



## **The Brussels Declaration**

*We, the nongovernmental environmental citizens organizations (European ECO Forum) from 26 countries assembled for the International ECO Conference on the Aarhus Convention in Brussels, Belgium on January 19-21, 2002, declare as follows:*

*We reaffirm the central role that participatory democracy, information, and justice play in realizing environmental rights and sustainable development.*

*We believe that participatory mechanisms establish a reliable basis for making better decisions that benefit all stakeholders.*

*We celebrate the entry into force of the Aarhus Convention on October 30, 2001 and urge the remaining Signatories to place the highest priority on prompt ratification and implementation of the Aarhus Convention.*

*We emphasize the need for all environment ministers in the UNECE Region to participate in the First Meeting of the Parties, and encourage the Secretariat to invite ministers from other nations to join in this historic event.*

*We draw attention to the significant contributions that ECOs and their experts have made to the Aarhus Convention and national legislation through their active participation in all aspects of the Aarhus Convention process -- in the negotiations leading up to the Convention, in the Aarhus meeting, in the First and Second Meetings of Signatories, in the Task Forces, and in the elaboration of the PRTR and SEA Protocols.*

*We support the call from ECOs and progressive governments and other allies throughout the world to develop a global framework for public involvement in environmental matters, and note that the experiences of the Aarhus Convention process may provide guidance for other global, regional, and national initiatives around the world.*

### **1. The Role of the European Community**

1.1 We call upon the European Community to ratify the Aarhus Convention without any reservations for the EU institutions.

1.2 We demand the European Community take the following measures in the course of this year in order to complete ratification:

- a. Make a proposal for a Directive on access to justice;
- b. Make a proposal for a specific regulation on access to documents held by the EU institutions; and
- c. Follow up the White Paper on Governance with proposals for public participation that implement the Aarhus Convention's requirements and best practices.

1.3 Considering that the relevant EU legislation constitutes minimum standards subject to regular improvement, we call upon the European Commission and Member States to refrain further from a restrictive interpretation of the "mandate negotiation system". We insist that both the Commission and the EU Member States respect the right of individual Member States to fully participate in the debates on further instruments, improvements, and implementation of Aarhus Convention-related matters, bringing in or supporting proposals that progressively build upon existing EU rules and practice.

1.4 We remain frustrated by the closed character of the EU coordination in its work on and around the Aarhus Convention, which violates the spirit of openness and participation. We call upon the EU Commission and the Member States to finally open up this coordination for ECO-observership. We also call upon the EU Commission to publish on its Web sites and elsewhere any mandates governing its negotiating positions.

1.5 We call upon the European Commission to propose a Directive that fully implements the public participation requirements of the Aarhus Convention in all Directives, not just the environmental directives in the existing proposal.

1.6 We urge the European Commission to emphasize always that the Aarhus Convention-related Community directives are a floor, not a ceiling for the national implementation and must not impede the development of more transparent, inclusive, and accountable legal and institutional frameworks by Member States.

## **2. The Role of Environmental Citizens Organizations (ECOs)**

2.1 We ask the Parties to ensure that the Rules of Procedure to be adopted at the First Meeting of the Parties of the Aarhus Convention maintain and enhance the established levels of ECO participation in all the Meetings of the Parties and other meetings. In particular, the Bureau should include at least one ECO member.

2.2 We ask the Parties, Signatories, and others to support activities by ECOs to implement and aid ratification of the Aarhus Convention and at the international level.

## **3. Pollutant Release and Transfer Registers (PRTRs)**

3.1 We welcome the commitment to produce a legally binding protocol on PRTRs, open to any country to sign; and note that the development of a comprehensive PRTR is an important part of the public's right-to-know about chemical management and pollution, and will contribute to pollution prevention.

We ask the countries negotiating the PRTR Protocol to:

3.2 Ensure that PRTR systems should be multi-media (air, water and land) and include the following elements:

- a. Chemical- and facility-specific reporting that includes precise geographic locations;
- b. Reporting on an annual basis, as a minimum;
- c. Data on transfers to on-site and off-site storage, disposal and recycling facilities; transfers in products; and releases, both routine and accidental;

d. Prompt public dissemination in a user-friendly and accessible format at low or no cost - at least within one year from the end of the year to which the data relates, and with the prospect of speedier publication as reporting and compilation procedures improve;

e. Reports on substances of public interest and concern, including, but not limited to, greenhouse gases, ozone depleting substances, acid rain gases, carcinogens, radioactive substances, endocrine disrupting chemicals of concern, smog-causing chemicals, particulates, pesticides, and internationally recognized priority water-pollutants;

f. Water, energy, and resource use;

g. Reports from a wide range of activities -- for example, mining, power plants (including nuclear facilities), industrial plants, intensive agricultural units, waste management activities, weapons facilities, etc.;

h. Reporting from activities which are not specified in the Annexes to the Protocol but which nevertheless release or transfer pollutants in amounts which exceed the established thresholds for the specific pollutants (including, for example, on-site and off-site accidents);

i. Reports on pollutants from activities often regarded as diffuse sources such as transportation, agriculture, dry-cleaning facilities, and use of consumer products;

j. Reports on pollutants from small and medium-sized enterprises; and

k. Reduction targets.

3.3 Consider how measurements of noise, radiation, and GMO releases may be incorporated into PRTR systems.

3.4 Support, financially and through information exchange, countries with less experience in developing and implementing PRTR systems.

3.5 Support public awareness and training campaigns to encourage use of PRTR data.

3.6 Use the opportunity of the World Summit on Sustainable Development to support the development of PRTR systems world-wide.

#### **4. Plans, Programs, Policies, Regulations, and Strategic Environmental Assessment (SEA)**

We ask the Parties (and Signatories as appropriate) to:

4.1 Incorporate Strategic Environmental Assessment (SEA) in national legislation without waiting for the outcome of the negotiations under the Espoo Convention, and to go beyond the minimum requirements of the EU Directive on SEA and the SEA Protocol.

4.2 Include public participation not only in plans and programmes, but also in the formulation of policies and legislation (including executive regulations).

4.3 Ensure public participation at an early stage, in screening and scoping.

4.4 Guarantee access to justice, including access to a review procedure before a court or other independent review body established by law, to challenge the substantive and procedural legality of decisions regarding plans, programs, policies, legislation, and regulations.

## **5. Genetically Modified Organisms (GMOs)**

5.1 We re-state our grave concerns at the lack of public information and public participation in decision-making on GMOs. The Aarhus Convention should be amended promptly to impose legally binding requirements that recognize the rights of citizens in this area.

5.2 In the absence of an agreement to amend the Aarhus Convention, the First Meeting of the Parties should take a decision to prepare legally binding provisions on public participation, access to justice, and access to information, including labelling, in matters relating to GMOs.

5.3 In the meantime, we ask the Parties and Signatories to:

a. Apply immediately the public participation provisions of Article 6 to GMO releases and other uses of GMOs.

b. Implement fully the access to information provisions of the Aarhus Convention regarding GMO releases and uses.

## **6. Access to Justice**

6.1 We welcome the work of the Task Force on Access to Justice in starting to compile a Handbook on Access to Justice under the Aarhus Convention and ask for donor countries to fund its completion.

6.2 We recall that the need to provide easy, swift, and financially reasonable access to justice is essential to the rule of law, and should not be ignored by focusing on so-called "alternative dispute resolution" methods.

6.3 We call upon the EU Member States to take the necessary steps to open up the European Court of Justice to complaints from citizens and ECOs against EU institutions and Member States in accordance with the access to justice provisions of the Aarhus Convention.

We call upon all Parties and Signatories to:

6.4 Report to the public and to the First Meeting of Parties on what concrete, immediate steps they have taken to reduce and eliminate obstacles to justice, through modifications to legislation or otherwise, as envisioned by Article 10.2(a) of the Aarhus Convention, including addressing financial barriers, restrictions on *locus standi*, and lack of injunctive remedies.

6.5 Provide financial support for legal advice and litigation centers in each country, including support by a donor country for a pilot project in at least one country in each of three regions: Western Europe, Central & Eastern Europe, and the Newly Independent States. This is essential to implement Article 9.4's requirement that remedies not be "prohibitively expensive."

## **7. Compliance Mechanism**

7.1 We welcome the trend in the negotiations to establish a committee of independent experts to assess compliance with the Aarhus Convention.

7.2 We remain opposed to allowing a Party to "opt out" from the compliance mechanism concerning communications from the public, but if such an option is included, the opt-out period should be limited to two years.

We call upon the Parties to:

7.3 Include experts on the compliance committee that are nominated by ECOs.

7.4 Ensure that all meetings of the compliance committee should be public.

7.5 Guarantee that the public should be able to initiate the procedures under the compliance committee without having to exhaust internal, domestic remedies, particularly where the domestic remedies would be unreasonably long or would not adequately address the noncompliance.

## **8. Electronic Tools**

We ask the Parties and Signatories to:

8.1 Develop national structures, mechanisms, and alternative applications and infrastructure to improve the ease of use and free and equitable access to information, with attention to the needs of vulnerable and under-served public groups; and to take into account, in this regard, the list of possible actions to further the use of electronic tools in the implementation and the promotion of the Aarhus Convention prepared by the Task Force on Electronic Tools at the Arendal Workshop.

We stress the need for the Task Force on Electronic Tools to:

8.2 Prepare a scoping study of end-users in order to further understanding of end-user needs and perspectives.

8.3 Prepare a feasibility study regarding the establishment of end-user "knowledge shops" and virtual community resource banks.

8.4 Develop end-use training in data collection, interpretation, and electronic presentation.

## **9. The Global Context**

We ask the Parties and Signatories to work with other allies from regions around the world to:

9.1 Capitalize on the process leading up to the World Summit on Sustainable Development to reaffirm the global commitment to Principle 10 of the Rio Declaration, extend its scope to apply to national, regional, and global institutions as well as to nations, apply it to affected persons wherever they may be (and not only citizens), and to expand on the specific nature of the requirements for implementing Principle 10.

9.2 Initiate an official process for elaborating a global convention that would guarantee environmental rights by implementing Principle 10 of the Rio Declaration.

Such a convention must guarantee the rights of access to information, public participation, access to justice, and protection of the rights of advocacy and association. The convention should be negotiated with the participation of representatives of civil society.

9.3 Support the development of regional and national efforts around the world to implement Principle 10 of the Rio Declaration.

Such assistance should be financial as well as technical, sharing experiences of the Aarhus Convention process and best practices developed in the UNECE Region.

## **10. Looking Forward**

10.1 We request the Parties, Signatories, and other UNECE governments to give due consideration to the substantive positions set forth by the ECO Forum in this Declaration as they develop their negotiating positions.

10.2 We recognize that it is crucially important to raise awareness and increase the capacity of public authorities and the public in all aspects of the Aarhus Convention, including, *inter alia*, the PRTR Protocol, the SEA Protocol under the Espoo Convention, and developments on GMOs, access to justice, and the compliance mechanism.

10.3 We ask the EU Member States and the accession countries to ratify and implement the Aarhus Convention before the next enlargement of the EU in 2004.

10.4 We urge Signatories to recognize that additional ratifications of the Convention in the UNECE region, particularly by nations in Western Europe, would lend critical support to the development of a global framework for public involvement.

## **11. Appreciation**

11.1 We express our appreciation to the governments of Denmark, Italy, Netherlands, and Norway, as well as the UNECE Aarhus Convention Secretariat, for their direct financial support for the ECO Forum's efforts to represent and involve the public in environmental democracy since the Aarhus conference, as well as earlier support by others.

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