From:	Adam-Daniel.NAGY@ec.europa.eu
To:	Fiona.Marshall@unece.org; Public.Participation@unece.org
Cc:	Liam-Joseph.Cashman@ec.europa.eu; Angelika.Wiedner@ec.europa.eu; Aude.L'HIRONDEL@ec.europa.eu; Wolfgang.HILDEN@ec.europa.eu; Stephanos.AMPATZIS@ec.europa.eu; Louis.MEULEMAN@ec.europa.eu
Subject:	comments and observations - Invitation to comment on third draft of the Aarhus Convention's Recommendations on Public Participation in Decision-making in Environmental Matters, deadline 15 April 2013
Date:	15/04/2013 20:36
Attachments:	Aarhus_Recommmendations_PPDM_3d draft COM comments 04.2013.doc

Dear colleagues,

Please find below some general observations and in attachment some more targeted comments as prepared as a joint contribution by colleagues in copy. Thank you for taking these into account when preparing the new version of the text.

- The specification in the Executive Summary that the recommendations are non-binding is welcomed. Nothwithstanding this, we wish to reiterate that it is important that these recommendations should be based on, and informed by, the legal obligations of the Convention, and cannot go beyond nor extend its scope.

- When reading the text in the box on the cover page, the expectation is generated that throughout the text a clear split is made between a) design of the legal framework in line with the Aarhus Convention; b) practical implementation of the legislation. Or, to put it differently, users might find it helpful when the text first sets out the expected (minimum) contents of national legislation to respond to the spirit of the Aarhus Convention, followed by recommendations for the more practical aspects of its implementation. At present, it is often not clear whether the text is dealing with legal requirements or just practical procedures. Ideally, the distinction could be made clear by respective headers so that the reader gets a clear idea of the category the text is related to. This should be done both in the general recommendations as well as in the specific part.

- The draft recommendations put on an equal footing public consultation on general issues (where broad and longer public consultation procedures could be envisaged) and consultation on technical and scientific issues where the consultations should be more targeted in order to be efficient (and therefore the consultation procedures should foresee shorter deadlines and targeted consultation fora). In our view, the recommendations cannot take position on the compliance of certain practices with the Aarhus Convention, which have not yet been addressed by the Compliance Committee or are going beyond the scope of the Convention itself.

- It is difficult to understand, how the general part is linked to the requirements of the Convention. It might be beneficial if for each part a clear reference to one or more specific requirements of the Aarhus Convention is provided. At present, it was not clear whether the general part always followed this idea.

- Furthermore it appears that general considerations are also given in the recommendations on Articles 7 and 8 which might add to the confusion.

- It is difficult to understand what is the exact aim of the definitions in the text. Are they a re-interpretation of the Aarhus Convention text? It might be more helpful, if the definitions part would mention typical misunderstandings and provide the correct interpretation in practical terms. Thus, there would be a clear relationship between Convention text and recommendations.

Best regards,

Adam Daniel Nagy

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From: Public Participation [mailto:Public.Participation@unece.org]
Sent: Monday, March 18, 2013 5:05 PM
To: Public Participation
Subject: Invitation to comment on third draft of the Aarhus Convention's Recommendations on Public Participation in Decision-making in Environmental Matters, deadline 15 April 2013

To: National focal points to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and stakeholders

Dear Sir/Madam,

Please find attached for your review and comments, the third draft of the Recommendations on Public Participation in Decision-making in Environmental Matters being prepared under the auspices of the Task Force on Public Participation in Decision-making of the Aarhus Convention.

We would like to thank all those who commented on the second draft of the Recommendations which was circulated in late October 2012. All comments received on the second draft have been taken into account in the preparation of the current third draft.

As you may recall, the work to prepare the draft Recommendations is in response to the request by the Meeting of the Parties to the Aarhus Convention, at its second extra-ordinary session (Geneva, 19 and 22 April 2010), for the Task Force to prepare draft recommendations on improving the implementation of the provisions of the Convention on public participation in decision-making (decision EMP.II/1, paragraph 2(c)).

Invitation to comment on the third draft
The third draft is attached in English and Russian in both clean and track changes formats. The track changes format shows all changes that have been made to the second draft in the light of the comments received. The clean format is attached for easier reading and also for inserting any comments you may have on the third draft.

We would be grateful to receive your written comments, in track changes form in the attached clean Word version of the third draft, by **15 April 2013** to public.participation@unece.org.

Among the comments received on the previous drafts was a suggestion to incorporate some diagrams or flow charts to visually explain some of the key parts of the recommendations. As well as your written comments, we thus invite you to submit any diagrams or flowcharts that you consider nicely illustrate relevant parts of the Recommendations. Any diagrams or flowcharts received will be considered in the preparation of the fourth draft.

In keeping with the spirit of the Aarhus Convention, and in response to requests received

from civil society, following the expiration of the above deadline we would propose to post all comments received on the third draft on the webpage of the draft Recommendations: http://www.unece.org/ppdm_recs.html. The three drafts prepared to date, as well as the comments received on the second draft, are already available on that webpage.

The process going forward

Following the expiry of the commenting period on the third draft, all comments received will be considered in the preparation of the fourth draft. It is intended to circulate the fourth draft in late May 2013.

We thank you in advance for your comments and contribution to this important initiative.

Kind regards,

Fiona Marshall

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