

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

Task Force on Public Participation in Decision-Making

Ninth meeting

Geneva, 1-2 March 2021

Item 2 and 3 of the provisional agenda

Participation of Vulnerable and Marginalized Groups in Decision-Making and Effective Participation Without Additional Significant Resources

SELECTED EXCERPTS OF 2017 NATIONAL IMPLEMENTATION REPORTS RELATING TO PARTICIPATION OF VULNERABLE AND MARGINALIZED GROUPS IN DECISION-MAKING AS WELL AS EFFECTIVE PARTICIPATION WITHOUT ADDITIONAL SIGNIFICANT RESOURCES

Background paper
Prepared by the secretariat¹

This information paper directs participants to selected information from the 2017 national implementation reports submitted by the Parties to the Convention² with regard to the implementation of the public participation pillar of the Convention, responses to questions XV-XXVII, the implementation of articles 6, 7 and 8 of the Aarhus Convention and highlights key trends, good practices and challenges on the basis of the information provided by the Parties. Participants are invited to consult this document in advance of the meeting in order to gain an overview of the status of implementation. They will be further invited to share challenges, good practices, lessons learned and information on recent legislative and practical developments as well as identify needs in relation to this subject.

¹ This document was not formally edited.

² Available from <http://apps.unece.org/ehlm/pp/NIR/>. Information from 2017 national implementation reports provided in accordance with their availability to the secretariat by 15 September 2018.

Country	National Implementation Report 2017
PARTICIPATION OF VULNERABLE AND MARGINALIZED GROUPS	
XVII. Further information on the practical application of the provisions of article 6	
<i>United Kingdom</i>	<p>The government continues to recognise that coastal communities face particular challenges but have huge economic potential. Our key policy approaches reflect the importance of community involvement to support coastal regeneration. Since 2015 we have provided £1.46m to help establish 146 Coastal Community Teams covering the majority of the English coastline, including 28 new Teams announced on 20 January 2017. The Teams empower local partners and the local community take control of their own areas’ regeneration. The original 118 Teams published Economic Plans setting out locally agreed short term and longer term priorities to enable their area to promote jobs and economic growth. These plans will be updated by April 2017 along with the 28 new Teams who will be submitting their first plans. The Government has also invested over £120 million in projects through the Coastal Communities Fund which is helping to create or safeguard over 18,000 jobs, provide more than 12,000 training places and apprenticeships, and attract over £200 million of public/ private sector co-finance.</p>
XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7	
<i>Ireland</i>	<p>[...] Public Participation Networks (PPNs) were introduced following the enactment of the Local Government Act, 2014, resulting from the report of the Working Group on Citizen Engagement with Local Government. This report made recommendations on more extensive and diverse input by citizens into decision making at local government level. It recommended that Public Participation Networks be established in each local authority area to enable the public to take an active formal role in relevant policy making and oversight committees of the local authority. PPNs are now established in all local authority areas, supported by funding from the DHPCLG and from local authorities.</p> <p>PPNs are empowering local communities by enabling them to take an active formal role in relevant policy making across a range of areas of responsibility in each local authority area. This allows the diversity of voices and interests within a community to be facilitated and involved in decision making. All members of communities may access local government through these new arrangements. While PPNs have been established to accommodate public participation on policy making generally this may encompass environmental matters.</p>
<i>Norway</i>	<p>The Planning and Building Act lays down that the public must be involved in decision-making processes for plans to which the Act applies. Section 5.1 and 5.2 of the Act requires the planning authorities to actively provide information and accommodate at</p>

	<p>an early stage of the planning process, and to give individuals and groups the opportunity to play an active part in the planning process. The Act and national guidelines for children and youth in planning processes, especially emphasizes the need to accommodate information to and participation of these groups as stakeholders and representatives of the sustainability perspective. The regional and local councils for elderly people and people with disabilities established pursuant to the Act provide their right to participate in public decision-making procedures to safeguard their interests directly.</p>
<i>United Kingdom</i>	<p>The Equality Act 2010 places duties on public authorities to promote disability gender and race equality, which includes requirements to involve or consult the various equalities strands in the work of the authority.</p>
<p>XXI. Obstacles encountered in the implementation of article 7</p>	
<i>Albania</i>	<p>Obstacles are encountered in the qualitative organization of the consultation process. Often there is lack of infrastructure for employees who shall follow consultation processes in remotes areas.</p>
<p>XXII. Further information on the practical application of the provisions of article 7</p>	
<i>Norway</i>	<p>National guidelines operationalizing procedures and possibilities set out in the Planning and Building Act have been developed. Among these are guidelines on children and youth in planning, registration of children's paths (by Norsk form and Statens kartverk) and guidelines on participation in planning (also in English).</p>
<p>EFFECTIVE PARTICIPATION WITHOUT ADDITIONAL SIGINFICIANT RESOURCES</p>	
<p>XV. Legislative, regulatory and other measures for implementation of the provisions on public participation in decision-making on specific matters, as specified in Article 6</p>	
<i>Bosnia and Herzegovina</i>	<p>Over the past several years, the Ministry of Justice of BiH invested substantial efforts to improve transparency, cooperation and openness of its operations to citizens and CSOs. These efforts resulted in the establishment of “e-Konsultacije” (e-Consultations) web platform, developed with expert support provided within the project under the title: “Capacity Building of Public Administration to Facilitate Dialogue with Civil Society”. The platform became operational in March of 2016. It enables interested citizens and representatives of CSOs to get full and accurate information online on the process of adoption of certain regulations and establishes a reliable channel of communication for their participation in policy-making. With the establishment of web platform referred to above, participation in the process of consultations became available to the broadest circle of the public concerned. With initiation of the platform, the process of public consultations became centralised at the level of the Council of</p>

	<p>Ministers of BiH, which made it easier for the citizens to become engaged in public consultations and use the system to access public consultations of all institutions from one central location, rather than having to visit individual websites of each of the institutions involved (as was the case in the past). Ideas, suggestions and additional information collected in this manner, shall be used to enhance the public policies under the scope of competence of institutions of BiH, including the issues of environment protection.</p>
<i>Cyprus</i>	<p>The new EIA legislation will include provisions for public hearings to be held by the Environmental Authority in cases when it is deemed useful or appropriate given the characteristics of a project, the magnitude of its potential environmental impacts and the extent of the public interest shown for the project. [...] Any opinions submitted are kept in the EIA register which is accessible to the public. The new EIA legislation to be adopted provides for the creation of an online register, where all the information relevant to the EIA process will be kept, including any comments and opinions submitted during the public consultation period. The comments will be uploaded once received by the Environmental Authority and will be publicly accessible. The online information (register) will be available through the EIA platform which will be launched in 2017.</p>
<i>Germany</i>	<p>[...], the Federal Environmental Impact Assessment Act (Gesetz über die Umweltverträglichkeitsprüfung – UVPG) provides for a public consultation process in the licensing of activities with substantial environmental impacts, which include the activities listed in Annex I of the Convention. [...]The federal government is currently elaborating an amendment to the UVPG which will serve in particular to transpose Directive 2014/52/EU amending EIA Directive 2011/92/EU. An important innovation in this context is the strengthening of public participation through greater utilisation of electronic means of communication and through establishing central EIA portals at federal level and in the Länder.</p>
<i>Greece</i>	<p>[...] Law 4014/2011 (OJG A’ 209) aims at accelerating environmental permitting and licensing procedures, decentralizing competencies for environmental licensing, reducing bureaucratic and administrative burdens, enhancing transparency and promoting stakeholder participation in decision making. To this end, the following steps/tools are established: [...]</p> <p>6. Establishment of a Digital Environmental Registry enhancing public access to environmental information</p> <p>98. The DER platform enables the online submission of Environmental Impact Studies for activities that belong to the A1 and A2 categories, as well as the monitoring of the process of issuing, renewal or amendment of the Environmental Conditions Approving Decisions and the Standard Environmental Commitments. The main users of DER are:</p> <ul style="list-style-type: none"> • the studier that uses the platform to submit the Environmental Impact Study and monitor the whole procedure • the competent authorities that contact the environmental permit • other bodies that are involved in the environmental permitting procedure • citizens & environmental organizations that are offered the ability to be informed and to keep track of any environmental permitting procedure and its results <p>The benefits of the DER are:</p> <ul style="list-style-type: none"> • the automation of the environmental permitting procedures through the use of the online management system • the improvement of the whole process with more qualitative and transparent procedures

	<ul style="list-style-type: none"> the simplification of the permitting procedure, the reduction of the time required for the monitoring and approval of the study, the reduction of bureaucracy and related costs
<i>Hungary</i>	<p>105. The amendment to the Administrative Procedures Code affected public participation in administrative procedures relating to the environment in more than one way.</p> <p>In order to facilitate the involvement of social and stakeholder organizations into public procedure it gave authorisation to the Government to create a database (nevjegyze.kormany.hu). The purpose of this database is that if social and stakeholder organizations point out which basic right or public interest they wish to defend then at the start of authority processes concerning these topics then the authorities will send them an electronic notification on the initiation of the procedure. If an organization presents its intention to participate in the process, the authority will inform the organization on all case activities and decisions. If during the procedure the organization made a statement, the authority must practically inspect them if it does not unnecessarily tie down the acting authority. The registration into the database is however not a prerequisite for participating in the process it just helps to ensure that all of the affected organizations are informed of the forming of a case in the early stages of the case itself. [...]</p> <p>Regarding the right of participation of civil organizations, according to section 2, Paragraph (2) of Government Decree 187/2009 (IX. 10.) on the creation and management of the electronic database for notifications concerning the initiation of public authority procedures, and notifications based on the database states that: “in cases described by law, the acting authority is obliged to notify, in electronic way, the involved organizations, which are in the database, at the time when the procedure is made public. These organizations have client status in the administrative procedure according to the law governing the general rules of the public administration legal procedures.”</p>
<i>Italy</i>	<p>In order to ensure the effective participation of the public concerned in the decision-making procedures, the public is informed electronically and by public notices.</p> <p>At national level, the Ministry of Environment established a central portal that allow the public to access that information easily and effectively (www.va.minambiente.it).</p>
<i>Portugal</i>	<p>The Ministry of the Environment, aware of the need to achieve greater involvement from citizens in the processes of public participation and, consequently, in decision-making regarding environmental issues that concern the general public, has made the PARTICIPA portal (http://participa.pt) available, since July 2015. The purpose of Participa is to (i) facilitate the access of citizens and stakeholders to consultation processes, (ii) encourage informed participation; (Iii) improve process management efficiency. It is an innovative initiative where, for the first time, all public consultation processes are concentrated by the Ministry of the Environment in a single place of consultation. The existence of this portal, where the processes in public consultation are available, permitted simpler, more agile and more efficient participation.</p>

XVI. Obstacles encountered in the implementation of article 6	
<i>Estonia</i>	Electronic means could be more applied for the engagement of the public in the future (besides already existing means). E. g. automated electronic message system would be suitable for more efficient notification. The system would allow for the registration of the participants and to notify what are the activities and/or locations of the activities they would like to receive information [...].
XVII. Further information on the practical application of the provisions of article 6	
<i>Austria</i>	On its website, the BMLFUW has published a list of all environmental organizations approved in Austria according to the EIA Act 2000 and also gives information on the application procedure required for obtaining approval (https://www.bmlfuw.gv.at/umwelt/betriebl_umweltschutz_uvp/uvp/anerkennung_uo.html). [...] The Federal Environment Agency consolidates the key information on ongoing and completed EIA procedures in an EIA database and makes it accessible online. Accordingly, a description of the respective project, information on the legal foundations as well on the project status, the opinion of the BMLFUW and information on the documents available in the EIA documentation are accessible to the general public.
<i>Bosnia and Herzegovina</i>	The governmental web site eKonsultacije.gov.ba is a best practice example in terms of public participation in the adoption of State-level laws. This platform collects and publishes information on current legislation, but it also provides the public with opportunities to submit ideas and proposals. Unfortunately, its scope is still limited to central institutions where a small number of environmental issues are decided.
<i>France</i>	11 October 2016 saw the publication of a Public Participation Charter, which itself was drawn up using a participatory approach. Relying on voluntary implementation, it is intended as a tool to bring together the best practices in public participation and sets out the values and principles that define the foundations of trustworthy participation procedures.
<i>Italy</i>	The Environmental Assessment portal (www.va.minambiente.it) of the Ministry of Environment provides real-time information about the progress of ongoing environmental assessments, administrative information and technical documents concerning projects, plans and programs under assessment, acts and judgment issued from 1989 to date, statistics, synthesis data of concluded assessments, as well as guidelines, technical indications and forms, and useful data and information to carry out environmental studies. The Environmental Assessment Portal has recently been praised by the European Commission as best practice at EU level, since it anticipated the provisions of the new EIA Directive (2014/25/UE) on environmental information which shall be implemented by 2017.

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7	
<i>Albania</i>	Since the end of September 2016 is functioning the Unique Electronic Register for public notifications and consultations.
XX. Opportunities For Public Participation In The Preparation Of Policies Relating To The Environment Provided Pursuant To Article 7	
<i>Austria</i>	<p>(c) The “Public Participation Manual”, which was drawn up by the Federal Ministry of Agriculture, Forestry, Environment and Water Management, ÖGUT, the Austrian Institute for Ecology and Büro Arbter provides for advice for successful public participation, the required framework, the expected costs and successful Austrian case histories.</p> <p>(d) Over the last years, a website on the subject of participation (www.partizpation.at) has become an information hub (“one-stop shop”) for public participation.</p> <p>(e) In the future, more attention shall be paid to e-participation/e-democracy instruments. As mentioned earlier, it is the aim of the Austrian e-government strategy to enable citizens and businesses to handle all public administration procedures electronically, smoothly and swiftly without being required to have specialist knowledge about public responsibilities and technical details. A task force on e-democracy was set up by the Federal Chancellery. The task force published a position paper on e-democracy and e-participation in Austria in 2008. It worked on an e-democracy strategy for Austria including e-participation principles and on a guideline on the evaluation of e-participation processes, e-participation tools and hints for administrators using web 2.0.</p>
<i>Germany</i>	<p>The BMUB also participated in “World Wide Views”, a global citizen consultation round. On 6 June 2015 some 10,000 people in 96 countries debated climate protection simultaneously during one day. In Berlin, too, a climate dialogue was convened with BMUB support during which 71 people discussed their views. The individuals invited were selected at random in order to attract as diverse a range of opinions as possible and mirror a representative section of society. The results were presented directly to the UNFCCC subsidiary body meeting in Bonn and to the German-French session of the Bundestag Environment Committee on 11 June 2015.</p> <p>A further nationwide citizen consultation was held in the early summer of 2015 while updating ProgRess II, the German resource efficiency programme. This citizen dialogue took place in both online and offline formats. Its purpose was to capture the everyday perspective on the issue of “living with minimum resource consumption”. The approaches formulated in the course of the dialogue were taken up in ProgRess II. Key questions were: What do citizens consider particularly important for a resource-conserving future? Where do they feel a need for action? Which challenges do they see? An online dialogue was carried out in parallel with citizen workshops. Subsequently, the various outcomes were combined in a package of “citizen advice”. This package was included as an annex to the ProgRess II progress report.</p>

	<p>Finally, when elaborating its third environmental programme the BMUB carried out a citizen consultation with six citizen councils and six citizen forums in a range of German cities. An online council and online environmental forum were convened in parallel. The discussions and outcomes of this process were taken up as a dedicated chapter in the new BMUB environmental programme. The final report was submitted to the Federal Minister on 10 September 2016.</p>
<p>XXI. Obstacles encountered in the implementation of article 7</p>	
<i>Ireland</i>	<p>It was submitted during the public consultation process that it can be difficult to be aware of public consultations due to the practice of different organisations publishing information on consultations on individual websites. Ireland is working, through the Open Government Partnership process, to build capacity within public bodies to improve public consultations. The Consultation Portal that will be developed as part of this commitment will be used to promote best practice in how public consultations are organised, including how they are publicised and how key stakeholders are identified and notified. In addition, renewed guidelines on the public consultation process for public authorities by DPER are available here.</p>
<p>XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8</p>	
<i>Croatia</i>	<p>[...] through the launch of the central consultations portal entitled e-Consultations on 27 April 2015, a step forward was made with regard to availability of information on opened consultations to the general public, to the simplicity of commenting draft regulations, but also with regard to the efficiency of proceeding by state administration bodies. The advantages of the portal are ease of access to all opened consultations in one place, easier commenting of the provisions of draft regulations, more efficient analysis of received comments by state authorities, less complicated publication of reports on the results of consultations, greater public control over the quality of response by state authorities and in general a contribution to a better-quality communication between state authorities on the one hand and citizens and all interested social groups on the other in the process of shaping public policies. At the same time, the Government Office for Cooperation with NGOs carries out regular education of all users of the e-Consultations portal in state administration bodies and organises periodic meetings with system administrators in state administration bodies with the aim of further standardisation of work and improvement of the consultation process.</p>
<i>Greece</i>	<p>115. In October 2009, the Greek Open Government Initiative was established in Greece in order to ensure the diffusion of information and to involve all citizens and stakeholders in the decision-making mechanism. A website has been created that gives the opportunity for participation on the consultation of draft laws, ministerial decisions etc.</p> <ul style="list-style-type: none"> • Opengov.gr has been designed to serve the principles of transparency, deliberation, collaboration and accountability and includes three initiatives: [...]

	<ul style="list-style-type: none"> • Electronic deliberation. Almost every piece of Draft Laws by the government, are posted in a blog like platform prior to their submission to parliament. Citizens and organisations can post their comments, suggestions and criticisms article-by-article. As part of the voting process in the Greek Parliament, the legislative proposal will be preceded, among others with the public consultation document which should be taken into consideration by legislators. All relevant documents are published on the parliament’s website.
<i>Ireland</i>	<p>Ireland participates in the Open Government Partnership (OGP), an international initiative of over 70 countries that aims to make governments more open, transparent and responsive to the citizen. The Government recently submitted to the OGP, it’s second National Action Plan, which covers the period to June 2018. The fourth Commitment in the National Action Plan, ‘Enhance Citizen Engagement in Policy Making’ will build capacity within public bodies to improve public consultations. The Consultation Portal that will be developed as part of this commitment will be used to promote best practice in how public consultations are organised, including how they are publicised and how key stakeholders are identified and notified.</p> <p>[...]</p> <p>the Department of Public Expenditure and Reform recently issued Consultation Principles and Guidelines replacing the previous guidelines on consultation for public sector bodies. This sets out some best practice guidelines in how a public consultation should be run. It also sets out the creation of a legislative “footprint” to increase the transparency of the legislative process by providing more information to the public on the evolution and development of legislative proposals.</p>
<i>North Macedonia</i>	<p>The procedure for the impact assessment of the regulation is defined in: the Law on the Government of the Republic of Macedonia; the Rules of Procedure of the Government of the Republic of Macedonia, the Methodology of impact assessment of the regulation and the Decision regarding the form and content of the impact assessment Report of the regulation. For this purpose, the web page has been established of the electronic regulation registry (www.ener.gov.mk) where all the draft content of laws is published as well as their changes and amendments. In parallel with the draft content of the laws the report is published for the implementation of the impact assessment of the regulation where opinions and comments are contained, which have been submitted after the draft content of the regulation. All the comments from the stakeholders can be submitted to the Ministry or can be placed on the web page. The draft content of the laws is obligatorily published on the web page of the Ministry of environment and physical planning.</p>
<i>Slovakia</i>	<p>All the draft legal regulations pursuant to the Slovak Republic Government Legislative Rules and also pursuant to new Act No. 400/2015 Coll. are also made available for commenting to the public through the Slov-lex portal. Slov-lex is a new information system of general government, which replaced the Portal of Legal Regulations on 1 April 2016, and it is administered and operated by the Ministry of Justice of the Slovak Republic. The objective of creating this uniform information system was to unify the legislative process in the Slovak Republic and to ensure easier orientation and search in legislative materials. The Slov-lex information system, which is directly accessible by central government bodies as well as by the public, allows entering comments on draft acts. Through Slov-lex, all draft legal regulations are published, including information on the commenting process and its evaluation.</p>

<i>Sweden</i>	To make it easier, for example, for the public to make comments on proposals referred for consultation, more “e-democracy” is being developed so as to increase the accessibility of information and the opportunities for dialogue with the aid of electronic information technology.