



# Aarhus Convention 28<sup>th</sup> WGP

## Frederik Hafen, EEB, Aarhus ECO Forum

### July 2024, Agenda item 4(c) public participation:

Dear Chair, dear Secretariat and dear Delegates,

I would like to highlight a structural public participation issue which is also subject to MoP decision VII/8f. I am referring to National Energy and Climate Plans which European Union Member States had to update up until last week – although many are delayed.

The issue is systemic on two levels.

On the first level we have the practice whereby a majority of member states have paid mere lip service to their Convention obligations and did not allow for proper public participation in drafting the updates to the Energy and Climate plans. Issues range from no consultations held at all, over lack of information provided, to unrealistic timelines. The main theme, however, is that public participation exercises (consultations) have been held too late for “all [policy] options” to still be open. It is frustrating to see parties applaud public participation in this room but then viewing it as an annoying box ticking exercise when dealing with national climate and energy policy back home.

On the second level we have a European Union regulatory framework, the so-called Governance Regulation, which has been judged as inadequate by the Aarhus Convention Compliance Committee for the purpose of providing adequate public participation. Some progress has certainly been made and we applauded the European Commission for its more vocal criticism of inadequate drafts and for its initiative to look into a possible review of the Governance Regulation. However, to date the law remains unchanged and the Compliance Committee reviewed the Party’s progress report a few weeks ago and found that the European Commission has not yet met the requirements of the MOP decision.

The next progress report on the issue is due in October 2024. It will be near impossible for the EU to come into compliance in time for that deadline and the Meeting of the Parties next year which means that a ten-year-old breach of the Convention will continue at least until the next iteration of NECPs in five years. In this regard, the European Commission is setting itself up for diplomatic embarrassment again on an issue which originates in national ministries, but which is exacerbated by lack of uniform regulation at the level of the EU.



We are hoping that this issue will be taken seriously and we are looking forward to the next progress report in October.