

Aarhus Convention
28th Working Group of the Parties (WGP 28)
(Geneva, 2-4 July 2024)

- Statements by the EU and its Member States

1. Opening of the meeting and adoption of the agenda.

Good morning, Ladies and Gentlemen, dear colleagues, I have the pleasure to take the floor on behalf of the European Union and its Member States. Since this is our first intervention at this meeting, I would like to take the opportunity to thank the Secretariat for the preparation of the Twenty Eight meeting of the Working Group on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and the timely submission of comprehensive meeting documents. We also wish to thank the interpreters, without you, there would be no meeting.

The European Union and its Member States agree with the agenda items as proposed and look forward to our fruitful discussions and exchanges of views and an efficient, successful meeting.

2. War in Ukraine and implementation of the Convention

The EU and its Member States would like to thank the representatives of Ukraine for sharing their challenges with us here today. The figures presented to us today are truly shocking and striking. The EU and its Member States deplore the continuation of the aggression by the Russian Federation against Ukraine and the immense damage it has inflicted on Ukraine's population, economy, and environment. We remain in solidarity with Ukraine, the Ukrainian people, and their democratically elected representatives.

The EU and its Member States would also like to convey our empathy for the challenges Ukraine is currently facing regarding the implementation of the Convention. The EU and its Member States would like to acknowledge the tireless work of the Ukrainian people in defence of their homeland. With this said At the same time, the EU and its Member States stress the continued importance of the Convention as a tool for environmental democracy and empowerment of the people in these trying times as well as in the coming reconstruction of Ukraine.

It is important to highlight that on 25 June, the EU held the first Intergovernmental Conference at ministerial level to open accession negotiations with Ukraine. The EU and its Member States acknowledge the progress made by Ukraine to align its legal framework with the EU acquis and its continued efforts to ensure effective implementation also on the ground. This is in particular noteworthy, considering the clear challenges they are facing currently. In an Aarhus context, it is indeed important to mention the changes to the legal system as regards environmental monitoring and the digitalisation of impact assessment procedures.

We also wish to stress that, we are committed, as Parties to the Convention, to help ensure that environmental defenders are not persecuted in the context of the invasion of Ukraine by the Russian Federation, to provide them with humanitarian assistance and to make sure that a safe passage exists for them and their families. We also encourage all other Parties to the Convention to make all necessary efforts to help ensure the same in these difficult times.

3. Status of ratification

No statement

4. Substantive issues

(a) Thematic session on access to justice

The EU and its Member States thank the Chair of the Task Force on Access to Justice, Mr. Luc Lavrysen, and the Secretariat for the organization of this thematic session on access to justice.

The EU and its Member States also thank Mr. Lavrysen for the note on the possible future directions for the work.

The suggested priority substantive issues for the next inter-sessional period are a good basis for the drafting of a proposal for a mandate (workplan) of the Task Force to be decided by the next Meeting of the Parties in 2025.

An important topic for the next inter-sessional period should be access to justice in cases concerning environmental crimes. In this regard, the development of a Convention on the Protection of the Environment through Criminal Law (CoE) should be mentioned, and, at EU level, the newly adopted EU Environmental Crime Directive, that entered into force on the 20th of May 2024 should be highlighted. Furthermore, enhanced access to justice is expected to remain a priority at EU level, as outlined in the Communication on Improving Access to Justice in Environmental Matters in the EU and its Member States (COM(2020) 643 final). This commitment is also evident in recent legislation, such as the Deforestation and Forest Degradation Regulation.

(b) Access to information

The EU and its Member States thank the Chair of the Task Force on Access to information, the Representative of Moldova, and the Secretariat for their valuable work on this topic.

We take note of the outcomes of the eighth meeting of the Task Force on Access to Information (Geneva, 9-10 November 2023).

In relation to the upcoming 9th meeting of the Task Force on Access to Information under the Convention (Geneva 5-6 November 2024) we welcome its preparation according to Decision VI/1 of the Meeting of the Parties on promoting access to information.

The EU and its Member States thank the Chair of the Task Force for the note on the possible future directions for the work.

The suggested priority substantive issues for the next intersessional period are a good basis for the drafting of a proposal for a mandate (workplan) of the Task Force to be decided by the next Meeting of the Parties in 2025.

(c) Public participation in decision-making

The EU and its Member States thank the Chair of the Task Force on Public participation in decision-making, Ms. Loredana Dall'Ora, and the Secretariat for their valuable work on this topic.

In relation to the upcoming eleventh meeting of the Task Force on Public Participation in Decision-making (Geneva, 12-13 December 2024), we welcome its preparation according to Decision VI/2 of the Meeting of the Parties on promoting public participation in decision-making.

The EU and its Member States thank the Chair of the Task Force for the note on the possible future directions for the work.

The suggested priority substantive issues for the next intersessional period are a good basis for the drafting of a proposal for a mandate (workplan) of the Task Force to be decided by the next Meeting of the Parties in 2025.

(d) Genetically modified organisms

The EU and its member states welcome the ongoing collaboration between the Secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

We take note of the outcomes of the fourth Joint Aarhus Convention and Convention on Biological Diversity Round Table on Public Awareness, Education, Access to Information, Public Participation and Access to Justice regarding Living Modified Organisms/Genetically Modified Organisms, which was held in Geneva, on 11-12 December 2023.

We encourage the remaining Parties whose ratification of the GMO amendment would count towards its entry into force to take the necessary steps to achieve this goal and, mindful of the importance of this amendment, we encourage its ratification in the near future by other interested Parties.

5. Thematic session on the promotion of the principles of the Convention in international forums

The EU and its Member States thank the Chair of the thematic session on the promotion of the principles of the Aarhus Convention in international forums, the representative of France, and the Secretariat, for the organisation of this thematic session.

The EU and its Member States deeply appreciate the rich agenda of today's thematic session. The audience could witness the current strands on how transparency and public participation is applied in international environmental negotiations and processes. Even though we could see that there are still challenges in involving the public, nonetheless, there are noteworthy good examples.

Progress can be observed, inter alia, in international decision-making related to the implementation of the UNFCCC Paris Agreement, good practices on stakeholder engagement under the United Nations Environment Programme and United Nations Environment Assembly and Sustainable Development-related Processes.

The EU and its Member States wish to also thank the Chair of the Thematic session for the note on the possible future directions for the work.

The priority substantive issues suggested by the note, the methods of work and support materials for the next inter-sessional period are a good basis for the drafting of a mandate (workplan) of the Thematic session to be decided by the next Meeting of the Parties in 2025.

6. Procedures and mechanisms

- (a) Compliance mechanism
 - (i) Compliance Committee

The EU and its Member States thank the Compliance Committee for its close engagement with the Parties in assisting the implementation of the three pillars of the Aarhus Convention and for the preparation of its meeting reports since the 27th Working Group of the Parties.

- (ii) Special Rapporteur on environmental defenders

The EU and its Member States thank the Special Rapporteur on Environmental Defenders, Michel Forst, for his dedication and the work done so far to strengthen the protection of environmental defenders and encourage him to continue this important work.

The EU and its Member States noted Mr. Forst's announcement, expressed in the Position Paper '*State repression of environmental protest and civil disobedience: a major threat to human rights and democracy*' (February 2024), that he will draft guidance in 2024 on article 3(8) of the Aarhus Convention, to assist States, and other stakeholders, to comply with their international obligations regarding environmental defenders engaged in peaceful protest, including civil disobedience.

The EU and its Member States consider that the drafting of guidance on article 3(8) of the Convention is an interesting idea to be further elaborated. The EU and its Member States consider that the Working Group should be involved in the further elaboration of this idea, and therefore request that the issue of drafting guidance on article 3.8 is added to the agenda of the 29th Working Group of the Parties as an item to be discussed by the Working Group. We invite the Special Rapporteur to submit to the 29th Working Group an information note, prepared with the assistance of the Aarhus Secretariat, on options for the negotiating process, the possible scope, the aim and the status of the final deliverable document.

Finally, the EU and its Member States are happy to inform the Working Group of recent relevant developments within the EU on the protection of environmental defenders. The EU and its Member States highlight the new legislation of the European Union on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings, the so-called "Strategic Lawsuits against Public Participation Directive" (SLAPP Directive), that entered into force on the 6th of May 2024. Recently the EU legislators formally adopted the so-

called ‘Corporate Sustainability Due Diligence Directive’ (CSDD Directive). This Directive requires firms and their upstream and downstream partners, including supply, production and distribution, to prevent, end or mitigate their adverse impact on human rights and the environment. Where a company has caused or jointly caused an actual adverse impact, that company must provide remediation, i.e. the restitution of the affected person or persons, communities or environment. The CSDD Directive also protects people against retaliation when they execute their rights under the notification and complaints procedure (art 14) or under the substantiated concerns mechanism (art 26) and applies the so-called Whistleblowing Directive 2019/1937/EU to persons reporting breaches of the provisions of national law transposing the CSDD Directive.

(b) Reporting mechanism

The EU and its Member States encourage, acknowledge and appreciate the efforts in activities and encourage all Parties to submit by the agreed deadlines their national implementation reports.

(c) Capacity-building and awareness-raising

The EU and its Member States would wish to express their gratitude for the valuable efforts of the Secretariat during the reporting period, in particular for the continuous essential advisory support to Parties and non-Parties as regards capacity building activities.

The EU and its Member States would like to welcome the intention expressed by the countries of the Mediterranean region to further accession to the Aarhus Convention through the Mediterranean Strategy for Sustainable Development 2016–2025.

The EU and its Member States encourage the achievement of the objective of supporting further accession to the Aarhus Convention, in particular the Mediterranean countries, if possible by 2025. We thank the Secretariat for organizing the training session dedicated to promoting the Aarhus Convention in the region (held in Athens, 14–15 November 2023). It is also important to further pursue such activities in the future with the aim of strengthening the expert capacity of representatives of public authorities in the Mediterranean region.

The EU and its Member States kindly request the Parties who have not yet submitted their national implementation reports to do so.

7. Preparations for the eighth session of the Meeting of the Parties

(a) Future work programme

The EU and its Member States thank the Bureau and the Secretariat for the draft elements of the work program for 2026–2029.

Regarding the approach of the work program for the next intersessional period the EU and its Member States support the proposal to continue a workplan of 4 years matching the proposed

continuation of an intersessional period of 4 years. The EU and its Member States also support the proposal to continue the approach of working group meetings where a thematic session on substantive issues is held and progress in implementing MOP decisions on compliance matters is reviewed.

Regarding work areas the EU and its Member States support the proposal to continue the same work areas as the current work program (2022-2025). Regarding the detailed working program of the task forces the EU and its Member States refer to their position on the priorities to be dealt with by the task forces as stated under item I.4 substantive issues.

Regarding staff and human resources the EU and its Member states note in particular the request to increase legal support capacity for the Compliance Committee due to the increased workload of the Compliance Committee (doubling of cases submitted during current intersessional period compared to previous intersessional period) and the increased workload for the Aarhus Secretariat in assisting the Compliance Committee. Sufficient staff resources should be provided to enable the Compliance Committee to function effectively. The EU and its Member States also note the lack of human resources within the Secretariat that impacts on seizing opportunities for capacity-building and promotion of the Convention, whereas there is a need to strengthen cooperation with other relevant organizations, multilateral environmental agreements and processes dealing with human rights and the environment and to devote more effort to promoting the Convention among non-ECE countries and in other international forums.

Regarding cost allocation the EU and its Member states support the proposal to allocate the costs to work areas in general in the same proportion as in the current working program. The EU and its Member States understand the demanding situation of allocation of costs. The EU and its Member States will consider their own financial contributions to cope with the demanding financial situation and the funding needs of the work programme and the Compliance Committee and invite other Parties to do the same.

The EU and its Member States thank Germany for the offer to support a Junior Professional Officer for two years, who is expected to join the secretariat as of end 2024/early 2025.

(b) Future financial arrangements

The EU and its Member States thank the Bureau and the Secretariat for preparing an information document and a first draft for a decision on the future financial arrangements under the Convention to be discussed at the 29th meeting of the Working Group of the Parties.

The EU and its Member States acknowledge that the unpredictability of the funding could have an impact on the Secretariat's ability to carry-out long-term planning regarding staff and invite all Parties to ensure that financial contributions for a given calendar year are made by 1 October of the preceding year, or in the first six months of the calendar year at the latest, so as to secure payment of staff costs for the smooth functioning of the Secretariat.

The EU and its Member States still support a financial scheme with voluntary contributions, as it stands now.

(c) Agenda of the eighth session of the Meeting of the Parties

The EU and its Member States thank the Bureau and the Secretariat for preparing draft elements of the provisional agenda of the eight session of the Meeting of the Parties to the Aarhus Convention and the proposal to have a Joint high level session on the role of the Convention and the Protocol in addressing the triple planetary crisis.

The joint High-level segment is an important part of the Meeting of the Parties to the Convention and to the Protocol and it gives an occasion to highlight the role of the Aarhus Convention and the Protocol as unique instruments in strengthening the environmental democracy in the process of the implementation of several regional and global initiatives and commitments to the wider public through its declarations.

(d) Hosting of the eighth session of the Meeting of the Parties

The EU and Member States thank Lithuania for its interest in hosting the eight session of the Meeting of the Parties and encourage the Secretariat to provide assistance for timely preparations.

8. Promotion of the Convention and other relevant developments and interlinkages

The EU and its Member States thank the Secretariat for its considerable efforts devoted to outreach activities and raising awareness about the Convention and its three pillars, including at the sixth session of the United Nations Environment Assembly of UNEP (held in Nairobi, 26 February–1 March 2024).

It is considered also of particular importance to ensure a vivid exchange and support the relevant processes under the Escazu Agreement to help ensuring that it is perceived as a cornerstone of environmental democracy in the Latin-American region. Awareness-raising activities, such as the presentation delivered on the procedures of the Aarhus Convention Compliance Committee to the first meeting of the Committee to Support Implementation and Compliance of the Escazú Agreement (held in Santiago, 10–11 August 2023) are considered very useful. Further similar activities are encouraged in the future.

9. Implementation of the work programme for 2022-2025, including financial matters

The EU and its Member States thank the Secretariat for the Report on the implementation of the work programme for 2022-2025, for the Report on the contributions and expenditures in relation to the implementation of the Convention's work programme 2022-2025 and for the Note on contributions and pledges. The EU and its Member States thank Austria, Belgium, European Union, France, Ireland, Lithuania, Luxembourg, Norway, Slovakia and the United Kingdom for their earmarked financial support to the Rapid Response Mechanism (RRM) and invite all other Parties to consider their contributions to the Convention, including the Compliance Committee and the Special Rapporteur, in light of the additional need of financing. Also thanks to all who have made in kind contributions to the RRM.

10. Other business

No statement

11. Adoption of outcomes

The EU and its Member States convey their thanks to the Secretariat for the smooth organisation of this meeting.

The EU and its Member States also thank the Chair of the meeting, the interpreters and all the panellists for their clear and very informative presentations.
