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**Forthcoming UNECE  
Recommendations on Public  
Participation**

ELNI Conference  
EU Environmental Impact Assessment Directive -  
challenges and perspectives in the light of the past  
experiences and the recent proposal for amendment  
Wroclaw 23-24 May 2013

# Legal basis

- Request by the Aarhus Convention Meeting of the Parties, at its second extra-ordinary session (Geneva, 19 and 22 April 2010)
- for the Task Force on Public Participation
- (decision EMP.II/1, paragraph 2(c))

# Character

- practical,
- user-friendly
- non-binding,
- non-exhaustive

tool to improve the implementation of the Convention's provisions on public participation in decision-making

# Purpose

- To assist:
  - Parties in designing their legal framework on public participation in environmental decision-making under the Convention
  - public officials on a day-to-day basis when designing and carrying out public participation procedures in environmental decision-making under the Convention.

# Process

- Meetings
  - With Water Convention experts
  - With Espoo EIA/SEA experts
  - With ANCLI nuclear safety experts
- 3 consultation rounds (altogether about 1200 comments)
- All comments and revisions publicly available

# Sources

- Opinions of the Aarhus Compliance Committee
- Best practice
- Views expressed during
  - meetings
  - written consultations

# Content

- General Recommendations, inter alia on
  - Complex decision-making and „0” option
  - Delegating responsibility for public participation
  - Defining and identifying the public which may participate
  - Foreign public
- Specific Recommendations on public participation under Articles 6,7 and 8
- Altogether
  - 170 recommendations
  - 40 pages

# Exemplary – recommendation on complex decision-making (no 18)

- If so preferred, the framework for public participation in complex decision-making may reflect the concept of tiered decision-making whereby at each stage of the decision-making certain options are discussed and selected with the participation of the public, and each consecutive stage of decision-making addresses only the issues within the option already selected at the preceding stage. While the competent authority may have certain discretion as to the range of options to be addressed at each stage of the decision-making, at each stage where public participation is required, it should occur when all the options to be considered at that stage are still open and effective public participation can take place. Irrespective of how the framework for decision-making is structured, the public should have a possibility to discuss the nature of and need for the proposed activity at all (the so called “zero option”). In order to satisfy the requirements of the Convention and to meet the legitimate expectations of the developer, this possibility should be provided at the earliest stage of the entire decision-making, when it is genuinely still open for the project not to proceed



# Further work

- Fourth draft will be available early June on the webpage
- [http://www.unece.org/ppdm\\_recs.html](http://www.unece.org/ppdm_recs.html).
- To be discussed at the Working Group in June 2013