

## **Economic Commission for Europe**

### **Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

#### **Working Group of the Parties**

##### **Seventeenth meeting**

Geneva, 26–28 February 2014

Item 4 (b) of the provisional agenda

##### **Procedures and mechanisms: capacity-building and awareness-raising**

## **REPORT ON THE EIGHTH AARHUS CONVENTION CAPACITY- BUILDING COORDINATION MEETING<sup>1</sup>**

(Advance version)

Palais des Nations, Geneva

16 December 2013

### **I. Introduction**

1. The objective of the meeting was to discuss the progress in capacity-building activities related to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), the Protocol on Pollution Release and Transfer Registers (PRTRs) and principle 10 of the Rio Declaration on Environment and Development (Rio Declaration).

2. The meeting was chaired by Ms. Ella Behlyarova, Secretary to the Aarhus Convention and Protocol on PRTRs, United Nations Economic Commission for Europe (UNECE). UNECE also provided the secretariat services for the capacity building coordination meeting. The representatives of the following organizations were present at the meeting: Mr. Adam Daniel Nagy, European Commission; Ms. Mara Silina, European Environmental Bureau (EEB)/European ECO Forum; Mr. Nickolai Denisov, Zoi Environment Network; Ms. Tsvetelina Borissova Filipova, Regional Environmental Center for Central and Eastern Europe (REC); and Ms. Lurdes Grou Serra, European Investment Bank.

3. The following documents served as a basis for the discussion: Decision III/8 on the Strategic Plan 2009-2014 (ECE/MP.PP/2008/2/Add.16), decision IV/6 on the work programme for 2012-2014 and other decisions adopted by the Meeting of the Parties at its fourth session (ECE/MP.PP/2011/2/Add.1).

4. More concrete capacity-building activities carried out by partner organizations will be detailed in the report on capacity-building to be submitted to the fifth session of the Meeting of the Parties to the Convention (Maastricht, the Netherlands, 30 June – 2 July 2014).

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<sup>1</sup> This document was not formally edited.

## II. Aarhus Convention

### 1. Access to justice

5. UNECE drew participants' attention that further capacity development in the area of access to justice remained very important. The activities in this area should assist in supporting a national dialogue, improving the relevant legislation and providing information to the public on access to judicial and administrative review as well as to courts' and other review bodies' decisions. The participants were informed about material produced within the framework of Convention's activities that could be used to support capacity-building activities in this area.

6. The European Commission informed about possible policy developments in this area, functioning of the EU e-justice portal, trainings for judiciary and the applicability of LIFE+ instrument to support the relevant activities.

7. EIB focused its activities on raising awareness about its compliance mechanism and its work among stakeholders.

8. EEB / European ECO Forum reported on its participation in the Convention's Task Force on Access to Justice activities, bringing knowledge in this area to its network and preparing the relevant analysis of case law within EU and EU Court of Justice and active participation in consultation procedures on the EU sectoral legislation.

9. REC reported on a number of projects in this area with focus on South-Eastern Europe, the Republic of Moldova and Belarus. Mediation would be addressed through trainings in the Caucasus and Central Asia as well as in South-Eastern Europe.

10. It was noted that mediation and other alternative dispute resolution mechanisms, which could be considered complementary tools to access to justice, would not be included in the planned activities under the Convention's Task Force on Access to Justice for the next intersessional period. Therefore, no material supporting capacity-building activities on this matter could be produced under its framework.

### 2. Access to information

11. UNECE proposed to focus capacity-building activities in this area on trainings, facilitating dissemination of the priority types of information identified in Decision II/3<sup>2</sup> adopted by the Meeting of the Parties to the Convention and assist in establishing Aarhus (web) national nodes. The participants were informed about material produced within the framework of Convention's activities that could be used to support capacity-building in this area.

12. The European Commission supported the focus on more proactive approach for dissemination of environmental information. New SEVESO Directive<sup>3</sup> included more elements on active dissemination of information. Activities on electronic information tools could be relevant to the implementation of the INSPIRE Directive<sup>4</sup> and Shared Environmental Information System (SEIS)<sup>5</sup> in the countries. LIFE+ instrument<sup>6</sup> also could support some specific activities in this area.

13. Zoi Network continued its involvement in capacity-building activities in this area. This work was mainly supported by the European Commission through the European Environmental Agency. The focus was on introducing SEIS in the European Neighbourhood countries and Central Asia, assisting in establishing the data flows for core indicators adopted by UNECE Working Group on Environmental Monitoring and Assessments and implementing the projects related to Dniester and Neman river basins. The activities involved not only ministries of environment but also national statistics bodies. The Aarhus Convention provided the necessary framework to further advance access to environmental information.

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<sup>2</sup> See [http://www.unece.org/fileadmin/DAM/env/pp/a\\_to\\_i/1st\\_meeting/ece.mp.pp.2005.2.add.4.e.pdf](http://www.unece.org/fileadmin/DAM/env/pp/a_to_i/1st_meeting/ece.mp.pp.2005.2.add.4.e.pdf)

<sup>3</sup> See <http://ec.europa.eu/environment/seveso/>

<sup>4</sup> See <http://inspire.ec.europa.eu/>

<sup>5</sup> See <http://ec.europa.eu/environment/seis/>

<sup>6</sup> See <http://ec.europa.eu/environment/life/funding/lifepius.htm>

14. EEB reported on improving their website that would include new information and communication interactive tools. The organization continued to be interested in clarifying the scope of environmental information and defining environmental information held by other public authorities, product-related information (including chemicals, wastes and eco-labelling) and access to court decisions.

15. REC supported projects in the Republic of Moldova and Belarus to build capacity in communicating already available information and using classical information tools to bring to greater public attention and better outreach to environmental matters. REC also involved in the WATERCORE project<sup>7</sup>. The 14 partners from 7 EU Member States involved in this project were committed to exchanging good practices on water management and adapting these to their local or regional conditions. The thematic working groups covered various topics, including public awareness and participation.

16. It was proposed to involve mass media in capacity-building activities dedicated to access to information and to explore the possibility of assisting the Parties to develop/upgrade their national nodes in light of the SEIS principles.

### **3. Public participation in decision-making**

17. UNECE proposed to focus capacity-building activities in this area on trainings, improving legislation, developing e-participation tools and improving access through Internet to information related to the decision-making procedure. The participants were informed about material produced within the framework of Convention's activities that could be used to support capacity-building in this area.

18. The European Commission informed about the changes in the SEVESO Directive in this regard and exchange with EU Member States on the implementation of public participation requirements.

19. EEB worked on a project to describe what public participation mean in different areas, especially with regard to plans and programmes and draft legislation. It also followed public consultations at the EU level and changes in the EU law relevant to this area.

20. REC's work was focused on public participation in decision-making related to the radioactive waste disposal. Poland, Czech Republic, Slovakia and Slovenia were involved in the project. REC also focused on promoting public participation within environmental impact assessment, strategic environmental assessment and integrated pollution prevention and control permitting to strengthen application of the relevant EU legislation. The projects targeted communities, NGOs and public authorities. Furthermore, REC supported the European Bank of Reconstruction and Development in carrying out the public consultations on the Bank's revised policies<sup>8</sup>. REC also made a call for Aarhus-related projects that could be supported by the Eastern Partnership initiative.

### **4. Genetically modified organisms (GMOs)**

21. UNECE proposed to focus capacity-building activities on the following priority areas: (a) strengthening coordination and cooperation between national focal points of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biodiversity, (b) assisting in preparing documents for ratification of the GMO amendment to the Convention, (c) developing a list of key measures required for implementing the GMO amendment to the Convention, the Lucca Guidelines and the Cartagena Protocol and (d) national round-tables and trainings. The participants were informed about material produced within the framework of Convention's activities that could be used to support capacity-building in this area.

22. Priority countries for such activities included Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Malta, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.

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<sup>7</sup> See <http://www.watercore.eu/>

<sup>8</sup> See <http://ebrd-public-consultations.rec.org/>

23. UNECE further informed about the outcomes of a round table dedicated to the practical implementation of the GMO amendment and the exchange of information on good practices with regard to GMO-related issues was organized in Geneva in October 2013<sup>9</sup>.

24. Nevertheless, no other specific activities in this focus area were reported by partner organizations. This focus area was recognized as the least addressed through capacity-building activities under the Convention. A concern was raised that this could potentially hamper the progress in the ratification and implementation of the GMO amendment.

25. It was proposed to have more substantial discussions on this topic at the meetings of the Working Group of the Parties and the Task Force on Public Participation in Decision-making.

## **5. Public Participation in International Forums (PPIF)**

26. UNECE proposed to focus capacity-building activities on trainings and developing national action plans dedicated to this area. The participants were informed about material produced within the framework of Convention's activities that could be used to support capacity-building in this area.

27. EEB reported on developing a strategic approach to the NGOs involvement in the PPIF activities under the Convention.

28. A brief publication explaining what public participation means targeting NGOs was considered to be useful.

## **6. Compliance mechanism**

29. The participants discussed activities related to promoting and raising awareness of the Convention's compliance mechanism.

30. In this regard, EEB reported on the training in Ireland at the end of November 2013 with the possible follow activities. The meeting involved also judges, Ombudsman and representatives of public authorities. The approach to train a small group of experts and then to provide a training in a bigger group proved to be useful.

## **II. Protocol on Pollutant Release and Transfer Registers**

31. UNECE pointed out that the main capacity-building coordination framework for the PRTR Protocol was the International PRTR Coordination Group, the last meeting of which took place in Geneva on 22 November 2013<sup>10</sup>.

32. Zoi pointed out on the UNITAR's and UNEP's support of the GEF proposal to develop functioning PRTRs in Belarus, the Republic of Moldova and Kazakhstan. Another project linking SEIS and PRTRs could be carried out in Central Asia with focus on pilot PRTRs and their political recognition. Activities further promoting PRTR in Kazakhstan could be expected.

33. EEB informed about a small project in Kazakhstan. EEB also developed the outline for the work under Protocol's Compliance Committee and explored training possibilities regarding the compliance under the Protocol on PRTRs.

34. REC focused its activities on current reporting practices within PRTRs with the involvement of public authorities, operators and NGOs in Albania, Serbia and the former Yugoslav Republic of Macedonia. It received support from Germany to work on a project aimed at adapting the German PRTRs portal for Serbia and the former Yugoslav Republic of Macedonia. Other countries might be involved in a similar project in the future.

## **III. Principle 10 of the Rio Declaration**

35. REC reported on its work within the Eye on Earth Initiative and its project to be carried out in cooperation with EEB to support the ECLAC initiative on Principle 10 and facilitate the exchange of experience between two regions.

36. EEB also promoted the Convention and its compliance mechanism at the meeting with the representatives of the Bar Association in Japan in 2013.

<sup>9</sup> See [http://www.unece.org/gmo\\_2013.html](http://www.unece.org/gmo_2013.html)

<sup>10</sup> See <http://www.unece.org/env/pp/prtr/intlcgimages/about.html>

#### **IV. Outcomes of the meeting**

37. The participants agreed:

(a) to provide capacity-building support in the areas related to access to justice, access to information, public participation in decision-making, genetically-modified organisms and public participation in international forums as discussed at the meeting;

(b) that capacity-building activities related to the application of the Convention with regard to genetically modified organisms should be increased;

(c) to provide inputs to the report on capacity-building to be submitted to the fifth session of the Meeting of the Parties to the Convention (Maastricht, the Netherlands, 30 June – 2 July 2014) and organize side-events as appropriate.

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