



Economic and Social Council

Distr.: General
17 February 2022

Original: English

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

Seventh session

Geneva, 18–20 October 2021

Report of the seventh session of the Meeting of the Parties

Addendum

Decisions adopted by the Meeting of the Parties¹

Contents

Decisions

VII/1. Promoting effective access to information	3
VII/2. Promoting effective public participation in decision-making	6
VII/3. Promoting effective access to justice	9
VII/4. Promoting the application of the principles of the Convention in international forums.....	12
VII/5. Work programme for 2022–2025.....	15
Annex I: Work programme for 2022–2025.....	17
Annex II: Estimated costs of activities of the work areas listed in the work programme for 2022–2025	24
Annex III: Example of the possible distribution of different meetings under the Convention for the period 2022–2025	34
VII/6. Financial arrangements under the Convention	35
VII/7. Reporting requirements	37
VII/8. General issues of compliance.....	38
VII/8a. Compliance by Armenia with its obligations under the Convention.....	42
VII/8b. Compliance by Austria with its obligations under the Convention	43

¹ Decisions were adopted by the Meeting of the Parties at the Joint High-level segment, held on 21 October 2021. For practical reasons, the adopted decisions are being issued in an addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2).



VII/8c. Compliance by Belarus with its obligations under the Convention.....	44
VII/8d. Compliance by Bulgaria with its obligations under the Convention	48
VII/8e. Compliance by Czechia with its obligations under the Convention	51
VII/8f. Compliance by the European Union with its obligations under the Convention.....	53
VII/8g. Compliance by Germany with its obligations under the Convention	56
VII/8h. Compliance by Hungary with its obligations under the Convention	56
VII/8i. Compliance by Ireland with its obligations under the Convention	57
VII/8j. Compliance by Italy with its obligations under the Convention	59
VII/8k. Compliance by Kazakhstan with its obligations under the Convention	61
VII/8l. Compliance by Lithuania with its obligations under the Convention	62
VII/8m. Compliance by the Netherlands with its obligations under the Convention	64
VII/8n. Compliance by the Republic of Moldova with its obligations under the Convention	65
VII/8o. Compliance by Romania with its obligations under the Convention	66
VII/8p. Compliance by Spain with its obligations under the Convention.....	67
VII/8q. Compliance by Turkmenistan with its obligations under the Convention.....	68
VII/8r. Compliance by Ukraine with its obligations under the Convention	70
VII/8s. Compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention	71
VII/9. Rapid response mechanism to deal with cases related to article 3 (8) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	75
Annex: Mandate of the Special Rapporteur on environmental defenders under the Aarhus Convention	77
VII/10. Accession by Guinea-Bissau to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	82
VII/11. Strategic plan for 2022–2030	83
Annex: Strategic Plan for 2022–2030	84

Decision VII/1

Promoting effective access to information

The Meeting of the Parties,

Recalling the provisions of articles 4 and 5 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Further recalling its decisions I/6,² II/3³ and III/2⁴ on electronic information tools and the clearinghouse mechanism, decisions IV/1,⁵ V/1⁶ and VI/1⁷ on promoting effective access to information, VII/11 on the strategic plan for 2022–2030 and VII/5 on the work programme for 2022–2025,

Recognizing that effective public access to environmental information is critical in ensuring the transparency and efficiency of public authorities and judicial institutions and is therefore key to the successful implementation of all provisions of the Convention and of a number of Sustainable Development Goals, in particular target 10 of Sustainable Development Goal 16,

Also recognizing the need to ensure that modern electronic information and communications tools should be fully employed so as to safeguard effective implementation of the information pillar of the Convention and address challenges in monitoring and measuring Sustainable Development Goals,

Noting the importance of transparency, of effective risk assessment in the event of any imminent threat to human health and the environment and of promoting knowledge of environmental and disaster risks,

Also noting that availability of spatial data and related state-of-the-art technologies is essential in monitoring and tackling climate change and other environment-related challenges,

Underlining that effective publicly accessible nationwide digital environmental information systems are indispensable for implementing environment-related Sustainable Development Goals and targets, the Paris Agreement and other multilateral environmental agreements, the Sendai Framework for Disaster Risk Reduction 2015–2030, a number of Human Rights Council resolutions and relevant pledges under the framework of the World Meteorological Organization, the World Health Organization, the United Nations Environment Assembly of the United Nations Environment Programme, the “Environment for Europe” Ministerial Conference and the Group on Earth Observations,

Recognizing that effective public access to environment-related product information through the use of digital technologies can support Parties in achieving a number of Sustainable Development Goals, in particular Goals 8, 11, 12 and 13, and in implementing effectively the initiatives related to the European Green Deal, transition towards green and circular economy, greening public procurement and implementing zero-waste approaches,

Also recognizing that advances in digital technologies have transformed the possibilities for Parties to fulfil their obligation under article 5 (8) of the Convention to develop mechanisms with a view to ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Information to date have collectively shown that challenges

² See ECE/MP.PP/2/Add.7.

³ See ECE/MP.PP/2005/2/Add.4.

⁴ See ECE/MP.PP/2008/2/Add.4.

⁵ See ECE/MP.PP/2011/2/Add.1.

⁶ See ECE/MP.PP/2014/2/Add.1.

⁷ See ECE/MP.PP/2017/2/Add.1.

remain with regard to the full implementation of the information pillar of the Convention, and also to making information fully publicly accessible in a transparent and effective way,

Having reviewed the reports of the Task Force on Access to Information and the outcomes of the thematic session of the Working Group of the Parties in the period since the sixth session of the Meeting of the Parties,⁸

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Information and expresses its gratitude to the Republic of Moldova for its leadership of the Task Force;

2. *Adopts* the updated Recommendations on the more effective use of electronic information tools (ECE/MP.PP/2021/2/Add.2⁹), and invites Parties, signatories, other interested States and stakeholders to use them as guidance to support the implementation of the Convention and other relevant international commitments;

3. *Welcomes* initiatives by Parties, signatories, partner organizations and other stakeholders to widen and improve public accessibility of environmental information, including through electronic information tools and e-government,¹⁰ open government data,¹¹ the Shared Environmental Information System in the pan-European region and other similar initiatives;

4. *Also welcomes* initiatives by Parties, signatories, partner organizations and other stakeholders to share reliable environmental information, in particular by relying on citizen science initiatives, create single web access points, conceived to be user-friendly, that aggregate data and information resulting from different reliable sources, and to designate them as national nodes for the Aarhus Clearinghouse for Environmental Democracy;

5. *Encourages* Parties, signatories, partner organizations and other stakeholders to continue strengthening implementation of the information pillar of the Convention at the national level, in particular public access to information regarding the quality of the environment and emissions into the environment in accordance with the Convention, hazardous substances and wastes, environment-related product information and decision-making in environmental matters;

6. *Urges* Parties and signatories: (a) to ensure that the scope of environmental information is interpreted broadly, in line with the requirements of the Convention: (i) when executive regulations and legislative and policy documents relating to access to environmental information are prepared, and (ii) in the process of taking decisions on the disclosure of such information; and (b) to engage the relevant environmental expertise for both (i) and (ii);

7. *Calls on* Parties and signatories to keep under continuous review the application of the exceptions in disclosure of environmental information and to take, as appropriate, necessary measures to establish a clear and predictable legal framework to ensure the restrictive application of these exceptions and the full disclosure of information on emissions in accordance with the Convention;

8. *Also calls on* Parties and signatories to continue developing and improving the frameworks to promote the application, by operators whose activities have a significant impact on the environment, of tools such as eco-labelling, energy-labelling, product passports, product declarations, warning labelling and other tools to inform the consumers;

9. *Further calls on* Parties and signatories to establish green public procurement mechanisms, to promote the use of pollutant release and transfer registers and to facilitate

⁸ ECE/MP.PP/WG.1/2018/2, ECE/MP.PP/WG.1/2020/3 and ECE/MP.PP/WG.1/2021/3.

⁹ Documents ECE/MP.PP/2021/20 and ECE/MP.PP/2021/20/Add.1 were issued as Addendum 2 to the present report.

¹⁰ E-government initiatives encompass activities of public authorities to deploy information and communications technologies for improving knowledge and information in the service of the public.

¹¹ Open government data initiatives encompass activities to make information or data produced or commissioned by Governments available for everyone to access, reuse and redistribute without any restrictions.

multi-stakeholder dialogues in the different economic sectors, bringing together, for instance, suppliers, producers, facility operators, retailers, consumers, and environmental non-governmental organizations and other interested members of the public in order to promote full consumer product transparency, traceability, accountability and the interoperability of product information systems using best available state-of-the-art digital technologies and open data principles;

10. *Calls on* Parties, signatories, international organizations, non-governmental organizations and other stakeholders to continue sharing good practices, case studies, project outcomes and other useful material through the Aarhus Clearinghouse and online databases, and to support the development of national nodes;

11. *Also calls on* Parties, signatories, partner organizations and other stakeholders to promote the wider use of modern electronic information tools as an effective instrument for putting into practice the Convention's provisions, including through public-private partnerships;¹²

12. *Reiterates* the important role of Aarhus Centres, the media, public libraries and other information sites in facilitating public access to environmental information and calls on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to support their relevant activities;

13. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group of the Parties to the Convention;

14. *Welcomes* the offer of the Republic of Moldova to lead the Task Force on Access to Information;

15. *Requests* the Task Force on Access to Information, subject to the availability of resources, to promote the exchange of information, case studies and good practices, and to discuss possible further developments in relation to strengthening public access to environmental information, with special attention to:

- (a) Active dissemination of environmental information focusing on:
 - (i) The implementation of the updated Recommendations referred to in paragraph 2 above;
 - (ii) The use of modern technologies by the public for assembling, exchanging and using environmental data and information;
 - (iii) The provision of information to the public authorities by third parties, both routinely and in case of an imminent threat to human health or the environment;
- (b) Public access to environmental information focusing on:
 - (i) The scope of environmental information in accordance with article 2 (3) of the Convention;
 - (ii) The transparency of public authorities on environmental matters and the application of restrictions on access to environmental information in accordance with the Convention;
 - (iii) Access to environment-related product information;
 - (iv) Access to information on emissions into the environment;
- (c) Protection of whistle-blowers and other persons exercising their rights in conformity with the provisions of the Convention against harassment and other forms of retaliation in cases relating to disclosure of environmental violations;
- (d) As resources allow, the preparation of analytical, guidance and training materials to support the work detailed in subparagraphs (a), (b), and (c) above;

¹² A public-private partnership is a scheme that involves cooperation between the public and private sectors, aiming at financing, designing, implementing and operating public sector infrastructure and services.

(e) Further population of the Aarhus Clearinghouse;

16. *Also requests* the Task Force to explore good practices of and possible means to improve access to product information, including, but not limited to, the need for and form and content of an instrument aimed at ensuring that sufficient product information is made available to the public in a manner that enables consumers to make informed environmental choices, availing of the latest digital solutions such as “product passports”, and to prepare proposals for consideration first by the Working Group of the Parties and then by the Meeting of the Parties, with a view to possible adoption by the Meeting of the Parties at its eighth session;

17. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention’s activities on access to information, support relevant capacity-building activities at all levels and allocate resources for this matter as far as possible;

18. *Entrusts* the secretariat, subject to the availability of resources, to participate in and implement, as appropriate, capacity-building activities, including workshops and training sessions; to contribute to relevant initiatives under other forums; and to promote electronic information tools in the region and beyond through the maintenance and further development of the Aarhus Clearinghouse and its online databases (e.g., the jurisprudence database, national implementation reports and the good practice database);

19. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public access to environmental information during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences in those subject matters that deserve particular attention.

Decision VII/2

Promoting effective public participation in decision-making

The Meeting of the Parties,

Recalling the provisions of articles 6, 7 and 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), and the provisions of article 6 bis of the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms,¹³

Also recalling its decisions EMP.II/1,¹⁴ V/2¹⁵ and VI/2¹⁶ on public participation in decision-making, VII/11 on the strategic plan for 2022–2030 and VII/5 on the work programme for 2022–2025,

Recognizing the critical role of effective public participation for successful implementation of the Sustainable Development Goals, in particular Goal 16 and its targets 16.6, 16.7 and 16.10,

Mindful that the national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Public Participation in Decision-making to date have, collectively, shown that challenges remain to the full implementation of the second pillar of the Convention across the region,

Recognizing the vital role played by the Task Force on Public Participation in Decision-making in bringing together experts from Governments, civil society and other stakeholders to exchange experiences regarding those challenges and to explore possible good practices to address them,

¹³ See ECE/MP.PP/2005/2/Add.2, decision II/1, annex.

¹⁴ See ECE/MP.PP/2010/2/Add.1.

¹⁵ See ECE/MP.PP/2014/2/Add.1.

¹⁶ See ECE/MP.PP/2017/2/Add.1.

Welcoming the important contribution to furthering implementation of the second pillar played by organizations engaged in capacity-building at the national and subregional levels,

Also welcoming the work of Aarhus Centres in several countries, as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies, programmes and projects and providing assistance to members of the public in exercising their rights,

Underlining the need to further the implementation of the second pillar of the Convention (articles 6, 7, 8 and, prospectively, 6 bis) so as to provide for more effective public participation in decision-making in environmental matters,

Having reviewed the reports of the Task Force on Public Participation in Decision-making and the outcomes of the thematic session of the Working Group of the Parties in the period since the sixth session of the Meeting of the Parties,¹⁷

1. *Notes* with appreciation the work undertaken by the Task Force on Public Participation in Decision-making and expresses its gratitude to Italy for its leadership of the Task Force;

2. *Recognizes* the valuable role played in a number of Parties by the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Maastricht Recommendations),¹⁸ developed under the auspices of the Task Force, and invites Parties, signatories, other interested States and stakeholders to use them as guidance to improve implementation of the second pillar of the Convention, including by translating them into national and, as appropriate, local languages, and distributing them among all relevant target groups dealing with public participation at the national and subnational levels, such as public authorities, non-governmental organizations, operators, the private sector and the general public, and requests the Task Force to continue monitoring the use of the Maastricht Recommendations;

3. *Welcomes* initiatives taken by Parties, signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

4. *Also welcomes* initiatives of Parties, signatories, international organizations and other stakeholders to promote safe participation in decision-making and strengthen the protection of environmental defenders and other persons exercising their rights in conformity with the provisions of the Convention against penalization, persecution, harassment and other forms of retaliation for their involvement, and calls on Parties, signatories, international organizations and other stakeholders to continue supporting existing and to initiate new initiatives;

5. *Encourages* Parties, signatories, other interested States, partner organizations and stakeholders to continue providing case studies through the Aarhus Clearinghouse for Environmental Democracy and its Good Practice database;

6. *Invites* Parties, signatories, international organizations, non-governmental organizations and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level, and, where possible, to make resources available for this purpose;

7. *Invites* Parties, signatories, other interested States, partner organizations and stakeholders engaged in capacity-building to further the implementation of the second pillar of the Convention and to focus on developing training programmes at the national level, as a priority, and also at the subregional level, for public officials involved in the day-to-day task of carrying out public participation procedures covered by articles 6, 7 and 8 of the Convention.

¹⁷ ECE/MP.PP/WG.1/2019/2, ECE/MP.PP/WG.1/2019/3 and ECE/MP.PP/WG.1/2021/4.

¹⁸ ECE/MP.PP/2014/2/Add.2.

8. *Also invites* Parties, signatories, other interested States, partner organizations and stakeholders engaged in capacity-building to support specific training sessions and awareness-raising events on the obligations under article 3 (8) targeting officials of public authorities, law enforcement agencies, prosecutors, members of judiciary, international financial institutions, providers of private security services and developers;

9. *Invites* researchers focusing on participatory processes and environmental decision-making to use the resources gathered under the auspices of the Task Force in their research, and also to share the results of their research with the Task Force;

10. *Encourages* Parties, signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the activities under the Convention on public participation in decision-making and to allocate sufficient resources for this matter;

11. *Decides* to extend in time the mandate of the Task Force on Public Participation in Decision-making, under the authority of the Working Group of the Parties to the Convention;

12. *Welcomes* the offer of Italy to lead the Task Force on Public Participation in Decision-making;

13. *Requests* the Task Force, subject to the availability of resources and taking into account, among other things, the national implementation reports, the findings of the Compliance Committee of a systemic nature, other relevant assessments and the experiences of the public, to continue working to strengthen the implementation of the public participation provisions of the Convention, with special attention to:

(a) Gathering information on experiences from Parties and stakeholders regarding the application of the Maastricht Recommendations;

(b) Overseeing the collection and dissemination of good practices in public participation in decision-making through the Aarhus Clearinghouse and its Good Practice online database;

(c) Exchanging good practices on how challenges in the implementation of public participation in decision-making caused by the coronavirus disease (COVID-19) pandemic, for example with regard to the public availability of documents and access to virtual hearings, have been successfully overcome by Parties and stakeholders or on how such measures are planned to be put in place in the future, in order to ensure that public participation rights are respected, taking into account the guidance and recommendations provided by the Compliance Committee¹⁹;

(d) Identifying the main obstacles to effective public participation in all types of decision-making within the scope of the Convention at the national, subnational and local levels, in particular with regard to issues of a systemic nature such as:

(i) Meaningful and early public participation;

(ii) The availability of all relevant documents to the public;

(iii) Effective notification and time frames for public participation;

(iv) Paying particular attention to the participation of vulnerable and marginalized groups;

(v) Safe public participation without persecution, harassment or penalization, and protection of environmental defenders and other persons exercising their rights in conformity with the provisions of the Convention;

(vi) Ensuring that account is taken of comments from the public in the final decisions, as required by the Convention, and ensuring appropriate provision of feedback on how the public's comments have been taken into account in the decisions;

¹⁹ See ECE/MP.PP/C.1/2020/5/Add.1 and ECE/MP.PP/C.1/2021/6.

(e) Addressing, in collaboration with relevant partner organizations and as appropriate, public participation in decision-making in a transboundary context and with regard to the following subjects:

- (i) Agriculture (Sustainable Development Goal 2);
- (ii) Health-related issues linked to air pollution (Sustainable Development Goal 3);
- (iii) Large-scale infrastructure/transport (Sustainable Development Goal 9);
- (iv) Urban development/cities (Sustainable Development Goal 11);
- (v) Climate change (Sustainable Development Goal 13);
- (vi) Fishery/oceans, seas, marine resources (Sustainable Development Goal 14);
- (vii) Emerging technologies (several Goals).

(f) As resources allow, preparing training materials to support the work detailed in subparagraphs (c), (d) and (e) above;

14. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public participation in decision-making during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and stakeholders to exchange experiences on those subject matters that deserve particular attention.

Decision VII/3

Promoting effective access to justice

The Meeting of the Parties,

Recalling the provisions of article 9 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

Also recalling its decisions I/5,²⁰ II/2,²¹ III/3,²² IV/2,²³ V/3²⁴ and VI/3²⁵ on promoting effective access to justice, VII/11 on the strategic plan for 2022–2030 and VII/5 on the work programme for 2022–2025,

Affirming the importance of the rule of law and the need to further strengthen its application in environmental matters,

Reiterating the importance of public interest litigation in environmental matters for enabling effective judicial protection of the rights and legitimate interests of the public and for improving transparency and increasing accountability of decision-making,

Recognizing that effective access to justice in environmental matters is critical for the successful implementation of a number of Sustainable Development Goals, in particular Goal 16 and its targets 16.3 and 16.10,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Justice to date have collectively shown that challenges remain to the full implementation of the third pillar of the Convention,

²⁰ See ECE/MP.PP/2/Add.6.

²¹ See ECE/MP.PP/2005/2/Add.3.

²² See ECE/MP.PP/2008/2/Add.5.

²³ See ECE/MP.PP/2011/2/Add.1.

²⁴ See ECE/MP.PP/2014/2/Add.1.

²⁵ See ECE/MP.PP/2017/2/Add.1.

Having reviewed the reports of the Task Force on Access to Justice and the outcomes of the relevant thematic session of the Working Group of the Parties in the period since the sixth session of the Meeting of the Parties,²⁶

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice, and expresses its gratitude to Sweden for its leadership of the Task Force;

2. *Encourages* Parties, signatories and other interested States to undertake further considerable efforts to improve the effectiveness of public access to justice in environmental matters, e.g., by removing, as the case may be, barriers with regard to standing, scope of review, costs and access to assistance mechanisms, timeliness, remedies, stimulating multi-stakeholder dialogues, increasing public accessibility to the relevant information as required by the Convention and implementing e-justice initiatives,²⁷ and calls on international organizations and other stakeholders to support these efforts;

3. *Welcomes* capacity-building initiatives by Parties, signatories, international organizations and other stakeholders aimed at promoting more effective implementation of article 9 of the Convention, and encourages Parties, signatories, international organizations and other stakeholders, as appropriate, to undertake such initiatives in the next intersessional period;

4. *Expresses its appreciation* to Parties, signatories and other stakeholders for contributing material to the online jurisprudence database concerning the Convention, and calls on Parties, signatories and other stakeholders, including judges, legal professionals and academics, to use and promote the database and to further contribute to its improvement;

5. *Stresses* the pivotal role that courts play in interpreting provisions of domestic law on access to justice and the importance of interpreting such provisions in accordance with the Convention;

6. *Also stresses* the significant role of national and international associations of judges, prosecutors and other legal professionals, and in particular of judicial training institutions, and also the substantial role of public interest lawyers and non-governmental organizations in promoting effective public access to justice;

7. *Welcomes* the successful cooperation of the judiciary, judicial training institutions and other review bodies in the pan-European region within a network under the auspices of the Task Force;

8. *Invites* the above-mentioned review bodies to promote within the network the exchange of experiences, development of curricula and training materials, population of the online jurisprudence database concerning the Convention and organization of capacity-building events at the regional, subregional and national levels;

9. *Encourages* Parties and signatories to support the participation of representatives of the above-mentioned review bodies in the network, invites other such networks to participate in this initiative and calls on Parties and partner organizations to continue supporting these activities;

10. *Welcomes* initiatives of the Parties and signatories to strengthen judicial specialization in environmental law and the capacities of courts and other relevant bodies in improving knowledge about environmental risks and using independent environmental expertise, as appropriate;

11. *Encourages* Parties to continue the integration, to the extent possible, of the issue of access to justice in environmental matters and of the issue of environmental risks into the curricula of law faculties, public administration and judicial training institutions and other relevant institutions supporting the implementation of the Convention;

²⁶ ECE/MP.PP/WG.1/2018/3, ECE/MP.PP/WG.1/2019/4, ECE/MP.PP/WG.1/2020/2 and ECE/MP.PP/WG.1/2021/5.

²⁷ E-justice initiatives include the use of information and communications technologies to improve public access to justice and other types of activities involving the resolution of disputes.

12. *Decides* to extend in time the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties, to carry out further work in relation to the implementation of the Convention;

13. *Welcomes* the offer of Belgium to lead the work of the Task Force;

14. *Requests* the Task Force, subject to the availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, with the focus on:

(i) Overcoming the main barriers to effective access to justice with regard to standing, scope of review, costs and access to assistance mechanisms, remedies and timeliness;

(ii) Promoting public interest litigation and collective redress, and removing obstacles public interest lawyers face;

(iii) 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; biodiversity protection; and spatial planning;

(b) To identify priority needs with respect to public access to justice in environmental matters, to take stock of capacity-building initiatives taking place in the region and beyond, and to promote the involvement of associations of judges, public interest lawyers and other legal professionals in these initiatives;

(c) As resources allow, to prepare analytical, guidance and training materials to support the work detailed in subparagraphs (a) and (b) above;

(d) To promote: (i) multi-stakeholder dialogues; (ii) dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; (iii) specialization of judiciary and other legal professionals in environmental law and access to independent environmental expertise; (iv) measures to discourage strategic lawsuits against public participation; and (v) as appropriate, alternative dispute resolution methods;

(e) To continue facilitating cooperation and networking among members of the judiciary, judicial institutions and other review bodies of countries from different subregions (e.g., Western, Eastern and South-Eastern Europe, the Caucasus and Central Asia);

15. *Entrusts* the secretariat, subject to the availability of resources, to undertake the following work:

(a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and training sessions related to access to justice, to be organized in cooperation with relevant partner organizations;

(b) To maintain, in cooperation with the Task Force, the Aarhus Clearinghouse for Environmental Democracy and the online jurisprudence database concerning the Convention;

(c) To support the cooperation and networking of the judiciary, judicial institutions and other review bodies under the auspices of the Task Force;

16. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention's activities on access to justice, and to allocate funds for this matter;

17. *Encourages* Parties, signatories, other interested States and partner organizations to facilitate the involvement of representatives of ministries of justice, the judiciary, judicial training institutions, review bodies and other organizations having a high profile in access to justice issues in relevant activities under the Convention;

18. *Requests* the Working Group to hold a thematic session on promoting effective public access to justice during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences on those subjects that deserve particular attention.

Decision VII/4

Promoting the application of the principles of the Convention in international forums

The Meeting of the Parties,

Recalling article 3, paragraph 7, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Recalling also its decisions II/4,²⁸ III/4,²⁹ IV/3,³⁰ V/4³¹ and VI/4³² on promoting the principles of the Convention in international forums, VII/11 on the Strategic Plan for 2022–2030 and VII/5 on the Work Programme for 2022–2025,

Noting Human Rights Council resolution 32/31 on civil society space,³³ which emphasizes “the essential role of civil society in subregional, regional and international organizations, including in support of the organizations’ work”, where that work is relevant to the Convention,

Also noting the reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association in relation to the exercise of these rights in the context of multilateral institutions,

Mindful of the importance of increasing understanding of the challenges faced and the good practices employed by international forums with respect to public participation, through further sharing of experience gained under the Convention with international forums,

Welcoming the increasing number of requests from interested international forums seeking expert assistance from the secretariat and Parties on this topic,

Acknowledging the progress made by Parties, international organizations, international financial institutions, non-governmental organizations and other stakeholders in promoting the application of the Convention’s principles,

Mindful of major ongoing international processes, including those related to sustainable development, sustainable mobility, climate change, chemicals and waste, civil aviation, geoengineering, international financial institutions, human rights, stakeholder participation and access to information policies of other United Nations agencies and programmes and international trade negotiations,

Recognizing that expert assistance is an important and powerful tool for promoting the principles of the Convention and sharing the considerable experience accumulated under the Aarhus Convention in an efficient and direct manner,

Also recognizing the valuable work that has been done to implement article 3, paragraph 7, of the Convention, while acknowledging the considerable challenges that still need to be addressed to fully implement this provision,

Acknowledging the vast cross-cutting scope of these activities, which support Parties’ efforts to achieve many Sustainable Development Goals related to specific forums and, in particular, Sustainable Development Goals 16 and 17,

²⁸ See ECE/MP.PP/2005/2/Add.5.

²⁹ See ECE/MP.PP/2008/2/Add.6.

³⁰ See ECE/MP.PP/2011/2/Add.1.

³¹ See ECE/MP.PP/2014/2/Add.1.

³² See ECE/MP.PP/2017/2/Add.1.

³³ A/HRC/RES/32/31.

Having reviewed the reports on the thematic sessions on promoting the principles of the Convention in international forums, held at the Working Group's twenty-second, twenty-third, twenty-fourth and twenty-fifth meetings,³⁴

Welcoming the entry into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement),

1. *Notes with appreciation* the work undertaken under the auspices of the Working Group of the Parties, which has provided a true multi-stakeholder platform for effectively addressing a number of important issues;

2. *Expresses* its gratitude to France for its ongoing leadership of this work area;

3. *Reiterates* its commitment to continue to apply the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines),³⁵ adopted through decision II/4, within the activities and subsidiary bodies established under the Convention;

4. *Invites* Parties, signatories, other interested States, partner organizations, and other stakeholders to ensure that the implications of the coronavirus disease (COVID-19) pandemic on the modalities of international forums do not undermine public participation, and to explore opportunities to enhance the participation of the public in these circumstances, taking into account the recommendations of the Compliance Committee³⁶;

5. *Underlines* the opportunity for Parties and stakeholders to further promote the application of the principles of the Convention in international forums in regular and close cooperation with Parties, signatories to and stakeholders associated with the Escazú Agreement;

6. *Encourages* each Party to continue implementing the following measures:

(a) Undertake further actions to promote public participation at the national level regarding international environmental decision-making processes and to take appropriate actions within the framework of international organizations in matters relating to the environment, bearing in mind relevant provisions of the Almaty Guidelines;

(b) Interact within and between its ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines;

(c) Consider innovative ways to improve its own public's access to information and participation in international forums and to share its experience with other Parties;

(d) Consider the relevance of the Convention's principles to ongoing processes under international forums related to the environment in advance of the meetings of these forums and continue, either individually or in collaboration with other Parties, signatories or like-minded Governments, to promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums whose practices do not presently reflect the Almaty Guidelines or the principles of the Convention;

(e) Consider providing expert assistance to other interested Parties, signatories or Governments on possible good practices to facilitate more effective public participation in international forums, including when hosting important international events;

(f) Use as a guidance the checklist of measures prepared under the auspices of the Convention when developing action plans to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment;³⁷

³⁴ See ECE/MP.PP/WG.1/2018/2, ECE/MP.PP/WG.1/2019/2, ECE/MP.PP/WG.1/2020/2 and ECE/MP.PP/WG.1/2021/2.

³⁵ See ECE/MP.PP/2005/2/Add.5, decision II/4, annex.

³⁶ See ECE/MP.PP/C.1/2021/6.

³⁷ Available at <https://unece.org/public-participation-international-forums>

(g) Consider opportunities to promote awareness and knowledge of the Convention's principles and obligations, as well as of the Almaty Guidelines, in ongoing processes under international forums related to the environment, including the possibility of organizing workshops for governmental and non-governmental delegates participating in these processes;

7. *Calls on* each Party to participate effectively in surveys and consultations carried out for this work area, so as to identify achievements, good practices and challenges associated with the implementation of article 3, paragraph 7, of the Convention;

8. *Decides* to continue the work on promoting the application of the principles of the Convention in international forums under the authority of the Working Group of the Parties;

9. *Welcomes* the offer of France to lead the work on promoting the application of the principles of the Convention in international forums;

10. *Requests* the Working Group to:

(a) Convene regularly, on a needs basis, a thematic session on promoting the principles of the Convention in international forums during its meetings, with a view to providing opportunities for Parties, signatories, other interested States, international organizations and stakeholders to exchange experiences in the context of promoting the application of the principles of the Convention with respect to those international forums within the definition of paragraph 4 of the Almaty Guidelines identified by Parties or stakeholders to be of particular priority; if it considers that one or more specific issues merit more in-depth consideration, to convene, on an ad hoc basis, a workshop or other event on the issue(s), and/or mandate a consultant or group of experts to examine it/them and to report on their findings to the Working Group, depending on the availability of resources;

(b) Focus on forums dealing with current pressing global environmental challenges such as threats to the marine environment, air pollution, climate change, energy, deforestation and degradation of forests, loss of biodiversity and the environmental effects of agriculture, land use and land-use changes, genetically modified organisms, new or emerging technologies including geoengineering, as well as with such issues as trade, carbon trading and other market-based mechanisms and with environmental impact assessment in a transboundary context, recognizing that other forums might be also considered, subject to a decision by Parties;

(c) Continue addressing cross-cutting issues, including ensuring balanced and equitable participation, different modalities for engaging stakeholders, States' obligations with regard to the responsibility of business actors under their jurisdiction and the impact of the coronavirus disease (COVID-19) pandemic on public participation in international forums;

(d) Continue monitoring efforts to promote the principles of the Aarhus Convention with regard to international financial institutions, and with regard to decision-making related to the United Nations Environment Programme, the United Nations Environment Assembly of the United Nations Environment Programme, climate change and sustainable development;

11. *Requests* the secretariat, subject to availability of resources, to:

(a) Oversee the collection and dissemination of good practices and innovative initiatives to promote the principles of the Convention through the Aarhus Clearinghouse for Environmental Democracy and its Good Practice online database;

(b) Oversee development of a guide on hosting international events to assist host countries in applying relevant good practices regarding access to information and public participation;

(c) Oversee development of guidance material explaining obligations related to article 3, paragraph 7, tailored to each specific forum (dealing with, for example, chemicals and waste, climate change, energy, trade, health matters, biosafety, new or emerging

technologies, including geoengineering, etc.), so as to assist Parties, interested countries, stakeholders and relevant forums;

(d) Carry out a consultation process with Parties and other interested States, international forums within the scope of the present decision, non-governmental organizations and other relevant actors, with regard to good practices and modalities contributing to ensuring balanced and equitable participation as defined in the Almaty Guidelines,³⁸ and mandate a consultant to examine the subject matter and the input received and to report on the findings to the Working Group of the Parties;

(e) Provide, upon request, expert assistance, including, as appropriate, commenting on draft documents and expert participation at meetings or events organized by international forums, training sessions, workshops, learning centres or other platforms, to:

(i) Interested international forums seeking to make their processes more transparent and participatory;

(ii) Individual Parties wishing to put in place tools or mechanisms to assist the public to participate more effectively in international forums, including when hosting an important conference of any international forum;

12. *Invites* Parties, signatories, international and other organizations to continue supporting the implementation of article 3, paragraph 7, of the Convention:

(a) At the national level, by supporting the participation of the public before, during and in the follow-up to meetings and events of international forums;

(b) At the international level, by supporting international forums to promote more effective public participation in their projects, processes and policies;

(c) By supporting the activities of the Convention's work programme on this topic, including the secretariat's expert assistance and capacity-building work, in order that it may respond usefully to the expected ongoing demand.

Decision VII/5 Work programme for 2022-2025

The Meeting of the Parties,

Recalling its decision I/11 on the procedures for the preparation, adoption and monitoring of work programmes,³⁹

Taking into account the Strategic Plan for 2022–2030 for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted through decision VII/11, and the scheme of financial arrangements adopted through decision VII/6,

1. *Welcomes* the interest shown by countries from outside the United Nations Economic Commission for Europe (ECE) region in acceding to the Convention and reaffirms its decision IV/5 on accession to the Convention by non-ECE member States,⁴⁰

2. *Adopts* the work programme for 2022–2025, containing the estimated costs of each activity, as set out in annex I to the present decision;

3. *Agrees upon* the indicative allocation of resources and the resulting estimated costs set out in annexes I and II to the present decision, subject to annual review and, as appropriate, revision by the Working Group of the Parties on the basis of annual reports provided by the secretariat pursuant to decision VII/6 on financial arrangements;

³⁸ Ibid., para. 15.

³⁹ See ECE/MP.PP/2/Add.12.

⁴⁰ See ECE/MP.PP/2011/2/Add.1.

4. *Encourages* Parties to endeavour to ensure that the funding of the activities of the work programme remains stable throughout the period 2022–2025;

5. *Also encourages* Parties, insofar as possible, and subject to the internal budgetary procedures of the Parties, to contribute to the Convention’s trust fund for a given calendar year by 1 October of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the work programme for 2022–2025;

6. *Reiterates* its commitment to implementing the Almaty Guidelines on Promoting the Principles of the Convention in International Forums,⁴¹ through all the activities of the work programme, as relevant;

7. *Decides* to give general priority⁴² to issues related to compliance and implementation, including capacity-building;

8. *Also decides* to give particular priority to the following substantive issues:

- (a) Access to justice;
- (b) Public participation;
- (c) Access to information;

9. *Calls on* the Parties, and invites signatories, other States and relevant intergovernmental, regional and non-governmental organizations, to contribute actively to the activities contained in the work programme;

10. *Requests* the secretariat, taking into consideration the results of the implementation of the work programme for 2022–2025, to prepare a draft work programme for the next intersessional period, including a detailed breakdown of estimated costs, for consideration and further elaboration by the Bureau and the Working Group of the Parties, at the latest three months before the eighth session of the Meeting of the Parties, with a view to possible adoption at that session.

⁴¹ See ECE/MP.PP/2005/2/Add.5, decision II/4, annex.

⁴² The primary function of the prioritization indicated in paragraphs 7 and 8, apart from explaining and reflecting the proposed allocation of resources in the annexes, is to provide guidance in situations in which there is a significant discrepancy between actual income and estimated financial requirements. If there is a significant shortfall in resources, then savings need to be made, and the prioritization provides guidance as to where those savings should be made. If there are surplus resources that are not earmarked, then the prioritization provides guidance as to how that surplus may be used. If the resources available closely match the estimated requirements set out in the annexes, the resources can simply be applied as indicated therein, i.e., there is no need for any further exercise of prioritization.

Annex I

Work programme for 2022–2025

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
Substantive issues				
I. Access to information, including electronic information tools	The work area will be implemented in accordance with decision VII/1 on promoting effective access to information. (mainly supports SDGs 3, 11, 12 and 17 and SDG target 16.10)	Task Force on Access to Information Thematic session at meetings of the Working Group of the Parties Secretariat, enlisting technical support as necessary	Task Force meetings and workshops; survey(s); participation in other relevant regional initiatives, as appropriate, through development of sector-based partnership approaches; pilot projects and capacity-building activities at the subregional and national level, which are expected to be funded by partners. Central management of the Aarhus Clearinghouse ^b and promotion through online social media; provision of advice to and coordination of national information nodes of the Clearinghouse mechanism; information-sharing and promotion of electronic tools through maintaining online databases for jurisprudence, good practices and national implementation reports, and maintaining online case studies on: (a) electronic information tools; (b) public participation at the national level; and (c) public participation in international forums.	79 900 (6 500)
II. Public participation	The work area will be implemented in accordance with decision VII/2 on promoting effective public participation in decision-making	Task Force on Public Participation in Decision-making	Task Force meetings; workshops; the use of the Aarhus Clearinghouse, its good practice database and collection of case studies to facilitate exchange of information on good practices; exploring	82 900 (8 500)

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
	(mainly supports SDGs 3, 6, 7, 8, 9, 11, 12, 13, 14 and 15 and SDG target 16.7).	Thematic session at meetings of the Working Group of the Parties Secretariat, enlisting expert support as necessary	synergies and possibilities for cooperation with relevant bodies under other multilateral environmental agreements and partner organizations. Participation in other relevant regional initiatives as appropriate; pilot projects and capacity-building activities at the subregional and national levels, which are expected to be funded by partners.	
III. Access to justice	The work area will be implemented in accordance with decision VII/3 on promoting effective access to justice (mainly supports SDG target 16.3).	Task Force on Access to Justice Thematic session at meetings of the Working Group of the Parties Secretariat, enlisting expert support as necessary	Task Force meetings, if feasible back-to-back with other relevant events, to be organized in liaison with partner organizations active in access to justice, and through the development of sector-based partnership approaches, where appropriate. Strengthen the network of the judiciary, judicial training institutions and other review bodies in the pan-European region and cooperation with other existing networks of judges and other legal professionals, and other international forums; use of the Aarhus Clearinghouse, its jurisprudence and good practice databases to facilitate exchange of information on good practices; exchange information and support capacity-building. Develop analytical and training materials. Pilot projects and capacity-building activities at the subregional and national levels, which are expected to be funded by partners.	107 100 (10 500)

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
IV. Genetically modified organisms (GMOs)	Support the implementation of decision II/1 on GMOs (GMO amendment) and relevant provisions of the Convention in this area, as well as the application of the Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms (MP.PP/2003/3), inter alia, by promoting exchange of information on common difficulties in and the main obstacles to their implementation, as well as good practices to address them (mainly supports SDGs 15 and 16).	Secretariat, in close cooperation with other stakeholders Thematic session at meetings of the Working Group of the Parties	Workshop(s), round table(s); survey(s); advisory support to, and cooperation with, relevant bodies under the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; advisory support to countries upon request; and use of the Aarhus Clearinghouse and its good practice database to facilitate exchange of information on good practices.	24 500 (2 000)
Procedures and mechanisms				
V. Compliance mechanism				584 600
V.1 Compliance Committee	Monitor and facilitate the implementation of and compliance with the Convention. Increase support to individual Parties in following up on decisions on compliance. (mainly supports SDG targets 16.6 and 16.10 and SDGs 3, 6, 7, 8, 9, 11, 12, 13, 14 and 15)	Compliance Committee Secretariat	Compliance Committee to review submissions, referrals, requests and communications on cases of possible non-compliance, prepare findings and reports and undertake fact-finding missions. Compliance Committee to explore possible synergies with other relevant forums. Secretariat to assist the Committee as required, including with legal support, publicize the compliance mechanism and manage the Committee's web page.	

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
			Secretariat to prepare background material on relevant issues of a systemic nature identified through the work of the Compliance Committee to support discussion at the meetings of the task forces and respective thematic sessions of the Working Group of the Parties.	
V.2 Rapporteur on matters related to article 3 (8)	The work area will be implemented in accordance with decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention (mainly supports SDG target 16.10)	Rapporteur on environmental defenders Secretariat	Rapporteur to examine, monitor, advise, undertake fact-finding missions and prepare decisions and reports on matters related to article 3 (8). The use of the Aarhus Clearinghouse library on the protection of environmental defenders. Preparation of training material for different target groups such as officials of public authorities, law enforcement agencies, prosecutors, members of the judiciary, private security service providers and developers.	
VI. Capacity-building	Coordination of capacity-building activities to assist countries in the effective implementation of the Convention; implementation of capacity-building measures at the regional and subregional levels. Advisory support to Parties, in particular, with regard to implementation of MOP decisions on compliance.	Secretariat, in close cooperation with other relevant stakeholders Secretariat, in close cooperation with the Compliance Committee and relevant stakeholders	Inter-agency coordination meetings; maintaining the Convention web pages with information on capacity-building activities; the use of the Aarhus Clearinghouse, its databases and other capacity-building material to facilitate exchange of information on good practices; training workshops and technical assistance, mostly separately funded under other substantive work areas; capacity-building activities at the national and	177 000 (17 000)

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
	(All relevant SDGs, mainly SDG 16)		subregional levels, which are expected to be funded by partners. Secretariat to assist Parties as required.	
VII. Reporting mechanism	Production of national implementation reports and a synthesis report.	Secretariat, enlisting expert and administrative support as necessary Compliance Committee	Preparation of the synthesis report and processing of national implementation reports. Analysis of reports and preparation of a synthesis report. Use of national implementation reports to identify relevant topics for the work of the task forces and other activities.	7 500
Awareness-raising and promotion				
VIII. Awareness-raising and promotion of the Convention, including through: VIII.1. Communication Strategy VIII.3. Support to non-ECE States to accede to the Convention VIII.4. Support to regional and global initiatives on	The work will focus on: (a) Raising public awareness of the Convention throughout the ECE region and beyond; (b) Increasing the number of Parties to the Convention; (c) Supporting regional and global initiatives on Principle 10 of the Rio Declaration on Environment and Development. Activities should be carried out in synergy with the relevant activities of the work programme of the Protocol on Pollutant Release and Transfer Registers. Work area VIII will be implemented in synergy with work area IX.	Secretariat Bureau of the Meeting of the Parties Working Group of the Parties	Participation in key regional and international events and processes; use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, for example, the European Neighbourhood Policy; feed into international processes that closely relate to the Convention, including the special procedures under the United Nations Human Rights Council (depending on the mandate), the United Nations Environment Programme, the international financial institutions and other relevant international forums. Expert assistance to regional and global initiatives on Principle 10 of the Rio Declaration; support to relevant events organized by others; missions and assistance to countries organized at the request of host Governments, with a focus	119 000 (34 500)

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
Principle 10 of the Rio Declaration	(mainly supports SDGs 4, 12, 16 and 17)		on States that have expressed formal interest in becoming Parties to the Convention. Implementation of the Communication Strategy; the Aarhus Clearinghouse and website management; preparation of leaflets, publications, news bulletins, articles and other information materials.	
IX. Promotion of the principles of the Convention in international forums, promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	The work area will be implemented in accordance with decision VII/4 on promoting the application of the principles of the Convention in international forums (mainly supports SDG targets 16.7 and 17.14).	Secretariat, in close cooperation with other relevant stakeholders Bureau of the Meeting of the Parties Working Group of the Parties	Thematic sessions, as needed, at meetings of the Working Group of the Parties to oversee progress in promoting the application of the principles of the Convention in international forums and to address challenges encountered in the implementation of article 3 (7), of the Convention. Surveys regarding experiences gained in the implementation of article 3 (7), and the Almaty Guidelines; workshop(s), round table(s); online networks; capacity-building and expert assistance to relevant international forums and to Parties upon request and the use of the Aarhus Clearinghouse, its good practice database and collection of case studies to facilitate exchange of information on good practices on establishing effective processes for the public to participate in international forums; cooperation with Signatories and future Parties to the Escazú Agreement, ^c as well as its secretariat and the engaged stakeholders; joint activities with other treaties and multilateral processes; concrete actions by Parties at the national	125 000 (3 000)

<i>Work area</i>	<i>Objective and expected outcome</i>	<i>Lead country, body or organization</i>	<i>Method of work</i>	<i>Average annual subtotal (US dollars)^a</i>
			and international levels to promote the principles of the Convention in international forums and the Almaty Guidelines.	
Coordination, horizontal support and Meeting of the Parties				
X. Coordination and oversight of intersessional activities	Coordination and oversight of the activities under the Convention. Preparation of substantive documents for the eighth session of the Meeting of the Parties (for example, drafting decisions, including the future work programme, and reviewing the implementation of the current work programme and the Strategic Plan).	Working Group of the Parties Bureau of the Meeting of the Parties	Working Group meetings, meetings of the Bureau and consultations among Bureau members electronically.	100 700
XI. Eighth ordinary session of the Meeting of the Parties	See article 10 of the Convention.	Meeting of the Parties	Session of the Meeting of the Parties.	15 000 ^d
XII. Horizontal support areas	Overall support that covers multiple substantive areas of the work programme.	Secretariat	Secretarial support, staff training, equipment.	108 000
Total (including costs for all work areas and 13% programme support costs)				1 730 256 (92 660)

Abbreviations: DSA, daily subsistence allowance; GMO, genetically modified organism; MOP, Meeting of the Parties; SDG, Sustainable Development Goal.

^a Estimation of the cost includes operational and other costs as presented in annex II. Figures between brackets refer to “other costs”.

^b Aarhus Clearinghouse for Environmental Democracy, available at <https://aarhusclearinghouse.unece.org/>

^c Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

^d Costs for travel and DSA for eligible participants are reported under work area X.

Annex II

Estimated costs of activities of the work areas listed in the work programme for 2022–2025

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
I.	Professional staff support, ^c one P–3 staff at 30 per cent of FTE	54 000	—	54 000	—	54 000	—	54 000	—	54 000 ^c	—
	Access to information ^b										
	Consultancy (for example, maintenance of Aarhus Clearinghouse and Aarhus Good Practice database)	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000
	Travel, DSA of eligible participants (2 meetings)	—	—	40 800	—	40 800	—	—	—	20 400	—
	Travel, DSA (staff missions) ^d	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500
	Subtotal	59 500	6 500	100 300	6 500	100 300	6 500	59 500	6 500	79 900	6 500
II.	Professional staff support, ^c one P–3 staff at 30 per cent of FTE	54 000	—	54 000	—	54 000	—	54 000	—	54 000	—
	Public participation										
	Consultancy (for example, preparation	5 000	5 000	5 000	5 000	5 000	5 000	5 000	5 000	5 000	5 000

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
	of the required materials)										
	Travel, DSA of eligible participants (2 meetings)	40 800	—	—	—	40 800	—	—	—	20 400	—
	Travel, DSA (staff missions) ^d	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500
	Subtotal	103 300	8 500	62 500	8 500	103 300	8 500	62 500	8 500	82 900	8 500
III.	Professional staff support, ^c one P–3 staff at 35 per cent of FTE	63 000	—	63 000	—	63 000	—	63 000	—	63 000	—
Access to justice	Consultancy (for example, preparation of the required materials)	10 000	7 000	10 000	7 000	10 000	7 000	10 000	7 000	10 000	7 000
	Travel, DSA of eligible participants (3 meetings)	40 800	—	40 800	—	—	—	40 800	—	30 600	—
	Travel, DSA (staff missions) ^d	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500
	Subtotal	117 300	10 500	117 300	10 500	76 500	10 500	117 300	10 500	107 100	10 500
IV.	Professional staff support, ^c one P–3 staff at 5 per cent of FTE	9 000	—	9 000	—	9 000	—	9 000	—	9 000	—
GMOs											

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
	Consultancy (for example, preparation of the required material)	2 000	2 000	2 000	2 000	2 000	2 000	2 000	2 000	2 000	2 000
	Travel, DSA of eligible participants to event (for example, workshop, round table)	—	—	40 000	—	—	—	—	—	10 000	—
	Travel, DSA (staff missions) ^d	3 500	—	3 500	—	3 500	—	3 500	—	3 500	—
	Subtotal	14 500	2 000	54 500	2 000	14 500	2 000	14 500	2 000	24 500	2 000
V. Compliance mechanism	Professional staff support, ^c three P–3 staff (one at 80 per cent of FTE, one at 70 per cent of FTE, one at 55 per cent of FTE), and one P–2 staff at 50 per cent of FTE.	429 000	—	429 000	—	429 000	—	429 000	—	429 000	—
	Consultancy (for example, translation outside United Nations, preparation of the required material)	30 000	—	30 000	—	30 000	—	30 000	—	30 000	—
	Travel, DSA of Committee members,	103 800	—	103 800	—	103 800	—	103 800	—	103 800	—

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
	other participants (4 Compliance Committee meetings per year) and travel, DSA of Rapporteur										
	Travel, DSA (staff missions) ^e	21 800	—	21 800	—	21 800	—	21 800	—	21 800	—
	Subtotal	584 600	—	584 600	—	584 600	—	584 600	—	584 600	—
VI.	Professional staff support, ^c one P–3 staff at 20 per cent of FTE, one P–3 at 40 per cent of FTE and one P–2 staff at 50 per cent of FTE	168 000	—	168 000	—	168 000	—	168 000	—	168 000	—
Capacity-	Consultancy (for example, capacity-	3 000	5 000	3 000	5 000	3 000	5 000	3 000	5 000	3 000	5 000
building ^f	building activities, materials, studies)										
	Travel, DSA of eligible experts (for example, annual meeting of capacity-building partners, capacity-building activities)	3 000	3 800	3 000	3 800	3 000	3 800	3 000	3 800	3 000	3 800

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
	Travel, DSA (staff missions) ^d	3 000	8 200	3 000	8 200	3 000	8 200	3 000	8 200	3 000	8 200
	Subtotal	177 000	17 000	177 000	17 000	177 000	17 000	177 000	17 000	177 000	17 000
VII. Reporting mechanism	Consultancy (processing of national implementation reports, preparation of the synthesis report, translation)	—	—	—	—	10 000	—	20 000	—	7 500	—
	Subtotal	—	—	—	—	10 000	—	20 000	—	7 500	—
VIII. Awareness- raising and promotion of the Convention ^g	Professional staff support, ^c one P–3 staff at 50 per cent of FTE and one P–3 staff at 5 per cent of FTE	99 000	—	99 000	—	99 000	—	99 000	—	99 000	—
	Consultancy (for example, publications, promotion materials)	5 000	9 000	5 000	9 000	5 000	9 000	5 000	9 000	5 000	9 000
	Travel, DSA for participation in events and country missions to promote the Convention and its principles; support to non-ECE States to accede to the	5 000	18 000	5 000	18 000	5 000	18 000	5 000	18 000	5 000	18 000

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
	Convention; support to regional and global initiatives on Principle 10 of the Rio Declaration on Environment and Development										
	Travel, DSA (staff missions), ^d participation at relevant events where no other funding is available	10 000	7 500	10 000	7 500	10 000	7 500	10 000	7 500	10 000	7 500
	Subtotal	119 000	34 500	119 000	34 500	119 000	34 500	119 000	34 500	119 000	34 500
IX.	Professional staff support, ^c two P–3 staff: one at 50 per cent of FTE and one at 10 per cent of FTE	108 000	—	108 000	—	108 000	—	108 000	—	108 000	—
Promotion of the principles of the Convention in international forums, promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	Consultancy (expert studies)	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000
	Travel, DSA (expert missions)	5 000	—	5 000	—	5 000	—	5 000	—	5 000	—
	Travel, DSA (staff missions) ^d	10 000	—	10 000	—	10 000	—	10 000	—	10 000	—

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
	Subtotal	125 000	3 000	125 000	3 000	125 000	3 000	125 000	3 000	125 000	3 000
X.	Professional staff support, ^h three P–3 staff: one at 10 per cent of FTE and two at 5 per cent each of FTE	36 000	—	36 000	—	36 000	—	36 000	—	36 000	—
Coordination and oversight of intersessional activities, including eighth ordinary session of the Meeting of the Parties	Travel, DSA for eligible participants (meetings of the Working Group of the Parties, the Bureau and the eighth session of the Meeting of the Parties)	47 600	—	47 600	—	47 600	—	102 000	—	61 200	—
	Travel, DSA (staff missions) ^d	3 500	—	3 500	—	3 500	—	3 500	—	3 500	—
	Subtotal	87 100	—	87 100	—	87 100	—	141 500	—	100 700	—

		<i>Average estimated costs in United States dollars per year^a</i>									
		2022		2023		2024		2025		2022–2025 annual average	
<i>Work area</i>	<i>Cost description</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>	<i>Operational</i>	<i>Other</i>
XI.	Professional staff support, ^c one P–2 staff at 50 per cent of FTE	—	—	—	—	—	—	60 000	—	15 000 ⁱ	—
Subtotal		—	—	—	—	—	—	60 000	—	15 000	—
XII.	Secretarial staff support, one G–5 staff at 70 per cent of FTE ^j	90 000	—	90 000	—	90 000	—	90 000	—	90 000	—
	Technical support costs ^k (for example, computers, licences, equipment, external printing)	9 000	—	9 000	—	9 000	—	9 000	—	9 000	—
	Other operational support costs (for example, financial administration)	5 000	—	5 000	—	5 000	—	5 000	—	5 000	—

		Average estimated costs in United States dollars per year ^a									
		2022		2023		2024		2025		2022–2025 annual average	
Work area	Cost description	Operational	Other	Operational	Other	Operational	Other	Operational	Other	Operational	Other
	Training of staff ^d (training activities to enhance staff skills)	4 000	—	4 000	—	4 000	—	4 000	—	4 000	—
	Subtotal	108 000	—	108 000	—	108 000	—	108 000	—	108 000	—
	Total	1 495 300	82 000	1 535 300	82 000	1 505 300	82 200	1 588 900	82 000	1 531 200	82 000
	Programme support costs (13%)	194 389	10 660	199 589	10 660	195 689	10 660	206 557	10 660	199 056	10 660
	Grand total	1 689 689	92 660	1 734 889	92 660	1 700 989	92 660	1 795 457	92 660	1 730 256	92 660

Abbreviations: FTE, full-time equivalent.

^a The estimated costs shown here are limited to those intended to be covered by voluntary contributions made under the Convention's scheme of financial arrangements, either through its trust fund or in kind. They do not include costs that are expected to be covered by the United Nations regular budget or other sources. Figures are rounded up. They may change in accordance with the United Nations administrative regulations.

^b Experts involved in the work of the task forces on access to information, public participation in decision-making and access to justice will be invited to provide substantive support to the activities through commenting documents and participating in training sessions, workshops, pilot projects, etc. Meetings of the Task Force will provide a forum to discuss key outcomes of the activities and identify good practices and challenges in implementation.

^c Professional staff costs are estimated by multiplying expected staff time in each activity area by the projected annual salary costs of staff hired at the level indicated. Staff costs are considered to be operational as they are essential for ensuring effective and balanced implementation of all work areas. In addition, the necessary funds for staff contracts must be secured at least one year in advance. This P-2 staff member is required in order to provide the necessary support to preparations for the sessions of the Meetings of the Parties to the Convention and to the Protocol, in particular, the joint High-level Segment, communication activities and participation process. The staff costs would be split between the Convention and its Protocol (50% for the Aarhus Convention and 50% for the Protocol).

^d Operational costs for staff missions refer to the cost of travel for secretariat staff members to service, for example, task force meetings that are not held in Geneva and workshops/events related to this work area.

^e The secretariat may be required to conduct official missions in relation to the work of the compliance mechanism. Such costs are therefore considered to be operational.

^f This category of activities encompasses activities that build capacity in areas that relate to the Convention as a whole. Capacity-building activities relating to a specific topic under the Convention (for example, electronic information tools, access to justice) are covered under those activity areas. In order to increase the effectiveness of capacity-building and synergies, the secretariat is carrying out such activities in collaboration with all key capacity-building actors in the region. Furthermore, the secretariat services a region-wide capacity-building coordination mechanism aimed at ensuring that the projects implemented by partner organizations match the requirements of decisions by the Meeting of the Parties. Most travel and consultancy costs are normally covered by other sources: either by partner organizations or specific donor contributions. These synergies also lead to a considerable reduction of the financial burden as Parties to the Convention are required to contribute a small amount in relation to the final impact of activities.

^g Awareness-raising will include promotional work in the region and beyond. Such work serves as the Parties' "ambassador". The secretariat and Aarhus experts are regularly invited to international meetings and processes across the world to share their experiences and expertise. Where possible, the promotion of the Convention is carried out through the use of electronic tools. The

secretariat is making every possible effort to ensure that these activities have the minimum financial implications possible. In addition, in line with past practice, it is anticipated that some publications will be funded from the United Nations regular budget.

^h Including provision of legal advice and general tasks. Professional staff costs are estimated by multiplying expected staff time in each activity area by the projected annual salary costs of staff hired at the level indicated. Staff costs are considered to be operational as they are essential for ensuring effective and balanced implementation of all work areas. In addition, the necessary funds for staff contracts must be secured at least one year in advance.

ⁱ Costs for travel and DSA for eligible participants are reported under work area X.

^j As of 1 February 2016, the funding of one administrative staff member through the 13 per cent programme support costs, levied from the trust funds of the ECE Environment Division, was discontinued. This staff member is required in order to provide the necessary administrative support to activities under the Aarhus Convention and its Protocol, including administrative arrangements for the meetings of the governing and subsidiary bodies of the two treaties. The staff costs would be split between the Convention and its Protocol (70 per cent for the Aarhus Convention and 30 per cent for the Protocol).

^k Technical equipment and other operational support costs (for example, financial administration) were normally provided by the United Nations also to extrabudgetary staff. However, this practice has been discontinued; the related expenditures are included in the operational costs of the work programme.

^l All United Nations staff are expected to develop their skills and attend training. Continuous training and development of new skills is essential in order for the staff to maintain a high level of professionalism and to adapt to new competency requirements. As a result, training of staff is considered to be operational costs.

Annex III

Example of the possible distribution of different meetings under the Convention for the period 2022–2025

Type of meeting	2022	2023	2024	2025
Task Force Access to Information (AI)	—	x	x	—
Task Force on Public Participation in Decision-making (PP)	x	—	x	—
Task Force on Access to Justice (AJ)	x	x	—	x
GMO Round Table (GMO)	—	x	—	—
Thematic sessions at the Working Group of the Parties	AI	PP	AJ	GMO
Meeting of the Parties	—	—	—	x

Note: The substantive preparation of the thematic sessions of the Working Group of the Parties is based on the outcomes of the work of a specific Task Force and other activities in the relevant work areas.

Decision VII/6 Financial arrangements under the Convention

The Meeting of the Parties,

Recalling article 10, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which states that the Meeting of the Parties to the Convention may, as necessary, consider establishing financial arrangements on a consensus basis,

Recalling also its decisions I/13,⁴³ II/6,⁴⁴ III/7,⁴⁵ IV/7,⁴⁶ V/7⁴⁷ and VI/6,⁴⁸ through which an interim voluntary scheme of contributions, open to contributions from Parties, Signatories and other States having opted to participate therein, has been established and maintained,

Having considered the outcomes of the assessment of the current interim scheme of contributions (ECE/MP.PP/WG.1/2013/9), and recalling discussions and decisions at each of the previous sessions of the Meeting of the Parties on financial arrangements under the Convention about the need to establish financial arrangements based on the goals of stability, predictability and an equitable sharing of the burden,

Recognizing the need to:

(a) Ensure that sufficient resources are available to implement the Convention's work programme for 2022–2025, adopted through decision VII/5,

(b) Ensure a scheme of financial contributions that is transparent and accessible to all Parties, Signatories and other States and organizations wishing to contribute,

⁴³ See ECE/MP.PP/2/Add.14.

⁴⁴ See ECE/MP.PP/2005/2/Add.10.

⁴⁵ See ECE/MP.PP/2008/2/Add.15.

⁴⁶ See ECE/MP.PP/2011/2/Add.1.

⁴⁷ See ECE/MP.PP/2014/2/Add.1.

⁴⁸ See ECE/MP.PP/2017/2/Add.1.

(c) Establish financial arrangements under the Convention based on the principles of an equitable sharing of the burden, stable and predictable sources of funding, accountability and sound financial management,

Expressing its serious concern that the financial burden has not been evenly distributed during the current intersessional period, with several Parties and Signatories not contributing at all,⁴⁹

Believing that alternative options to the financial arrangements in place under the Convention should be considered by the Meeting of the Parties at its next session to ensure that the arrangements meet the goals of stability, predictability and an equitable sharing of the burden,

1. *Agrees* to continue to use the existing interim scheme of contributions as reflected in decision VI/6 of the Meeting of the Parties to the Convention (ECE/MP.PP/2017/2/Add.1) aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

(a) The Parties should collectively ensure that the costs of the activities of the work programme that are not covered by the United Nations regular budget are covered through the financial scheme;

(b) No Party or signatory is expected to contribute less than 1,000 United States dollars for the Convention's work programme in its contribution for a given calendar year;

(c) Contributions shall be made in cash and shall not be earmarked for a particular activity;

(d) Additional contributions may be made in cash or in kind and may be earmarked for a particular activity;

(e) Contributions in cash shall be made through the United Nations Economic Commission for Europe Trust Fund for Local Technical Cooperation (Aarhus Convention project);

(f) If allowed by the domestic budgetary procedures of the Parties, contributions for a given calendar year should be made by 1 October of the preceding year, or where this is not an option, it is recommended that contributions be made in the first six months of the calendar year, so as to secure payment of staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the respective programme of work;

(g) To keep administrative costs related to fund management to a minimum, insofar as possible and subject to the internal budgetary procedures of the Parties, contributions should preferably be paid net, with possible charges at the expense of donors, concentrated as much as possible within the intersessional period, by, for example, making multiannual or annual contributions continuously (for every calendar year) and by merging contributions for the Aarhus Convention and the Protocol into one transfer, if appropriate;

(h) Parties pledge, where possible, prior to the adoption of a work programme by the Meeting of the Parties, their expected annual or multi-annual financial and in-kind contributions. Signatories, other interested States and organizations may also wish to indicate their expected contributions;

2. *Requests* Parties to contribute each year or to make multi-annual contributions towards the costs of activities under the work programme, in accordance with the scheme referred to in paragraph 1 above;

3. *Invites* Signatories, other interested States and public entities, as well as the private sector, in accordance with the 2015 Guidelines on a Principle-based Approach to the

⁴⁹ This paragraph is to be verified closer to the adoption of the decision.

Cooperation between the United Nations and the Business Sector,⁵⁰ to contribute, in cash or in kind, towards covering the costs of the work programme;

4. *Calls upon* countries with economies in transition to finance, to the extent possible, their own participation in the activities;

5. *Calls upon* international organizations working in countries with economies in transition to support the participation of representatives of these countries and non-governmental organizations in the meetings and other activities;

6. *Encourages* Parties that have historically contributed generously to maintain, or return to, their previous levels of contribution;

7. *Requests* all Parties to ensure the equitable distribution of the financial responsibility for implementation of the work programme, and requests the Bureau to liaise with Parties where appropriate concerning the achievement of this goal;

8. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to allocate in the Convention trust fund, by 1 October of each year, the sum required for the extension of the contracts of extrabudgetary staff of the secretariat for the upcoming year, as a priority, and also costs needed for implementation of activities in the first quarter of the upcoming year;

9. *Also requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports specifically indicating contributions, and reflecting any changes to:

(a) The estimated costs of activities for the next calendar year;

(b) The composition of the Parties, for review by the Working Group of the Parties, in order to strive to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

10. *Requests* the Bureau, with the assistance of the secretariat, to provide an estimation of the operational costs needed for the effective functioning of the Convention, which should be clearly distinct from the cost of other activities which are subject to the availability of resources;

11. *Requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required in the content or time frame of the work programme, in the event that the level of actual and/or pledged contributions does not match the level of funding needed;

12. *Requests* the secretariat to prepare a comprehensive report on financial matters for each session of the Meeting of the Parties, including information on how much Parties and other participating States and organizations have contributed to the budget of the Convention in cash and in kind, and how the contributions were spent;

13. *Agrees* to review the operation of the scheme of financial arrangements at its eighth session;

14. *Mandates* the Bureau and the Working Group of the Parties to explore, in the next intersessional period, options for more predictable, stable and equitably shared funding, and requests them to make the appropriate proposals for consideration by the Meeting of the Parties at its eighth session;

15. *Requests* the United Nations Economic Commission for Europe to allocate more resources to support the work under the Convention, noting in this connection the positive evaluation of the Environment subprogramme during the 2013 review of the 2005 reform of the Commission,⁵¹ and considering, inter alia, the balance in the use of regular budgetary resources in the different subprogrammes.

⁵⁰ United Nations, Global Compact, report, 2015 (revised). Available at www.unglobalcompact.org/library/3431.

⁵¹ *Official Records of the Economic and Social Council, 2013, Supplement No. 17 (E/2013/37-E/ECE/1464, annex III, paras. 7 and 8).*

Decision VII/7

Reporting requirements

The Meeting of the Parties,

Recalling its decisions I/8,⁵² II/10,⁵³ III/5,⁵⁴ IV/4,⁵⁵ V/8⁵⁶ and VI/7⁵⁷ on reporting requirements,

Recalling also the mandate of the Compliance Committee set out in paragraph 13 (c) of the annex to decision I/7⁵⁸ on the review of compliance,

Having considered the reports submitted by Parties and the synthesis report⁵⁹ prepared by the secretariat pursuant to paragraphs 1 to 5 of decision I/8,

Having also considered the reports of the Compliance Committee⁶⁰ and its supplementary reports,⁶¹

Acknowledging the usefulness of national implementation reports, as valuable input to the work of task forces, capacity-building activities, environmental performance reviews and other review programmes,

Considering that the reporting procedure as set out in decisions I/8, II/10 and IV/4, including the revised reporting format as set out in the annex to decision IV/4, the procedure regarding translation of the reports as set out in paragraphs 14 to 16 of decision IV/4 and the decision to discontinue submission of hard copies of the reports to the secretariat, as set out in paragraph 11 of decision VI/7, should continue to apply for the next reporting cycle,

1. *Notes with appreciation* the implementation reports submitted by more than half of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters pursuant to paragraphs 1 to 4 of decision I/8;

2. *Welcomes* the synthesis report prepared by the secretariat pursuant to paragraph 5 of decision I/8;

3. *Also welcomes* the reports submitted by stakeholders⁶² pursuant to paragraph 7 of decision I/8;

4. *Considers* that these reports provide a valuable overview of the status of implementation of the Convention, as well as help to identify significant trends in and challenges to implementation, which will help to guide future activities;

Timely submission of reports

5. *Notes with concern* that fourteen Parties that submitted reports did not do so within the deadline indicated in decision II/10;

6. *Reiterates its encouragement* of Parties to start the preparation of national implementation reports in future reporting cycles sufficiently in advance of, and at the latest nine months before, the deadline for submission of the reports to the secretariat set out in decision II/10, with a view to ensuring meaningful public consultation on the reports at the national level;

⁵² ECE/MP.PP/2/Add.9.

⁵³ ECE/MP.PP/2005/2/Add.14.

⁵⁴ ECE/MP.PP/2008/2/Add.7.

⁵⁵ ECE/MP.PP/2011/2/Add.1.

⁵⁶ ECE/MP.PP/2014/2/Add.1.

⁵⁷ ECE/MP.PP/2017/2/Add.1.

⁵⁸ ECE/MP.PP/2/Add.8.

⁵⁹ ECE/MP.PP/2021/6.

⁶⁰ ECE/MP.PP/2021/44 and ECE/MP.PP/2021/45.

⁶¹ ECE/MP.PP/2021/46 to ECE/MP.PP/2021/60.

⁶² Available from <https://unece.org/2021-reports-international-regional-and-non-governmental-organizations>

Failure to submit reports

7. *Notes with regret* that Azerbaijan, Malta, Netherlands, Republic of Moldova, and Tajikistan, all of which were Parties to the Convention at the time of the deadline for submission of the implementation reports, failed to submit reports for the current reporting cycle;

8. *Calls upon* each of those Parties to submit its national implementation report to the secretariat by 1 December 2021, for subsequent consideration, inter alia, by the Compliance Committee;

Public consultation

9. *Welcomes* the fact that all Parties that submitted reports prepared their reports through a process involving consultations with various governmental agencies as well as civil society;

10. *Encourages* Parties to ensure transparency and public consultation during the process of the preparation and submission of the reports;

Preparation of reports for the next session of the Meeting of the Parties

11. *Requests* the secretariat to circulate to all Parties and relevant stakeholders a formal reminder of the reporting requirements, including guidance on the preparation of the reports, as well as the proposed timing and confirmation of the date for the submission of the reports to the secretariat in accordance with decision II/10, paragraph 9, at least one year in advance of the next session of the Meeting of the Parties.

**Decision VII/8
General issues of compliance**

The Meeting of the Parties,

Having regard to its decision I/7 on the review of compliance, and in particular to paragraph 37 of the annex thereto,⁶³

Having regard also to decision VI/8 on general issues of compliance, decisions VI/8a, VI/8b, VI/8c, VI/8d, VI/8e, VI/8g, VI/8h, VI/8i, VI/8j and VI/8k⁶⁴ and requests ACCC/M/2017/2⁶⁵ and ACCC/M/2017/3⁶⁶ on compliance by individual Parties with their obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Noting with appreciation the reports by the Committee to the seventh session of the Meeting of the Parties and taking note of the Committee's reports on its meetings during the intersessional period,

Noting with appreciation also the findings and recommendations adopted by the Committee during the intersessional period,

Recalling decisions VII/8a, VII/8b, VII/8c, VII/8d, VII/8e, VII/8f, VII/8g, VII/8h, VII/8i, VII/8j, VII/8k, VII/8l, VII/8m, VII/8n, VII/8o, VII/8p, VII/8q, VII/8r and VII/8s, concerning compliance by, respectively, Armenia, Austria, Belarus, Bulgaria, Czechia, the European Union, Germany, Hungary, Ireland, Italy, Kazakhstan, Lithuania, the Netherlands, the Republic of Moldova, Romania, Spain, Turkmenistan, Ukraine and the United Kingdom of Great Britain and Northern Ireland, adopted in parallel with this decision,

⁶³ ECE/MP.PP/2/Add.8.

⁶⁴ ECE/MP.PP/2017/2/Add.1.

⁶⁵ Decision VI/8 on general issues of compliance, ECE/MP.PP/2017/2/Add.1, para. 19.

⁶⁶ ECE/MP.PP/2017/2, para. 63.

1. *Welcomes* the reports of the Aarhus Convention Compliance Committee to the Meeting of the Parties at its seventh session on procedural matters and general issues of compliance;⁶⁷

2. *Also welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2017–2021 within the framework of decision I/7, as reflected in the second edition of the *Guide to the Aarhus Convention Compliance Committee*⁶⁸ and the reports of its meetings;

3. *Encourages* those Parties found to be in non-compliance in the coming intersessional period to agree to the Committee making its recommendations to them directly, in accordance with paragraph 36 (b) of the annex to decision I/7, in order to bring their legislation and practice into compliance with the Convention as soon as possible once specific issues of compliance have been identified, with a view to bringing about full compliance with the relevant provisions in the intersessional period, where possible;

4. *Urges* all Parties found to be in non-compliance to take measures as early as possible in the coming intersessional period to implement the recommendations made to them, with a view to having the non-compliance fully addressed in due time before the eighth session of the Meeting of the Parties;

5. *Requests* each Party to cooperate in a constructive manner with the Committee in connection with any review of its compliance;

6. *Appreciates* that recommendations, advice and expert assistance from the Committee to the Parties concerned in the intersessional period represent an effective means to facilitate Parties' compliance;

Findings and recommendations on compliance in the period 2017–2021 and cooperation by the Parties

7. *Welcomes* the constructive approach towards, and cooperation with, the Committee demonstrated by Armenia, Belarus, Belgium, Bulgaria, Czechia, the European Union, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, the Republic of Moldova, Spain, Slovakia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, whose compliance was the subject of review in the intersessional period 2017–2021;

8. *Also welcomes* the consideration and evaluation by the Committee with respect to the specific cases of alleged non-compliance set out in the findings and recommendations adopted by the Committee during the intersessional period;⁶⁹

9. *Endorses* the main findings with regard to compliance contained in the findings and recommendations adopted by the Committee during the intersessional period, as referred to in the footnote to paragraph 8 above;

10. *Notes* the Committee's conclusions in its findings on communication ACCC/C/2016/138⁷⁰ that Armenia had not failed to comply with the provisions of the Convention in that case; in its findings on communication ACCC/C/2013/106⁷¹ that Czechia

⁶⁷ ECE/MP.PP/2021/44 and ECE/MP.PP/2021/45.

⁶⁸ United Nations Economic Commission for Europe (Geneva, 2019).

⁶⁹ ECE/MP.PP/C.1/2019/3 (Netherlands), ECE/MP.PP/C.1/2019/6 (United Kingdom), ECE/MP.PP/C.1/2019/9 (Ireland), ECE/MP.PP/C.1/2020/3 (Czechia), ECE/MP.PP/C.1/2020/8 (European Union), ECE/MP.PP/C.1/2020/9 (France), ECE/MP.PP/C.1/2021/3 (European Union), ECE/MP.PP/C.1/2021/7 (Spain), ECE/MP.PP/C.1/2021/8 (Ireland), ECE/MP.PP/C.1/2021/13 (Belarus), ECE/MP.PP/C.1/2021/14 (United Kingdom), ECE/MP.PP/C.1/2021/15 (Lithuania), ECE/MP.PP/C.1/2021/16 (Hungary), ECE/MP.PP/C.1/2021/17 (Ireland), ECE/MP.PP/C.1/2021/18 (Ukraine), ECE/MP.PP/C.1/2021/19 (Slovakia), ECE/MP.PP/C.1/2021/20 (Netherlands), ECE/MP.PP/C.1/2021/21 (European Union), ECE/MP.PP/C.1/2021/22 (Italy), ECE/MP.PP/C.1/2021/23 (United Kingdom), ECE/MP.PP/C.1/2021/24 (Belgium), ECE/MP.PP/C.1/2021/25 (Germany), ECE/MP.PP/C.1/2021/26 (Armenia), ECE/MP.PP/C.1/2021/27 (United Kingdom), ECE/MP.PP/C.1/2021/28 (Czechia) ECE/MP.PP/C.1/2021/29 (Bulgaria) and ECE/MP.PP/C.1/2021/30 (Republic of Moldova).

⁷⁰ ECE/MP.PP/C.1/2021/26.

⁷¹ ECE/MP.PP/C.1/2020/3.

had not failed to comply with the provisions of the Convention in that case; in its findings on communication ACCC/C/2015/135⁷² that France had not failed to comply with the provisions of the Convention in that case; in its findings on communication ACCC/C/2014/120⁷³ that Slovakia had not failed to comply with the provisions of the Convention in that case; and in its findings on communication ACCC/C/2014/100⁷⁴ that the United Kingdom of Great Britain and Northern Ireland had not failed to comply with the provisions of the Convention in that case;

11. *Also notes* the conclusions of the Committee in its findings on communication ACCC/C/2015/134⁷⁵ that Belgium had failed to comply with articles 4 (2) and (7) and 9 (1) and (4) of the Convention but, taking into consideration that no evidence had been put before it to demonstrate that the non-compliance found was of a wide or systemic nature, the Committee refrained from making any recommendations in that case;

12. *Further notes* the conclusions of the Committee in its findings on communication ACCC/C/2014/122⁷⁶ that Spain had failed to comply with article 6 (10) of the Convention but, bearing in mind the circumstances outlined in paragraph 100 of those findings, the Committee refrained from making recommendations;

13. *Welcomes* the agreement by most of the Parties found not to be in compliance to the Committee making recommendations to them directly in accordance with paragraph 36 (b) of the annex to decision I/7;

14. *Also welcomes* the constructive efforts made by Ireland and the Netherlands in the intersessional period to address the recommendations made by the Committee in accordance with paragraph 36 (b) of the annex to decision I/7 in its findings on communications ACCC/C/2013/107 (Ireland),⁷⁷ ACCC/C/2016/141 (Ireland)⁷⁸ and ACCC/C/2014/104 (Netherlands);⁷⁹

Recommendations on requests for advice or assistance

15. *Further welcomes* the proactive approach by Kazakhstan with regard to its request ACCC/A/2020/2 for advice and assistance, in accordance with paragraphs 14, 36 (a) and 37 (a) of the annex to decision I/7, and welcomes the recommendations by the Committee with regard to that request;⁸⁰

Implementation of decisions and requests on compliance by individual Parties

16. *Endorses* the main findings with regard to compliance contained in the report of the Committee on the implementation of decision VI/8i concerning the compliance of Slovakia,⁸¹ and welcomes the committed action by the Party concerned to fully address the recommendations made by the Meeting of the Parties and to bring its legislation and practice into compliance with the Convention;

17. *Welcomes* the constructive efforts made by Austria, Belarus, Kazakhstan, Romania, Spain and the United Kingdom of Great Britain and Northern Ireland to address the recommendations made by the Meeting of the Parties through decisions VI/8b, VI/8c, VI/8g, VI/8h, VI/8j and VI/8k, respectively, to bring their legislation and practice into compliance with the Convention, while recognizing that further work is needed by these Parties to fully address the outstanding points of non-compliance;

18. *Also welcomes* the constructive efforts made by the European Union to address the non-compliance that was the subject of request ACCC/M/2017/3, while recognizing that

⁷² ECE/MP.PP/C.1/2020/9.

⁷³ ECE/MP.PP/C.1/2021/19.

⁷⁴ ECE/MP.PP/C.1/2019/6.

⁷⁵ ECE/MP.PP/C.1/2021/24.

⁷⁶ ECE/MP.PP/C.1/2021/7.

⁷⁷ ECE/MP.PP/C.1/2019/9.

⁷⁸ ECE/MP.PP/C.1/2021/8.

⁷⁹ ECE/MP.PP/C.1/2019/3.

⁸⁰ ECE/MP.PP/C.1/2021/6.

⁸¹ ECE/MP.PP/2021/56.

further work is needed by the Party concerned to fully address the outstanding points of non-compliance with regard to paragraph 3 of decision V/9g;

19. *Appreciates* the engagement with the Committee by Armenia, Czechia and Turkmenistan during the intersessional period, but expresses concern at the lack of concrete action by these Parties to address the recommendations made by the Meeting of the Parties through decisions VI/8a and VI/8e, and the non-compliance that was the subject of request ACCC/M/2017/2, respectively;

20. *Also appreciates* the engagement with the Committee by Bulgaria during the intersessional period, but expresses its deep concern that the Party concerned continues to maintain the position that implementing the recommendations in paragraph 3 (a) and (b) of decision VI/8d is not required for its full compliance with article 9 (2) and (3) of the Convention, and recalls that it had already expressed its concern at the position of Bulgaria on this matter in paragraph 17 of decision VI/8;

21. *Notes with concern* that, notwithstanding the constructive cooperation of Belarus with the Committee, there have been recent reports of actions by state authorities in Belarus against environmental organizations in that country that, on the face of it, would appear to represent violations of article 3 (8) of the Convention and therefore requests the Committee, when evaluating the implementation by the Party concerned of the recommendations in paragraph 3 of decision VII/8c, to take into account any information submitted to it about incidents of alleged penalization, persecution or harassment contrary to article 3 (8) of the Convention;

22. *Requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, to make recommendations to the Parties concerned to support the implementation of decisions VII/8a–s concerning their compliance;

23. *Undertakes* to review the implementation of decisions VII/8a–s at its eighth ordinary session and, with this in mind, requests the Committee to examine these matters in advance of that meeting and to submit reports on the implementation of those decisions for consideration at its eighth session;

Resources

24. *Invites* all Parties and other interested States and organizations in a position to do so to provide countries with economies in transition with financial and/or technical assistance aimed at improving implementation of, and compliance with, the Convention;

25. *Further invites* all Parties and other interested States and organizations in a position to do so to provide environmental non-governmental organizations with relevant expertise with financial support to enable them to support members of the public in making effective use of the compliance mechanism;

26. *Notes* that the workload of both the secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the intersessional period 2017–2021 and is expected to increase further, and requests the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient human and financial resources are made available for this purpose;

27. *Requests* the secretariat to continue to produce the agendas, reports, findings and other documents prepared by the Compliance Committee as official documents and to make them available in time for consideration at the relevant meetings in the three official languages of the United Nations Economic Commission for Europe, without recourse to additional extrabudgetary resources.

Decision VII/8a

Compliance by Armenia with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,⁸²

Mindful of the conclusions and recommendations set out in its decision VI/8a with regard to compliance by Armenia,⁸³

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8a concerning compliance by Armenia with its obligations under the Convention,⁸⁴

Encouraged by the willingness of Armenia to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that the Party concerned has not yet fulfilled the requirements of paragraph 3 (a), (b), (c) and (d) of decision VI/8a;

2. *Reaffirms* decision VI/8a, and requests the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:

(a) Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;

(b) Reasonable time frames that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation;

(c) Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9 (2) of the Convention with regard to standing;

(d) It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention;

3. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Justice, to work together to ensure the successful fulfilment of the above recommendations, in particular those contained in subparagraph (c);

4. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraph 2 (a), (b), (c) and (d) above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

⁸² ECE/MP.PP/2/Add.8.

⁸³ ECE/MP.PP/2017/2/Add.1.

⁸⁴ ECE/MP.PP/2021/46.

5. *Decides* to issue a caution to the Party concerned, to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out in paragraph 2 (a), (b) and (c) above and has notified the secretariat of this fact by 1 October 2023;
6. *Requests* the Committee to establish the successful fulfilment of paragraph 2 (a), (b) and (c) above for the purposes of paragraph 5 above;
7. *Undertakes* to review the situation at its eighth session.

Decision VII/8b

Compliance by Austria with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,⁸⁵

Mindful of the conclusions and recommendations set out in its decision VI/8b with regard to compliance by Austria,⁸⁶

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8b concerning compliance by Austria with its obligations under the Convention,⁸⁷

Encouraged by the willingness of Austria to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:
 - (a) While welcoming the progress made, the Party concerned has not yet demonstrated that it has fully met the requirements of paragraph 3 (a) of decision VI/8b with respect to standing for environmental non-governmental organizations under article 9 (3) at the federal level;
 - (b) While welcoming the significant progress made, the Party concerned has not yet demonstrated that it has fully met the requirements of paragraph 3 (a) of decision VI/8b with respect to standing for environmental non-governmental organizations under article 9 (3) at the provincial level;
 - (c) The Party concerned has not yet met the requirements of paragraph 3 (b) of decision VI/8b;
 - (d) The Party concerned has not yet fulfilled the requirements of paragraph 3 (c) of decision VI/8b and expresses serious concern that the Party concerned appears to consider that it need not do so;
 - (e) While welcoming the actions undertaken to date, the Party concerned has not yet fulfilled the requirements of paragraph 3 (d) of decision VI/8b;

2. *Reaffirms* its decision VI/8b and requests that the Party concerned:

- (a) As a matter of urgency, take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that criteria for non-governmental organizations to have standing to challenge acts or omissions by private persons or public authorities that contravene national law relating to the environment under article 9 (3) of the Convention are revised and specifically laid down in sectoral environmental laws, in addition to any existing criteria for non-governmental organization

⁸⁵ ECE/MP.PP/2/Add.8.

⁸⁶ ECE/MP.PP/2017/2/Add.1.

⁸⁷ ECE/MP.PP/2021/47.

standing in its laws on environmental impact assessment, integrated pollution prevention and control, waste management or environmental liability;

(b) Ensure that, when addressing subparagraph (a) above, members of the public, including non-governmental organizations, have access to adequate and effective administrative or judicial procedures and remedies in order to challenge acts and omissions of private persons and public authorities that contravene national law, including administrative penal laws and criminal laws, relating to the environment;

(c) As a matter of urgency, arrange for a review of the relevant body of national law (at both the federal and the provincial levels) to identify the outstanding areas of law “relating to the environment” that require adaptation in order to comply with the requirements of paragraph 3 (a) and (b) of decision VI/8b and provide the review to the Committee as soon as possible and by no later than 1 July 2022;

(d) Develop a capacity-building programme and provide training on the implementation of the Convention for judges, prosecutors and lawyers;

(e) Provide the Committee, as soon as possible and by no later than 1 July 2022, with a plan of action, including a time schedule, on how it will implement subparagraphs (a), (b) and (d) of the present paragraph;

(f) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(g) Provide such additional information as the Committee may request in between the above reporting dates in order to assist the Committee to review the progress by the Party concerned in implementing the above recommendations;

(h) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

3. *Undertakes* to review the situation at its eighth session.

Decision VII/8c Compliance by Belarus with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,⁸⁸

Mindful of the conclusions and recommendations set out in its decision VI/8c with regard to compliance by Belarus,⁸⁹

Taking note of the reports of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8c concerning compliance by Belarus with its obligations under the Convention,⁹⁰ and the findings of the Committee on submission ACCC/S/2015/2 submitted by Lithuania and concerning compliance by Belarus in connection with the participation of the public in Lithuania in decision-making on Ostrovets nuclear power plant,⁹¹

Encouraged by the willingness of Belarus to discuss in a constructive manner with the Committee the compliance issues in question,

⁸⁸ ECE/MP.PP/2/Add.8.

⁸⁹ ECE/MP.PP/2017/2/Add.1.

⁹⁰ ECE/MP.PP/2021/48 and ECE/MP.PP/2021/61.

⁹¹ ECE/MP.PP/C.1/2021/13.

1. *Endorses* the findings of the Committee with respect to decision VI/8c that:
 - (a) While welcoming the efforts made in that direction, the Party concerned has not yet met the requirements of paragraph 3 of decision VI/8c;
 - (b) The Party concerned has not yet met the requirements of paragraph 6 of decision VI/8c, and expresses its grave concern that the situation for persons exercising their rights in conformity with the Convention in the Party concerned is, in fact, rapidly deteriorating;
2. *Reaffirms* its decision VI/8c and requests that the Party concerned take, as a matter of urgency, the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:
 - (a) There are clear requirements to inform the public of its opportunities to participate in decision-making processes on activities subject to article 6 and in particular:
 - (i) With respect to environmental impact assessment reports, to inform the public in an effective manner;
 - (ii) With respect to other information relevant to decisions on activities subject to article 6, including project documentation, to inform the public in an adequate, timely and effective manner;
 - (b) The content of the public notice required under article 6 (2) of the Convention includes, inter alia, the following:
 - (i) The public authority responsible for making the decision to permit the proposed activity subject to article 6;
 - (ii) The public authority from which relevant information other than the environmental impact assessment report can be obtained and where the relevant information other than the environmental impact assessment report has been deposited for examination by the public;
 - (iii) Whether the activity is subject to a transboundary environmental impact assessment procedure;
 - (c) The rights set out in article 6 of the Convention apply not only to the environmental impact assessment report but to all information relevant to decisions permitting activities subject to article 6, including project documentation, and that, with respect to public participation on such information:
 - (i) There are reasonable minimum time frames for submitting comments during the public participation procedure for all decisions under article 6 of the Convention, taking into account the stage of decision-making, as well as the nature, size and complexity of proposed activities;
 - (ii) There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e. the authorities competent to take the decisions subject to article 6 of the Convention);
 - (iii) There are clear provisions imposing obligations on the relevant public authorities to ensure such opportunities for public participation as are required under the Convention, including for making available the relevant information and for collecting comments through written submission and/or at public hearings;
 - (iv) The full content of all comments made by the public (whether claimed to be accommodated by the developer or those which are not accepted) is submitted to the authorities responsible for taking the decision (including those responsible for the *expertiza* conclusion);
 - (v) There are clear provisions imposing obligations on the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in a publicly available statement of reasons and considerations on which the decisions is based;

(d) Statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6 (1) (c) of the Convention;

(e) The amended legal framework clearly designates which decision is considered to be the final decision permitting the activity and that this decision is promptly made public, as required under article 6 (9) of the Convention;

3. *Requests* the Party concerned, as a matter of urgency, to:

(a) Take the necessary legislative, regulatory, administrative, institutional, practical or other measures to ensure that members of the public exercising their rights in conformity with the provisions of the Convention are not penalized, persecuted or harassed for their involvement;

(b) Disseminate the Committee's findings and recommendations on communication ACCC/C/2014/102⁹² to senior officials in the police, security forces, judiciary and to other relevant authorities, for their information and action, together with a request for them to disseminate the findings to all relevant officials in order to raise awareness of their obligation to ensure compliance with article 3 (8) of the Convention;

(c) Deliver appropriate training and information programmes on human rights law relevant to article 3 (8) of the Convention, for police, security forces and the judiciary to ensure that members of the police and security forces do not exercise their powers in a manner, and identity checks and arrests for alleged public order violations are not utilized in a way, that would restrict members of the public from legitimately exercising their rights to participate in decision-making as recognized in article 1 of the Convention;

4. *Requests* the Committee, when evaluating the implementation by the Party concerned of the recommendations in paragraph 3 above, to take into account any information received from members of the public or other sources about future incidents of alleged penalization, persecution or harassment contrary to article 3 (8) of the Convention, together with any information provided by the Party concerned regarding those alleged incidents;

5. *Endorses* the findings of the Committee with respect to paragraph 7 of decision VI/8c that the liquidation of Ecohome on 31 August 2021 constitutes a further incident of persecution, penalization and harassment under article 3 (8) of the Convention by the Party concerned and that in this regard, the silencing by the Party concerned of a communicant actively engaged in the Committee's follow-up procedure is a particularly flagrant case of non-compliance with article 3 (8);

6. *Invites* any person who has previously acted on behalf of Ecohome in the Committee's procedure to continue to engage with the Committee in the place of Ecohome in the follow-up procedure on decision VII/8c, and any decision that supersedes it;

7. *Decides*, in the light of the finding in paragraph 5 above, given the gravity of the Party concerned's actions and pursuant to paragraph 37 (g) of the annex to decision I/7:⁹³

(a) To suspend, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, the special rights and privileges accorded to the Party concerned under the Convention;⁹⁴

(b) That the suspension will become effective on 1 February 2022, unless the Party concerned has cancelled the liquidation of Ecohome and reinstated Ecohome's registration as a public association under the Act on Public Associations and has notified the secretariat of this fact, providing evidence, by 1 December 2021;

(c) To request the Committee to establish the fulfilment of paragraph 7 (b) above;

⁹² ECE/MP.PP/C.1/2017/19.

⁹³ ECE/MP.PP/2/Add.8.

⁹⁴ Ibid.

8. *Endorses* the findings of the Committee with respect to submission ACCC/S/2015/2 that:

(a) By failing to provide adequate and effective notice to the Lithuanian public concerning its opportunities to participate in the hearing in Ostrovets on 9 October 2009 and to send written comments during the decision-making on the 2010 State ecological *expertiza*, the Party concerned failed to comply with article 6 (2) (d) (ii) and (v) of the Convention;

(b) By failing to ensure that the means used to notify the Lithuanian public of the 2009 Ostrovets hearing were effective, either by carrying out the notification itself or by making the necessary efforts to ensure that Lithuania had done so effectively, the Party concerned failed to comply with article 6 (2) of the Convention;

(c) By failing to provide adequate and effective notice of the 2013 Ostrovets hearing in the Lithuanian-language media, the Party concerned failed to comply with article 6 (2) of the Convention;

(d) By providing the Lithuanian public with the possibility to examine the full environmental impact assessment report at an even later stage than that provided to the Belarusian public, which was itself too late to comply with the Convention, the Party concerned failed to comply with article 6 (6) with respect to the Lithuanian public also;

(e) By failing to demonstrate how due account was taken of the comments of the Lithuanian public in the decision-making on the 2013 State ecological *expertiza*, the Party concerned failed to comply with article 6 (8) of the Convention;

(f) By not making accessible to the Lithuanian public the text of the 2010 and 2013 State ecological *expertiza* conclusions, including the reasons and considerations on which they were based, the Party concerned failed to comply with article 6 (9) of the Convention;

(g) By providing less favourable treatment to the Lithuanian public regarding access to the information relevant to the decision-making on the 2010 State ecological *expertiza*, the Party concerned failed to comply with article 3 (9) of the Convention;

9. *Recommends* that the Party concerned take the necessary legislative, regulatory and administrative measures and establish practical arrangements in order to ensure that, in decision-making on proposed activities with potential transboundary impacts:

(a) Arrangements are made to initiate cooperation with the affected States at an early stage to ensure translation of the main consultation documents and interpretation at hearings so that the public concerned in those countries can effectively participate in the decision-making;

(b) Adequate and effective notification is provided to the public concerned in the affected States, in its national languages, including in widely published media in each State, regarding:

(i) Any decision-making procedure subject to article 6, including the stages and time frames of the decision-making and the types of decisions, reports and other documentation that will be prepared at each stage;

(ii) Its opportunities to participate in each stage of decision-making subject to article 6, in particular concerning the specific contact point to which comments can be submitted, the exact time schedule for transmittal of comments, and its opportunities to participate in any scheduled public hearing;

(c) The public concerned in the affected States is informed in a timely manner of the possibility to examine the complete draft environmental impact assessment report for a proposed activity subject to article 6;

(d) Due account is taken of comments submitted by the public in the affected States during a public participation procedure under article 6;

(e) The text of State ecological *expertiza* conclusions, including the reasons and considerations on which they are based, is promptly made accessible to the public concerned in the affected States, and instructions are given on where it can be accessed;

(f) Concerning subparagraphs (a)–(e) above, the public in the affected States receives no less favourable treatment than the public in the Party concerned;

10. *Requests* the Party concerned to:

(a) Submit an updated plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraphs 2, 3 and 9 above;

(b) Provide detailed progress reports to the Committee by 1 October 2022, 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the recommendations in paragraph 3 above;

(c) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the recommendations in paragraphs 2 and 9 above;

(d) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraphs 2, 3 and 9 above;

(e) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraphs 2, 3 and 9 above is to be considered;

11. *Undertakes* to review the situation at its eighth session.

Decision VII/8d Compliance by Bulgaria with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,⁹⁵

Mindful of the conclusions and recommendations set out in its decision VI/8d with regard to compliance by Bulgaria,⁹⁶

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8d concerning compliance by Bulgaria,⁹⁷ and the findings of the Committee on communication ACCC/C/2016/144 concerning public participation in decision-making and access to justice regarding the amendment of a General Spatial Plan,⁹⁸

Encouraged by the willingness of Bulgaria to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) The Party concerned has not yet met the requirements of paragraph 3 (a) or (b) of decision VI/8d, nor made any progress in that direction;

(b) While welcoming the steps made in that direction, the Party concerned has not yet met the requirements of paragraph 8 (a), (b) or (c) of decision VI/8d;

2. *Reaffirms decision* VI/8d, and requests the Party concerned, as a matter of urgency, to:

⁹⁵ ECE/MP.PP/2/Add.8.

⁹⁶ ECE/MP.PP/2017/2/Add.1.

⁹⁷ ECE/MP.PP/2021/49.

⁹⁸ ECE/MP.PP/C.1/2021/29.

(a) Take the necessary legislative, regulatory and administrative measures to ensure that:

(i) Members of the public, including environmental organizations, have access to justice with respect to General Spatial Plans and Detailed Spatial Plans;

(ii) Members of the public concerned, including environmental organizations, have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention;

(b) Review the approach of its courts to appeals, under article 60 (4) of the Administrative Procedure Code, of orders for preliminary enforcement challenged on the ground of potential environmental damage, and to undertake practical and/or legislative measures to ensure that:

(i) Instead of relying on the conclusions of the contested environmental impact assessment/strategic environmental assessment decision, the courts in such appeals make their own assessment of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;

(ii) The courts in their decisions on such appeals set out their reasoning to clearly show how they have balanced the interests, including the assessment they have undertaken of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;

(iii) Training and guidance is provided for judges and public officials in relation to how to carry out the above-mentioned balancing of interests in environmental cases, including on how to properly reflect that balancing in their reasoning;

3. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Economy and the Ministry of Justice, to work together to ensure the successful fulfilment of the above recommendations;

4. *Decides*, in the light of the ongoing position of the Party concerned that implementing paragraph 3 (a) and (b) of decision VI/8d is not required for its full compliance with article 9 (2) and (3) of the Convention:

(a) To maintain the caution issued to the Party concerned at its sixth session (Budva, Montenegro, 11–13 September 2017);⁹⁹

(b) That the caution will be lifted on 1 October 2023 if the Party concerned has fully met the requirements in paragraph 2 (a) (i) and (ii) of the present decision and has notified the secretariat of this fact, providing evidence, by the same date;

(c) To request the Committee to establish the successful fulfilment of subparagraph (b) above;

5. *Endorses* the findings of the Committee with respect to communication ACCC/C/2016/144 that:

(a) By not providing the public with adequate and effective remedies with respect to General Spatial Plans, and amendments thereto, adopted on the basis of unlawful strategic environmental assessment decisions, the Party concerned fails to comply with its obligations under article 9 (4) in conjunction with article 9 (3) of the Convention;

(b) By not ensuring that the public notice for the proposed General Spatial Plan amendment contained accurate information on “the proposed activity” and “the nature of the possible decision” or any of the other information required by article 6 (2) (a)–(e) except for

⁹⁹ Decision VI/8d, para. 5 (a).

the location, date and time of the hearing, the Party concerned failed to comply with article 7 in conjunction with article 6 (2) of the Convention;

(c) By not making the texts of the existing General Spatial Plan and the proposed General Spatial Plan amendment effectively available to the public, the Party concerned failed to comply with the requirement in article 7 to provide the necessary information to the public;

(d) By not ensuring a reasonable time frame between the public notice of the hearing on the proposed amendment to the Plovdiv General Spatial Plan and the hearing itself, the Party concerned failed to comply with article 7 in conjunction with article 6 (3) of the Convention;

(e) By:

(i) Failing to ensure that due account is taken of the outcome of public participation in decision-making on proposed General Spatial Plans and General Spatial Plan amendments;

(ii) Failing to demonstrate, in a transparent and traceable way, how due account was taken of the public participation in the decision-making on the proposed amendment to the Plovdiv General Spatial Plan,

the Party concerned has failed to comply with article 7 in conjunction with article 6 (8) of the Convention;

6. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:

(a) Adequate and effective remedies are provided for the public to challenge General Spatial Plans and General Spatial Plan amendments adopted on the basis of unlawful strategic environmental assessment decisions;

(b) Public notice to initiate public participation in decision-making on General Spatial Plans contains details related to the proposed activity and the nature of the subsequent decision, as well as all other relevant information required by article 6 (2) of the Convention;

(c) All necessary information, including, but not limited to, the text of the proposed General Spatial Plan, and, in the case of a General Spatial Plan amendment, the text of both the existing General Spatial Plan and the proposed amendment thereto, is provided to the public in due time before the hearing;

(d) In decision-making on proposed General Spatial Plans and General Spatial Plan amendments, a reasonable time frame between the publication of the public notice and the hearing is provided to the public;

(e) In decision-making on proposed General Spatial Plans and General Spatial Plan amendments, due account is required to be taken of the outcomes of the public participation in the decision, and that this is documented in a transparent and traceable way;

7. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraphs 2 and 6 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraphs 2 and 6 above;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraphs 2 and 6 above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraphs 2 and 6 above is to be considered;

8. *Undertakes* to review the situation at its eighth session.

Decision VII/8e

Compliance by Czechia with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹⁰⁰

Mindful of the conclusions and recommendations set out in its decision VI/8e with regard to compliance by Czechia,¹⁰¹

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8e concerning compliance by Czechia,¹⁰² and the findings of the Committee on communication ACCC/C/2016/143 concerning public participation in decision-making and access to justice regarding the extension of the lifetime of Dukovany nuclear power plant,¹⁰³

Encouraged by the willingness of Czechia to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that the Party concerned has not yet met the requirements of paragraphs 3 or 6 of decision VI/8e, nor has made any apparent progress in that direction;

2. *Reaffirms* decision VI/8e and requests the Party concerned to:

(a) Take the necessary legislative, regulatory and administrative measures to ensure that:

(i) Members of the public are granted access to administrative or judicial procedures to challenge acts and omissions by an operator or competent authority when an operator contravenes provisions of national law relating to noise;

(ii) The Party concerned, in future, submits plans and programmes similar in nature to the National Investment Plan to public participation, as required by article 7, in conjunction with the relevant paragraphs of article 6, of the Convention;

(b) Demonstrate that it provides:

(i) A legal framework to ensure that, when selecting means of notifying the public under article 6 (2), public authorities are required to select such means as will ensure effective notification of the public concerned, bearing in mind the nature of the proposed activity and including, in the case of proposed activities with potential transboundary impacts, the public concerned outside the territory of the Party concerned;

(ii) The necessary arrangements to ensure that:

a. When conducting transboundary procedures in cooperation with the authorities of affected countries, the competent public authorities make the necessary efforts to ensure that the public concerned in the affected countries is in fact notified in an effective manner;

b. There will be proper possibilities for the public concerned, including the public outside the territory of the Party concerned, to participate at the subsequent stages of the multistage decision-making procedure regarding Temelín nuclear power plant;

¹⁰⁰ ECE/MP.PP/2/Add.8.

¹⁰¹ ECE/MP.PP/2017/2/Add.1.

¹⁰² ECE/MP.PP/2021/50.

¹⁰³ ECE/MP.PP/C.1/2021/28.

3. *Decides*, in the light of the lack of engagement and concrete action of the Party concerned during the intersessional period, to issue a caution to the Party concerned, to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out in paragraph 2 (a) and (b) above and has notified the secretariat of this fact by 1 October 2023;

4. *Requests* the Committee to establish the successful fulfilment of paragraph 2 (a) and (b) above for the purposes of paragraph 3 above;

5. *Endorses* the findings of the Committee with respect to communication ACCC/C/2016/143 that:

(a) By not providing for public participation meeting the requirements of article 6 (2)–(9) in the decision-making to grant the first reactor of Dukovany nuclear power plant an indefinite operating permit, the Party concerned failed to comply with article 6 (10) of the Convention;

(b) By establishing a legal framework that does not provide for public participation meeting the requirements of article 6 (2)–(9) in each of the 10-year periodic safety reviews for the first reactor of Dukovany nuclear power plant, the Party concerned fails to comply with article 6 (10) of the Convention;

(c) By failing to provide environmental non-governmental organizations with access to a review procedure to challenge the substantive or procedural legality of decisions, acts and omissions under the 1997 and 2016 Atomic Acts subject to article 6 of the Convention, the Party concerned fails to comply with article 9 (2) of the Convention;

6. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative or other measures to ensure that:

(a) When the operating conditions of a permit issued under the 1997 or 2016 Atomic Act, or any legislation that supersedes the 2016 Atomic Act, are reconsidered within the meaning of article 6 (10) of the Convention, the provisions of article 6 (2)–(9) will be applied *mutatis mutandis* and where appropriate, bearing in mind the objectives of the Convention. This includes, but is not limited to, the reconsideration of the duration of the permit or the 10-year periodic safety reviews;

(b) Members of the public concerned meeting the requirements of article 9 (2), including environmental non-governmental organizations, have access to a review procedure to challenge the substantive or procedural legality of decisions, acts and omissions under the 1997 or 2016 Atomic Act, or any subsequent legislation, that are subject to the provisions of article 6 of the Convention;

7. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraphs 2 and 6 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraphs 2 and 6 above;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraphs 2 and 6 above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraphs 2 and 6 above is to be considered;

8. *Undertakes* to review the situation at its eighth session.

Decision VII/8f

Compliance by the European Union with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹⁰⁴

Recalling paragraph 63 of its report of its sixth session (Budva, Montenegro, 11–13 September 2017), through which it requested the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to review any developments that had taken place regarding the implementation of decision V/9g concerning compliance by the European Union¹⁰⁵ and the Committee’s findings and recommendations on communication ACCC/C/2008/32 (part II) concerning access to justice to challenge acts and omissions by institutions and bodies of the European Union that contravene European Union law relating to the environment,¹⁰⁶ and to report to the Meeting of the Parties accordingly,¹⁰⁷

Taking note of the report of the Committee on the implementation of the above request by the Meeting of the Parties, under the case reference request ACCC/M/2017/3, concerning the compliance of the European Union,¹⁰⁸ the findings of the Committee on communication ACCC/C/2013/96 concerning the compliance of the European Union in connection with the adoption by the European Commission of a list of “Projects of Common Interest”¹⁰⁹ and the findings of the Committee on communication ACCC/C/2014/121¹¹⁰ concerning the compliance of the European Union in connection with the reconsideration or updating of permits under the Industrial Emissions Directive,¹¹¹

Encouraged by the willingness of the European Union to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee in its report on the implementation of request ACCC/M/2017/3 that, with respect to decision V/9g:

(a) The Party concerned has put in place a regulatory framework that meets the requirements of article 6 (3) of the Convention with respect to National Energy and Climate Plans but has not yet demonstrated that it has adopted either a proper regulatory framework or clear instructions to ensure that the other requirements of article 7 are met in the adoption of National Energy and Climate Plans, as required by the first three sentences of paragraph 3 of decision V/9g;

(b) While welcoming the fact that the Party concerned has carried out an assessment of public participation on each member State’s National Energy and Climate Plan, albeit in brief, the Party concerned has not yet met the requirements of the final sentence of paragraph 3 of decision V/9g;

2. *Reaffirms* its decision V/9g and, in particular, requests the Party concerned, as a matter of urgency:

(a) To provide the Committee with evidence that it has adopted a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention with respect

¹⁰⁴ ECE/MP.PP/2/Add.8.

¹⁰⁵ ECE/MP.PP/2014/2/Add.1.

¹⁰⁶ ECE/MP.PP/C.1/2017/7.

¹⁰⁷ ECE/MP.PP/2017/2.

¹⁰⁸ ECE/MP.PP/2021/51.

¹⁰⁹ ECE/MP.PP/C.1/2021/3.

¹¹⁰ ECE/MP.PP/C.1/2020/8.

¹¹¹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), *Official Journal of the European Union*, L 334 (2010), pp. 17–119.

to the adoption of National Energy and Climate Plans, and, in particular, to take the necessary legislative, regulatory or practical measures to:

- (i) Ensure that the arrangements for public participation in its member States are transparent and fair and that, within those arrangements, the necessary information is provided to the public;
 - (ii) Ensure that the adopted regulatory framework and/or clear instructions ensure that the requirements of article 6 (4) and (8) of the Convention are met, including allowing for early public participation when all options are open, and ensuring that due account is taken of the outcome of the public participation;
- (b) To adapt the manner in which it evaluates National Energy and Climate Plans accordingly;

3. *Endorses* the findings of the Committee with regard to communication ACCC/C/2008/32 (part II) that the Party concerned failed to comply with article 9 (3) and (4) of the Convention with regard to access to justice by members of the public because neither the Aarhus Regulation,¹¹² nor the jurisprudence of the Court of Justice of the European Union implements or complies with the obligations arising under those paragraphs;

4. *Also endorses* the findings of the Committee in its report on the implementation of request ACCC/M/2017/3 that, with respect to the Committee's findings on communication ACCC/C/2008/32 (part II), the co-legislators' agreement of 12 July 2021¹¹³ to amend the Aarhus Regulation, if enacted in that form prior to the opening of the seventh session of the Meeting of the Parties, would fulfil the requirements of paragraph 123 of the Committee's findings on communication ACCC/C/2008/32 (part II);

5. *Notes that*, following the adoption of the Committee's report on the implementation of request ACCC/M/2017/3, on 5 and 6 October 2021, respectively, the European Parliament and the Council of the European Union have each approved the legislative amendment to the Aarhus Regulation in the form agreed by the co-legislators on 12 July 2021 and that the legislative amendment will enter into force on 28 October 2021, twenty days following its publication in the Official Journal of the European Union; therefore, the Meeting of the Parties considers that, in accordance with the Committee's report on the implementation of request ACCC/M/2017/3, upon its entry into force the Party concerned will have fully met the requirements of paragraph 123 of the Committee's findings on communication ACCC/C/2008/32 (part II);

6. *Welcomes* the committed action by the Party concerned to fully address the recommendations in paragraph 123 of the findings of communication ACCC/C/2008/32 (part II) and to bring its legislation and practice into compliance with the Convention in this regard;

7. *Endorses* the findings of the Committee with respect to communication ACCC/C/2013/96 that:

(a) By not informing the applicant that longer time frames would be needed to reply to the information requests and of the reasons therefor, the Party concerned failed to comply with article 4 (2) of the Convention;

(b) By failing to ensure at least one review procedure that was expeditious, the Party concerned failed to comply with the requirement in article 9 (1), second sentence, of the Convention to ensure an "expeditious" procedure for the reconsideration of information requests;

¹¹² Regulation (EC) No. 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies, *Official Journal of the European Union*, L 264 (2006), p. 13–19.

¹¹³ The agreement on the revision of the Aarhus Regulation reached between the European Parliament and the Council of the European Union (the co-legislators), and the European Commission, at the third and final trilogue meeting on 12 July 2021. See Council of the European Union, Outcome of Proceedings, Interinstitutional File 2020/0289(COD); Council reference number: 11044/21, available at https://unece.org/sites/default/files/2021-07/frPartyM3_23.07.2021_annex1.pdf.

(c) By failing to demonstrate, in a transparent and traceable way, how due account was taken of the public participation on the first list of “Projects of Common Interest”, the Party concerned failed to comply with article 7 in conjunction with article 6 (8) of the Convention;

(d) By not making the main consultation documents, including the notification to the public, available to the public in its official languages other than English, the Party concerned discriminated against non-English-speaking members of the public in the European Union and thus failed to comply with article 3 (9) of the Convention;

8. *Recommends* that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that in public participation procedures within the scope of article 7 of the Convention carried out under the Trans-European Networks for Energy Regulation,¹¹⁴ or any superseding legislation:

(a) The main consultation documents, including the notification to the public, are provided to the public in all the official languages of the Party concerned;

(b) Due account of the outcomes of the public participation is taken, in a transparent and traceable way, in the decision-making;

9. *Endorses* the findings of the Committee with respect to communication ACCC/C/2014/121 that, by putting in place a legal framework that does not envisage any possibility for public participation in relation to reconsiderations and updates under article 21 (3), (4) and (5) (b) and (c) of the Industrial Emissions Directive, the Party concerned fails to comply with article 6 (10) of the Convention;

10. *Recommends* that the Party concerned put in a place a legally binding framework to ensure that, when a public authority in a member State of the Party concerned reconsiders or updates permit conditions pursuant to national laws implementing article 21 (3), (4) and (5) (b) and (c) of the Industrial Emissions Directive, or the corresponding provisions of any legislation that supersedes that Directive, the provisions of article 6 (2)–(9) will be applied, *mutatis mutandis* and where appropriate, bearing in mind the objectives of the Convention;

11. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraphs 2, 8 and 10 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraphs 2, 8 and 10 above;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraphs 2, 8 and 10 above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraphs 2, 8 and 10 above is to be considered;

12. *Undertakes* to review the situation at its eighth session.

¹¹⁴ Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 Text with EEA relevance.

Decision VII/8g

Compliance by Germany with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹¹⁵

Taking note of the findings of the Committee on communication ACCC/C/2016/137 concerning compliance by Germany with respect to the criteria for standing of environmental non-governmental organizations to have access to justice in environmental matters,¹¹⁶

Encouraged by the willingness of Germany to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that, by applying a criterion that effectively bars non-governmental organizations promoting environmental protection that do not have open membership with full voting rights for members from access to a review procedure of decisions under article 6, the Party concerned fails to comply with article 9 (2) in conjunction with article 2 (5) of the Convention;

2. *Recommends* that the Party concerned remove the requirement in section 3 (1), second sentence, No. 5, of the Environmental Appeals Act or any legislation that supersedes it that, to have access to review procedures under article 9 (2) of the Convention, non-governmental organizations promoting environmental protection must have open membership with full voting rights for members;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendation;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendation;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendation;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendation is to be considered;

4. *Undertakes* to review the situation at its eighth session.

Decision VII/8h

Compliance by Hungary with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹¹⁷

Taking note of the findings of the Committee on communication ACCC/C/2014/105 concerning compliance by Hungary in connection with access to information and public

¹¹⁵ ECE/MP.PP/2/Add.8.

¹¹⁶ ECE/MP.PP/C.1/2021/25.

¹¹⁷ ECE/MP.PP/2/Add.8.

participation in the decision-making on plans to build new units at Paks nuclear power plant,¹¹⁸

Encouraged by the willingness of Hungary to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that, by not publishing the “assessment analysis” of the draft 2007–2020 energy policy prepared under articles 43 (1) and 44 (2) of the Environmental Code, the Party concerned failed to comply with article 7, final sentence, in conjunction with article 5 (7) (a) of the Convention;

2. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that “assessments analyses” of policies relating to the environment prepared under articles 43 (1) and 44 (2) of the Environmental Code, or any legislation that supersedes them, are made available to the public so that it can effectively exercise its opportunities to participate under article 7, final sentence, of the Convention;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendation;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendation;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendation;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendation is to be considered;

4. *Undertakes* to review the situation at its eighth session.

Decision VII/8i Compliance by Ireland with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹¹⁹

Taking note of the findings of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on communication ACCC/C/2013/107 concerning compliance by Ireland with respect to public participation in the decision-making to extend the duration of a quarry,¹²⁰ the Committee’s report on the progress made by Ireland in implementing the recommendations contained in its findings on communication ACCC/C/2013/107,¹²¹ the findings of the Committee on communication ACCC/C/2016/141 concerning compliance by Ireland with respect to access to environmental information and review mechanisms thereof,¹²² the Committee’s report on the progress made by Ireland in implementing the recommendations contained in its findings on communication ACCC/C/2016/141,¹²³ and also

¹¹⁸ ECE/MP.PP/C.1/2021/16.

¹¹⁹ ECE/MP.PP/2/Add.8.

¹²⁰ ECE/MP.PP/C.1/2019/9.

¹²¹ ECE/MP.PP/2021/52.

¹²² ECE/MP.PP/C.1/2021/8.

¹²³ ECE/MP.PP/2021/52.

the findings of the Committee on communication ACCC/C/2014/112 concerning compliance by Ireland with respect to the implementation of its national plan for renewable energy,¹²⁴

Encouraged by the willingness of Ireland to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee with respect to communication ACCC/C/2013/107 that:

(a) By failing to provide opportunities for the public to participate in the decision-making on the 2013 permits to extend the duration of Trammon quarry, the Party concerned failed to comply with article 6 (10) of the Convention;

(b) By providing mechanisms through which permits for activities subject to article 6 of the Convention may be extended for a period of up to five years without any opportunity for the public to participate in the decision to grant the extension, section 42 (1) (a) (i) and (ii) of the Planning and Development Act 2000 do not meet the requirements of article 6 (10) and thus the Party concerned fails to comply with article 6 (10) of the Convention;

2. *Endorses* the findings of the Committee with respect to communication ACCC/C/2016/141 that:

(a) By failing to put in place measures to ensure that the Office of the Commissioner for Environmental Information and the courts decide appeals regarding environmental information requests in a timely manner, the Party concerned fails to comply with the requirement in article 9 (4) of the Convention to ensure timely procedures for the review of environmental information requests;

(b) By maintaining a system whereby courts may rule that information requests fall within the scope of the European Communities (Access to Information on the Environment) Regulations without issuing any directions for their adequate and effective resolution thereafter, the Party concerned fails to comply with the requirement in article 9 (4) of the Convention to ensure adequate and effective remedies for the review of environmental information requests;

3. *Endorses* the findings of the Committee with respect to communication ACCC/C/2014/112 that:

(a) By refusing the disclosure of the cost-benefit study prepared for the renewable energy export programme on the basis that the study was not “environmental information”, the Party concerned failed to comply with article 4 (1) in conjunction with article 2 (3) (b) of the Convention;

(b) By not putting in place measures to ensure that the Office of the Commissioner for Environmental Information decides appeals regarding environmental information requests in a timely manner, the Party concerned fails to comply with the requirement of article 9 (4) of the Convention to ensure timely procedures for the review of environmental information requests;

4. *Recommends* that the Party concerned take:

(a) With regard to section 42 (1) (a) (i) and (ii) of the Planning and Development Act 2000:

(i) The necessary legislative measures to ensure that permits for activities subject to article 6 of the Convention cannot be extended, except for a minimal duration, without ensuring opportunities for the public to participate in the decision to grant that extension in accordance with article 6 (2)–(9) of the Convention;

(ii) The necessary steps to ensure the prompt enactment of the measures to fulfil the recommendation in subparagraph (i) above;

(b) The necessary legislative or regulatory measures to ensure that:

¹²⁴ ECE/MP.PP/C.1/2021/17.

- (i) Appeals under the Access to Information on the Environment Regulations to the Office of the Commissioner for Environmental Information or the courts, whether commenced by the applicant or any other person, are required to be decided in a timely manner, for instance by setting a specified deadline;
- (ii) There are mandatory directions in place to ensure that, should a court rule that a public authority or an information request falls within the scope of the Access to Information on the Environment Regulations, the underlying information request is thereafter resolved in an adequate and effective manner;
- (c) The necessary legislative, regulatory, administrative and practical measures to ensure that:
- (i) Access to cost-benefit studies used in environmental decision-making is not refused on the basis that it is not “environmental information” within the meaning of article 2 (3) (b) of the Convention;
- (ii) Appeals under the Access to Information on the Environment Regulations to the Office of the Commissioner for Environmental Information are required to be decided in a timely manner, for instance by setting a specified deadline;
5. *Requests* the Party concerned to:
- (a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraph 4 above;
- (b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;
- (c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;
- (d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;
6. *Undertakes* to review the situation at its eighth session.

Decision VII/8j Compliance by Italy with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹²⁵

Taking note of the findings of the Committee on communication ACCC/C/2015/130 concerning compliance by Italy in connection with the cost of access to justice,¹²⁶

Encouraged by the willingness of Italy to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:
- (a) By charging a filing fee of €650 at first instance and €950 at second instance for review procedures within the scope of article 9 (2) and (3), the Party concerned has failed to comply with the requirement of article 9 (4) of the Convention that such procedures not be prohibitively expensive;

¹²⁵ ECE/MP.PP/2/Add.8.

¹²⁶ ECE/MP.PP/C.1/2021/22.

(b) By charging a fee of €650 at first instance and €950 at second instance to amend a claim within the scope of article 9 (2) and (3), the Party concerned has failed to comply with the requirement of article 9 (4) of the Convention that such procedures be fair and not prohibitively expensive;

(c) By failing to ensure that costs orders against unsuccessful claimants in review procedures under article 9 (2) and (3) of the Convention are fair and not prohibitively expensive, the Party concerned has failed to comply with article 9 (4) of the Convention;

(d) By maintaining a legal framework that permits the courts to award punitive costs of up to two times the litigation fee and up to five times the court filing fee, the Party concerned fails to comply with the requirement in article 9 (4) that review procedures under article 9 (2) and (3) of the Convention are fair and not prohibitively expensive;

(e) By failing to consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice, the Party concerned has failed to comply with article 9 (5) of the Convention;

(f) By not having in place a clear and transparent framework for determining costs orders against unsuccessful claimants in review procedures under article 9 (2) and (3) of the Convention, the Party concerned fails to comply with article 3 (1) of the Convention;

(g) By failing to ensure that, in review procedures subject to article 9 (2) and (3) of the Convention, the courts adopt a consistent interpretation of the legislation exempting environmental non-governmental organizations from the payment of court filing fees, the Party concerned fails to comply with the obligation in article 3 (1) of the Convention to establish and maintain a clear, transparent and consistent framework to implement the Convention;

2. *Recommends* that the Party concerned undertake the necessary legislative, regulatory, administrative or other measures, such as establishing appropriate assistance mechanisms, to ensure that:

(a) Court filing fees at first instance and again at second instance for review procedures within the scope of article 9 (2) and (3) of the Convention are not prohibitively expensive;

(b) Any fee to amend a claim at first and/or second instance in a review procedure within the scope of article 9 (2) and (3) of the Convention is not prohibitively expensive;

(c) Any cost orders against unsuccessful claimants in review procedures under article 9 (2) and (3) of the Convention are not prohibitively expensive;

(d) Any costs that may be imposed for “manifestly unfounded”, “frivolous” or “vexatious” claims within the scope of article 9 (2) and (3) of the Convention are not prohibitively expensive;

(e) The legal framework for determining costs orders against unsuccessful claimants in review procedures under article 9 (2) and (3) of the Convention is clear, transparent and consistent;

(f) The legislation exempting environmental non-governmental organizations from the payment of court filing fees in review procedures under article 9 (2) and (3) of the Convention is applied in a clear, transparent and consistent manner;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

4. *Undertakes* to review the situation at its eighth session.

Decision VII/8k Compliance by Kazakhstan with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹²⁷

Mindful of the conclusions and recommendations set out in its decision VI/8g with regard to compliance by Kazakhstan,¹²⁸

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8g concerning compliance by Kazakhstan with its obligations under the Convention,¹²⁹

Encouraged by the willingness of Kazakhstan to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that, while welcoming the progress made, the Party concerned has not yet demonstrated that it has met the requirements of paragraphs 2 and 5 of decision VI/8g;

2. *Reaffirms* its decision VI/8g and requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative measures and practical arrangements to:

(a) Ensure that the mandatory requirements of the content of the public notice, as prescribed by article 6 (2) of the Convention, are detailed in law;

(b) Ensure that time frames set for decision-making procedures subject to articles 6 or 7 of the Convention are sufficient to enable the public to prepare and to participate effectively, and that:

(i) To the extent possible, they do not overlap with holiday periods and other non-working days;

(ii) The volume and the complexity of the project or plan, programme or policy is considered when setting the relevant time frames;

(c) Establish a clear and consistent requirement for all information relevant to the decision-making to be made accessible to the public, in accordance with article 6 (6) of the Convention;

(d) Ensure that, in accordance with article 6 (7) of the Convention, the submission of comments by the public is not limited to only reasoned or “reasonable” comments;

(e) Establish appropriate procedures, which are not limited to publishing decisions only on websites, to promptly notify the public of the environmental *expertiza* conclusions, and to facilitate public access to these decisions, in accordance with article 6 (9) of the Convention;

¹²⁷ ECE/MP.PP/2/Add.8.

¹²⁸ ECE/MP.PP/2017/2/Add.1.

¹²⁹ ECE/MP.PP/2021/53.

(f) Maintain and make accessible to the public, through publicly available lists or registers, copies of decisions within the scope of article 6 once taken and other information relevant to the decision-making;

(g) Ensure that appropriate practical and/or other provisions are made for the public to participate during the preparation of plans within the scope of article 7 of the Convention, including clear requirements to ensure that:

- (i) The necessary information is provided to the public;
- (ii) The public that may participate is identified by the relevant public authority;
- (iii) The requirements of article 6 (3), (4) and (8) of the Convention are applied;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraph 2 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraph 2 above;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraph 2 above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraph 2 above is to be considered;

4. *Undertakes* to review the situation at its eighth session.

Decision VII/81 Compliance by Lithuania with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹³⁰

Taking note of the findings of the Committee on communication ACCC/C/2013/98 concerning compliance by Lithuania in connection with public participation in decision-making regarding the construction of an overhead power line,¹³¹

Encouraged by the willingness of Lithuania to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) By not correctly notifying the public concerned about the time frames during which relevant documentation would be available and in which comments could be submitted, the Party concerned failed to comply with the requirements in article 6 (2) (d) (ii) to adequately inform the public concerned about the envisaged procedure, including the opportunities for the public to participate;

(b) By limiting the options in practice for the location of the border crossing point for the overhead power line by setting that location through inter-State consultations before the public participation procedures had been concluded, the Party concerned precluded the possibility for the public to participate when all options on the crossing point were open and thus failed to comply with article 6 (4) of the Convention;

¹³⁰ ECE/MP.PP/2/Add.8.

¹³¹ ECE/MP.PP/C.1/2021/15.

(c) By failing to ensure that all options regarding the choice of technology for the power line were not just legally open but also could clearly be seen to be open by the public concerned, the Party concerned failed to comply with article 6 (4) of the Convention;

(d) By establishing a system whereby comments submitted by the public during the environmental impact assessment procedure are to be in the first instance submitted to an entity not required to be independent from the developer, and not to the competent public authority itself, the Party concerned is in non-compliance with article 6 (7) of the Convention;

(e) By not ensuring that the competent public authority is required to take due account of the outcomes of the public participation, the Party concerned fails to comply with article 6 (8) of the Convention;

(f) By failing to demonstrate, either in or along with the decision, how due account was taken of the outcome of the public participation, the Party concerned failed to comply with article 6 (9) of the Convention regarding the decision on the overhead power line;

(g) The telephoning and visiting of persons linked to the communicant, in the context of the communicant's opposition to the overhead power line, by the State Security Department "to clarify the issues in the Rudamina community related to the electricity power line" constituted harassment, penalization and persecution by the Party concerned in non-compliance with article 3 (8) of the Convention;

2. *Recommends* that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:

(a) Regarding decisions on whether to permit specific activities subject to article 6 of the Convention:

(i) The public is notified about all time frames for opportunities for public participation, including the period during which relevant documentation will be available and in which comments can be submitted;

(ii) Any international consultations concerning a specific cross-border activity by a public authority of the Party concerned prior to completion of the public participation procedure under article 6 must not, in law or in fact, preclude all options being open during the public participation procedure;

(iii) The range of options open at each stage of decision-making is adequately reflected in the information provided to the public at each stage;

(iv) A clear requirement is established that comments submitted by the public are sent to the competent public authority itself;

(v) The obligation to take due account of the comments, information, analysis or opinions submitted by the public during the environmental impact assessment procedure is placed on the competent public authority;

(vi) When publishing the decision, the competent public authority provides evidence to the public, either in or along with the decision, of how due account was taken of the outcome of the public participation;

(b) The State Security Department receives clear instructions to refrain from activities that could be perceived as harassment, penalization or persecution of persons seeking to exercise their rights to participate or seek access to justice under the Convention;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

4. *Undertakes* to review the situation at its eighth session.

Decision VII/8m Compliance by the Netherlands with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹³²

Taking note of the findings of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on communication ACCC/C/2014/104 concerning compliance by the Netherlands with respect to public participation in the decision-making on the extension of the design lifetime of Borssele nuclear power plant,¹³³ the Committee's report on the progress made by the Netherlands in implementing the recommendations contained in those findings¹³⁴ and also the findings of the Committee on communication ACCC/C/2014/124 concerning compliance by the Netherlands with respect to access to environmental information in connection with the permitting of two power plants,¹³⁵

Encouraged by the willingness of the Netherlands to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee with respect to communication ACCC/C/2014/104 that, by not having at any stage provided for public participation meeting the requirements of article 6, where all options were open, in regard to setting the end date of 31 December 2033 for the operation of Borssele nuclear power plant, the Party concerned failed to comply with article 6 (4) in conjunction with article 6 (10) of the Convention with respect to the licence amendment of 18 March 2013;

2. *Endorses* the findings of the Committee with respect to communication ACCC/C/2014/124 that:

(a) By refusing to disclose documents relating to, or referring to, the imperative reasons of overriding public interest regarding a Natura 2000 site on the basis that those documents were not "environmental information", the Party concerned failed to comply with article 4 (1) in conjunction with article 2 (3) of the Convention;

(b) By applying the exception for internal communications contained in article 4 (3) (c) of the Convention in order to exempt from disclosure environmental information exchanged between a public authority and the permit holders, including the representatives of the latter, the Party concerned failed to comply with article 4 (1) in conjunction with article 4 (3) (c) of the Convention;

3. *Recommends* that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that:

(a) When a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of article 6 (2)–(9) are applied;

(b) Public officials, including the judiciary, are under a legal and enforceable duty to ensure that documents relating to, or referring to, the imperative reasons of overriding

¹³² ECE/MP.PP/2/Add.8.

¹³³ ECE/MP.PP/C.1/2019/3.

¹³⁴ ECE/MP.PP/2021/54.

¹³⁵ ECE/MP.PP/C.1/2021/20.

public interest regarding a Natura 2000 site are considered to be environmental information within the meaning of article 2 (3) (b) of the Convention;

4. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

5. *Undertakes* to review the situation at its eighth session.

Decision VII/8n

Compliance by the Republic of Moldova with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹³⁶

Taking note of the findings of the Committee on communication ACCC/C/2017/147 concerning compliance by the Republic of Moldova in connection with access to hydrometeorological information upon request,¹³⁷

Encouraged by the willingness of the Republic of Moldova to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) By establishing and maintaining a schedule of charges that does not meet the requirement to ensure that any charge for supplying information does not exceed a reasonable amount, the Party concerned fails to comply with article 4 (8) of the Convention;

(b) By not establishing and maintaining a clear, transparent and consistent framework to implement article 4 (8) of the Convention, the Party concerned fails to comply with article 3 (1) of the Convention;

2. *Recommends* that the Party concerned:

(a) Take the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent schedule of charges under article 4 (8) of the Convention for the supply of hydrometeorological information upon request, including by clearly setting out how any charges should be calculated, and to ensure that all charges, including total charges, are reasonable and properly justified;

(b) Provide training to officials of public authorities handling requests for access to hydrometeorological information to ensure that any charges are no more than reasonable, that they are calculated in a clear, transparent and consistent way and are properly justified;

3. *Requests* the Party concerned to:

¹³⁶ ECE/MP.PP/2/Add.8.

¹³⁷ ECE/MP.PP/C.1/2021/30.

- (a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;
 - (b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;
 - (c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;
 - (d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;
4. *Undertakes* to review the situation at its eighth session.

Decision VII/8o

Compliance by Romania with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹³⁸

Mindful of the conclusions and recommendations set out in its decision VI/8h with regard to compliance by Romania,¹³⁹

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8h concerning compliance by Romania with its obligations under the Convention,¹⁴⁰

Encouraged by the willingness of Romania to discuss in a constructive manner with the Committee the compliance issues in question,

- 1. *Endorses* the findings of the Committee that:
 - (a) The Party concerned has fully met the requirements of paragraph 2 (c) of decision VI/8h to provide reasonable time frames, commensurate with the nature and complexity of the document, for the public to get acquainted with draft strategic documents subject to the Convention and to submit its comments;
 - (b) While welcoming the progress made, the Party concerned has not yet fully met the requirements of paragraphs 2 (a) and (b), 3, 4 and 7 (a)–(d) of decision VI/8h;
- 2. *Reaffirms* its decision VI/8h and requests that the Party concerned:
 - (a) Provide the Committee with evidence that it has, as a matter of urgency, taken the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that public officials:
 - (i) Respond to requests of members of the public to access environmental information as soon as possible, and, at the latest, within one month after the request was submitted, and, in the case of a refusal, state the reasons for the refusal;
 - (ii) Correctly implement the Convention with respect to:
 - a. Article 2 (3) – the definition of “environmental information”;

¹³⁸ ECE/MP.PP/2/Add.8.

¹³⁹ ECE/MP.PP/2017/2/Add.1.

¹⁴⁰ ECE/MP.PP/2021/55.

- b. Article 4 (6) – the requirement to separate confidential from non-confidential information whenever possible and to make available the latter;
- (iii) Interpret the grounds for refusing access to environmental information in a restrictive way, taking into account the public interest served by disclosure, and, in stating the reasons for a refusal, specify how the public interest served by disclosure was taken into account;
- (b) Provide the Committee with evidence that it has provided training to public authorities about the above duties;
- (c) Review its legal framework in order to identify cases where decisions to permit activities within the scope of article 6 of the Convention are conducted without effective participation of the public (art. 6 (3) and (7)), and to take the necessary legislative and regulatory measures to ensure that such situations are adequately remedied;
- (d) Review its legal framework and undertake the necessary legislative, regulatory and administrative measures to ensure that the court procedures for access to environmental information are timely and provide adequate and effective remedies;
- (e) Provide adequate practical arrangements or measures to ensure that the activities listed in subparagraphs (a)–(d) above are carried out with broad participation of the public authorities and the public concerned;
3. *Requests* the Party concerned to:
- (a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;
- (b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;
- (c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;
- (d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;
4. *Undertakes* to review the situation at its eighth session.

Decision VII/8p Compliance by Spain with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹⁴¹

Mindful of the conclusions and recommendations set out in its decision VI/8j with regard to compliance by Spain,¹⁴²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8j concerning compliance by Spain with its obligations under the Convention,¹⁴³

¹⁴¹ ECE/MP.PP/2/Add.8.

¹⁴² ECE/MP.PP/2017/2/Add.1.

¹⁴³ ECE/MP.PP/2021/57.

Encouraged by the willingness of Spain to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that, while welcoming the positive steps made in that direction, the Party concerned has not yet fully met the requirements of paragraphs 3 or 7 of decision VI/8j;

2. *Reaffirms* its decision VI/8j, and requests the Party concerned to:

(a) Take measures, as a matter of urgency, to ensure that the remaining obstacles to the full implementation of article 9 (4) and (5) of the Convention with respect to legal aid for non-governmental organizations identified by the Committee in paragraph 66 of its findings on communication ACCC/C/2009/36 are overcome,¹⁴⁴ and in particular that its Legal Aid Commissions act in accordance with the decisions dated 16 January 2018 and 13 March 2019 of the Administrative Chamber of the Supreme Court in practice;

(b) Take the necessary legislative, regulatory or other measures and practical arrangements to ensure that, in each of its Autonomous Communities, the public is promptly informed of decisions on integrated environmental permits taken under article 6 (9) of the Convention not only through the Internet, but also through other means, including, but not necessarily limited to, the methods used to inform the public concerned pursuant to article 6 (2) of the Convention;

(c) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(d) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(e) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(f) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

3. *Undertakes* to review the situation at its eighth session.

Decision VII/8q Compliance by Turkmenistan with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹⁴⁵

Recalling paragraph 19 of its decision VI/8 on general issues of compliance adopted at its sixth session (Budva, Montenegro, 11–13 September 2017),¹⁴⁶ through which it requested the Compliance Committee to review the compliance of Turkmenistan with article 3 (1), (4) and (9) of the Convention with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection,

Taking note of the report of the Committee with respect to paragraph 19 of decision VI/8 on general issues of compliance concerning the compliance of Turkmenistan,¹⁴⁷

¹⁴⁴ ECE/MP.PP/C.1/2010/4/Add.2.

¹⁴⁵ ECE/MP.PP/2/Add.8.

¹⁴⁶ ECE/MP.PP/2017/2/Add.1.

¹⁴⁷ ECE/MP.PP/2021/58.

Encouraged by the willingness of Turkmenistan to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) In the absence of a legal framework that clearly ensures that foreign citizens and persons without citizenship are able to participate in and found public associations in the same way as citizens of Turkmenistan, the Party concerned does not yet comply with article 3 (9) of the Convention;

(b) Given the ongoing lack of clarity as to how the prohibition of activities of unregistered public associations set out in article 7 (2) of the 2014 Act on Public Associations is to be applied in practice, the Party concerned has not yet demonstrated that it complies with article 3 (4) of the Convention;

(c) In the light of the Committee's findings in subparagraphs (a) and (b) above, the Committee finds that the Party concerned has not yet demonstrated that it complies with the obligation contained in article 3 (1) of the Convention to provide a clear, transparent and consistent framework to implement the provisions of article 3 (4) and (9) of the Convention;

2. *Recommends* that the Party concerned take, as a matter of urgency, the necessary legislative, regulatory, administrative and practical measures to ensure that its legal framework:

(a) Explicitly sets out that foreign citizens and persons without citizenship have the same right to found and participate in non-governmental organizations promoting environmental protection as do citizens of Turkmenistan;

(b) Makes clear that members of the public who decide to come together to exercise their rights under article 9 (2) of the Law on Nature Protection, for example, to undertake environmental rehabilitation activities or to take part in demonstrations on nature protection issues and, in doing so, choose to identify themselves by a common name, will not be considered as acting as an "unregistered public association" and thus have their activities prohibited under article 7 (2) of the 2014 Act on Public Associations;

3. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Justice, to work together to ensure the successful fulfilment of the above recommendations;

4. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

5. *Decides* to issue a caution to the Party concerned, to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out in paragraph 2 (a) and (b) above and has notified the secretariat of this fact by 1 October 2023;

6. *Requests* the Committee to establish the successful fulfilment of paragraph 2 (a) and (b) above for the purposes of paragraph 5 above;

7. *Undertakes* to review the situation at its eighth session.

Decision VII/8r

Compliance by Ukraine with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹⁴⁸

Taking note of the findings of the Committee on communication ACCC/C/2014/118 concerning compliance by Ukraine with respect to the production-sharing agreements and mineral extraction permits for the Yuzivska and Oleska oil fields,¹⁴⁹

Encouraged by the willingness of Ukraine to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) By failing to provide access upon request to either the full text of the production-sharing agreements for the Yuzivska and Oleska oil fields, or redacted versions thereof, the Party concerned failed to comply with article 4 (1) of the Convention;

(b) By failing to carry out a public participation procedure meeting the requirements of article 6 regarding the draft production-sharing agreements for the Yuzivska and Oleska oil fields, the Party concerned failed to comply with article 6 (1) (a) of the Convention;

(c) By establishing a legal framework in which public participation under article 6 of the Convention will only be carried out once a production-sharing agreement is already at the implementation stage, the Party concerned failed to comply with article 6 (4) of the Convention;

(d) By denying a non-governmental organization meeting the requirements of article 2 (5) standing to challenge the legality of a production-sharing agreement subject to article 6, the Party concerned failed to comply with article 9 (2) of the Convention;

(e) By maintaining a legal framework in which cassation appeals under article 9 (2) of the Convention must be brought within 20 days of the date on which the contested judgment was drawn up, rather than from the date on which the claimant received the full text of that judgment, the Party concerned fails to comply with the requirement that review procedures under article 9 (2) be fair in accordance with article 9 (4) of the Convention;

(f) By failing to ensure that the requested environmental information was disclosed promptly after the court had ordered it to be disclosed, the Party concerned failed to comply with the requirement in article 9 (4) of the Convention to provide an adequate and effective remedy for the review of environmental information requests;

2. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative or other measures to ensure that:

(a) Subject to any redactions made in accordance with article 4 (3) and (4) of the Convention, the texts of production-sharing agreements are to be provided in full to members of the public upon request in accordance with article 4 of the Convention;

(b) Public participation meeting the requirements of article 6 of the Convention is to be carried out regarding draft production-sharing agreements prior to their approval, at an early stage when all options are open and effective public participation can take place;

(c) Non-governmental organizations meeting the requirements of article 2 (5) are deemed to have standing in review procedures under article 9 (2) of the Convention;

¹⁴⁸ ECE/MP.PP/2/Add.8.

¹⁴⁹ ECE/MP.PP/C.1/2021/18.

(d) The time frame for filing a cassation appeal within the scope of article 9 (2) of the Convention is calculated from the date on which the claimant receives the full text of the contested judgment;

(e) Adequate and effective remedies are put in place to ensure that orders by the courts to public authorities to disclose environmental information are promptly complied with;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

4. *Undertakes* to review the situation at its eighth session.

Decision VII/8s Compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹⁵⁰

Mindful of the conclusions and recommendations set out in its decision VI/8k with regard to compliance by the United Kingdom of Great Britain and Northern Ireland,¹⁵¹

Taking note of the reports of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8k concerning compliance by the United Kingdom of Great Britain and Northern Ireland,¹⁵² the findings of the Committee on communication ACCC/C/2013/90 in connection with a concrete production plant and associated settlement lagoons at a site adjacent to the River Faughan Special Area of Conservation,¹⁵³ the findings of the Committee on communication ACCC/C/2015/131 regarding the redevelopment of a former hospital site,¹⁵⁴ and the findings of the Committee on communication ACCC/C/2016/142 concerning access to justice relating to a public authority's alleged failure to clear up litter,¹⁵⁵

Encouraged by the willingness of the United Kingdom of Great Britain and Northern Ireland to discuss in a constructive manner with the Committee the compliance issues in question,

¹⁵⁰ ECE/MP.PP/2/Add.8.

¹⁵¹ ECE/MP.PP/2017/2/Add.1.

¹⁵² ECE/MP.PP/2021/59 and ECE/MP.PP/2021/60.

¹⁵³ ECE/MP.PP/C.1/2021/14.

¹⁵⁴ ECE/MP.PP/C.1/2021/23.

¹⁵⁵ ECE/MP.PP/C.1/2021/27.

Decision VI/8k

1. *Endorses* the findings of the Committee with respect to decision VI/8k that:
 - (a) While welcoming the progress made in that direction, the Party concerned has not yet met the requirements of paragraphs 2 (a), (b) and (d) and 4 with respect to England and Wales;
 - (b) While welcoming the progress made in that direction, the Party concerned has not yet met the requirements of paragraph 2 (a), (b) and (d) with respect to Scotland;
 - (c) While welcoming the significant progress made in that direction, the Party concerned has not yet met the requirements of paragraph 2 (a), (b), (c) and (d) with respect to Northern Ireland;
 - (d) Since the Party concerned is no longer a member State of the European Union, the recommendation in paragraph 2 (e) is no longer applicable;
 - (e) The Party concerned has not yet met the requirements of paragraph 6, nor demonstrated any progress in that direction;
 - (f) While welcoming the steps taken in that direction, the Party concerned has not yet met the requirements of paragraph 8 (a) and (b);
2. *Reaffirms* decision VI/8k and requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:
 - (a) Ensure that the allocation of costs in all court procedures subject to article 9, including private nuisance claims, is fair and equitable and not prohibitively expensive;
 - (b) Further consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice;
 - (c) Further review its rules regarding the time-frame for the bringing of applications for judicial review in Northern Ireland to ensure that the legislative measures involved are fair and equitable and amount to a clear and transparent framework;
 - (d) Establish a clear, transparent and consistent framework to implement article 9 (4) of the Convention;
 - (e) Put in place a clear requirement to ensure that:
 - (i) When selecting the means for notifying the public under article 6 (2), public authorities are required to select such means as will ensure effective notification of the public concerned in the territory outside of the Party concerned, bearing in mind the nature of the proposed activity, and the potential for transboundary impacts;
 - (ii) When identifying who is the public concerned by the environmental decision-making on ultra-hazardous activities, such as nuclear power plants, public authorities will apply the precautionary principle and consider the potential extent of the effects if an accident would indeed occur, even if the risk of an accident is very small;

Communication ACCC/C/2013/90

3. *Endorses* the findings of the Committee with respect to communication ACCC/C/2013/90 that:
 - (a) By only providing for public participation in the decision-making to permit the lagoons once they had already been constructed, the Party concerned failed to meet the requirement in article 6 (4) to provide for early public participation when all options are open;
 - (b) By not providing the communicant with access to the development control officer's report prior to the decision to grant planning permission, despite the communicant's multiple requests, the Party concerned failed to comply with article 6 (6) of the Convention;
 - (c) By having in place a system through the combined operation of articles 67B (3) and 83A of the Planning (Northern Ireland) Order 1991 whereby activities within the scope of article 6 of the Convention that are themselves in breach of national law relating to the environment are deemed to be lawful and permitted without public participation meeting

the Convention's requirements, the Party concerned failed to comply with article 6 of the Convention in its entirety;

(d) By the court not undertaking its own assessment, based on all the evidence before it, of whether:

- (i) The development was "likely to have significant effects on the environment by virtue of factors such as its nature, size or location";¹⁵⁶
- (ii) The permit conditions could be implemented in practice without adverse environmental impacts,

but instead relying on the assessment of the public authority that took the contested decisions, the Party concerned failed to provide for a review of the substantive legality of those decisions in accordance with the requirements of article 9 (2) of the Convention;

(e) By maintaining a legal framework under which developers of proposed activities subject to article 6 of the Convention are entitled to a full merits review of the decision on the proposed activity, but other members of the public seeking to challenge the same decision are not, the Party concerned fails to ensure that review procedures under article 9 (2) are fair as required by article 9 (4) of the Convention;

(f) By failing to take effective enforcement action against the operator's non-permitted activities for so long that those activities were deemed lawful and could no longer be subject to either public participation in decision-making under article 6, or access to justice under article 9 (3), the Party concerned failed to meet the requirements of article 3 (2) to endeavour to ensure that its officials and authorities facilitate the public's participation in decision-making and access to justice under the Convention;

(g) By not providing the communicant with access to the development control officer's report prior to the decision to grant planning permission, despite the communicant's multiple requests, the Party concerned failed to meet the requirements of article 3 (2) to endeavour to ensure that its officials and authorities assist the public in seeking access to information and facilitate its participation in decision-making under the Convention;

4. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:

- (a) Decisions to permit activities subject to article 6 of the Convention cannot be taken after the activity has already commenced or has been constructed, save in highly exceptional cases and subject to strict and defined criteria;
- (b) Activities subject to article 6 of the Convention are not entitled, by law, to:
 - (i) Become immune from enforcement under article 67B (3) of the Planning (Northern Ireland) Order 1991 or any legislation that supersedes it;
 - (ii) Receive a certificate of lawful development under article 83A of the Planning (Northern Ireland) Order 1991 or any legislation that supersedes it;

Communication ACCC/C/2015/131

5. *Endorses* the findings of the Committee with respect to communication ACCC/C/2015/131 that:

(a) By failing to promptly make accessible through its online planning register the documents related to a planning application that the Council was required by law to possess, the Party concerned failed to comply with article 5 (3) (d) of the Convention;

(b) By failing to make the screening opinion and planning permission easily accessible on the Council's online planning register in a time-frame that would facilitate the application of national law implementing article 9 (2), the Party concerned failed to comply with article 5 (3) (d) of the Convention;

¹⁵⁶ The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (23 February 1999), regulation 2 (2).

(c) By maintaining an electronic database that the Council holds out to be a “one-stop shop” to access all documents related to planning applications, when it in fact is not, the Party concerned fails to comply with the requirement in article 5 (3) of the Convention to ensure that the environmental information within the scope of article 5 (3) (d) is “easily accessible”;

(d) By maintaining a legal framework in which the time limit to bring judicial review is calculated from the date when the contested decision was taken, rather than from when the decision became known to the public, the Party concerned fails to comply with the requirement that review procedures in article 9 (2) be fair in accordance with article 9 (4) of the Convention;

(e) By not ensuring that courts take into account the stage of the proceedings when calculating the sum of costs to be awarded against an unsuccessful claimant in a procedure subject to article 9 of the Convention, the Party concerned fails to comply with the requirement in article 9 (4) for such procedures to be fair, equitable and not prohibitively expensive;

(f) Since the communicant was ordered to pay a costs order calculated on the basis of an hourly rate that was considerably higher than the actual contracted rate, the Party concerned failed to comply with the requirement that cost orders in procedures within the scope of article 9 (2) be fair and equitable in accordance with article 9 (4) of the Convention;

(g) By setting a significantly lower hourly rate (i.e. less than one-tenth of the sum of a legally represented party) at which successful “litigants in person” are entitled to recover their costs in procedures subject to article 9, the Party concerned fails to ensure that such procedures are fair and equitable as required by article 9 (4) of the Convention;

(h) Since the Council was not aware that it was required to place screening opinions on the planning register within 14 days, it failed to abide by the Party concerned’s own pre-action protocol, and it incorrectly and misleadingly replied to the communicant’s access to information request, the Party concerned failed to meet the requirement in article 3 (2) to endeavour to ensure that its public authorities assist the public to seek access to justice in environmental matters;

6. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:

(a) The time-frame for bringing an application for judicial review of any planning-related decision within the scope of article 9 of the Convention is calculated from the date the decision became known to the public and not from the date that the contested decision was taken;

(b) When calculating the sum of costs to be awarded against an unsuccessful claimant in a procedure subject to article 9 of the Convention, the courts, inter alia, take into account the stage of the judicial procedure to which the costs relate;

(c) In judicial procedures within the scope of article 9 of the Convention, successful “litigants in person” are entitled to recover a fair and equitable hourly rate;

(d) In proceedings within the scope of article 9 of the Convention in which the applicant follows the Party concerned’s pre-action protocol, the public authority concerned is required to comply with that protocol;

Communication ACCC/C/2016/142

7. *Endorses* the findings of the Committee with respect to communication ACCC/C/2016/142 that:

(a) By failing to ensure that applications for litter abatement orders under section 91 of the Environmental Protection Act 1990 are not prohibitively expensive, the Party concerned fails to comply with article 9 (4) of the Convention;

(b) By awarding significant costs against the communicant under section 64 (1) of the Magistrates' Courts Act because he refused the Council's offer to settle, in circumstances under which the communicant was entitled under section 91 (12) of the Environmental Protection Act to apply for the recovery of his costs, the Party concerned failed to provide for a fair and equitable review procedure under article 9 (3) as required by article 9 (4) of the Convention;

(c) By failing to consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers for members of the public to enforce contraventions of its law on litter, the Party concerned has failed to comply with article 9 (5) of the Convention;

8. *Recommends* that the Party concerned promptly take the necessary legislative, regulatory, administrative or other measures, such as establishing appropriate assistance mechanisms, to ensure that procedures to challenge acts and omissions by public authorities that contravene provisions of its law on litter are fair, equitable and not prohibitively expensive;

Follow-up procedure

9. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraphs 2, 4, 6 and 8 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraphs 2, 4, 6 and 8 above;

(c) Collect up-to-date data to demonstrate that the requirements in paragraph 2 (a), (b) and (d) above have been fulfilled with respect to the outstanding points of non-compliance in England and Wales, Scotland and Northern Ireland;

(d) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraphs 2, 4, 6 and 8 above;

(e) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraphs 2, 4, 6 and 8 above is to be considered;

10. *Undertakes* to review the situation at its eighth session.

Decision VII/9

Rapid response mechanism to deal with cases related to article 3 (8) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

The Meeting of the Parties,

Recalling article 3 (8) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) which deals specifically with the protection of persons exercising their rights under the Convention,

Recalling also article 10 of the Convention, which, among other things, provides that the Parties shall keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties, and, with this purpose in mind, shall review the policies for and legal and methodological approaches to access to information, public participation in decision-making and access to justice in environmental matters, with a view to further improving them and to consider and undertake any additional action that may be required for the achievement of the purposes of the Convention,

Recalling further article 15 of the Convention through which the Meeting of the Parties shall establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of the Convention,

Recognizing the critical importance of establishing and maintaining a safe environment that enables members of the public to exercise their rights in conformity with the Convention,

Acknowledging the Parties' immediate mission, as set out in the Convention's Strategic Plan for 2022–2030: "To reaffirm the commitment to: (i) ensuring due protection of environmental defenders; (ii) having in place appropriate legislative and policy frameworks so that such defenders can exercise their rights in accordance with the Convention; and (iii) preventing the erosion of civic space",¹⁵⁷

Recalling mechanisms and instruments dealing with such cases established under the Office of the United Nations High Commissioner for Human Rights, as well as Human Rights Council resolution 40/11 recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development, which also recognizes, among other things, the need to develop mechanisms for their protection,¹⁵⁸

Alarmed by the serious situation faced by environmental defenders, including, but not limited to, threats, violence, intimidation, surveillance, detention and even killings, as reported by States Members of the United Nations, and by intergovernmental and non-governmental organizations and other stakeholders,

Cognizant of the existing challenges, such as fear of reporting such cases, impunity and difficulty in uncovering the identity of those behind the ordering and conducting of such acts,

Recognizing that an "environmental defender" is any person exercising his or her rights in conformity with the provisions of the Convention,

Acknowledging that the safety of environmental defenders is critical in achieving the entire 2030 Agenda for Sustainable Development, and in particular its Sustainable Development Goal 16,

1. *Welcomes* the initiatives by Parties, signatories, international organizations and other stakeholders to promote and strengthen the protection of environmental defenders against penalization, persecution, harassment and other forms of retaliation for their involvement, and calls on Parties, signatories, international organizations and other stakeholders to further support such initiatives;

2. *Calls* on Parties to review their legal frameworks and practical arrangements in line with the Convention's obligations and to take all necessary measures to ensure that persons exercising their rights in conformity with the Convention's provisions are not penalized, persecuted or harassed in any way for their involvement;

3. *Also calls* on Parties to continue efforts to raise awareness regarding their obligations under article 3 (8) among, in particular, officials of public authorities, law enforcement agencies, State intelligence and security agencies, prosecutors, members of the judiciary, providers of private security services and developers;

¹⁵⁷ Decision VII/11.

¹⁵⁸ A/HRC/RES/40/11.

4. *Decides* that all Parties shall ensure that penalization, persecution, harassment and other forms of retaliation against environmental defenders are promptly brought to an end and that Parties shall take effective measures to eliminate these actions, including through conducting thorough and impartial investigations into all suspected cases to identify and to bring to justice those responsible;
5. *Encourages* Parties, signatories, international organizations and other stakeholders to conduct training sessions and other capacity-building activities on article 3 (8) of the Convention for relevant target groups, and to prepare training materials to support the work;
6. *Underlines* the need to ensure greater protection for environmental defenders under the Convention through a mechanism that can deliver a rapid response;
7. *Establishes* a mechanism under the authority of the Meeting of the Parties in the form of an independent Special Rapporteur on environmental defenders to provide a rapid response to alleged violations of the obligations under article 3 (8);
8. *Decides* that the mechanism shall function in line with the mandate set out in the annex to the present decision;
9. *Requests* the secretariat to organize a call for candidates and a nomination process for the election of the independent Special Rapporteur on environmental defenders;
10. *Decides* to hold an extraordinary session of the Meeting of the Parties in 2022 in order to elect the independent Special Rapporteur on environmental defenders;
11. *Welcomes* the offer of Austria and Ireland to lead the work on environmental defenders;
12. *Calls* on Parties and other stakeholders to facilitate and assist the work of the Special Rapporteur by providing him/her with information and inviting him/her to undertake country visits;
13. *Appeals* to the Secretary-General and to the Executive Secretary of the United Nations Economic Commission for Europe to provide the Special Rapporteur with all necessary assistance for the successful fulfilment of his/her mandate;
14. *Encourages* Parties, United Nations agencies and other intergovernmental and non-governmental organizations, as well as the private sector, members of the public, and all other relevant stakeholders, to engage in a process of consultation, dialogue and cooperation with the Special Rapporteur to enable him/her to fulfil his/her mandate effectively;
15. *Encourages* the Special Rapporteur to cooperate with the relevant United Nations organizations and specialized agencies and the secretariats of relevant multilateral agreements with a view to promoting synergy and avoiding duplication;
16. *Recognizes* the importance of ensuring the provision of adequate funding to support the work on environmental defenders;
17. *Also recognizes* the ongoing need for extra-budgetary funding to support the work and calls upon Parties and interested organizations and other stakeholders to provide voluntary contributions to support the work;
18. *Requests* the Secretary-General to strengthen the secretariat's capacity to facilitate the implementation of the rapid response mechanism.

Annex

Mandate of the Special Rapporteur on environmental defenders under the Aarhus Convention

A. Task of the Special Rapporteur

1. In connection with article 3 (8) of the Convention, the Special Rapporteur's mandate is to take measures to protect any person who is either:

- (a) Experiencing persecution, penalization or harassment, or
- (b) At imminent threat of persecution, penalization or harassment

in any way, for seeking to exercise their rights under the Aarhus Convention. Such penalization, persecution or harassment may arise from the acts or omissions of public or private entities or individuals.¹⁵⁹

B. Complaints to the Special Rapporteur

2. A complaint may be submitted to the Special Rapporteur on environmental defenders by:

- (a) Any member of the public, either on their own behalf or on behalf of another member of the public;
- (b) A Party to the Convention;
- (c) The secretariat.

C. Admissibility

3. The Special Rapporteur will consider any complaint, unless he/she determines that the complaint is:

- (a) Anonymous, although anonymous complaints making credible allegations that can be independently verified may be pursued;
- (b) An abuse of the right to make such a complaint;
- (c) Manifestly unreasonable;
- (d) Incompatible with the provisions of the decision establishing the rapid response mechanism or with the Convention;
- (e) *De minimis*.

D. Domestic remedies

4. Given the urgent nature of the Special Rapporteur's mandate, complainants are not required to have exhausted domestic remedies before making a complaint.

E. Confidentiality

5. Information submitted to the Special Rapporteur, including any information that may relate to the identity of the complainant, will be kept confidential unless he or she has explicitly waived the right to confidentiality. The Special Rapporteur may clarify the impact

¹⁵⁹ ECE/MP.PP/C.1/2017/19, para. 70.

of maintaining confidentiality, if any, on the Special Rapporteur's ability to perform his or her functions.

F. Information gathering

6. In order to gather the necessary information to properly carry out his/her functions, the Special Rapporteur may use one or more of the following means:

- (a) Gather information from any publicly available source;
- (b) Gather information from other relevant international human rights bodies;
- (c) Send questions to the complainant;
- (d) With the consent of the complainant where circumstances permit, send questions to the Party concerned;
- (e) With the consent of the complainant where circumstances permit, send questions to any other person or institution or entity (for example, the public authority or private body or person alleged to have perpetrated the penalization, persecution or harassment, the independent national human rights institution in the Party concerned);
- (f) With the consent of the complainant where circumstances permit, and the consent of Party concerned, undertake a mission to gather information in person in the territory of that Party, and/or through video-conferencing;
- (g) With the consent of the complainant where circumstances permit, and the consent of any other State, undertake information gathering in the territory of that State.

G. Measures to protect environmental defenders

7. In order to protect the complainant or any other person(s) named in the complaint from persecution, penalization or harassment, the Special Rapporteur may take one or more of the following measures:

- (a) Issue an immediate protection measure to the Party concerned (see para. 13 below);
- (b) Issue an ongoing protection measure to the Party concerned (see para. 14 below);
- (c) Issue public statements and press releases and distribute them actively via the Special Rapporteur's website, the media and social media;
- (d) Use diplomatic channels;
- (e) Request the Chair of the Bureau of the Meeting of the Parties to use diplomatic channels, including bringing the matter to the attention of the Head of State or Government and/or another senior official of the Party concerned;
- (f) Bring the complaint to the attention of other relevant human rights bodies (for example, special rapporteurs, national independent human rights commissions, etc.) and, to the extent feasible and appropriate, coordinate efforts with those other bodies.

8. When addressing any body or entity of the Party concerned, the Special Rapporteur will inform the national focal point of the Aarhus Convention in parallel.

Protection measure

9. A protection measure is a measure issued to the Party concerned by the Special Rapporteur directing the Party concerned either to refrain forthwith from any action that may amount to persecution, penalization or harassment of the complainant and any other person(s) named in the protection measure, or to act without delay in order to protect the complainant and any other person(s) named in the protection measure from persecution, penalization or harassment by third parties.

10. A protection measure may be either an “immediate protection measure” or an “ongoing protection measure” (see paras. 13 and 14 below). For both immediate and ongoing protection measures, the precise content of the protection measure will in every case be tailored to the particular situation, taking into account the nature of the alleged persecution, penalization and harassment which is the subject of the complaint.

11. The protection measure lists the particular actions the Party concerned is directed to take to ensure that the complainant and any other person(s) named in the protection measure are not subjected to further persecution, penalization and harassment. In some cases this may mean that a protection measure will list several actions that the Party concerned is directed to take in order to ensure that the person(s) named in the protection measure are not subjected to further persecution, penalization and harassment.

12. The Special Rapporteur may issue a protection measure to:

(a) Any body of the executive branch of the government of the Party concerned, especially the ministers responsible for environment, justice and foreign affairs; and

(b) Any other public authority of the Party concerned within the definition of article 2 (2) of the Convention.

Immediate protection measure

13. An immediate protection measure is a protection measure issued to the Party concerned by the Special Rapporteur on an urgent basis before the completion of the Special Rapporteur’s investigation. Applying a precautionary approach, an immediate protection measure can be issued by the Special Rapporteur at any point after the complaint has been determined to be admissible. The Special Rapporteur may issue an immediate protection measure if he/she has reasonable grounds to believe that a person is very likely to face, or is presently facing, persecution, penalization, or harassment for exercising his/her rights under the Convention.

Ongoing protection measure

14. An ongoing protection measure is a protection measure issued to the Party concerned by the Special Rapporteur upon him or her concluding that the Party concerned has or may have violated article 3 (8) of the Convention. The ongoing protection measure will remain in force until it is lifted by the Special Rapporteur, the Meeting of the Parties or, by the Compliance Committee if a referral is made to it (see para. 15(b) below).

H. Relationship with the Compliance Committee

15. The purpose of the Special Rapporteur is to provide a “rapid response” aimed at preventing or stopping penalization, persecution or harassment arising in relation to alleged violations of article 3 (8) of the Convention. As such, the procedure overseen by the Special Rapporteur is complementary to the procedures of the Compliance Committee and its establishment does not in any way change the Committee’s procedures for considering communications, submissions, secretariat referrals and requests in accordance with decision I/7.¹⁶⁰ Thus, a complaint may be made to the Special Rapporteur while a related case is pending before the Compliance Committee and vice versa. The Special Rapporteur shall interact with the Compliance Committee in the following ways:

(a) The Special Rapporteur will keep the Compliance Committee informed of his/her work;

(b) Depending on the serious and/or systemic nature of the particular violation(s) of article 3 (8) alleged, the Special Rapporteur may make a referral to the Compliance Committee. Upon receiving such a referral, the Committee will forward it to the Party concerned, which shall thereafter have three months to provide its response. The Compliance

¹⁶⁰ ECE/MP.PP/2/Add.8, annex.

Committee, upon adopting its findings, may decide to lift or uphold any protection measures issued by the Special Rapporteur;

(c) Pursuant to paragraph 25 (d) of the annex to decision I/7, the Compliance Committee may, at any time, decide to seek the advice or assistance of the Special Rapporteur when dealing with matters related to article 3 (8). For example, in the course of the Committee's review of the progress made by a Party concerned in implementing findings of non-compliance with article 3 (8), the Committee may seek the expert input of the Special Rapporteur.

I. The Special Rapporteur's reporting obligations

16. The Special Rapporteur shall be under the authority of the Meeting of the Parties. To that end:

(a) The Special Rapporteur shall report to each session of the Meeting of the Parties. Pending sessions of the Meeting of the Parties, the Special Rapporteur shall keep the Bureau and the Working Group of the Parties informed on a regular basis;

(b) If the Special Rapporteur makes a referral to the Compliance Committee, then he/she shall report that fact to the Meeting of the Parties;

(c) Upon considering a report of the Special Rapporteur and any recommendations contained therein, the Meeting of the Parties may decide to uphold or lift any protection measures issued by the Special Rapporteur and may also request the Compliance Committee to examine the compliance of one or more Parties with article 3 (8) of the Convention.

J. Awareness-raising

17. In addition to his or her work dealing with requests for a rapid response, the Special Rapporteur shall perform a proactive role in raising awareness regarding Parties' obligations under article 3 (8) of the Convention. This includes awareness-raising at relevant meetings of Convention bodies and other international events, as well as through other awareness-raising means as appropriate, including capacity building, recommendations, toolkits, studies, notes, using traditional and social media, and in the course of the Special Rapporteur's in-country visits.

K. Election

18. The Special Rapporteur shall be a national of the Parties and signatories to the Convention and a person of high moral character and recognized competence in the field of the human rights defenders and shall preferably have relevant legal experience.

19. Candidates meeting the requirements contained in the preceding paragraph can be nominated for election by Parties, signatories and non-governmental organizations falling within the scope of article 10 (5) of the Convention and promoting environmental protection, or can nominate themselves.

20. Unless the Meeting of the Parties, in a particular instance, decides otherwise, the procedure for the nomination of candidates shall be the following:

(a) Nominations shall be sent to the secretariat in at least one of the official languages of the Convention not later than 12 weeks before the opening of the session of the Meeting of the Parties during which the election is to take place;

(b) Each nomination shall be accompanied by the candidate's curriculum vitae not exceeding 600 words;

(c) The secretariat shall distribute the nominations and the curricula vitae in accordance with rule 10 of the Rules of Procedure.¹⁶¹

21. The Special Rapporteur shall be elected on the basis of nominations. The Meeting of the Parties shall give due consideration to all nominations. The Meeting of the Parties shall elect the candidate by consensus or, failing that, by secret ballot.

22. The Special Rapporteur shall serve until the end of the next ordinary session. He/she shall be eligible for re-election but may not serve three consecutive terms.

23. If the Special Rapporteur can no longer perform his or her duties for any reason, the Bureau of the Meeting of the Parties shall appoint another candidate fulfilling the criteria to serve the remainder of the term. Nominations from the previous round that fulfil the criteria can be considered for appointment as Special Rapporteur to serve the remainder of the term.

24. The Special Rapporteur shall, before taking up his or her duties, make a solemn declaration at the session of the Meeting of the Parties that he or she will perform his or her functions impartially and conscientiously.

Decision VII/10

Accession by Guinea-Bissau to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

The Meeting of the Parties,

Recalling article 19 (3) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which provides for the possibility of States from outside the United Nations Economic Commission for Europe (ECE) region becoming Parties to the Convention upon approval by the Meeting of the Parties,

Recalling also that, over the years, the Parties to the Convention have expressed their support for accession to the Convention by States from outside the ECE region,

Recalling further decision IV/5 on accession to the Convention by non-ECE member States,¹⁶² adopted by the Meeting of the Parties at its fourth session,

Acknowledging a note by the secretariat on the expression of intention by Guinea-Bissau to accede to the Convention,¹⁶³

1. *Welcomes and approves* the accession of Guinea-Bissau to the Convention;
2. *Requests* the secretariat to inform the Treaty Section of the Office of Legal Affairs of this approval so that the appropriate arrangements can be made;
3. *Calls upon* Parties, international financial institutions, international organizations and other interested actors to support the implementation of the Convention in Guinea-Bissau;
4. *Expresses* its firm belief that being a Party to the Convention brings tangible positive changes with regard to legislation and practice, with multiple benefits not only for environmental protection but also for the social and economic aspects of people's lives;
5. *Encourages* other interested States to explore accession to the Convention;
6. *Calls on* Parties, international financial institutions, international organizations and other interested actors to strengthen cooperation with and support non-ECE countries interested in acceding to the Convention, with a view to promoting the mutual exchange of experience, as well as the application of the Convention beyond the ECE region.

¹⁶¹ ECE/MP.PP/2/Add.2, annex.

¹⁶² See ECE/MP.PP/2011/2/Add.1.

¹⁶³ See ECE/MP.PP/WG.1/2020/12.

Decision VII/11 Strategic Plan for 2022–2030

The Meeting of the Parties,

Recalling its decision VI/5¹⁶⁴ on the work programme for 2018–2021, through which it requested the Bureau, with the assistance of the secretariat, to develop a strategic plan for the Convention for 2022–2030, based on the experiences and results of the implementation of the Strategic Plan 2015–2020, for consideration and adoption at the seventh Meeting of the Parties,

Welcoming the work undertaken by the Working Group of the Parties and the Bureau to develop a draft plan,

1. *Adopts* the Strategic Plan for 2022–2030 as set out in the annex to the present decision;
2. *Agrees* that the Strategic Plan will guide the implementation and further development of the Convention until 2030;
3. *Also agrees* that a midterm review of the Strategic Plan for 2022–2030 should be considered at the eighth session of the Meeting of the Parties, focusing in particular on the progress indicators, which could facilitate the preparation of a possible next strategic plan.

¹⁶⁴ See ECE/MP.PP/2017/2/Add.1.

Annex

Strategic Plan for 2022–2030

Introduction

1. Environmental rights and democracy are essential elements of good governance and informed decision-making and a prerequisite for achieving the objective of sustainable development. Since the adoption of the Rio Declaration on Environment and Development in 1992, and continuing through the 2002 World Summit on Sustainable Development, the 2012 United Nations Conference on Sustainable Development (Rio+20 Conference) and the 2015 United Nations Sustainable Development Summit, there has been a continued reinforcement of environmental democracy worldwide and progress in recognizing the economic benefits of sustainability, as well as the potential opportunities it presents for society as a whole. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) strongly contributed to putting Principle 10 of the Rio Declaration into practice and has proved an effective tool for promoting effective governance, green economy and the Sustainable Development Goals.
2. Through their ratification of the Convention, 46 countries from throughout Europe, the Caucasus and Central Asia as well as the European Union have committed themselves to ensure that they have in place adequate laws and practices relating to access to information, public participation and access to justice in the environmental field. Furthermore, initiatives have been taken by Parties to promote the Convention and its principles globally and to encourage interested non-Parties to participate in its activities.
3. Nonetheless, significant problems remain. The national implementation reports, coupled with the experience gathered through the work of the Convention's compliance mechanism and task forces, indicate that implementation of the access to justice provisions of the Convention appears to be the most difficult area for Parties. Although Parties report that they have elaborated legislation on most aspects relating to access to information and public participation, effective implementation of these provisions in practice has also proven challenging for some Parties.
4. The advancement and increased use of information and communication technologies bring both new opportunities and challenges regarding effective means to promote environmental democracy.
5. The Strategic Plan for 2022–2030 set out in the present document gives priority to securing effective implementation by Parties, while recognizing the need to promote the lessons learned and the experience of Parties in all countries that wish to accede to the Convention or to replicate its achievements. Furthermore, it acknowledges the necessity of addressing new thematic challenges within its scope. The Strategic Plan also recognizes the cornerstone role of civil society in protecting the environment and promoting sustainable development and the green economy. The document outlines the overall aspiration of Parties for-2030, while priorities for specific periods will be defined in greater detail in the respective work programmes and will take into account the financial resources available.

I. Vision and mission

6. Worldwide, social, economic and environmental challenges are becoming increasingly complex and interrelated. This fact should not, however, discourage the public from involvement in decision-making and Governments must provide the necessary stimulus, tools, information and assistance to enable transparent decision-making processes in order to ensure informed, balanced and effective public participation. Making decisions and decision-making processes fully accountable to the public whom they should serve should become an essential, and not only procedural, matter. Furthermore, Governments should recognize that the Convention establishes the grounds for future developments and should endeavour to

raise the accepted international standards in the future, based upon experience with higher standards on the domestic level.

7. The economic and social value of the environment and the environmental impacts of today's actions should be fully reflected in all decisions at the policy, strategic and project levels, particularly in the light of the increasing pressures put on resources by rapid global economic and technological development and population growth. The social dimension of sustainable development is also closely linked to public participation in decision-making.

8. Our long-term mission is to minimize the depletion of environmental resources that should remain for future generations, promote inclusive societies, address climate change, support disaster risk reduction and ensure sustainable and environmentally sound development through strengthening participatory environmental democracy in the United Nations Economic Commission for Europe (ECE) region and beyond.

9. We recognize that, owing to its cross-cutting nature, the Convention plays an important role in the achievement of virtually all the Sustainable Development Goals, in particular Goal 16, by empowering the public with the right to participate effectively in decision-making on a wide range of issues addressed by the Goals, such as: health protection (Goal 3); water and sanitation management (Goal 6); clean energy (Goal 7); green economy (Goals 8, 9 and 12); the reduction of inequalities (Goal 10); climate action (Goal 13); tourism (Goals 8, 12, 14 and 15); urban planning (Goals 11 and 13) and disaster risk reduction (Goals 9 and 11).¹⁶⁵

10. Our immediate mission is:

(a) As a first priority, to work towards full implementation of the Convention by each Party where this has not already been achieved and to encourage and support its use by the public;

(b) To reaffirm the commitment to: (i) ensuring due protection of environmental defenders; (ii) having in place appropriate legislative and policy frameworks so that such defenders can exercise their rights in accordance with the Convention; and (iii) preventing the erosion of civic space;

(c) To strengthen promotion of the Convention in decision-making in different sectors that affect the environment;

(d) To increase the impact of the Convention by increasing the number of Parties within the ECE region and by encouraging States outside the region to accede to the Convention, replicate it or implement its principles, and by promoting Principle 10 of the Rio Declaration on Environment and Development;

(e) To keep the provisions and principles of the Convention under constant review and consider forward-looking interpretations of the Convention and its further development so as to ensure that it continues responding to modern challenges and provides an adequate instrument to achieve its objectives.

11. This vision and mission are part of our broader aspiration to achieve a more equitable world and a better quality of life for all.

II. Roles and responsibilities

12. Parties should play a proactive role in promoting and facilitating the implementation of the Strategic Plan in their countries and in multilateral processes under the Convention. They should assess and regularly follow up its implementation at all levels of governance. In this context it should be understood that "Parties" includes all relevant public authorities at the national, subnational and local levels (responsible for, for example, environment, justice, water, agriculture, transport, industry, health, education and foreign issues). Focal points could contribute, as appropriate, to the implementation of the Strategic Plan.

¹⁶⁵ In accordance with the Budva Declaration on Environmental Democracy for Our Sustainable Future (ECE/MP.PP/2017/16/Add.1-ECE/MP.PRTR/2017/2/Add.1).

13. Stakeholders, including the general public, civil society organizations, experts from the education and scientific sectors, the health sector, the private sector, industry, transport and agriculture, trade and labour unions, the mass media, various communities, indigenous peoples and international organizations, are encouraged to support implementation of the Strategic Plan. Civil society organizations promoting environmental protection have an important role in implementation by alerting the public to its rights and by supporting Governments in understanding and acting upon their obligations.

14. The secretariat facilitates implementation of the Strategic Plan through servicing the Convention's bodies, organizing regional and subregional capacity-building activities and undertaking advisory and promotion work.

III. Framework for implementation

A. Focal area I: Implementation

Strategic goal I

Full implementation of the Convention by each Party

To achieve full implementation of the Convention by each Party, Parties will implement the objectives set out below as far as possible.

Objective 1.1: Each Party has a clear, transparent and consistent framework for the implementation of all provisions of the Convention, comprising not only the necessary constitutional, legislative and regulatory provisions, but also the operational procedures and mechanisms required for their practical application both in a national context as well as in transboundary situations, without discrimination as to citizenship, nationality or domicile and without harassment, persecution or any kind of retaliation against members of the public exercising their rights in conformity with the Convention (mainly target 16.10 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Identify and remediate any deficiencies in the implementation framework to ensure that adequate legislative, regulatory and policy measures, and institutional mechanisms are in place. All activities are to be implemented through a participatory process, such as a robust consultation in the preparation of the NIR.	Parties, partner organizations, ^a stakeholders	<p>Adequate legislative, regulatory and policy measures, and institutional mechanisms are in place.</p> <p>A participatory mechanism, such as a robust consultation in the preparation of the NIR, to monitor progress in the implementation of the Aarhus Convention is operational.</p> <p>Good quality and timely submitted NIRs.</p> <p>Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.</p>

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International^b		
Strengthen Parties' capacities to implement the Convention and address obstacles to its implementation through the compliance mechanism, sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies ^c Parties and the secretariat	The objective is adequately addressed through the work of the respective Convention bodies (for example, good practices have been shared and relevant guidance material has been developed). Effective implementation of decisions regarding Parties' non-compliance.

Abbreviations: Aarhus Clearinghouse, Aarhus Clearinghouse for Environmental Democracy; NIR, national implementation report.

^a Wherever reference is made to partner organizations, it is understood that the organizations participating in the Convention's capacity-building coordination framework and other relevant organizations will be involved.

^b Refers to multilateral processes established under the Convention.

^c Activities of the Meeting of the Parties and other bodies under the Convention also involve stakeholders.

Objective I.2: The Convention's mechanism for compliance review fulfils the role of an effective instrument to address compliance problems that cannot be resolved at the national level. The findings and recommendations of the Compliance Committee are regarded by Parties as an authoritative source of advice on the implementation of the Convention and are used by them to improve their national practices in the best way possible (mainly Sustainable Development Goal 16).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Individual Parties promptly and fully implement the decisions concerning their compliance adopted by the Meeting of the Parties. To ensure that compliance issues are addressed without delay, ¹⁶⁶ individual Parties shall do their utmost to promptly and fully implement the Committee's findings and recommendations prior to the next session of the Meeting of the Parties, where the Party concerned has agreed that the Committee may make recommendations to them directly. Having a system in place to monitor the implementation of decisions, involving all relevant authorities,	Parties Communicants and other interested stakeholders Compliance Committee	Having a system in place for monitoring the implementation of decisions. Decisions of the Meeting of the Parties are promptly and fully implemented. In advance of the next session of the Meeting of the Parties, findings and recommendations of the Compliance Committee are promptly and fully implemented by individual Parties found to be in non-compliance. Positive feedback from Parties and stakeholders.

¹⁶⁶ See ECE/MP.PP/2/Add.8, decision I/7, annex, para. 36.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
communicants and other interested stakeholders.		
International		
Review of submissions, communications, requests from the Meeting of the Parties and referrals and preparation and publication of findings and recommendations.	Meeting of the Parties, Parties Compliance Committee Secretariat	Adoption of the findings and recommendations by the Compliance Committee, and adoption by the Meeting of the Parties of draft decisions on compliance endorsing those findings and recommendations in accordance with the long-standing and consistent practice to do so.
Regular review of the progress made by individual Parties in implementing the decision concerning their compliance adopted by the Meeting of the Parties.		Positive feedback from Parties and stakeholders.
Thematic review of systemic compliance problems.		

Objective I.3: The reporting mechanism under the Convention fulfils the role of an effective instrument to monitor the Convention's implementation.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Preparing national implementation reports through wide multi-stakeholder consultations and making them available online.	Parties Interested stakeholders	Good quality reports have been prepared through wide multi-stakeholder consultations. Timely submission of good quality reports.
International		
Review of the implementation.	Meeting of the Parties, Parties Compliance Committee Secretariat	Timely submission of good quality reports. Good quality synthesis report is drawn up with the major conclusions drawn from the submitted NIRs. Online access to the reports.

Objective 1.4: In implementing the Convention, each Party not only complies with its mandatory provisions, but also endeavours to give effect to its provisions whose application is discretionary.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Develop adequate legislation, regulations and implement required measures. Pilot projects.	Parties Stakeholders	Adequate legislation and regulations are developed and the required measures are taken. Pilot projects are implemented. Positive feedback from Parties and stakeholders. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Strengthening Parties' capacities through sharing good practices and developing guidance material.	Meeting of the Parties, relevant Convention bodies and the secretariat	The objective is adequately addressed through the work of the respective Convention bodies (for example, good practices have been shared and relevant guidance material has been developed).

Objective 1.5: Environmental education is widely available and promotes active and responsible behaviour among the public as regards the environment, including the exercise of the rights guaranteed by the Convention (mainly Sustainable Development Goal 4).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Addressing provisions and principles of the Aarhus Convention through formal, informal and non-formal programmes on ESD.	Parties, Stakeholders, in particular educational institutions, local and subnational authorities Media	Adequate educational programmes and curriculum. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
Continue the integration, to the extent possible, of the issues of environmental law and access to justice in environmental matters into the curriculum.	Civil society organizations Parties, stakeholders, in particular, law faculties, public administration and judicial training institutions and other relevant institutions supporting the	

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
	implementation of the Convention	
International		
Strengthening Parties' capacities through sharing good practices and developing guidance material.	Secretariat, mostly through implementation of the ECE Strategy for ESD ^a Relevant Convention bodies Partner organizations	The objective is adequately addressed through the work on the ECE Strategy for ESD and Convention bodies, as appropriate (for example, good practices have been shared and relevant guidance material has been developed).

Abbreviations: ESD, education for sustainable development.

^a See <https://unece.org/esd-strategy>.

Objective I.6: Public authorities at all levels and in all relevant sectors of government are aware of the obligations under the Convention and allocate as far as possible the resources needed to comply with them. (mainly target 16.6 of the Sustainable Development Goals and Sustainable Development Goals 3, 6, 7, 8, 9, 11, 12, 13, 14 and 15).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Information, training, organizational and budgetary measures. Translate text of the Convention and guidance material (for example, the <i>Maastricht Recommendations</i> ¹⁶⁷ or <i>The Aarhus Convention: An Implementation Guide</i>), ¹⁶⁸ as far as appropriate, into national and subnational languages and distribute it widely; provide adequate training to all relevant staff of the authorities.	Parties All public authorities concerned within Parties Stakeholders Partner organizations	The required information, training, organizational and budgetary measures are taken. National focal points have capacity to carry out the required work. Resources are allocated as far as possible. Convention and guidance material, as far as appropriate, are translated into national and subnational languages and distributed widely.
Strengthening of national focal points.		Adequate training is provided regularly to relevant staff in the authorities.
National capacity-building ^a activities.		Programmes for capacity-building activities, including through face-to-face, e-learning and other courses, for

¹⁶⁷ *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters: Prepared under the Aarhus Convention* (United Nations publication, Sales No. E.15.II.E.7).

¹⁶⁸ United Nations publication, Sales No. E.13.II.E.3.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
		different levels and sectors are being implemented. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Regional and subregional capacity-building activities.	Relevant Convention bodies	The objective is adequately addressed through subregional capacity-building activities (for example, good practices have been shared and relevant guidance material and e-learning course have been developed)
Strengthening Parties' capacities through peer-learning, sharing good practices and developing guidance material.	Partner organizations and the secretariat	

^a Wherever reference is made to capacity-building activities, it is understood that the organizations participating in the Convention's capacity-building coordination framework will be involved.

Objective I.7: The implementation of the Convention leads to the development of an open administrative culture which supports public participation and transparency in environmental matters and values them as positive contributions to democratic, effective and good governance, ensures the participation of the public and strengthens a more effective participation of the vulnerable and marginalized groups. Public officials concerned have and apply the knowledge and skills to provide assistance and guidance to the public to facilitate the exercise of its rights (mainly Sustainable Development Goal 16).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Political support at the highest level.	Parties	Programmes for capacity-building activities are being developed and implemented.
Encourage proactive officials.	All public authorities concerned within Parties	
Exchange of best practices and national capacity-building for officials at all levels.	Partner organizations	Relevant e-government, open government and open government data initiatives are being implemented.
Regular awareness-raising.		The operational procedures and mechanisms are established and implemented.
Establishing and implementing the operational procedures and mechanisms promoting an open administrative culture.		Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
Implement relevant e-government, open government and open government data initiatives.		

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Regional and subregional capacity-building activities. Sharing good practices.	Partner organizations and the secretariat	The objective is adequately addressed through regional and subregional capacity-building activities (for example, good practices have been shared).

Objective 1.8: Each Party provides for appropriate recognition of and support to civil society and prevention of any kind of retaliation against members of the public promoting environmental protection as important actors in advancing democratic debate on environmental policies, raising public awareness and mobilizing and assisting citizens in exercising their rights under the Convention and contributing to its implementation (mainly target 16.10 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Identifying and remediating any deficiencies in the framework to ensure that adequate legislative, regulatory and policy measures, and institutional mechanisms are in place. National capacity-building and awareness-raising activities. Preparing and disseminating adequate resource material in national and subnational languages to assist civil society organizations in exercising their rights under the Convention. Provision of financial and expert assistance. Effective implementation of measures for the enactment of article 3 (8), such as protection of whistle-blowers and environmental defenders.	Parties Donor institutions Partner organizations Civil society organizations	Measures are implemented. Programmes for capacity-building and awareness-raising activities are implemented. Civil society organizations participate effectively in the related activities. Support for public interest environmental civil society organizations is being provided. Members of the public can exercise their rights without any fear of repercussions as a result of their involvement. Cases of penalization, persecution, harassment or any kind of retaliation are properly recorded, investigated and remediated. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Strengthening Parties' capacities through sharing good practices.	Parties	Civil society organizations participate effectively in the activities at the international level.
	Donor institutions	
	Partner organizations	Good practices have been shared through regional and subregional capacity-building activities and the work of the Convention's bodies.
	Civil society organizations	
Secretariat	Relevant bodies under the Convention address the reported cases effectively.	

Objective I.9: Civil society organizations and the general public are aware of their rights under the Convention and assert them to effectively engage in addressing environmental and sustainable development issues and to advance both environmental protection and good governance, thus contributing to sustainable development (mainly Sustainable Development Goals 4 and 16).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Public awareness campaigns. Support for public interest environmental civil society organizations, including environmental law organizations.	Parties	Measures for raising public awareness are being implemented.
	Civil society organizations	
	Partner organizations	Support for public interest environmental civil society organizations is being provided.
	Academic Institutions	
Donors	Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.	
International		
Regional and subregional activities.	Parties	Civil society organizations and the general public have the opportunity to participate effectively in the activities under the Convention.
	Partner organizations	
	Donors	
	Meeting of the Parties and relevant Convention bodies	
	Secretariat	

Access to information

Objective I.10: Public authorities at all levels and in all relevant sectors of government have well-established information policies and mechanisms, under which the scope of environmental information is interpreted broadly in line with the requirements of the Convention, environmental information of a high quality – including national reports on the

state-of-the-environment – is timely and routinely provided and proactively disseminated to the public in a user-friendly manner, making full use of electronic tools (mainly target 16.10 of the Sustainable Development Goals and Sustainable Development Goal 17).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Further development of systems to collect environmental information, including environment-related health, geospatial, hydrometeorological, statistical, Earth Observation and other relevant information in electronic form.	Parties All stakeholders, including health professionals' organizations Partner organizations	Environmental information of a high quality is timely and routinely provided and proactively disseminated to the public in a user-friendly manner. National reports on the state-of-the-environment aligned with Sustainable Development Goals, their targets and indicators, and are regularly published online.
Further development of public registers, national nodes and information centres.		Number of Parties having established single web access portal for environmental information.
Increasing compatibility and interoperability of electronic databases containing environmental information.		Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
Developing or updating single web access points, conceived to be user-friendly, that aggregate data and information resulting from different reliable sources.		Review mechanism on access to information
Implementation of relevant e-government and open data initiatives.		
Promoting "citizen science" and other relevant initiatives.		
Application of the updated recommendations on electronic information tools developed under the Convention and other decisions of the Meeting of the Parties related to access to environmental information.		

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Regional and subregional capacity-building activities. Strengthening Parties' capacities through sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

Public participation

Objective I.11: Public participation procedures are regarded by public authorities and all other actors concerned as an integral part of the preparation of policies, plans, programmes, projects, legal instruments and executive regulations that may have a significant effect on the environment, and are implemented in their full scope with the support of electronic information tools, as appropriate. Prospective applicants are, where appropriate, encouraged to undertake proactive efforts to identify and inform the public concerned and enter into discussions with them at an early stage of planning, allowing for the effective participation of all interested members of the public (mainly Sustainable Development Goals 3, 6, 7, 8, 9, 11, 12, 13, 14 and 15 and target 16.7 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Informational and organizational measures to facilitate public participation procedures.	All authorities within Parties responsible for carrying out public participation procedures	Measures have been taken to ensure that effective public participation procedures are in place.
Training and other capacity-building activities of officials and executives in communication with the general public.	Private sector Partner organizations	Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
Application of recommendations developed under the Convention and other decisions of the Meeting of the Parties related to public participation. Decisions broadly reflect the public input.		Number of Parties having established online tools to support other mechanisms for public participation in the preparation of policies, plans, programmes, projects, legal instruments and executive regulations. Public authorities demonstrably take account of public input.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Strengthening Parties' capacities through regional and subregional capacity-building activities, sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

Access to justice

Objective I.12:

(a) Each Party ensures access to administrative or judicial review procedures that can provide timely and effective remedies for members of the public who consider that their rights under the Convention have not been respected;

(b) Each Party empowers members of the public, where they meet the criteria, if any, laid down in national law, to challenge acts and omissions that contravene provisions of national environmental law. Any such criteria should be established taking fully into account the Convention's objective of guaranteeing access to justice;

(c) Each Party undertakes genuine efforts to reduce and eliminate financial and other barriers that may prevent access to such review procedures and establishes, where appropriate, assistance mechanisms – also covering vulnerable and marginalized groups – to that end (mainly target 16.3 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Identifying and remediating any deficiencies through a multi-stakeholder dialogue to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place with regard to: (a) remedies; (b) standing; and (c) financial barriers. Capacity-building activities.	Parties All authorities within Parties responsible for the functioning of administrative or judicial review procedures, in particular ministries of justice Civil society organizations	Effective access to administrative or judicial review procedures is ensured through: (a) providing timely and effective remedies to members of the public; (b) empowering members of the public to obtain access to justice; and (c) reducing and eliminating financial and other barriers that may prevent access to review procedures and through establishing assistance mechanisms.
Implementing decisions of the Meeting of the Parties related to access to justice.	Public interest lawyers Partner organizations	Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes. Number of Parties reporting quantitative data on public access to administrative and review procedures.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Strengthening Parties' capacities through regional and subregional capacity-building activities, sharing good practices, maintaining jurisprudence database and developing guidance material.	Meeting of the Parties and relevant Convention bodies Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies, through regional and subregional capacity-building activities and the Aarhus Clearinghouse (for example, good practices have been shared and relevant guidance material has been developed).

Objective I.13: Judges, public prosecutors and other legal professionals are familiar with the provisions of the Convention and are ready to exercise their respective responsibilities to uphold them (mainly target 16.3 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Information, education/training and capacity-building measures for legal professionals in accordance with decisions on access to justice adopted by the Meeting of the Parties.	Parties, in particular, ministries of justice, or similar national bodies, courts and other independent review bodies	Adequate curricula/training programmes. Measures are being implemented.
Taking measures to make decisions of courts, and whenever possible of other judicial bodies, publicly accessible.	Judicial training centres Law schools Professional organizations Civil society organizations	Number of Parties making decisions of courts, and, whenever possible, of other judicial bodies, publicly accessible. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.

International		
Strengthening Parties' capacities through regional and subregional capacity-building activities, maintaining jurisprudence database, sharing good practices and developing guidance material.	Meeting of the Parties and relevant Convention bodies Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

B. Focal area II: Expansion

Strategic goal II

Increase the impact of the Convention in the United Nations Economic Commission for Europe region and beyond

To increase the impact of the Convention in the ECE region and beyond, Parties will implement the following objectives as far as possible:

Objective II.1: The number of Parties to the Convention within the ECE region continues to increase steadily throughout the plan period (mainly Sustainable Development Goal 17).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Build public and political support for ratification in non-Parties.	Parties Partner organizations Civil society organizations	Completed ratification procedures.
Bilateral consultations to discuss and overcome obstacles to ratification.	Interested non-Party within the ECE region	
International		
Strengthen Parties' capacities through capacity-building activities, sharing good practices, developing guidance material and providing assistance upon request.	Secretariat Civil society organizations Parties Interested non-Party Partner organizations	Increased number of Parties.

Objective II.2: The amendment to the Convention on public participation in decisions on the deliberate release into the environment and the placing on the market of genetically modified organisms (GMOs) is approved by a sufficient number of Parties to enter into force by 2022 and is progressively implemented in the vast majority of Parties (mainly Sustainable Development Goals 15 and 16).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Build public and political support for ratification in Parties.	Interested Parties Partner organizations	Completed ratification procedures.
Parties seek bilateral consultations with other Parties that have ratified the amendment, to discuss and overcome obstacles to ratification and receive/provide capacity-building assistance and share good practices.	Civil society organizations	Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Strengthening the capacities of the Parties concerned through capacity-building activities, sharing good practices and provision of advisory assistance upon request.	Secretariat Civil society organizations Parties concerned Partner organizations, in particular the secretariat of the Cartagena Protocol to the Convention on Biological Diversity.	Increased number of ratifications.
Use of regional and international cooperation arrangements to raise interest in the GMO amendment.		

Objective II.3: States in other regions of the world effectively exercise their right to accede to the Convention. Parties actively encourage accession to the Convention by States of other regions of the world (mainly Sustainable Development Goal 17).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Build public and political support for ratification in non-Parties.	Parties Partner organizations	Completed ratification procedures.
Bilateral consultations between Parties and non-Parties to discuss and overcome obstacles to ratification, provide capacity-building assistance and share good practices with interested non-Parties.	Civil society organizations Interested non-Party outside the ECE region	Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Strengthening the capacities of interested non-Parties through capacity-building activities, sharing good practices, translating guidance material into national and subnational languages and providing advisory and technical assistance upon request.	Secretariat Civil society organizations Parties Interested non-Party outside the ECE region	Increased number of Parties.
Use of regional and international cooperation arrangements to raise interest in the Convention.		

Objective II.4: The Convention sets an internationally recognized standard for access to information, public participation in decision-making and access to justice in environmental

matters, and inspires the development of similar instruments in other regions of the world thereby putting Principle 10 of the Rio Declaration into practice.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Promoting the Convention: (a) at national level to national focal points dealing with other international forums; and (b) through bilateral cooperation with countries in other regions through providing capacity-building assistance and sharing good practices.	Parties Partner organizations Civil society organizations	Convention promoted effectively within interministerial processes and through Parties' positions in major international forums, as well as among countries in other regions. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Participation in key regional and international events to publicize the Convention. Encouraging references to the Convention in other forums (political and academic). Cooperating with other regional bodies interested in the implementation of Principle 10 of the Rio Declaration. Providing capacity-building and advisory assistance.	Parties Meeting of the Parties and its Bureau and the Working Group Secretariat Civil society organizations Partner organizations	Convention promoted effectively in major international forums and among countries in other regions.

Objective II.5: The Parties to the Convention actively promote the application of its principles in international environmental decision-making processes and within the framework of international organizations relating to the environment, and endeavour to influence the practices of international forums in matters relating to the environment, in particular the development and implementation of multilateral environmental agreements (mainly target 17.14 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Consideration of possible measures to give effect to the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums at the national level. Implementation of the decisions of the Meeting of the Parties related to application of the Convention's principles in	Parties Partner organizations Civil society organizations	Increased number of international forums that apply the Almaty Guidelines in their procedures. National coordination mechanisms are in place and are working effectively. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
international environmental decision-making.		
International		
Strengthening Parties' capacities to apply the Almaty Guidelines.	Parties Secretariat	Application of the Convention's principles is promoted effectively in major international forums.
Promotion of the application of the Almaty Guidelines in international forums.	Civil society organizations Partner organizations	The objective is adequately addressed through the work of the respective Convention bodies.
Adoption of appropriate practices and procedures in international forums; review of existing practices.	Meeting of the Parties and its Working Group	Parties coordinate collectively in other forums on matters relevant to the application of the Convention's principles.
Consultations with other forums.		

Objective II.6: The Parties to the Convention, both in their participation in international policymaking and in their national implementation activities, achieve synergies between the Convention and other international environmental and human rights agreements (mainly target 17.14 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Coordinated implementation of the Convention and the provisions on access to information and public participation of other MEAs and human rights agreements.	Parties	Synergies between the implementation of the Convention and other international environmental and human rights agreements are ensured. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes and OHCHR special procedures mechanisms.
International		
Organization of joint activities with other MEAs, in particular those of ECE, and human rights bodies.	Parties Meeting of the Parties and relevant Convention bodies Secretariat Civil society organizations Partner organizations	Joint activities with other MEAs and human rights bodies are implemented effectively. Parties coordinate collectively in other forums on matters relevant to the application of the Convention.

Abbreviations: MEA, multilateral environmental agreement; OHCHR, Office of the United Nations High Commissioner for Human Rights.

C. Focal area III: Development

Strategic goal III

Further development of the provisions and principles of the Convention where necessary to ensure that it continues to achieve its objectives

To achieve the further development of the provisions and principles of the Convention where necessary to ensure that it continues to achieve its objectives, Parties will endeavour to implement the following objectives:

Objective III.1: The provisions of the Convention are interpreted in a dynamic way, enabling practice to adapt to experience acquired in the course of implementation, new developments in society, technological innovation, new and emerging technologies and environmental challenges.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Forward-looking interpretation of the Convention in view of new environmental and development challenges.	Parties Civil society organizations Private sector	Number of Parties having adapted relevant legislative, regulatory and policy measures and institutional frameworks to recent developments. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Strengthening Parties' capacities and addressing obstacles in implementing the Convention through the compliance mechanism, sharing good practices and developing guidance material.	Parties Meeting of the Parties and relevant Convention bodies Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

Objective III.2: The Parties continue to explore possibilities for implementing more effective measures under the Convention to ensure greater opportunities for public participation in policy formulation and implementation concerning each of the three pillars of the Convention, so as to contribute to sustainable development, recalling the 2030 Agenda for Sustainable Development. Furthermore, the Parties share their experiences in implementing the Convention with other forums interested in using them as a basis or a source of inspiration for further strengthening participatory democracy in their respective fields.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Use of participatory procedures in the revision and/or development of national strategies for sustainable development and	Parties Civil society organizations	Provisions for effective public participation are implemented. Good practices are reported through NIRs, the Aarhus

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
for the development of sustainable development goals.	Private sector	Clearinghouse and/or national nodes.
International		
Exchange of experience and best practices on the impact of instruments of participatory democracy on decisions related to all dimensions of sustainable development, public participation in policy formulation and implementation contributing to sustainable development.	Meeting of the Parties and relevant Convention bodies Parties Secretariat Civil society organizations Partner organizations	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

Access to information

Objective III.3: The use of modern information and communication technologies and the range of environmental information that is made available to the public are gradually widened, inter alia, by developing and implementing mechanisms enabling more informed consumer choices as regards products, thereby contributing to more sustainable patterns of production and consumption. Through exchange of information and good practice, consideration is given as to how to promote the increasing accessibility of environmental information held by the private sector, taking into account relevant issues of confidentiality of commercial and industrial information and protection of intellectual property rights, in line with the current approach under the Convention (mainly Sustainable Development Goals 3, 11, 12 and 17 and target 16.10 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Identify and remediate through a participatory intersectoral and multi-stakeholder process any deficiencies in the national framework to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place.	Parties Civil society organizations Private sector Partner organizations	Number of Parties having implemented relevant “open data” initiatives.
Application of the updated recommendations on electronic information tools developed under the Convention and decisions of the Meeting of the Parties with regard to relevant provisions on access to information, including environment-related product information.		Environmental information, including related to products is made available effectively.
Capacity-building activities.		Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
International		
Regional and subregional capacity-building activities, exchange of information and best practice in promoting the accessibility of environmental information held by the private sector based on national experience, preparing studies and guidance material.	Meeting of the Parties and relevant Convention bodies Civil society organizations Private sector Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant studies and guidance material has been developed).

Public participation

Objective III.4: The provisions on public participation in decisions having a significant impact on the environment, encompassing, inter alia, product-related decision-making, are assessed, further reflected on and, where appropriate, elaborated upon (mainly Sustainable Development Goal 12 and target 16.7 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Identify and remediate through a participatory intersectoral and multi-stakeholder process any deficiencies in the national framework to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place. Application of recommendations developed under the Convention with regard to relevant provisions on public participation. Capacity-building activities.	Parties Civil society organizations Private sector	Measures are taken. Provisions for effective public participation are implemented. Capacity-building activities are implemented. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice with regard to the implementation of the provisions on public participation in decisions having a significant impact on the environment.	Meeting of the Parties and relevant Convention bodies Civil society organizations Partner sector Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

Objective III.5: The provisions of the Convention relating to public participation in the preparation of plans, programmes and policies relating to the environment, as well as executive regulations and other generally applicable legally binding normative instruments that may have a significant effect on the environment, are applied, kept under review and, as appropriate, further developed to enhance public participation from an early stage in strategic decision-making processes. This should be done with appropriate public involvement and taking fully into account the specific nature and constraints of such processes and related obligations under other MEAs, in particular the Protocol on Strategic Environmental Assessment (Protocol on SEA) to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), and by involving its bodies in such processes (mainly Sustainable Development Goal 12 and target 16.7 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Identify and remediate through a participatory intersectoral and multi-stakeholder process any deficiencies in the national framework to ensure that adequate legislative, regulatory and policy measures and institutional frameworks are in place.	Parties	Measures are taken.
Application of the recommendations developed under the Convention with regard to relevant provisions on public participation.		Provisions for effective public participation are implemented.
Capacity-building activities.		Capacity-building activities are implemented.
		Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice with regard to implementation of the provisions of articles 7 and 8 of Convention and in context of the implementation of the SEA Protocol.	Meeting of the Parties and relevant Convention bodies	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).
	Parties	
	Civil society organizations	
	Partner organizations	
	Espoo Convention/ Protocol on SEA bodies	
	Secretariat	

Objective III.6: To enhance the effectiveness of public participation, the development and application of innovative forms and tools of public participation beyond traditional consultation procedures are encouraged, the development of the capacity of vulnerable and marginalized groups as well as civil society organizations is supported and civil society is strengthened (mainly Sustainable Development Goals 3, 6, 7, 8, 9, 11, 12, 13, 14 and 15 and target 16.7 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Promote good practices regarding different modes of public participation.	Parties Civil society organizations Partner organizations	Innovative and effective forms and tools of public participation are in place. Capacity of civil society organizations and civil society is strengthened. Good practices are reported through NIRs, the Aarhus Clearinghouse and/or national nodes.
International		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice on innovative and effective forms of and tools for participation.	Meeting of the Parties and relevant Convention bodies Parties Civil society organizations Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).

Access to justice

Objective III.7: Work on promoting effective access to justice continues, in particular by way of further information exchange, capacity-building and exchange of good practice, inter alia, on the issue of adequate and effective remedies, taking fully into account the Convention's objective of, inter alia, guaranteeing access to justice. The extension of the range of members of the public having access to administrative and judicial procedures is explored, with particular focus on access by environmental civil society organizations. Further steps are taken to remove or reduce financial and other barriers and to establish assistance mechanisms where appropriate (mainly target 16.3 of the Sustainable Development Goals).

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
National		
Review of implementation of article 9, paragraphs 2, 3 and 4, through a multi-stakeholder dialogue to identify gaps and obstacles to implementation.	Parties Civil society organizations	Number of Parties having promoted a multi-stakeholder dialogue.
Reducing or removing financial and other barriers and provision of assistance mechanisms where appropriate.		The quantitative data for monitoring the effectiveness of the review procedures is routinely collected and analysed. ¹⁶⁹ Relevant information is reported through NIRs, the

¹⁶⁹ See ECE/MP.PP/WG.1/2019/4, para. 63; and informal document AC/TF.AJ-12/Inf.4, available at www.unece.org/fileadmin/DAM/env/pp/a.to.j/TF12-2019/12TFAJ_Inf4_2019_Statistics.pdf.

<i>Indicative types of activity/measure</i>	<i>Possible implementing partners</i>	<i>Indicators of progress/targets</i>
		Aarhus Clearinghouse and/or national nodes. Adequate measures are implemented.
International		
Regional and subregional capacity-building activities, exchange of information and promotion of good practice with regard to implementation of the provisions of article 9.	Meeting of the Parties and relevant Convention bodies Parties Civil society organizations Partner organizations Secretariat	The objective is adequately addressed through the work of the respective Convention bodies and through regional and subregional capacity-building activities (for example, good practices have been shared and relevant guidance material has been developed).