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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)
Twenty-fourth meeting of the Working Group of the Parties (WGP 24) (Geneva, 1 - 3 July 2020)
- Statements by the EU and its Member States

Delegations will find in the [Annex](#), for information, a compilation of statements by the EU and its Member States delivered during the virtual session of the 24th meeting of the Working Group of the Parties to the Aarhus Convention (WGP 24).

Aarhus Convention
24th Working Group of the Parties (WGP 24)
(Geneva, 1 - 3 July 2020)

- Statements by the EU and its Member States

Agenda item 1: Opening of the meeting and adoption of the agenda

The EU and its Member States would like to thank the Secretariat and the Chair of the 24th meeting of the Working Group of the Parties for the preparatory work and organization, considering the conditions caused by the COVID-19 pandemic.

We support the proposal made by the Bureau of organizing the WGP 24 meeting in two parts and that the first part is held virtually to exchange information and have discussions while the second part that is planned to be held at an in-person meeting on 29-30 October would focus on items requiring decision-making. We would also welcome possibilities to join the October meeting remotely for those delegations who choose to do so, also in the spirit of fostering digital transformation and greener and more sustainable practices, and especially when this is also warranted by health and safety concerns in these challenging times.

The Covid-19 pandemic are placing tremendous strains on human lives, on our health systems, on economies and on the resilience of our societies. The Aarhus community should focus on a green, sustainable, transformative, participatory and socially inclusive recovery, converting the challenge into an opportunity for an even more sustainable, and resilient development. Within the scope of our competences, we should send a strong message in order to avoid rolling-back from environmental democracy priorities, and our recovery efforts should not undermine ongoing efforts to ensure environmental rights and improve the environmental health of our societies.

Agenda item 3(a): Access to Justice

The EU and its Member States would like to thank the Chair of the Task Force on Access to Justice and the Secretariat for their work on this topic.

We note the postponement of the thematic session on access to justice, to be held during the second part of the 24th meeting of the Working Group of Parties (29-30 October 2020) in Geneva. The EU and its Member States expect that the policy discussion at the Working Group of Parties will have an added value and propose therefore that cooperation of the Working Group of the Parties and the Task Force on Access to Justice be continued in a similar format. The EU and its Member States thank the Chair of the Task Force for its advice on the possible future directions for the work.

The proposals of the Chair on the substantive issues to be discussed in the next intersessional period present a valuable basis for the future mandate of the Task Force to be decided by the next Meeting of the Parties. We agree with the inclusion of the proposed topics; nevertheless, subject to the availability of resources a prioritization will be needed.

At the same time, the EU and its Member States are concerned about additional financial resources required for some proposed future activities of the Task Force on Access to Justice. Therefore, we cannot support proposals with regard to external studies, developing guidelines and analytical material, as well as on annually meetings of the Task Force, even if we would like to. Non-core activities can be organized only with the support of additional and earmarked finances.

Taking into consideration the future unpredictable developments of the COVID-19 pandemic, we would recommend that future meetings of the Task Force be organized in virtual mode relying on remote connections tools, if necessary. Furthermore, we propose to highlight additionally best practices how challenges in the implementation of access to justice caused by the COVID-19 pandemic have been successfully solved by Parties and stakeholders.

Agenda item 3 (b): Access to information

The EU and its Member States would like to thank the Chair of the Task Force on Access to information and the Secretariat for their work on this topic.

We welcome the outcomes of the 6th meeting of the Task Force of Access to Information (Geneva, 3-4 October 2019) and of the workshop on “Open data for the Environment” (Geneva, 24 October 2019). These meetings demonstrated *inter alia* the importance of modern technologies to be used by members of the public, as well as by the public sector. The main outcome, the update of the Recommendations on electronic information tools, is much welcome, and we believe that it will be beneficial for all stakeholders. The tools mentioned in the document will certainly strengthen the implementation of the first pillar of the Convention. We support that modern technologies, e.g., the electronic information tools should be further discussed by the Task Force in the next intersessional period and be mirrored in its future mandate. We suggest that these developments be further discussed by the Task Force in the next intersessional period. In relation to the upcoming 7th meeting of the Task Force on Access to Information under the Convention (Geneva, 16-17 November 2020), we welcome its preparation according to Decision VI/1 of the Meeting of the Parties on promoting access to information. If the COVID-19 pandemic would affect also this planned meeting of the Task Force, we would recommend the organization of a virtual meeting instead of postponing this important exchange of information.

The EU and its Member States thank the Chair of the Task Force for its advice on the possible future directions for the work.

We support the conclusion that the policy discussion at the Working Group of Parties has had an added value, and agree therefore that cooperation of both bodies be continued in a similar format.

The proposals of the Chair on the substantive issues to be discussed in the next intersessional period present a valuable basis for the future mandate of the Task Force to be decided by the next Meeting of the Parties. We agree with the inclusion of the proposed topics; nevertheless subject to the availability of resources a prioritization will be needed. One important topic will be the protection of whistle-blowers. In this regard the new legislation of the European Union that entered into force in November 2019 should be highlighted. Furthermore we propose to highlight additionally best practices how challenges in the implementation of access to information caused by the COVID-19 pandemic, for example with regard to deadlines, have been successfully solved by Parties and stakeholders.

Agenda item 3 (c): Public participation in decision-making

The EU and its Member States would like to thank the Chair of the Task Force on Public participation in decision-making and the Secretariat for their work on this topic.

We welcome the outcomes of the thematic session on public participation in decision-making, which was held during the 23rd meeting of the Working Group of the Parties (26-28 June 2019) in Geneva.

In relation to the upcoming 9th meeting of the Task Force on Public participation in decision-making that was postponed to 2021, we welcome its preparation according to Decision VI/2 of the Meeting of the Parties on promoting public participation in decision-making. As the COVID-19 pandemic has affected also this planned meeting of the Task Force, we would recommend the organization of a virtual meeting for this important exchange of information.

The EU and its Member States thank the Chair of the Task Force for its advice on the possible future directions for the work.

We support as well the conclusion that the policy discussion during the thematic session held in 2019 has had an added value and agree therefore that the cooperation of the Task Force on public participation and the Working Group of Parties be continued in a similar format.

The proposals of the Chair on the substantive issues to be discussed in the next intersessional period present a valuable basis for the future mandate of the Task Force to be decided by the next Meeting of the Parties. We agree with the inclusion of the proposed topics; nevertheless subject to the availability of resources a prioritization will be needed. On the important topic of public participation in a transboundary context, we do see a partial overlap with the Espoo Convention and propose therefore a cooperation of both Conventions. Furthermore, we propose to highlight additionally best practices how challenges in the implementation of public participation in decision-making, caused by the COVID-19 pandemic, for example with regard to the public availability of documents and to virtual hearings, have been successfully solved by Parties and stakeholders or are planned to be put in place in the future.

Agenda item 3 (d): Genetically modified organisms

The EU and its Member States welcome the work done by the Secretariat in promoting the GMO amendment, as well as the continuous work done in bilateral collaboration between the Secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

We take note of the outcomes of the third Joint Global Round Table on Public Awareness, Access to Information and Public Participation regarding Living Modified Organisms/Genetically Modified Organisms (LMOs/ GMOs), which was held in Geneva, on 16-18 December 2019.

We encourage the work of the Round Table because it aims to contribute capacity building by sharing knowledge in promoting public awareness, access to information and public participation regarding LMOs/ GMOs and develops recommendations for actions.

The outcomes of the Round Table also aim to improve policies, legislation and practices of the Parties and Governments regarding access to information, public participation and public awareness of LMOs/ GMOs matters.

We welcome work on finalizing the draft pocket guide on promoting effective access to information and public participation regarding LMOs /GMOs that had been developed by the two secretariats following the second Joint Round Table in Geneva, on 15-17 November 2016.

We agree that at the multilateral level, the secretariats and subsidiary bodies of the Aarhus Convention and the Cartagena Protocol on Biosafety should continue to assist countries in ratifying and implementing instruments in the context of LMOs/ GMOs. We encourage the remaining Parties whose ratification of the GMO amendment would count to bring about its entry into force, to take serious steps to achieve this goal and, mindful of the importance of this amendment, we promote its ratification in the near future by other interested Parties.

The EU and its Member States will further take note of the progress made regarding the entry into force of the amendment on GMOs, as well as of any other activity that contributes to address key issues related to access to information and public participation with respect to LMOs/GMOs.

Agenda item 4 (a): Compliance mechanism

The EU and its Member States would like to thank the Compliance Committee for its close engagement with the Parties in assisting the implementation of the three pillars of the Aarhus Convention and for the preparation of its meeting reports since the 23rd meeting of the Working Group of the Parties.

We welcome the translation of the Guide to the Aarhus Convention Compliance Committee into another two official languages, which will contribute to a better understanding of the process and work of the Compliance Committee by all Parties. However, we would like to reiterate that the EU and its Member States consider this Guide as a living and non-legally binding document and that some concerns previously expressed by the EU and its Member States have not been fully taken into account.

We also welcome the use of virtual and audio meetings, which can save resources and time.

With regard to the composition of the Aarhus Convention Compliance Committee, we welcome the nomination process. The EU and its Member States will consider and suggest nominees that are eligible for the Compliance Committee in due time.

Agenda item 4 (b): Reporting mechanism

The EU and its Member States encourage, acknowledge and appreciate the efforts made in activities and the deadline announced for submissions of the national implementation reports, as well as national implementation reports on the status of Implementation of the Protocol on PRTRs.

Agenda item 4 (c): Capacity-building and awareness-raising

The EU and its Member States would like to thank the Secretariat for its continuous work done in building synergies and enhancing coordination with the Convention's Protocol on Pollutant Release and Transfer Registers (PRTR) with partners through capacity-building activities, as well as the close cooperation with United Nations' partner agencies and other international organizations within the Aarhus Convention capacity-building coordination framework.

We appreciate the efforts of the Secretariat in providing substantive support, e.g. to a high-level workshop for the protection of the Drina River Basin, to individual countries such as Uzbekistan for implementing the Aarhus Convention, and to the private sector by providing training to the staff of the bank sector.

The EU and its Member States strongly support the use of electronic tools whenever it is possible for capacity-building and awareness-raising.

We appreciate the constant liaising of the Secretariat with partner organizations, potential donors and interested countries and stakeholders and the handling of consultations regarding capacity-building activities through electronic support.

The EU and its Member States acknowledge the importance of the continuous updating of the Aarhus Clearinghouse and its role in the dissemination of information about funding opportunities, workshops and training events relevant to building capacities regarding the implementation of the Aarhus Convention.

Agenda item 5: Promotion of the Convention and other relevant developments and interlinkages

The EU and its Member States would like to thank and warmly welcome the efforts and progress made by the Secretariat in promoting and raising awareness regarding the Aarhus Convention at international level, as presented in the Report on the implementation of the work programme for 2018-2021.

We appreciate the progress achieved through various activities of the Secretariat, supported by relevant stakeholders, including in providing substantive input on the Convention and its Protocol for the environmental performance reviews for Uzbekistan, in giving a presentation on the effective use of the Aarhus Convention compliance mechanism at the law conference (London, 25 June 2019), and in publishing, in all six official languages of the United Nations, a promotional brochure addressing the general public interested in the Convention and its provisions.

We welcome the continuous advisory support provided by the Secretariat in assisting Guinea Bissau's efforts to accede to the Aarhus Convention, and we reiterate our encouragement to other States from outside the UNECE region to become Parties to this international treaty.

The EU and its Member States appreciate the work undertaken by the Secretariat during the reporting period in promoting the Convention and its principles and interlinkages with various international forums, including with the United Nations Framework Convention on Climate Change via side events in the context of the 2030 Agenda on Sustainable Development processes.

We appreciate the involvement of the Secretariat in providing advisory support regarding the negotiation of the Regional Agreement on Access to Information, Public Participation and Justice in environmental matters in Latin America and the Caribbean (Escazú Convention).

We reaffirm our willingness to ensuring effective international cooperation between the EU and ECLAC, as well as enhanced global engagement, with the aim of achieving the Sustainable Development Goals and of ensuring the fulfilment of the 2030 Agenda.

The EU and its Member States would like to thank the Secretariat and to encourage its continuous involvement in activities that promote synergies in the area of environmental rights through effective cooperation with other organisations, with the aim of achieving the Sustainable Development Goals.

Agenda item 6: Implementation of the work programme for 2018-2021, including financial matters

The EU and its Member States would like to thank the Secretariat for providing the Report on the Implementation of the Convention's work programme for 2018-2021 and the Report on contributions and expenditures in relation to the implementation of the Convention's work programme for 2018–2021.

We further encourage the Secretariat to pursue synergies with other United Nations Economic Commission for Europe (UNECE) multilateral environmental agreements, regional Seas Conventions (e.g. Barcelona Convention), United Nations agencies and other partners in order to maintain a satisfactory number of activities and share implementation costs. Digital technology and electronic information tools can play an important role in building these synergies, and we encourage the Secretariat to further explore the possibility of using them with the aim of making its activities more resource- and time-efficient.

We greatly appreciate the devoted work of the Secretariat in a situation of unstable flows of contributions; furthermore, the EU and its Member States would like to encourage the Parties to the Convention to submit their contributions at the beginning of the financial year, where possible, in order to ensure certainty and availability of sufficient funds for the effective implementation of the work programme.

We believe that the implementation of the different work programme areas will further contribute to the attainment of the Sustainable Development Goals across the entire 2030 Agenda for Sustainable Development, particularly SDG 16.

Agenda item 7 (c): Accession by States from outside the UNECE region

The EU and its Member States welcome the information provided by the Secretariat on the expressed interest by Guinea-Bissau to accede to the Convention, including a reference that the 22nd meeting of the Working Group in June 2018 welcomed the progress achieved by Guinea-Bissau and invited its Government to proceed with the accession at the 7th session of the Meeting of the Parties.

We would like to receive more up to date information, especially if there was any follow up to the meeting of the Working Group in June 2018 and especially if there were any further contacts by the Secretariat with Guinea-Bissau since then.

Agenda item 7 (e): Agenda of the seventh session of the Meeting of the Parties

The EU and its Member States would like to thank the Bureau and the Secretariat for preparing draft elements of the provisional agenda of the 7th Meeting of the Parties to the Aarhus Convention.

We support that the structure of the Agenda shall cover substantive areas of work under the Convention and that the focus of the meeting shall be the exchange of good practices and experience.

The joint High-level segment is an important part of the Meeting of the Parties to the Convention and to the Protocol, and it shall highlight the valuable role of these unique instruments in strengthening the environmental democracy in the process of the implementation of the Sustainable Development Goals to the wider public through its declarations.

We support the inclusion of a thematic session in the High-level segment. The proposed topics on sustainable infrastructure and spatial planning are of relevance to the environment and therefore worth to be discussed; however, in a number of countries which are Parties to the Convention, these topics are not the assigned responsibility of environmental ministries. Our concern is also related to the character of the discussion: Since both topics might be very broad, the discussion should focus on the strategic dimension of future activities.

Agenda item 7 (f): Hosting of the seventh session of the Meeting of the Parties

The EU and Member States welcome the announcement by Georgia to host the 7th Meeting of the Parties and the 4th Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers, and encourage the Secretariat to provide assistance for timely preparations.