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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

Twenty-fifth meeting

Geneva, 3 May and 7 and 8 June 2021

Item 7 of the provisional agenda

**Opening of the second slot and adoption of procedures to
facilitate remote participation and decision-making in the meeting**

Draft operating procedures to facilitate remote participation and decision-making in the twenty-fifth meeting of the Convention's Working Group of the Parties due to extraordinary circumstances*

Prepared by the Bureau

EU+MS Comments

Summary

In the light of the coronavirus disease (COVID-19) pandemic, delegations, the Bureau and the secretariat have become aware of challenges in organizing intergovernmental meetings under extraordinary circumstances. Infection control measures and travel restrictions prevent or limit representatives of Parties from physically participating in meetings. As of 1 February 2021, only in-person meetings with a maximum of five participants are allowed at the premises of the United Nations Office at Geneva. It is unclear when this measure will be lifted after 1 February 2021. In response to this, the Bureau prepared the procedures outlined in the present note in order to facilitate participation and decision-making in the twenty-fifth meeting of the Working Group of the Parties (Geneva, 3 May and 7-8 June 2021) under COVID-19 pandemic measures and restrictions.

The proposed procedures were prepared taking into consideration: relevant established practice and procedures under the Convention; experience gained in organizing the eighth meeting of the Working Group of the Parties to the Protocol on Pollutant Release

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

and Transfer Registers (Geneva, 16 and 18 December 2020); consultations held with the Office of Legal Affairs; and experiences of other United Nations Economic Commission for Europe multilateral environmental agreements in taking decisions remotely due to the extraordinary circumstances related to the pandemic.

Parties are invited to communicate any comments they may have on the proposed procedures to the secretariat as soon as possible and by 1 May 2021 (via email to public.participation@un.org). This will enable the Chair to hold any required consultations prior to the adoption of the procedures at the meeting.

For procedures to be effective, the key lessons learnt from the experiences are:

- “Advance circulation procedure” shall apply and any comments shall be sent to the secretariat by the set deadline (see section V below).
- Delegations shall ensure that they possess the necessary equipment indicated by the secretariat and that their Internet connection to the virtual meeting platform is secure and stable throughout the meeting. Delegations shall demonstrate good faith and strive for consensus.

I. Introduction

1. The purpose of the proposed procedures set out in the present note is to facilitate remote participation and decision-making at the twenty-fifth meeting of the Working Group of the Parties in the current extraordinary circumstances.
2. The Bureau agreed that the procedures should be circulated to Parties and stakeholders, with a recommendation that these be adopted at the meeting.
3. “Remote participation and decision-making” means participation and decision-making in meetings through an Internet connection to a virtual meeting platform, whereby representatives can remotely hear and see other participants and address the meetings; “Meeting with remote participation” means a hybrid meeting, with the option of in-person or remote participation, or a virtual meeting.¹

II. Guiding principles

4. The procedures outlined in the present note are limited to the twenty-fifth meeting of the Working Group of the Parties only owing to the current extraordinary circumstances linked to the coronavirus disease (COVID-19) pandemic. The procedures outlined in the present note shall supplement the Rules of procedure adopted by the Convention’s Meeting of the Parties² to ensure that Parties retain the same rights, privileges and protections afforded them in meetings with only in-person participation.
5. The Rules of procedure adopted by the Meeting of the Parties shall continue to apply in full and take precedence over any procedures contained in the present document.
6. Parties should make use of the “advance circulation procedure” provided for in paragraph 14 below to ensure that all efforts are pursued to achieve a consensus at the meeting with remote participation and decision-making.

III. Registration for remote participants

7. All participants in meetings with remote participation shall pre-register through a form sent to them by the secretariat and, in the case of hybrid meetings, therein indicate their intent to participate either remotely or in-person. The email address provided on the registration form will be that used by the secretariat for communications related to meetings in advance of and during meetings.
8. The secretariat shall communicate information on remote participation in advance of the meeting, including logistical and practical information on the means of connecting to the virtual platform and remotely hearing other participants and addressing the meetings, to all pre-registered representatives.
9. All pre-registered participants intending to participate remotely should test their audio and video connections in advance of meetings in accordance with the instructions sent by the secretariat, to ensure that they are able to participate remotely.

IV. Conduct of business for determining a quorum with remote participation

10. In accordance with rule 26 of the Rules of procedure, the presence of a majority of the Parties shall be required for any decision to be taken. For the twenty-fifth meeting of the Working Group of the Parties, the presence of a majority of the Parties shall be established through both in-person and remote participation.

¹ Including a meeting where the Chair and the secretariat participate in-person, possibly in addition to one or both Vice-Chairs.

² See ECE/MP.PP/2/Add.2, decision I/1.

11. For Parties represented through remote participation, the Chair shall establish Party presence through the Party representative's Internet connection to the virtual meeting platform during the meeting and through a roll call to check attendance through an audio and video connection prior to taking the decisions at the end of the meeting.

12. Representatives of the Parties shall ensure that they possess the necessary equipment indicated by the secretariat and that their Internet connection to the virtual meeting platform is secure and stable throughout the meeting.

13. Where a quorum has not been secured or there is a connection failure on the part of the virtual platform provider, the secretariat or the Chair, the meeting may, depending on the decision of the Chair, be suspended until an Internet connection to the virtual platform of the meeting is re-established for participants facing connection difficulties. The secretariat may communicate between the Chair and remote participants through their pre-registered email addresses on matters regarding connection failure.

V. Decision-making in the meeting with remote participation

14. In accordance with rule 35 of the Rules of procedure, every effort shall be made to reach decisions by consensus. For this meeting, efforts should comprise the following "advance circulation procedure", of which Parties should make use in advance of meetings:

(a) Parties ~~shall~~ should make best efforts to consider the circulated documents that are subject to decision-making (with all such documents having already been made available to Parties and stakeholders well in advance through the meeting's web page) and communicate clearly any proposed revisions, using track changes and/or comments, by email to the secretariat as soon as possible by the deadline set. Interested stakeholders are also requested to submit comments by the deadline set;

(b) If no proposed revisions or comments are made by Parties regarding the draft documents circulated for approval by the deadline set, it shall be expected that consensus will be reached on the respective documents during meetings and that these documents will be approved without significant changes. In line with para (d) below, Parties nevertheless reserve the right to react to and comment on the documents, in particular, taking into account new developments and will adopt their final position at the Meeting of the Parties to the Convention;

(c) Following receipt of proposed revisions and/or comments, the Chair, in consultation with the Vice-Chairs and with the support of the secretariat, may arrange for informal discussions with Parties and stakeholders in advance of meetings, with a view to better understanding the proposed revisions and/or comments received and to reaching a consensus. Parties and stakeholders may, during this period, modify and/or withdraw any of the proposed revisions and/or comments made;

(d) All documents circulated for decision-making or, in cases where revisions have been proposed, their respective circulated updated versions, will be reviewed and open for deliberation during the meeting. If no proposed revisions or comments are made by Parties or stakeholders while the Working Group is reviewing documents during the meeting, the Chair shall communicate that any respective documents or updated versions are approved by consensus.

15. The Chair, in consultation with the Vice-Chairs and the secretariat, may invite Parties or stakeholders to participate in-person and/or remotely in informal side meetings held on the margins of the meeting with the intention of reaching a consensus, if so required in view of the proposed revisions or comments received. Use of this option will depend on the availability of additional meeting space (virtual and/or physical) and interpretation time.

16. The outcomes and decisions of the meeting will be adopted at the end of the meeting as per established practice. To facilitate their consideration, the Chair, with the support of the secretariat, will strive to make the draft outcomes of different sessions available gradually through the meeting's web page during the meeting (at breaks and in the evenings).

