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**NOTE**

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From: General Secretariat of the Council

To: Delegations

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Subject: Aarhus Convention and PRTR Protocol:

- a) Seventh session of the Meeting of the Parties to the Aarhus Convention (MoP 7)
- b) Joint High-level Segment under the Meetings of the Parties to the Aarhus Convention and its Protocol on PRTRs
- c) Fourth session of the Meeting of the Parties to the Protocol on PRTRs (MoPP 4)  
(Geneva (hybrid), 18 - 22 October 2021)

- Information from the Presidency and the Commission

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Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 20 December 2021.

**Seventh session of the Meeting of the Parties (MOP 7) to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), fourth session of the Meeting of the Parties (MOPP 4) to the Protocol on Pollutant Release and Transfer Registers, and their Joint High-Level Segment (Geneva, Switzerland, 18-22 October 2021, hybrid format)**

**- Information from the Presidency and the Commission -**

The EU and its Member States and most other Parties to the Convention and its Protocol participated, as well as various UN agencies, NGOs and stakeholders. The EU and its Member States were satisfied with the outcome of the meetings and the decisions adopted.

**Geneva Declaration:**

During the joint High-Level Segment, MOP 7 and MOPP 4 adopted the "Geneva Declaration" on "*Environmental Democracy for Sustainable, Inclusive and Resilient Development*", which is a short policy-oriented document reflecting the valuable contribution of the Convention and its Protocol to promoting sustainable, inclusive and resilient development, and reaffirming the commitment of the Convention's and Protocol's Parties in that regard.

**New Decisions:**

MOP 7 and MOPP 4 took stock of the implementation of the Convention and the **Pollutant Release and Transfer Registers** (PRTR) Protocol and compliance by the Parties, provided the necessary orientation for the next inter-sessional period, reviewed the financial arrangements, established the future work programme and reviewed the work of the different Task Forces under the Convention.

Concerning the financial arrangements, MOP 7 and MOPP 4 decided to retain the current interim scheme of voluntary contributions, as there was no consensus to move towards a scheme of mandatory contributions based on the UN scale of assessments. The minimum contribution was raised from 500 to 1,000 USD for both instruments.

Regarding compliance matters, the decision on compliance of Belarus with the Convention was adopted by a three quarters majority at MOP 7. The compliance issues included the harassment of environmental defenders under Article 3(8) of the Aarhus Convention, in particular the unlawful liquidation of Ecohome, a Belarussian NGO, which was the communicant of ongoing compliance cases before the Convention’s Committee. Despite intensive negotiations during the MOP including calls from the Committee, no compromise could be reached. Belarus refused to commit to reinstate the environmental NGO which it had dissolved. This has led to a formal vote on a draft compliance decision for the first time in the history of the Convention.

MOP 7 established a Rapid Response Mechanism intended to give persons who are harassed, penalised or persecuted for exercising their rights under the Convention, a quick and easily accessible complaint procedure. The work will be done by a Special Rapporteur with the initial funding to be provided by Austria and Ireland. In 2022, the Parties are to appoint the first Special Rapporteur under the Convention at an extraordinary MOP. This is a major step to counter persecution of environmental human rights defenders in all countries in the UNECE region.

Membership to the Aarhus Convention is open to all United Nations members. MOP 7 approved the request for accession of Guinea Bissau, which will become the first Party to the Aarhus Convention from outside of the UNECE region.

### **Compliance cases concerning the EU:**

MOP 7 endorsed the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32 concerning access to justice, and at the same time concluded that by adopting the revised Aarhus Regulation the EU had made all necessary steps to ensure compliance. This compliance case was thus successfully closed.

At the EU’s request, the MOP exceptionally agreed to postpone a decision on whether to endorse the Committee’s findings in ACCC/C/2015/128 on state aid to the next ordinary session of the MOP in 2025. In addition, it was also agreed that the EU will report back on progress to the Convention’s Compliance Committee.

In its findings, the Committee called on the EU to amend the Aarhus Regulation or adopt other legislative measures in order to ensure that state aid decisions of the Commission can be challenged in administrative and/or judicial review processes if they are found to contravene EU environmental law.

The Commission outlined the next steps, namely the assessment of the implications of the findings and the assessment of the options available by the end of 2022 to be followed, if appropriate, by a proposal of measures by the end of 2023.

Furthermore, MOP 7 also endorsed the Committee's findings and recommendations in three other compliance cases concerning the EU: ACCC/C/2013/96, ACCC/C/2014/121 and ACCC/C/2010/54. Work is ongoing with regard to each case to ensure follow-up and compliance.

### **Bureau and Compliance Committee Nominations:**

New members were elected to the Bureaus of the Convention and its Protocol and to the Aarhus Convention Compliance Committee. Most notably, Professor Thomas Schomerus (Germany) and former European Court of Justice Advocate General Eleanor Sharpston (Luxembourg) joined the Aarhus Convention Compliance Committee as new members.

### **Development of the Pollutant Release and Transfer Registers (PRTR) Protocol:**

MOPP 4 adopted in particular decision IV/2 on the development of the Protocol, which had been proposed by the EU and its Member States. The decision invites Parties to table amendments to the Protocol for consideration by the next ordinary or extraordinary MOPP. This should result in an upgrade of the Protocol, consistent with an amendment of the EU's PRTR Regulation, currently under preparation by the Commission, to implement the EU Green Deal and its zero-pollution ambition.