

Aarhus Convention
Preparation of the Seventh session of the Meeting of the
Parties to the Aarhus Convention (MOP 7, Geneva, 18-21 October 2021)
EU + MS comments

Draft decision on the future strategic plan for 2022-2030 (revised version of ECE/MP.PP/WG.1/2020/11)

The EU and its Member States would like to thank the Bureau and the Secretariat for preparing a revised draft decision on the future Strategic Plan for 2022-2030, pursuant to decision VI/5 and the 24th meeting of Working Group of the Parties which is in light of the drafting suggestions made on the document.

Draft elements of the provisional agenda of the seventh session of the Meeting of the Parties to the Aarhus Convention (revised version of ECE/MP.PP/WG.1/2020/10)

The EU and its Member States would like to thank the Bureau and the Secretariat for preparing a revised draft elements of the provisional agenda of the seventh session of the Meeting of the Parties to the Aarhus Convention pursuant the twenty-fourth meeting of the Working Group.

We support the Draft elements of the provisional agenda of the seventh session of the Meeting of the Parties to the Aarhus Convention.

In line with the October Working Group session and the announcement from Georgia that it has to withdraw its commitment to host the sessions due to financial challenges linked to COVID-19 pandemic, the EU and its Member States support that in these circumstances the above Convention's session should be held in Geneva unless any Party would confirm its willingness to host it.

The EU and its Member States also support the Bureau's willingness to proceed with the preparations for the session as was planned and reassess the situation in Spring 2021.

Draft decision on access to information (new document)

The EU and its Member States would like to thank the Bureau and the Secretariat for preparing a draft decision on access to information on the basis of the relevant outcomes of the twenty-fourth meeting of the Working Group of the Parties; the Note by the Chair of the

Task Force on Access to Information (AC/WGP-24/Inf.1); the outcomes of the thematic session held under the Working Group of the Parties, work undertaken by the Task Force on Access to Information in the current intersession period; and decision VI/1 on the same subject matter, adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–13 September 2017).

We support the draft decision and aiming at strengthening the draft even more, the EU and its Member States have only few comments as follows:

In para 2., we find that the wording ‘other relevant international commitments’ might have a very broad scope, taking into account that we consider that if the recommendations are used, a result will be that efforts to implement other commitments are easier, which would be different to say that recommendations should be used as guidance to support implementation of other relevant international commitments.

In Para 15, a). (iii), we suggest to substitute the word “and” with the word “or”, taking into account word “and” could be interpreted as a cumulative condition, which would be much weaker, and even though it is in line with the Note by the Chair of the Task Force the word “or” is the correct word, from art. 5.1.c of the Convention itself and is necessary to use in light of the spirit of the Convention.

EU and its Member States also attach (in Annex) some proposed wording amendments included on the context of the Draft decision.

Draft decision on public participation in decision-making (new document)

The EU and its Member States would like to thank the Bureau for preparing a draft decision on public participation in decision-making on the basis of the relevant outcomes of the twenty-fourth meeting of the Working Group of the Parties; the Note by the Chair of the Task Force on Public Participation in Decision-making (AC/WGP-24/Inf.2); the outcomes of the thematic session held under the Working Group of the Parties, work undertaken by the Task Force on Public Participation in Decision-making in the current intersession period; and decision VI/2 on the same subject matter, adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017).

We support the draft decision and aiming at strengthening the draft even more, the EU and its Member States have only few comments as follows:

In the last paragraph of the preamble, we suggest that the expression “in the period since the sixth session” could be substitute by the specific date in question.

- a) In Para 12, c) regarding good practices and challenges in the implementation of public participation in decision- making, caused by the COVID-19 pandemic, we consider virtual hearings to be part of the solution not a challenge;

- b) In Para 12, d), (v), In order to be consistent with the wording in the Rapid Response Mechanism document, we would suggest to always refer persecution, harassment or penalization together;
- c) In Para 12, d), (vi), we suggest substitute “greater” with “adequately”, on the ground that the question of the extent to which specific opinion of the public is to be taken into account or even considered is based on the standard of the law and is thus to be decided on a case-by-case.

EU and its Member States also attach (in Annex) some proposed wording amendments included on the context of the Draft decision.

Draft decision on access to justice (new document)

The EU and its Member States would like to thank the Bureau for preparing a draft decision on access to justice on the basis of the relevant outcomes of the twenty-fourth meeting of the Working Group of the Parties; the Note by the Chair of the Task Force on Access to Justice (AC/WGP-24/Inf.3); the outcomes of the work undertaken by the Task Force on Access to Justice in the current intersession period; and decision VI/3 on the same subject matter, adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–13 September 2017).

The EU and its Member support the draft decision and aiming at strengthening the draft even more, have only few comments as follows:

In the last paragraph of the preamble, we suggest that the expression “in the period since the sixth session” could be substitute by the specific date in question.

- a) In Para 14 (a) (iii), we find that promoting the possibilities for the members of the public to challenge acts or omissions that contravene permit requirements or laws relating to the environment only in relation to the listed issues can be seen as restrictive and, therefore, problematic;
- b) In Para 14 (d) (v), we would like to suggest the addition of a sentence stating that “The promotion of the use of alternative dispute resolution methods may not lead to an erosion of the central nature of courts in respect to public access to justice in environmental matters.”

EU and its Member States also attach (in Annex) some proposed wording amendments included on the context of the Draft decision.

Draft decision on promoting the Convention's principles in international forums (new document)

The EU and its Member States would like to thank the Bureau for preparing a draft decision on promoting the Convention's principles in international forums on the basis of the relevant outcomes of the twenty-fourth meeting of the Working Group of the Parties; the Note by the Chair of the thematic session (AC/WGP-24/Inf.3); the outcomes of the work undertaken by the Working Group of the Parties in the current intersession period; and decision VI/4 on the same subject matter, adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017).

The EU and its Member support the draft decision and aiming at strengthening the draft even more, have only few comments as follows:

- a) In Para 9 (b), it is unclear which forums are included in the rather long list, and on which grounds. We ask the Secretariat for clarification on this point, including only the Espoo Convention is mentioned by name and focused upon;
- b) In Para 10 (b), (c) and d), we would like more information about the guide, guidance and consultancy work envisioned. For example, where has a need for such a guide and guidance been identified, and what would be the scope of the examination of the consultant?

EU and its Member States also attach (in Annex) some proposed wording amendments included on the context of the Draft decision.

Draft decision on accession by Guinea-Bissau forums (new document)

The EU and its Member States would like to thank the Bureau for preparing a draft decision on the accession of Guinea-Bissau to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), pursuant to decision IV/5 on accession to the Convention by non-ECE member States (ECE/MP.PP/2011/2/Add.1) adopted by the Convention's Meeting of the Parties at its fourth session (Chisinau, 29 June–1 July 2011) and to the note on the expression of intention by Guinea-Bissau to accede to the Convention (ECE/MP.PP/WG.1/2020/12) submitted by the secretariat to the Working Group of the Parties to the Convention at its twenty-fourth meeting (1-3 July 2020 and 29-30 October 2020).

We welcome the draft document on accession by Guinea-Bissau to the Convention, which can be considered as an important step underlining the Convention's potential to serve as an instrument of global relevance and to strengthening democratic principles, transparency, accountability, and the rule of law (not only) in environmental matters in this African country, which is in line with the European Union's broader strategic priorities.

We also 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 also have a suggestion on the wording of the Draft decision as follows:

“*Acknowledging* a note by the secretariat on the expression of intention by Guinea-Bissau to accede to the Convention (ECE/MP.PP/WG.1/2020/12),

1. *Welcomes and Approves* the accession of Guinea-Bissau to the Convention;”