

Aarhus Convention
25th Working Group of the Parties to the Aarhus Convention (WGP 25)
(Geneva, 7-8 June 2021)

– Comments by the EU and its Member States –

Agenda item 9(b): Draft decision VII/... Promoting effective public participation in decision-making (ECE/MP.PP/WG.1/2021/15)

In paragraph 13(d)(vi), we suggest the adoption of the following alternative text:

“Ensuring that adequate account is taken of comments from the public in the final decisions, and ensuring appropriate provision of feedback on how the public’s comments have been taken into account in the decisions”

Agenda item 9(c): Draft decision VII/... Promoting effective Access to Justice (ECE/MP.PP/WG.1/2021/16)

The EU and its Member States propose the following changes:

In paragraph 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. We therefore propose that the wording of this paragraph should be “Promoting possibilities for members of the public to challenge acts or omissions that contravene permit requirements or laws relating to the environment, in particular, in relation to the following issues: climate change; projects, plans and policies related to energy matters; chemicals and waste management; air and water quality; noise; and biodiversity protection”.

Agenda item 9(e): Draft note on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2021/12)

In paragraph 12 of the Annex of the Draft Note (Mandate of the Rapporteur on environmental defenders under the Aarhus Convention), we find that there is an overlap between subparagraphs (a) and (b). In fact, the expression “Any body of the executive branch of the government of the Party concerned” seems to already cover “Any other ministry or government entity of the Party concerned”. We, therefore, suggest that paragraph 12 of the Annex of the Draft Note should read:

“The Rapporteur may issue a protection measure to any body of the executive branch of the government of the Party concerned that he or she may consider appropriate, especially the ministers responsible for environment, justice and foreign affairs.”

In paragraph 16(b) of the Annex of the Draft Note (Mandate of the Rapporteur on environmental defenders under the Aarhus Convention), we believe that the element “and” is missing and that it should read:

“The Rapporteur shall report any referrals he or she makes to the Compliance Committee **and** to the Meeting of the Parties”

Further comments:

The EU and its Member States reserve their right, in line with the Rules of Procedure, to amend these comments or make further comments, if deemed necessary.