardizing their competitiveness.



Further, to remain within the scope of the Aarhus Convention, this objective should not refer to information “held by” the private sector but to information “originating from” the private sector and “held by public authorities”.

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