

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 7 of the provisional agenda:

Promotion of the principles of the Convention in international forums

“3 minute survey” for Parties in preparation for the thematic session on the promotion of the principles of the Convention in international forums

Chair’s Summary

1. RESPONSES RECEIVED

In 2013 responses were received from 11 countries:

Albania, Azerbaijan, Cyprus, Denmark, Estonia, France, Georgia, Greece, Iceland, Latvia and Spain

In 2014, 11 countries responded to the questionnaire.

Albania, Austria, Bosnia and Herzegovina, Croatia, Germany, Kazakhstan, Norway, Poland, Romania, Serbia and Slovakia

2. ANALYSIS

Three countries (Albania, Azerbaijan and Estonia) appeared to misunderstand the purpose of the survey and reported on national action plans to promote public participation at the national level, not regarding international forums.

a. Completed plans

Serbia

Serbia reported that it had completed a national action plan which is currently in the process of implementation.

In particular, a Strategy for Implementing the Aarhus Convention in the Republic of Serbia (“ Official Gazette of RS, No. 103/11), with the supported Action plan for the implementation of the Aarhus Convention have been prepared.

This Strategy (Section 2) provides background how the Strategy is linked to other relevant conventions, as well as to EU implementation of the Aarhus Convention. There are also other international conventions related to Aarhus Convention provisions that have been implemented in the Republic of Serbia, a few examples of international instruments are presented such as Principle 10 of the Rio Declaration, Agenda 21, Framework Convention on Climate Change, Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991), Protocol on Strategic Environmental Assessment to the Convention on EIA in a Transboundary Context (Kiev, May 21, 2003), Convention on the Transboundary Effects of Industrial Accidents (Helsinki, 1992), Convention on Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992), Convention to Combat Desertification.

The network of focal point of the international conventions has been established. They have regular quarterly meetings and obligation to send reports to the minister of environment.

The national action plan (Part 4.3) contains Actions and initiatives of general and/or cross-cutting nature (Part 4.3.1), as well as actions and initiatives for public participation in environmental matters (Part 4.3.3), with the proposed actions such as:

- building of mechanisms ensuring the promotion of the Aarhus Convention principles in international environmental decision-making processes through:
- defining of the activities of the competent authorities with the aim of achieving the predefined aim (Part 4.3.1, Table C1, Action 14);
- providing access to information and participation of the public in activities related to international cooperation in the field of environment (Part 4.3.1, Table C1, Action 14)
- Improving dialogue between the public and decision makers; enhance dialogue instruments (joint delegations, teams, hearings) – (Part 4.3.3, Table C3, Action 4).

- establishing procedures and allocate budgetary funding (at national, provincial, city and municipal budget) for long-term support intended for representatives of key associations in order to ensure public participation in EIA, education, presence of associations representatives at the most relevant meetings related to the Aarhus Convention (and Aarhus Convention WG), related international gatherings, inclusion of associations in official delegations and in relation to EU accession (Part 4.3.3, Table C3, Action 23)

This action plan serves the purpose of the promotion of the principles of the Aarhus Convention.

b. Future plans

Three countries (Cyprus, Iceland and Romania) reported that national action plans for planned for the near future (Cyprus commencing January 2014, Iceland postponed for 2014, Romania commencing fourth quarter of 2015).

c. No action in place and no future plans

Two countries (Georgia, Poland) reported that no action was in place or alternative mechanism for promoting the principles of the Convention in international forums. Georgia also reported that taking into account a government position on significance of this direction, development of such mechanisms will be a subject of consideration in the future. Poland specified that analysis of current multinational environmental agreements that Poland is party to, indicates that public participation in international forums is well secured and there is no need for preparation of special action plan. Moreover, differences between above mentioned agreements makes it difficult to establish one system of public participation for all these forums.

d. Alternative mechanisms

The remaining countries (Austria, Bosnia and Herzegovina, Croatia, Denmark, France, Germany, Greece, Kazakhstan, Latvia, Norway, Slovakia and Spain) reported that they had alternative mechanisms in place that they considered met the same purpose as a national action plan:

Austria:

Austria developed PPIF recommendations at the end of 2009 in order to promote the Almaty guidelines: these are based on the Almaty guidelines and on a survey on how Austrian env. NGOs are involved in international processes; the results of the survey and the recommendations were presented in a PPIF Task Force Meeting in 2010 and are published on the Aarhus homepage

Bosnia and Herzegovina:

In Bosnia and Herzegovina, there is no specific national action plan for promotion of the principles of the Convention in international forums. The preparation of the NIR involves coordination among 31 different institutions at different levels of government. During that time, all stakeholders are informed about the status of Convention's implementation in the country and advised to promote it in international forums. Therefore, Bosnia and Herzegovina does not consider that a thematic action plan is necessary for that matter.

Croatia:

The process of drafting the National report on the implementation of the Aarhus Convention involves all governmental bodies dealing with matters relating to the environment. We can consider this as one of the alternative mechanisms through which information about Aarhus Convention meaning and importance in supporting of environmental democracy in international forums is disseminated within the country

Denmark:

When implementing the Aarhus Convention in 1998, the ministries were contacted and their legislation evaluated and amended in order to implement the Convention sectorally. It is part of the procedure to involve non-governmental organisations when forming the Danish position in international and EU cases. The Danish position is primarily formed at frequent meetings held in the Special Committee for the Environment (Miljøspecialudvalget). The Special Committee is open to all organisations with an interest in environmental matters, and at present about 85 organisations are members of the Special Committee for the Environment. The Danish position may also be formed through written procedure in the Special Committee. Non-governmental organisations are part of the Danish delegation in most major international negotiation meetings, whereby public participation is integrated in international decision making processes. The national

hearing process between the Administration and the non-governmental organization continues in the interim period between the international meetings on ad hoc basis and in different foras.

France:

France adopted in September 2012 a process of collective deliberation by the Environmental Conference. This Environmental Conference is to discuss the work program of the government's sustainable development, in particular to sort and isolate the priority issues to address key environmental challenges, to agree on the objectives to be achieved, specific consultations to be implement and to take immediate measures, and to make an annual report of all that has been achieved. To this end, a National Council debate on energy transition was established on 27 December 2012. The National Council of debate makes such a parliament, to engage stakeholders. It consists of seven colleges of representatives of trade unions, employers, non-governmental environmental organizations, consumer organizations, family, struggle against poverty and consular chambers, associations of local authorities, parliamentarians and State officials.

This Council includes an international dimension and allows the voices of all members of society can find a relay in international bodies

Germany:

See please "Implementation report 2014 for the Aarhus Convention submitted on 29.11.2013 by Germany", Answer to question III d):

"(d) As regards the implementation of Article 3 (7) of the Convention, all relevant bodies of the Federal Government have been informed, in the context of the internal consultation process, about the Convention's principles and the Almaty Guidelines. The departments have received a German version of the Guidelines. Additionally, an internal dialogue has been initiated to collect and exchange experiences of the application of the Guidelines in international forums. Some felt the Guidelines were difficult to apply in practice, given the specific, autonomous decision-making structures in the different forums. Still, the general view was a positive one, namely that the Convention's principles on access to environmental information and public participation in environmental matters were being implemented in the international context by all the parties involved, even if there was not always a direct reference to the Guidelines. In the case of water-related conventions, for example (in particular, river basin commissions and regional marine protection commissions), the Guidelines' content is implemented de facto through the requirements of the European Water Framework Directive (WFD), the European Flood Risk Management Directive (Floods Directive) and the European Marine Strategy Framework Directive (see Article 14 WFD, Sections 83 (4) and 85 WHG, Articles 9 and 10 of the Floods Directive, Section 79 WHG, Article 19 MSD, Section 45i WHG). In some cases, clear reference has been made in international decision-making procedures to the "information of the public", as had been suggested by Germany, for example in a UNECE document on pipeline safety. Cooperation with the Protocol on Water and Health of the UNECE Water Convention is being considered in the framework of the newly created Aarhus Convention Task Force on Public Participation."

In addition the Ministry for Foreign Affairs is aware of Article 3 (7) of the Convention and the Almaty Guidelines and takes note of that in all relevant international processes. The same applies for the European Union in cases, where international negotiations are led by the EU and not by the specific Member States.

In conclusion there is no need to prepare in addition a national action plan that would serve not further purpose

Greece:

There is an awareness raising programme run by the Ministry of Environment, Energy and Climate Change with total budget of 6 million euros that partly covers the promotion of aarhus principles at national level. Additionally, Greece as a member state of the EU is in line with the EU activities regarding the promotion of aforementioned principles. We will explore the possibilities of developing a national plan in cooperation with other competent authorities.

Kazakhstan:

National plan is not developed. Aarhus principles are promoted at all environmental forums organized by the Ministry of Environment and Water Resources

Latvia:

Respective specialists have been informed about the Almaty Guidelines and have been invited to apply the principles of access to information, participation and justice in their implementation of other international conventions.

Public participation is ensured in accordance with Paragraph 7 of the Cabinet of Ministers (CM) Regulation No.96 "Procedures, by which the National Position of the Republic of Latvia shall be Developed, Harmonised, Approved and Updated in Matters of the European Union" of 3 February 2009 and Paragraph 12 of the CM Regulation No.707 "Regulations on the Development of Documents for the Purpose of Protection of State Development Goals in

International Organizations, the Harmonisation, Approval and Update Procedure thereof” of 3 August 2010. The relevant provisions stipulate that the responsible institution shall ensure the development, update and harmonisation of the State's official position with other responsible authorities, local governments, social partners' organizations, associations and foundations (i.e., NGOs)

Norway:

- Official policy as stated inter alia in White Paper to the Parliament on Norway's UN Policy; “Norway attaches great importance to ensuring that civil society continues to have access to UN meetings and conferences where policy is developed, and will work for the continued participation of civil society in UN forums.” (<http://www.regjeringen.no/nb/dep/ud/dok/regpubl/stmeld/2011-2012/meld-st-33-20112012-2/7.html?id=717978>)
- Civil society representatives participate in official Norwegian delegations to several international forums; Rio + 20 Conference, UN Climate Change Convention, Convention on Biological Diversity
- Civil society representatives are consulted on Norwegian Positions to major international negotiations in the environmental field, including inter alia UNFCCC
- A general standing consultative body established and lead by the Ministry of Environment with participation also from other Ministries, with representatives from civil society and regular meetings (approximately four times a year), focusing on issues relating to the European Economic Area (EEA) and also other international environmental issues and processes. Participants may propose items for the agenda at each meeting.
- Seminar in December 2012 on Strengthening Civil Society Participation in UN processes on Sustainable Development. Report with recommendations (http://www.unep.org/civil-society/portals/24105/Documents/meetings/oslo2012/Summit%20tourism_or_meaningful_involvement_Jan2013.pdf)

Slovakia:

The Government of the Slovak Republic has adopted the following resolutions:

Resolution of the Government of the Slovak Republic No. 68 of 22 February 2012 to the draft of the concept of civil society development in Slovakia,

Resolution of the Government of the Slovak Republic No. 397 of 1 August 2012 on the proposal for the establishment of the Slovak Government Council for non-governmental/non-profit organisations

Spain:

The Advisory Council on Environment (CAMA), established by Royal Decree 2355/2004, is the body responsible for the participation and monitoring of environmental policies. The CAMA is chaired by the Minister of Agriculture, Food and Environment and it comprises representatives of the top-five relevant Spanish environmental NGOs (Friends of the Earth Spain, Greenpeace Spain, Ecologistas en Acción, Seo-Birdlife and WWF-Adena) as well as representatives of the main trade unions, business organizations, consumer organizations and the agrarian and fishery sector. Officials of the Ministry of Agriculture, Food and Environment and other ministries can also participate.

In this context, prior to every Conference of the Parties of multilateral environmental agreements and prior to other relevant international conferences, the Ministry of Agriculture, Food and Environment convenes an ad hoc meeting with NGOs and other representatives of civil society to address the main topics of discussion and exchange any information, comments or opinions relevant to the respective conference.

Regarding other ministries, a network of focal points has been established to ensure the implementation of the principles of the Aarhus Convention in each department, including its promotion in international forums. These focal points are responsible of reporting the Ministry of Agriculture, Food and Environment about the level of implementation of the Aarhus rights and obligations within their respective ministries.

We consider that these two mechanisms (The Advisory Council on Environment and the network of focal points) serve the same purpose as a national action plan.