

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

Working Group of the Parties**Twenty-eighth meeting**

Geneva, 2-4 July 2024

Item 11 of the provisional agenda

Adoption of outcomes**LIST OF DECISIONS AND MAJOR OUTCOMES
OF THE MEETING**

as adopted by the Working Group at its twenty-eighth meeting¹

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

The Working Group of the Parties:

- i. Took note of the information provided by the Chair and delegations.
- ii. Adopted the provisional agenda of the meeting (ECE/MP.PP/WG.1/2024/1).

Item 2. War in Ukraine and implementation of the Convention

The Working Group of the Parties:

- i. Took note of the information presented by the representative of Ukraine regarding challenges the country is facing in implementation of the Aarhus Convention due to the war launched by the Russian Federation against Ukraine as well as achievements and other relevant developments.
- ii. Reiterated that the ongoing war against Ukraine has devastating impact on people's lives, on the environment and on the social and economic development in the region and beyond, and that the war affects implementation of the Aarhus Convention.
- iii. Welcomed efforts of Ukraine to implement the Aarhus Convention in such extraordinary circumstances and the positive developments it demonstrated in that regard.
- iv. Reiterated its call on Parties, other interested member States and relevant international organizations to provide possible assistance to help Ukraine to implement the Aarhus Convention.
- v. Took note of challenges noted by non-governmental organizations (NGOs) with regard to implementation of the Aarhus Convention due to the war and encouraged Parties to support the public in Ukraine in their efforts in furthering of the Convention in the country, including in the context of green recovery and rebuilding programmes.
- vi. Took note of the statements and relevant developments presented by other delegations.

¹ This document was not formally edited.

Item 3. Status of ratification

The Working Group of the Parties:

- i. Took note of the information on the status of ratification of the Convention, its amendment and the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), provided by the secretariat.
- ii. Welcomed the progress reported by Uzbekistan towards accession to the Convention.
- iii. Took note of the statements and information on relevant developments presented by other delegations.

Item 4. Substantive issues**(a) Thematic session on access to justice**

The Working Group of the Parties:

- i. Took note of the:
 - report on the outcomes of the survey on measures to enable effective access to justice in environmental matters (ECE/MP.PP/WG.1/2024/11 and AC/WGP-28/Inf.10), information provided by the Chair of the Task Force on Access to Justice and of his Note (AC/WGP-28/Inf.3) and expressed its appreciation for the work done.
 - comments by delegations concerning the future work in this area, including with regard to the key subjects to be considered in the next intersessional period; and
- ii. Called on Parties to strengthen cooperation between ministries responsible for environment and for justice matters, in particular with regard to collective redress mechanism, and promote multi-stakeholder national dialogues to remove existing barriers.
- iii. Expressed its appreciation to representatives of Finland, the Netherlands, Serbia, Association of Judges of the Kyrgyz Republic, European Union Forum of Judges for the Environment and European ECO Forum for their presentations, and to other speakers for their contribution to this session, and took note of the information provided.
- iv. Welcomed the exchange of information, experiences, challenges and good practices provided by the representatives of Parties and stakeholders to promote effective access to justice for members of the public to challenge decisions, acts and omissions by private persons and public authorities which contravene provisions of its national law.
- v. Welcomed several positive trends that had been identified, namely: (a) strengthening legal framework by several Parties to widen public access to justice, (b) promoting access to justice for members of the public in criminal proceedings, (c) increasing awareness raising and capacity-building efforts.

- vi. Welcomed initiatives to raise awareness, promote specialization and strengthen cooperation of judiciary, judicial training institutions and other independent review bodies in environmental matters and invited partner organizations and donors to continue supporting these initiatives.
- vii. Reiterated that effective access to justice for members of the public to challenge violations of environmental law is indispensable to meet the objective of the Convention to protect the right of every person of present and future generations to live in an environment adequate to his or her health and well-being and adhere to the rule of law in environmental matters.
- viii. Encouraged Parties to consider the implementation challenges of the Convention regarding youth and children by adopting specific rules of standing concerning youth and children individuals and organisations, reversing the burden of proof, providing legal aid, and explicitly relaxing limitation periods for youth and children.
- ix. Recognized the important role of collective redress mechanism to address challenges in ensuring effective access to justice for members of the public in environmental matters, and encouraged Parties to continue developing these mechanisms meeting the requirements of the Aarhus Convention and address this issue in the next intersessional period.
- x. Noted a number of challenges that had been identified, namely (i) lack of access to justice to challenge violations of laws relating to the environment in some areas; (ii) continuing challenges in adhering to the rule of law and increase of strategic lawsuits against public participation and other retaliation against environmental defenders; and (iii) additional barriers in access to justice faced by individuals and groups in vulnerable situations, such as children, youth and migrants, in particular with regard to challenges related to access to information on review procedures, standing, limitation periods, fairness and equity, costs and access to assistance mechanism.
- xi. Noting decision VII/3 of the Meeting of the Parties, called on Parties to continue their work to remove barriers for members of the public to access justice, especially for individuals and groups in vulnerable situations, in line with the Convention.

(b) Access to information

The Working Group of the Parties took note of:

- i. the information provided by the Chair of the Task Force on Access to Information and of her Note (AC/WGP-28/Inf.1) and expressed its appreciation for the work done.
- ii. the report of the eighth meeting of the Task Force on Access to Information (ECE/MP.PP/WG.1/2024/3), welcoming cooperation with the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), United Nations Environment Programme (UNEP), One Planet Network, United Nations Conference on Trade and Development and other partners in promoting access to information.
- iii. comments by delegations concerning the future work in this area, including with regard to the key subjects to be considered in the next intersessional period.

- iv. statements and information provided by delegations on recent developments related to access to information.
- v. the progress achieved in the implementation of the work area on access to information.

(c) Public participation in decision-making

The Working Group of the Parties:

- i. Took note of
 - the information provided by the Chair of the Task Force on Public Participation in Decision-making and of her Note (AC/WGP-28/Inf.2) and expressed its appreciation for the work done.
 - comments by delegations concerning the future work in this area, including with regard to the key subjects to be considered in the next intersessional period.
 - statements and the information provided by delegations on recent developments related to public participation in decision-making.
 - the progress achieved and challenges encountered in the implementation of the work area on public participation in decision-making.
- ii. Expressed the need to pay more attention to the issue of involving more efficiently individuals and groups in vulnerable situations to improve the access rights of these groups.
- iii. Noted the increased pressures on budgets and resources for public participation across the region; therefore, encouraged Parties to provide and promote enhanced face-to-face and online training for public and private entities conducting consultations and for the public to improve the methodologies and outcomes of all forms of public participation under the three pillars of the Aarhus Convention.
- iv. Called on Parties to ensure that Aarhus Convention experts are involved in the implementation of permitting and permit acceleration procedures on a national level and assist the competent authorities in guaranteeing the public's right to participate and access justice.
- v. Called on Parties to mainstream children's rights throughout the three pillars of the Convention and within the future work programme by developing child-friendly information, including a child-friendly version of the Convention, by encouraging and creating enabling spaces for children's participation at national and international levels, and by removing barriers so children can access justice in environmental matters.

(d) Genetically modified organisms

The Working Group of the Parties:

- i. Took note of the Report on 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 (ECE/MP.PP/WG.1/2024/6) and of the statement by the Chair of the Round Table, expressing its appreciation to the Chair for the work done and to the secretariat of the Convention on Biological Diversity for its long standing cooperation.

- ii. Reiterated its serious concern that although objective II/2 of the Strategic Plan 2020-2030 (ECE/MP.PP/2021/2/Add.1) envisaged that the amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) of the Convention was to be approved by a sufficient number of Parties to enter into force by 2022, the objective had not been achieved.
- iii. Took note of the update by Armenia, Kazakhstan, Kyrgyzstan, North Macedonia, Tajikistan, Turkmenistan and Ukraine in this regard.
- iv. Reiterated its call upon the following Parties, whose ratification of the GMO amendment would count towards its entry into force: Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, North Macedonia, Tajikistan, Turkmenistan and Ukraine, to take serious steps towards ratification and requested the above Parties to report at the next meeting of the Working Group on the progress achieved.
- v. Took note of the statements and information provided by delegations on recent developments in this area and called on other Parties that did not ratify the GMO amendment to proceed with the ratification as well.
- vi. Encourages the Parties to already introduce the requirements of the GMO amendment in national legislation pending the amendment's entry into force.

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

The Working Group of the Parties:

- i. Took note of the information provided by the Chair of the thematic session on promoting the application of the principles of the Convention in international forums and of her Note (AC/WGP-28/Inf.4) and expressed its appreciation for the work done.
- ii. Took note of comments by delegations concerning the future work in this area, including with regard to the key subjects to be considered in the next intersessional period.
- iii. Expressed its appreciation to representatives of the European Union, Georgia, Ireland, the National Oceanic and Atmospheric Administration of the Government of the United States of America, European ECO Forum, the secretariat of the International Seabed Authority (ISA) and of an independent group of experts on the ISA for their presentations and to other speakers for their contribution to this session, and took note of the information provided.
- iv. Also expressed its appreciation to the secretariats' of United Nations Framework Convention on Climate Change, UNEP, United Nations Economic Commission for

Europe and to European Bank for Reconstruction and Development, European Investment Bank, and the World Bank for their written updates, and took note of them.

- v. Took note of the statements by Parties and stakeholders regarding promotion of the Convention's principles in processes dealing with energy; carbon-trading and other market-based mechanisms; new or emerging technologies; and with the ISA.
- vi. Welcomed achievements and good practices and noted challenges highlighted by speakers.
- vii. Urged Parties in that regard to ensure that article 3(7) of the Convention and the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines) along with the associated Checklist on measures to be borne in mind when developing a national action plan to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment are applied to all international forums falling under article 3(7) of the Convention that they are Party to.
- viii. Called on Parties to promote the application of the Aarhus Convention principles in the work of ISA, including by adoption of appropriate policies and procedures at the ISA to promote environmental information sharing, public participation and access to justice and contributing to the next ISA institutional review (due 2024-2025).
- ix. Called on Parties and requested the secretariat to promote the application of the Aarhus Convention principles in the work of the Council of Europe across its environmentally significant work areas, and in particular in the work of the Committee on Artificial Intelligence on the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.
- x. Called on Parties and requested the secretariat to promote the application of the Aarhus Convention principles in the work of the Office of the High Commissioner on Human Rights (OHCHR) on development of the legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises and in the work of the United Nations Development Programme (UNDP) with regard to the implementation of this legally binding instrument.
- xi. Requested the secretariat to strengthen cooperation with the ISA Secretariat including by contributing to the review of ISA draft Regulations in the light of the requirements of article 3 (7) of the Convention and the Almaty Guidelines.
- xii. Took note of Parties' and stakeholders' statements and written updates regarding other subject areas discussed at the session, such as (a) stakeholder engagement in international financial institutions and in Sustainable Development- and climate-related processes; (b) stakeholder engagement and access to information policies of the UNEP and United Nations Environment Assembly; (c) stakeholder engagement in Thirteenth World Trade Organisation Ministerial Conference, in the Intergovernmental Negotiating Committee on Plastic Pollution and in ECE process

- on Education for Sustainable Development, and urged Parties to continue promoting the Convention's principles in those forums.
- xiii. Recognized that interventions of Parties to the Convention in other international processes were critical to the promotion of public participation.
 - xiv. Took note of the request to the secretariat to carry out a survey among international forums falling under article 3(7) of the Convention to inquire how the rules and procedures of those forums handle the issue of conflict of interest.
 - xv. Took note of comments by delegations concerning the future work in this area, including with regard to the key subjects to be considered in the next intersessional period.
 - xvi. Encouraged Parties, the secretariat and stakeholders involved in the Convention's processes to continue cooperating closely with Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) and stakeholders participating in the Agreement's processes on matters related to public participation in international forums.
 - xvii. Called on Parties to continue fulfilling their obligations under article 3 (7) of the Aarhus Convention and to consider the results achieved at the next meeting of the Working Group of the Parties.

Item 6. Procedures and mechanisms

(a) Compliance mechanism

(i) Compliance Committee

The Working Group of the Parties:

- i. Took note of the information provided by the Chair of the Compliance Committee on the outcomes of the Compliance Committee eightieth, eighty-first, eighty-second and eighty-third meetings and expressed its appreciation to the Committee and its Chair for the work done, especially in light of the Committee's significantly increased workload.
- ii. Called on Parties to respond to the call of the Chair of the Compliance Committee to urgently respond with increased and sustained funding support for the secretariat, in light of the Committee's increased workload and further demands on the secretariat, to additionally support the rapid response mechanism.
- iii. Took note of the statements and information provided by delegations on recent developments and other matters related to the subject area.
- iv. Urged all Parties subject to a decision or request of the Meeting of the Parties concerning its compliance to implement that decision or request in a timely and effective manner, recalling in particular the deadlines 1 October 2024, by when each Party concerned must submit its final report to the Committee demonstrating that it has fully met the requirements of the decision concerning its compliance.

- v. Called on Parties to cooperate with the Committee in a timely and engaged manner as to support and facilitate its work.
- vi. Called on Parties and on partner organizations to raise awareness of the Compliance Committee through e.g., introducing relevant information in national language(s) on their web pages with the link to the Committee's web page.
- vii. Stressed that the full and effective implementation of the Convention is the first and best way to ensure the safety of environmental defenders and to ensure the exercise of rights under the Convention is guaranteed.

(ii) Special Rapporteur on environmental defenders

The Working Group of the Parties:

- i. Took note of the information provided by the Special Rapporteur on Environmental Defenders and expressed its appreciation for the work done.
- ii. Took note of statements by delegations and the information they provided on recent developments and other matters related to the protection of environmental defenders.
- iii. Expressed its serious concern regarding challenges facing environmental defenders presented by the Special Rapporteur on Environmental Defenders, NGOs and other stakeholders.
- iv. Stressed that ensuring the safety of environmental defenders is a key prerequisite for achieving the objective of the Convention and its effective implementation as well as indispensable for the achievement of Sustainable Development Goals, in particular Goal 16.
- v. Welcomed initiatives of the Parties and stakeholders to promote implementation of decision VII/9 on a rapid response mechanism for the protection of environmental defenders.
- vi. Called on Parties, other interested member States and partner organizations to:
 - support the work of the Special Rapporteur; and
 - raise awareness of the rapid response mechanism through e.g., introducing relevant information in national language(s) on their web pages with the link to the Special Rapporteur's web page.
- vii. Encouraged all Parties, as a sign of their commitment and good faith to ensuring an enabling environment for environmental defenders, to invite the Special Rapporteur to visit their country to raise awareness about the mandate and Parties' obligations under article 3(8) of the Aarhus Convention.

(b) Reporting mechanism

The Working Group of the Parties

- i. Took note of the information provided by the secretariat and delegations.
- ii. Recalled its concern over the failure of the Netherlands to submit a report on the implementation of the Convention for the 2021 reporting cycle and urged this Party to submit its report without any further delay.
- iii. Urged Parties to proceed with the preparations of the national implementation reports for 2025 reporting cycle as to ensure submission of the reports on time.

(c) Capacity-building and awareness-raising

The Working Group of the Parties:

- i. Took note of the information provided by the secretariat and delegations.
- ii. Expressed its appreciation to Parties, Aarhus Centres, partner organizations, and stakeholders for the continuing cooperation with the secretariat on capacity building activities in promoting the Aarhus Convention at the regional, national and local levels.
- iii. Took note of the information provided by the representatives of the Organisation for Security and Cooperation in Europe (OSCE) and the UNDP; and expressed its appreciation to these and other partner organizations for supporting the implementation of the Convention.
- iv. Recognised once again the important role that Aarhus Centres played for providing a neutral platform for authorities, NGOs and other stakeholders to support the Convention's implementation in countries with economies in transition, and to promote multi-stakeholder dialogue on Sustainable Development Goals. In this regard, welcomed actions taken by OSCE in promoting the sustainability of these Centres and called on Parties and other interested Member States to support OSCE's efforts.
- v. Encouraged national focal points to reach out to authorities responsible for development assistance and technical cooperation to explore the possibility of integrating the Aarhus Convention in these programmes as cross-cutting instrument supporting attainment of Sustainable Development Goals and achieving environmental justice.
- vi. Recognized the importance of engagement of children and youth in capacity-building activities supporting the implementation of the Aarhus Convention and called on Parties and partner organizations to promote such engagement in the form of including, but not limited to, dedicated trainings on participatory rights and simplifications of complex information related to the exercise of rights granted by the Aarhus Convention.

Item 7. Preparations for the eighth session of the Meeting of the Parties**(a) Future work programme**

The Working Group of the Parties:

- i. Took note of the comments and information provided by participants regarding Draft elements of the work programme for 2026–2029 (ECE/MP.PP/WG.1/2024/7).
- ii. Requested the Bureau to:
 - prepare a draft decision on the future work programme based on the Draft elements of the work programme for 2026–2029 (ECE/MP.PP/WG.1/2024/7) taking into consideration comments provided at the meeting for its submission to the twenty-ninth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decision will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-ninth meeting of the Working Group.
 - prepare draft decisions on access to information, on public participation in decision-making, on access to justice and on promoting the Convention's principles in international forums, based on the Notes prepared by the respective Chairs and taking into consideration comments provided at the meeting, for their submission to the twenty-ninth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decisions will be circulated to Parties and stakeholders for comments prior to their finalization for the twenty-ninth meeting of the Working Group.

(b) Future financial arrangements

The Working Group of the Parties:

- i. Took note of comments provided by participants regarding draft elements of possible financial arrangements under the Convention (ECE/MP.PP/WG.1/2024/8).
- ii. Requested the Bureau to prepare a draft decision on financial arrangements in light of the comments by the Working Group for its submission to the twenty-ninth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft decision will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-ninth meeting of the Working Group.

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

The Working Group:

- i. Took note of the information provided by the secretariat and the comments provided by participants regarding the Draft outline of the provisional agenda of the eighth session of the Meeting of the Parties to the Aarhus Convention (ECE/MP.PP/WG.1/2024/10), supporting in general its structure, substantive scope and themes of the High-level segment.
- ii. Requested the Bureau to prepare:
 - a draft provisional agenda for the eighth session of the Meeting of the Parties in accordance with the above outline.
 - a draft Declaration jointly with the Protocol's Bureau, in light of the comments by the Working Group provided at the meeting, for their submission to the twenty-ninth meeting of the Working Group for consideration and approval and subsequent submission to the Meeting of the Parties for consideration. The draft Declaration will be circulated to Parties and stakeholders for comments prior to its finalization for the twenty-ninth meeting of the Working Group.

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

The Working Group of the Parties:

- i. Took note of the information shared by the secretariat regarding the eighth session of the Convention's Meeting of the Parties to be held back-to-back with the fifth session of the Meeting of the Parties to the Protocol in fall 2025.
- ii. Noted confirmation on preliminary interest to host the sessions expressed by Lithuania and agreed that in case if no formal confirmation from Lithuania will be submitted to the secretariat on time, the next sessions will be held in Geneva.

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

The Working Group of the Parties:

- i. Took note of the statements and information provided by delegations regarding promotion of the Convention and other relevant developments and interlinkages during the reporting period.
- ii. Welcomed initiatives taken by the secretariat, Parties and stakeholders to promote the Convention beyond the ECE region and in other relevant processes. It calls upon the secretariat and other relevant organizations to continue cooperation and further promote synergy in the area of environmental rights.

- iii. Called on Parties to support efforts of the countries of the Mediterranean region to accede to the Aarhus Convention.
- iv. Reiterated its call to promote cooperation between the Aarhus Parties, the secretariat, the Convention's bodies and its mechanisms, and stakeholders with the corresponding counterparts under the Escazu Agreement.

Item 9. Implementation of work programme for 2022–2025, including financial matters

The Working Group of the Parties:

- i. Took note of the Report on the implementation of the work programme for 2022–2025 (ECE/MP.PP/WG.1/2024/4); the Report on contributions and expenditures in relation to the implementation of the Convention's work programme for 2022–2025 (ECE/MP.PP/WG.1/2024/5), the Note on contributions and pledges received between 1 May and 25 June 2024 (inclusive) (AC/WGP-28/Inf.7) and information provided by the secretariat;
- ii. Noted with concern the substantial increase of technical, other operational and support costs (work area XII) for the provision of secretariat administrative services and requested the secretariat to provide detailed information on those charges (e.g., price lists, expenditure reports on charges) for its next meeting.
- iii. Welcomed the synergies with partner organizations that help to effective implementation of the work programme.
- iv. Also took note of information provided by delegations on their expected financial contributions.
- v. Urged Parties that did not contribute to proceed with the contributions for all missing years without any further delay.
- vi. Called upon the Parties to proceed with making financial contributions as soon as possible and expressed its concern over the fact that contributions are still arriving late in the year.
- vii. Expressed appreciation to the secretariat for its commitment and effective work in servicing the Convention.
- viii. Expressed serious concern with regard to the continuous low level and irregularity of the financial contributions, which impacts the implementation of the work programme, and requested the Convention's national focal points to bring this serious issue to the attention of responsible authorities of Parties as to ensure the required funding for the implementation of the work programme.
- ix. Took note of the grave concerns expressed by the Chair of the Compliance Committee, the Special Rapporteur on Environmental Defenders and representatives of NGOs regarding the severe lack of resources for these work areas.
- x. Called on all Parties to strive to increase their contributions at least by 40% each in view of the expanded workload and complexity of the work of the Compliance

Committee and Rapid Response Mechanism, including with regard to advisory support and capacity building for the Parties, as provided in the adopted work programme for 2022-2025.

- xi. Underlined that the implementation of the work programme supported Parties' efforts in achieving Sustainable Development Goals and other relevant international commitments, and in particular target 16.10 (ensure public access to information and protect fundamental freedoms), 16.7 (ensure responsive, inclusive, participatory and representative decision-making at all levels) and 16.3 (promote the rule of law at the national and international levels and ensure equal access to justice for all) as well as Goals 3 (good health and well-being), 6 (clean water and sanitation), 7 (affordable and clean energy), 9 (industry, innovation and infrastructure), 11 (sustainable cities and communities), 12 (responsible consumption and production), 13 (climate action), 14 (life below water), 15 (life on land) and 17 (partnerships for the goals).

Item 10. Other business

No issues were considered.

Item 11. Adoption of outcomes

The Working Group adopted the major outcomes and decisions presented by the Chair at the meeting (as contained in this document) and requested the secretariat, in consultation with the Chair, to finalize the report and incorporate these adopted outcomes and decisions in the meeting report.
