



Council of the
European Union

Brussels, 10 July 2023
(OR. en)

11356/23

ENV 798
DEVGEN 136
RELEX 829
ONU 45

INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)
Twenty-seventh meeting of the Working Group of the Parties (WGP 27) (Geneva, 26-28 June 2023)
- Statements by the EU and its Member States

Delegations will find in the [Annex](#), for information, a compilation of statements by the EU and its Member States delivered during the 27th meeting of the Working Group of the Parties to the Aarhus Convention (WGP 27).

Aarhus Convention
27th Working Group of the Parties (WGP 27)
(Geneva, 26-28 June 2023)

- Statements by the EU and its Member States

Agenda item 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 Seventh 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 would also like to thank the Chair, Mr. Aurimas Saladžius, for his introductory statement and for inviting the WGP to adopt the agenda of that meeting. We also wish to thank the interpreters, without you there would be no meeting.

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

Agenda item 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 immense challenges with us here today. The EU and its Member States condemn Russia's unprovoked and unjustified war of aggression against Ukraine in the strongest possible terms. The aggression causes countless losses of innocent lives, horrific human suffering, and 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 full understanding for the challenges Ukraine is currently facing regarding the implementation of the Convention against the backdrop of Russia's ongoing aggression. With this said, the EU and its Member States nevertheless 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 recovery of Ukraine.

The EU and its Member States also condemn the indiscriminate and targeted attacks by Russia against civilians and civilian infrastructure, as well as the arbitrary detentions and persecutions of environmental defenders and activists. These acts constitute violations of international law, and some of them may amount to war crimes. We, as Parties to the Convention, are firmly committed to ensure that those in need are provided with humanitarian assistance and safe passage. We also encourage all other Parties to the Convention to make all necessary efforts to help ensure the same.

Agenda item 4: Substantive issues

4 (b) Access to information

The EU and its Member States would like to thank the Chair of the Task Force, the Rep of Moldova, on Access to information and the Secretariat for their work on promoting the exchange of experiences and identifying priority measures to improve public access to information.

The EU and its Member States would like to thank the Secretariat for keeping the Aarhus Clearinghouse for Environmental Democracy, PRTR.net and the Conventions homepage continuously updated as this allows for effective implementation of the access to information pillar of the Convention. We encourage the active dissemination of environmental information using modern digital technologies for implementing the Aarhus Convention. We also encourage the Parties, as well as the stakeholders to continue to submit case studies on electronic information tools and to populate the Aarhus Clearinghouse with the relevant resources.

The EU and its Member States welcome the outcomes of the Thematic session on access to environment-related product information, which was held at the 26th Working Group of the Parties (22-23 June 2022) in Geneva. The discussions showed the importance of this subject for Parties, partner organizations and other stakeholders and we look forward to the upcoming 8th meeting of the Task Force on Access to Information in Geneva later this year.

4 (c) Access to justice

The EU and its Member States thank the chair of the Access to Justice Task Force, Mr Luc Lavrysen and the Secretariat for organising such a rich and informative fifteenth meeting of the Convention's Task Force on Access to Justice.

The EU and its Member States welcomes the outcomes of the thematic sessions focusing on access to justice on cases related to climate change and biodiversity protection.

We believe that the outcomes of the meeting will support all Parties' efforts in the implementation of Sustainable Development Goals, in particular Sustainable Development Goal 16 and its target 16.3 namely to promote the rule of law at the national and international levels and ensure equal access to justice for all.

The EU and its Member States also would like to thank the Secretariat for continuation of populating the Aarhus Clearinghouse and the jurisprudence database with relevant resources. We also wish to thank you for your contribution to the Stockholm +50 Symposium on Judges and the Environment in June 2022.

4 (d) Genetically modified organisms

The EU and its Member States welcome the work done by the Secretariat in promoting the GMO amendment.

We welcome the ongoing collaboration between the Secretariats of the Aarhus Convention and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, as well as the preparatory work regarding the organization of the fourth joint global round table (Geneva, 11-12 December 2023), which will address key issues related to access to information and public participation regarding Living Modified Organisms/Genetically Modified Organisms. We support the Secretariats' promotion of the use of e-learning modules, checklists, and other tools in relation with GMOs to support implementation work of the GMO amendment and the Cartagena Protocol on Biosafety.

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.

Agenda item 5: Procedures and mechanisms

5 (a) Rapid response mechanism

The EU and its Member States thank the Secretariat for the update on the Rapid Response Mechanism to deal with cases related to Article 3(8) of the Convention.

The EU and its Member States thank the Special Rapporteur on Environmental Defenders, Michel Forst, for his report as well as for his work in raising awareness and to build capacity about his mandate.

We also wish to thank the Special Rapporteur for his contribution on a statement on the withdrawal of Belarus from the Aarhus Convention in August 2022.

The EU and its Member States thank those Parties which so far have made contributions to support the work related to the rapid response mechanism and invite all Parties to consider financing for this important new mechanism.

5 (b) Compliance mechanism

The EU and its Member States would like to 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 its continued work since the twenty-sixth meeting of the Working Group of the Parties.

The European Union and its Member States wish to especially thank the Committee on their dedicated work to help ensure Belarus' compliance with the Convention, prior to its withdrawal from the Convention.

Finally, with regard to case ACCC/C/2015/128 concerning the European Union and access to justice on State aid matters, we would like to briefly mention that the Commission adopted, on 17 May, a Communication which is analysing the implications of the findings and assessing the options available.

As outlined in the Communication, at this stage, all options identified in the public consultation, which was run last year remain open, with the exclusion of maintaining the status quo. The Commission may also consider a combination of certain elements in these options.

As a next step, the Commission will analyse the impacts, including costs and benefits, of possible options and will present a roadmap with a timeline towards compliance.

5 (c) Reporting mechanism

The EU and its Member States thank the Secretariat and the Bureau for the update on the status of submission of national implementation reports since the seventh session of the Meeting of the Parties. We urge those Parties who have not yet submitted their national implementation reports to do so.

5 (d) Capacity-building and awareness-raising

The EU and its Member States welcome the Secretariat's initiatives to contribute to the work of other international forums and partner organisations that enables coordination and synergies between different initiatives and processes.

Agenda item 8: Implementation of the work programme for 2022-2025, including financial matters

The EU and its Member States take note of the reports on the implementation of the work programmes for 2018-2021 and for 2022-2025 as well as on contributions and expenditures in relation to the implementation of the Convention's work programmes for 2018–2021 and 2022-2025.

On the financial matters, the European Union and its Member States express their gratitude to all Parties having contributed financially and in-kind. We take note of the expressed need for sustained financing of the work under the Convention, including the important work of the Compliance Committee and the Special Rapporteur. We would like to recall that we continue to support a financial scheme with voluntary contributions in which the minimum for any voluntary contribution by a Party in a given calendar year is 1000 USD.

The EU and its Member States also encourage all Parties to consider their contributions, whenever possible, in light of the additional needs for financing the recently established rapid response mechanism. In this respect, we are grateful for the additional contributions and pledges that Parties to the Convention, already made. These contributions help to fulfil the mandate for the newly appointed Special Rapporteur to carry out his important duties.

Agenda item 11: Adoption of outcomes

The EU and its Member States would like to convey our thanks to the Secretariat for the smooth organisation of this meeting, including for having organised an in-person participation with the possibility to participate online. Whereas we are hopeful that we will be able to maintain such physical meetings in the future, we acknowledge also that hybrid or online meetings may prove to be the format that would best ensure the participation of all Parties.

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

