

EU Presentation – Enhancing existing means of participation

*In-session Workshop Bonn, 8 June
2011*

1. EU's policies and practices on Public Participation



- RIO UNCED 1992 also for EU the key reference:
 - Rio Principle 10 on access to information, public participation and access to justice
 - Major groups as identified in Agenda 21
 - UNFCCC Article 4.1 and Article 6

- For UN ECE Region translation of Rio Principle 10 in Aarhus Convention (1998)
 - Access to information
 - Public participation in decision making
 - Access to justice
 - > grants the public „procedural rights” concerning environment and imposes „obligations” on public authorities
 - > environmental, social and economic challenges faced cannot be addressed by public authorities alone without the involvement of stakeholders

- EU has enshrined the principle of sustainable development & aim for a healthy environment in its Treaties (see Preamble and art 3 TEU)



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1. EU's policies and practices on Public Participation



- Aarhus Convention was implemented in EU by the Directive on Access to Information (2003/4/EC), the extension of Regulation (1049/2001/EC) regarding access to documentation of EU institutions, and the Directive on Public Participation (2003/35/EC)
 - „Active dissemination of environmental information“: state of the environment reporting (EEA), emission inventories, press briefings,
 - „Ensure public availability of environmental information“: availability documents European institutions, transparent procedures for requiring documents
 - Public participation throughout the decision making process:
 - Direct consultation with stakeholders by Commission prior to design of policy initiative & public consultations launched via internet
 - Commission Communication with proposals for legislation accompanied with technical staff documentation and impact assessments
 - Hearings with stakeholders on basis of Commission Communication
 - European Commission proposes draft legislation and sends it to Council and EP (Member States and EP will undertake consultations with stakeholders)

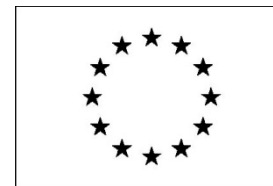
1. EU's policies and practices on Public Participation



- Other EU climate related legislation relevant for access to information and public participation
 - Directives on Integrated Pollution and Prevention Control (IPPC), Environment Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) require prior notification to activities and policies and public consultation procedure
 - Pollutant Release and Transfer Register on industrial emissions
 - REACH legislation on chemicals establishes a 'right to know'
 - CO² Emissions of vehicles: consumer information on CO² emissions have to be provided in marketing and sales
 - Energy labels for consumer appliances
 - Energy performance certificates for buildings

- 27 Member States complement internal EU rules on information, public participation and implement access to justice

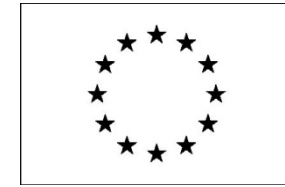
2. Challenges to address on the way forward



- UNFCCC has been characterized by a great openness towards observers
 - All the observer organisations have increased their participation considerably throughout the years; lessons were learnt from Copenhagen and experience from Cancún was positive
 - Also positive feed-back on ‘Mexican dialogues’
 - SBI 32 and 33 explored ways to improve public participation, but we are only half way there
- In the debate in Cancún the EU has supported in particular:
 - a clarification of the role of the Secretariat, Parties and host country in determining public participation during COPs and the revision or integration of the PP Guidelines where necessary
 - exploring innovative ways to engage civil society and finding ways of increasing attendance
 - fostering and strengthening the exchange of practices and synergies between the Aarhus Convention and the UNFCCC Secretariats (see also Almaty Guidelines)



2. Challenges to address on the way forward



- Challenges:
 - increased participation in the different negotiation settings and increasing access to working documents and exploring suggested initiatives such as improved distribution of observer inputs
 - EU is very much open to explore proposals from the stakeholders to further enhance their participation
 - It is not only up to UNFCCC secretariat, host country, SBI, and COP but also individual Parties can take action (consultation on positions, participation in delegations, financial support)

2. Challenges to address on the way forward



- Cancún Agreements and future climate change regime may need multiple approaches on participation:
 - Participation, including access to information, in ongoing negotiations could be enhanced
 - Participation in operationalisation of Cancún could be explored, such as
 - Adaptation Framework and expectation towards stakeholders ?
 - Role of science, role Trade Unions and Business for ‘just transition’ ?
 - **Need to combine increased and balanced participation in decision making with more tailor-made specific approaches** making maximum use of the knowledge and added value of observer organisations