

**INCEPTION REPORT ON COMPONENT 3.4 DANUBE REGIONAL PROJECT**

"ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION IN  
ENVIRONMENTAL DECISION MAKING"

IN

BOSNIA AND HERZEGOVINA, BULGARIA, CROATIA, ROMANIA, SERBIA AND  
MONTENEGRO

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This Inception Report is prepared for component 3.4 of Objective 3 of the Danube Regional Project (phase 2).

The overall focus under Objective 3 is to enhance awareness raising in civil society and reinforce the participation of NGOs and other interested parties in water management and pollution reduction (nutrients and toxic substances) with particular attention to transboundary cooperation and river basin management in the context of the Water Framework Directive.

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## **EXECUTIVE SUMMARY**

Component 3.4, in particular, will focus on supporting emerging processes of improved public participation in environmental decision making, with emphasis on better access to environmental information in decision making on hot spot prevention and cleanup. Over a period of 28 months, the Consortium of the Regional Environmental Center for Central and Eastern Europe (REC), Resources for the Future (RFF) and New York University School of Law (NYU) will assist and advise in building capacity in government officials who are the "front lines" of access to information and responsible for implementing public participation through targeted training and technical assistance activities carefully tailored to the needs and circumstances of each country. National and local NGOs and the public involved in the Danube and water-related issues, the main stakeholders and partners of the officials involved in public participation, when engaged actively in this capacity building, will in turn support full and effective public involvement in planning in the context of the EU Water Framework Directive (WFD) and prevention and cleanup of Danube hot spots, an effect that should last long after the Danube Regional Project (DRP) has been completed.

Component 3.4 begins with an Inception Phase. The purpose of this initial phase of four months is to take the first steps in getting the project started and to take decisions on the activities that will take place in the second, implementation phase of the project.

This report has two parts. The first part describes the inception phase. Not each and every step taken or decision made is mentioned in Part I of the report. The aim of Part I is to provide the project donors and those responsible for both the larger DRP and Component 3.4 with an overview of the most important steps taken, findings and decisions made in the first four months of the project.

The second part of the report is dedicated to the Implementation Phase of the project. Part II starts with a detailed work plan, which indicates the different activities that will be undertaken and the different work products that are prepared for these activities or will result from them. The work plan also provides a detailed timeframe of when and how activities are undertaken and when and how work products are prepared. A following section on activities highlights some of the main activities and work products planned for the Implementation Phase, describing what these activities and products consist of and how the Consortium has envisioned they should take place. The last section for Part II indicates a minor budget reallocation, decided by the Consortium after reconsideration of one of its activities in the Implementation Phase.

## **PART I      INCEPTION PHASE**

### **COUNTRY CONSULTATIONS**

In October and November 2004, the Consortium organized country consultations in each of the five participating countries.<sup>1</sup>

The national consultation meetings were successful and were received with interest. Although in Serbia and Montenegro and Croatia the meetings were organized on rather short notice due to the late start of the project component activities and the capacity problems of the REC Country Office in Croatia, most relevant agencies and stakeholder groups were represented in the meetings, and there was active participation and good discussion. Major input and feedback was received that will be useful during the implementation of activities. The major in-country partners and project participants are aware of the proposed objectives, content and activities of the project component and a good working relationship has been established with them.

However, some invitations for the consultations were sent out relatively late. Such late invitations can affect the perception of the component and may have resulted in lower representation by a few stakeholders that we would otherwise liked to have in attendance at some of the first national consultations. Preparation time for meetings in the future should not be underestimated. It was agreed that for future meetings, written invitations and materials would be sent well in advance, i.e., at least two weeks before the actual meeting for national meetings and, if at all possible at least one, or preferably even two months before international meetings. Advance verbal notification is not sufficient for some stakeholders.

The main objectives of the meetings as defined beforehand by the Consortium were:

- To present to relevant stakeholders the UNDP-GEF Danube Regional Project and particularly Project Output 3.4 Enhancing Access to Information and Public Participation in Environmental Decision-making;
- To collect feedback at the national level on the project activities and expected outputs (including the scope and inputs needed for the needs assessment); and
- To identify experts and relevant stakeholders who should take part in the national teams, discuss the process of their establishment, and to start building stakeholder ownership of component 3.4.

The consultation meetings in the five countries followed basically the same agenda developed by the Consortium in consultation with DRP. Where necessary, this agenda was adapted following requests by the national partners and the REC Country Offices. The meetings were chaired by the REC Country Office Director or the REC Project Manager and co-chaired by a representative of the Ministry of Environment and Waters. In some countries professional facilitators were used to lead the discussion, e.g., in Croatia. (For the meeting agenda, list of participants and meeting minutes of each country consultation, see Annex 1.)

In each country, a representative of the ICPDR head of delegation was asked to address the meeting with an opening speech and to present the delegation's perspective about the participation of the country in the ICPDR, DRP project activities as well as their views about the Project Component 3.4 and the implementation of the WFD access to information and public participation provisions in the country.

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<sup>1</sup> Serbia and Montenegro: October 12 in Belgrade; Bosnia and Herzegovina: October 14 in Tuzla; Croatia: October 22 in Zagreb; Romania: November 16 in Bucharest; Bulgaria: November 26 in Sofia.

## 1. Presentation of Danube Regional Project and Project Component 3.4

In the consultations, the general context in which project component 3.4 plays a role was presented by either Rayka Hauser, DRP Public Participation Expert or Magda Toth Nagy, REC Project Manager. The presentation included the goals and the approach of the ICPDR and the Danube Regional Project regarding public participation, and how the different project components (including component 3.4) address this issue. Details on Project Component 3.4 were presented by Magda Toth Nagy, REC Project Manager. Both presentations were followed by questions and answers.

After the presentations, a plenary discussion followed about the current situation of public access to information and public participation in environmental and water-related matters, including barriers to such access and participation. The plenary discussion assisted in focusing the discussion on the scope of the project component and facilitated further discussions in small groups.

## 2. Feedback on barriers to public access to information and public participation in environmental and water-related matters

Some of the major barriers to public access to information and public participation in environmental and water-related matters that were identified in both the plenary meetings and the subsequent group discussions that took place in each of the country consultations were:

- Lack of a proper legal and institutional framework;
- Delay in law drafting and the slow pace of changing institutions in transitional economies faced with many challenges;
- Lack of by-laws, implementing regulations or secondary legislation, and the absence or vagueness of procedures;
- Lack of implementation of legal requirements, in practice;
- Legislative tools and guidelines for access to information (active and passive) are missing;
- Lack of collection of adequate information or information systems and thus insufficient basis for public participation; in other words the quality of information provided is often a problem;
- Government officials' insufficient knowledge of relevant legal requirements, and the need for explicit guidance on issues including:
  - requirements for which information should be made publicly accessible and at what level of detail;
  - what institutions are responsible for provision of information to the public, making it difficult to know which authorities to address with requests;
  - what is public interest information and how it relates to legitimate industrial secrets and business confidentiality requirements;
- Charges to requesters for provision of information are not (or are insufficiently) regulated (processed and primary information);
- Lack of facilities or services to provide information for or to communicate with the public;
- If government agencies do distribute information to stakeholders, there are often delays, excessive costs, or only limited information is given, leading to complaints by NGOs;
- Public involvement comes too late in the decision-making process;
- The public is skeptical about the accuracy of the information it receives;
- The authorities are skeptical about the capacity of NGOs to contribute to the resolving of water management issues.
- WFD provisions are considered unclear: the WFD does not use the term 'public participation' and its guidance document is not obligatory;



- Conflicts of interests and lack of inter-sectoral cooperation as well as cooperation among higher level and lower level information holders, providers and decision makers. This is especially important since information on various aspects of water resource status and conditions is held by different authorities;
- Lack of clarity about “who is who” in environmental institutions;
- Lack of integrated and coherent water databases. Improvements are being made in some countries, but in several only separate databases exist;
- Lack of funds, capacity and skills of NGOs, leading to considerable problems in performing their role as active recipients and requesters of information.

The participants further proposed solutions/activities to be carried out in the context of project component 3.4 and raised related issues of concern to them. (See minutes of national consultations in Annex 1)

The following more general issues regarding the project component implementation were brought to the attention of the Consortium during the country consultations:

- It is important to build synergies with other relevant projects in similar fields that are either in place or will come up in the future in order to avoid duplication and overlap. A number of other access-to-information/public participation or Water Framework Directive implementation related activities are ongoing in the target countries. Coordination of efforts under the different projects may increase their impact. If no coordination efforts are made, this may result in duplication of work or other negative outcomes. To the extent these other projects (major completed projects, on-going projects, projects in the pipeline, including all REC interventions in the field) are known or knowable, they should be identified and, where possible, a mechanism for coordination should be established. (For a list of activities similar to or overlapping to the project component, identified so far see Annex 2 and the section on “Activities similar to / overlapping with DRP component 3.4 under implementation or implemented in the future by REC Country Offices or others” of this report).
- Data provided for the ICPDR EMIS database or information on transboundary pollution provided earlier to ICPDR may be few years old and should therefore be used with care in the identification of the locations for demonstration projects. Before the demonstration projects are proposed, careful consultation is needed with relevant country partners to make sure that there is an agreement on the priority importance of the proposed site.
- Component 3.4 should support the practical implementation of access to information regulations, including the necessary steps for the ratification and implementation of the Aarhus Convention and implementation of the EU WFD. The project component activities may include input in ongoing legal drafting processes and development of implementing regulations, guidance materials, etc.
- During some country consultations (BiH and Croatia) it was noted that national authorities have limited staff capacity to contribute to the component implementation. Some of the government authority representatives have suggested that staff working on the project should be paid but this approach is generally viewed as undesirable since it provides only temporary relief and leaves unresolved the capacity question for sustainable results in the long term (beyond the project end). A possible solution, discussed *inter alia* with the Croatian head of delegation to the ICPDR, is to designate a more junior staff member (at for example the Environment Ministry or Water Authority) as the contact person responsible for public participation in the WFD in the Danube Basin. This contact person will be trained and have her/his capacity built in the course of the component. In addition, clear communication lines would have to be established with senior staff so that the contact person keeps them informed and will consult them on decisions about all project developments, while at certain key stages and for limited time periods, the senior staff provides direct input to the project. It has also been decided that in some countries governmental experts may be hired to prepare needs assessment report. In this case, they should act strictly in their private capacity.

- Clear communication lines were considered extremely important because of the typically high staff turnover in the project countries, which may lead to loss of capacity and institutional memory. This problem should be kept in mind in the capacity building process, which should include efforts to ensure some institutional continuity, possibly implementation of project component activities in coordination with other relevant projects for added momentum.

Lists of specific proposals made during the country consultations are annexed to the minutes of each meeting (see Annex 1). The outcomes of the national consultations will be used as a starting point by the national consultant preparing the Needs Assessment report.

### 3. National and operational teams

With regard to the involvement of stakeholders in Project Component 3.4 the Consortium has chosen to establish two teams for each country. A national team will include a broader pool of stakeholders, who would be informed and involved in most of the activities. An operational team, consisting of a small number of people, would directly participate in the project implementation through more regular work contact and advise on the planned activities.

During the country consultations the Consortium discussed which institutions and stakeholders would be involved in the national teams and the operational teams. It was agreed that the national teams will include representatives of all ministries, agencies, and institutions which have responsibilities for access to information and public participation in the context of the Water Framework Directive and the Aarhus Convention or which have major coordinating roles in this regard. Also, NGOs and representatives of other stakeholders working in these fields will be included in the national teams. Other potentially relevant participants may be added to the national teams.

National teams will regularly receive information about the project component's activities, plans, and results, including national meetings.

The operational teams will participate actively in the activities undertaken in the context of the project and will serve as regular advisory groups on operational issues to make sure that the project activities are coordinated with the major project partners. An operational team will include maximum 5-8 representatives of key players and institutions such as for example, the ICPDR head of delegation, members of expert groups, the water management department of the ministry of environment and/or waters, or another ministry with responsibility for water, the national water directorate, the river basin councils. The team should also include the Aarhus Focal Point from the ministry of environment and at least 1 key NGO working in the field. (See list of experts proposed to be members of operational teams in Annex 3.)

Based on this understanding reached with the country partners, the REC Country Offices sent out a letter to the representatives of different institutions and stakeholders asking them to nominate a representative by the end of December. With the nomination of these representatives the national and operational teams will be established.

Communication and consultation with the national and operational teams will happen through scheduled national and regional meetings, direct contact with specific stakeholders on specific issues, common e-mail lists as well as through websites. These e-mail lists were established when the minutes of the consultation meetings were sent out. In addition to the e-mail lists, and a combined e-mail list in the form of a project list-serve, the option of a website with restricted access will also be explored by the REC.

## NEEDS ASSESSMENT

### 1. Preparatory documents

In order to identify existing legal, practical and institutional barriers to public access to environmental, more especially water-related, information, a Needs Assessment will be carried out in each country by independent national consultants.

#### 1.1 Outline for Needs Assessment

The Consortium has prepared an outline for the Needs Assessment, (see Annex 4) as well as a questionnaire for national and local government authorities and stakeholders (see Annex 5). Both documents are meant to focus the approach of the national consultants so that key issues of access to information are identified that will get attention in the following part of the project.

The Needs Assessment is based on the methodology used in the previous Consortium pilot project in Hungary and Slovenia, adapted to the specific requirements of project component 3.4. Rayka Hauser, DRP Public Participation Expert, was consulted extensively before drawing up a final version of the outline.

The outline identifies a number of key components for the Needs Assessment:

- an inventory of the status of public access to information laws and regulations, both general and water-related, both procedural and substantive
- an inventory of how these laws and regulations are being implemented and enforced
- an inventory of related institutional arrangements
- legal and practical barriers with respect to providing access to environmental, including water-related information
- access to information held by ICPDR and countries in the context of the DRP and other Danube projects
- problems and gaps with regard to all previous issues
- identification of priority issues to be addressed in component 3.4 activities
- limitations to the needs assessment (gaps in available information)

In the context of the first key component, all relevant laws and regulations will be examined including access to information and public participation requirements of each project country's implementation of the Water Framework Directive (WFD) and pertinent national legal framework for general, environmental and water related access to information. In addition to the Water Framework directive, attention will be given to the EU directive on access to environmental information as well as the implementation of the Aarhus Convention regarding public access to environmental information.

The needs assessment should also examine ongoing and planned legal developments in the five countries involved including the implementation of EU directives on water (especially the WFD) in as far as they regulate the access to information and public participation. If the country has not yet begun harmonization, transposition or implementation of EU legislation, specific national legislation regarding water management and water issues should be described as indicated above.

In addition to the substantive provisions, the second key component focuses on analyzing specific procedural rules for gathering and accessing water related environmental information, including issues such as how information is defined, duties of public authorities, legal requirements for collecting and disseminating data and information, timeframe to provide information, grounds for refusal, confidentiality, charges, appeal procedures etc. The analysis of the status of enforcement and implementation of laws on public accessibility and collection of environmental and water-related

information (including existing databases) would include the evaluation of implementing practices and enforcement of existing laws and regulations.

The third key component, the evaluation of the institutional arrangements for provision of access to environmental and water-related information will focus on the status of the different institutions collecting, processing and disseminating information, the coordination and cooperation among them as well as their technical, personnel and financial conditions. The evaluation should look at both the practical experiences and conditions of provision and active dissemination of environmental and water-related information.

As a fourth key component for the Needs Assessment, legal, institutional and practical barriers for provision and dissemination of environmental and water-related information for national, regional/River Basin and local levels should be identified.

A specific question, and the fifth key component identified for the Needs Assessment, will deal with the accessibility of the information collected within the frame of the implementation of the Convention on the Danube River Protection, regarding information held by countries and ICPDR, DRP and other programs/projects relevant to environmental and water-related information on discharges into the Danube.

As key components six and seven for the Needs Assessment, the Consortium indicated that the consultant should identify the problems and gaps regarding all previous key components and should propose a list of priority issues that could be / need to be addressed in the different activities initiated under the project component. These will be based on the analysis but also on the results of interviews with different stakeholders.

## 1.2 Questionnaire for Needs Assessment

The questionnaire prepared by the Consortium takes the key issues that will be addressed in the Needs Assessment one step further, transforming them into the more practical instrument of a list of questions. The questions have been created for officials of local and national authorities as well as stakeholders in a way that enables these officials to give their views on the key issues flagged in the Outline for the Needs Assessment. The list of questions in the questionnaire is not meant to be exhaustive and can be added to when specific circumstances so require. The questionnaire will provide feedback from the different authorities and stakeholders for various chapters of the Needs Assessment report.

## 2. National consultants

Clearly, the national consultants will play a pivotal role in the Needs Assessments that take place in each of the participating countries. The Consortium has therefore paid great and detailed attention to defining exactly what the tasks of the national consultants will be and have also specified what the background, experience and capacities of such national consultants should be. All of this has been articulated in the Terms of Reference (TOR) for the consultants (see Annex 6). Drafts of the TOR have been discussed in detail with DRP and agreement has been reached on the final version provided in Annex 6.

### 2.1. Selection process

Based on the Needs Assessment outline and draft TOR for the national consultants, CVs of potential candidates were collected.

National consultants are being selected based on their experience and familiarity with water quality issues, the Water Framework Directive, the Aarhus Convention, and their capacity to develop useful and accurate information to guide the project's future activities. In the pilot project, the national consultants were environmental lawyers who came from the NGO sector but had good – often longstanding and trusted -- relationships with government authorities. In both cases, the national expert had a history of providing consultation services to the relevant environment ministries of their

countries, for example to assist the process of EU approximation in support of the accession process. Thus, the Consortium was confident that the national consultants would not approach their task with bias either for or against government, NGOs or industry, and that their conclusions and findings would be trusted by the authorities and country participants in the projects. Experience bore this out.

Thus, it was agreed in the context of Component 3.4 that while national consultants can come from different backgrounds, with the provision that their position must not lead to bias in their assessment (government or NGO expert), or to their conclusions being rejected by the authorities. One of the solutions proposed to strike the right balance in the reporting by the national consultants was to establish for each country a mixed team of government and NGO experts and ask them to work together, provide comments and input into each other's sections. However, practice has shown that it may not always be possible or necessary to establish such mixed teams. In some countries the persons identified for the position of national consultant were independent or NGO experts, while in others due to lack of expert capacity on water issues, experts from the governmental sector were also contracted to work in the mixed team on the Needs Assessment report.

The national consultants will begin with a short-term contract, which will include researching, writing and presenting the needs assessment report and the demonstration project report. This assignment may be followed by a long-term contract/s after a successful accomplishment of the tasks of the first contract as required by future tasks regarding the country activities and outcomes.

The DRP was consulted on the final selection of national consultants as well as on the proposed rates. The national consultants will be contracted all together for 30 workdays to prepare the needs assessment. In Serbia and Montenegro and additional 5 workdays is offered to cover the part of Montenegro falling in the Danube River Basin. The team of two or more experts will share these workdays and their contract will clearly reflect which part of tasks they will carry out, by what deadlines.

The national consultants have received guidance and instructions on conducting the Needs Assessment, beside the Outline and Questionnaire. (See also page 26 of the Inception Report.)

## 2.2 Selected national consultants

In the following table, the national consultants selected are set forth. The proposed rates have been discussed with the DRP but still need to be negotiated with the consultants. The CVs of the consultants chosen are attached in the annex. (see Annex 7)

COUNTRY	NAME	FUNCTION/BACKGROUND
Bosnia and Herzegovina	Jasmina Cengic	Management and Humanitarian Affairs, Consultant
	Dalibor Vrhovac	Economist, Directorate for Water, Office, Banja Luka
Bulgaria	Alexander Kodjabashev	Environmental lawyer, Association Demetra
	Stanislava Boshnakova	Environmental Sciences and Policy, Center for Environmental Information and Education, Danube Environmental Forum
Croatia	Karmen Cerar	Civil Engineering, Hydrology, Senior Adviser, Ministry of Agriculture, Forestry and Water Management, Directorate for Water Management
	Eurolex Ltd	Consultant company
	Danube Environmental Forum/Green Action	NGO involved in Danube issues
Romania	Adina Relicovschi	Environmental policy expert, NGO, Pro-Management Association
	Veronica Toza	Environmental lawyer
Serbia and Montenegro	Jovanka Ignatovic	Civil Engineering, Hydrology, Head of Water Quality Department, Hydrometeorological Institute
	Sreten Djordjevic	Environmental Lawyer
	To be announced	

## ICPDR ASSESSMENT

### 1. Access to Information

In response to the ICPDR's request for ideas to increase its transparency as a source and provider of information and data about Danube water quality and water management and its intention, as expressed by its Executive Secretary, to be as transparent as possible, the consortium has drafted an analysis and set of preliminary recommendations. A draft of the memorandum will be provided to ICPDR on 31 December 2004 and a final version on 15 February 2005.

The memorandum starts by summarizing the Consortium's understanding of the kinds of information ICPDR currently holds in its electronic and physical files and how it handles both "active" outreach to assure that the information is known to relevant populations, and so-called "passive" information sharing, where information is made available in response to requests from individuals, NGOs and other organizations.

Several obstacles to the smooth functioning of active and passive information dissemination are indicated, which will not be repeated here. The memorandum notes the importance of recognizing the reality of ICPDR's function as a coordinating body and a platform for its member states, without independent collection or regulatory functions beyond those approved by its members. The critical issue is how best to make use of the information ICPDR uniquely holds and of the very genuine constraints posed by ICPDR's relationship with its member countries.

Also, as several people interviewed by the Consortium pointed out, most of the data ICPDR holds (aggregated data provided by national authorities, not actively collected by ICPDR) is trend data, by definition old data rather than in-time monitoring. The memo acknowledges that trend data may not be fresh enough to satisfy the needs of technical experts who are working to resolve specific problems along the Danube. Although not the most up-to-date data, an advantage of the aggregation of these data across the Danube River Basin region by ICPDR is that it may be unique in providing a "bigger picture". This kind of trend data is not necessarily a liability from the point of view of the general population, and the mandate of the ICPDR to provide information to that broader public. Other organizations in shared water bodies, such as the Chesapeake Bay Commission and the Great Lakes Commission, have effectively made trend data available, expressed in easily understandable ways, and with an emphasis on year-to-year or reporting -period- to- reporting- period comparisons of water quality and impacts on aquatic and human health. They do this through reports that are directed at the general public, legislators and opinion leaders, that help crystallize the problems of the water bodies and possible solutions. That information can be used by interested citizens for lobbying campaigns, or to otherwise provide support to the commissions in their efforts. In doing so, these commissions have strengthened their leadership position. ICPDR can do the same.

Based on information gathered on ICPDR's database and its current information access rules and procedures, the memo presents preliminary recommendations for increasing active and passive forms of information dissemination and building constituencies for improvements in Danube River Basin water quality through information sharing.

### 2. Observership and Other Forms of Public Participation before the ICPDR

This draft report examines opportunities for public input and participation, including observership, provided under ICPDR's current rules and policies, as well as under those of a selected number of other international institutions whose experience may be relevant. The other institutions surveyed in the report include several European river basin commissions, other water-related international institutions, and other (non-water related) international institutions or regimes.

Major issues regarding observership and other forms of public participation that are raised by these examples and examined in the report include:

- Which categories of entities can participate (individuals, non-governmental organizations, States, intergovernmental organizations, etc.)?

- What form(s) of participation are allowed?
- Is participation limited in time?
- What are the rights of participants, including: in which meetings and/or activities may participants participate, which documents do participants receive from the institution in question and/or have access to, can participants make oral and written statements, do participants have a right to vote?
- What are the obligations of participants?
- What are the obligations of the institutions, including: are they obligated to reply to or incorporate comments or other input from participants, are they required to take account of such input in their decision making, do they have to internally/externally distribute written materials provided by participants, must they discuss such materials or issues raised by participants at meetings?
- Is financial assistance provided to defray travel costs of or support capacity building for participating entities?

The draft report also contains a general discussion of benefits and drawbacks of the participation regimes investigated, in terms of the key issues identified above.

To supplement the review and analysis of public participation regimes that is provided in the report, the Consortium will conduct a brief survey of current observers to ICPDR on their experience as observers. Current observers will be asked to provide their views on which aspects of observership have worked well for them, which have not, what improvements could be made to the observership process in particular and/or to ICPDR's public participation regime in general. The survey will be conducted through a questionnaire that will be sent out to the current 10 observers to ICPDR, and through follow-up telephone interviews where needed. The results of the survey will be incorporated into the final draft of the report.

Based on the report and the results of the survey of current observers, the Consortium will formulate options and preliminary recommendations for ICPDR on possible improvements to its current public participation regime.

## COMMUNICATION ON PROJECT COMPONENT ACTIVITIES

In the inception phase, the Consortium together with the DRP team have developed procedures for regular and coordinated communications on the results of the project component activities.

In order to provide increased visibility of, and acknowledgement to, the donor agencies, GEF/UNDP, and the DRP, the Consortium has used, and for the duration of the project will use:

- references to GEF/UNDP and the DRP in texts of web page materials;
- references to GEF/UNDP and the DRP in presentations given during the National Consultations;
- references to GEF/UNDP and the DRP in presentations in different international meetings such the Danube Black Sea Stocktaking meeting in Bucharest;
- the DRP logo on project related flyers and presentations

In addition, the DRP team will have opportunities to distribute promotional materials at various meetings in the context of the project.

On 8 November 2004, a meeting dedicated to communication related issues was organized by the Danube Regional Team in Vienna. At that meeting opportunities and efforts to disseminate and enhance project results, as well as awareness raising to ensure long term sustainability of similar activities, were thoroughly discussed and agreed on.

The project partners agreed to act in partnership in communications with the donor, DRP team members and each other for all issues related to project activities. Partners and DRP team members

agreed to regularly inform and consult each other in advance about planned communications activities. The DRP will provide sufficient time for feedback on communications, and in turn partners will make an effort to provide feedback in a timely manner.

Frequent communications take place with Rayka Hauser, consultant to the DRP, in order to coordinate and facilitate the organization of National Consultation meetings.

The following communication activities were undertaken during the inception phase:

- project websites were established at REC Headquarters and at RFF with basic information about the project component; and one will be established shortly at NYU;
- flyers describing the project were produced for the Danube Black Sea Stocktaking Meeting;
- news items were included on the launch of the project component in the REC's Green Horizon Magazine;
- a brief news item was included for publication in the Danube Watch;
- articles on the project were published in Resources, the publication of Resources for the Future, and the NYU Law School magazine.

Ongoing and planned communications activities include:

- news and launch of project websites in all REC Country Offices involved in the project;
- publication of a longer, more in-depth article about Component 3.4 in a forthcoming issue of Danube Watch;
- creation of email lists for dissemination of the summaries of outcomes of the National Consultation Meetings;
- dissemination of outcomes of the National Consultations in English and/or local languages;
- regular updating of the project websites established at REC, RFF and NYU to provide up- to -date information on the project and to post- project products as they become available;
- preparation of a dissemination plan for Component 3.4;
- preparation and publication, at the conclusion of the project, of articles about the results of and lessons learned from implementation of Component 3.4.

## ACTIVITIES SIMILAR OR OVERLAPPING WITH DRP COMPONENT 3.4

The Consortium identified relevant projects/activities which are similar to or could overlap with the DRP project component 3.4. Such a request was also raised in the country consultations and during the DRP Bucharest kick-off meeting, which also suggested that a mechanism for coordination should be established where possible to avoid duplications.

The information on the projects was collected during the consultation meetings and through the REC Country Offices. The list enclosed includes those projects about which Consortium has information at the present time. ((For a list of activities similar to or overlapping with the project component, see Annex 2)

There may be other related projects implemented by other agencies or planned in the future. Therefore, the Consortium will follow with attention the developments and update regularly the information on such projects, as well as make an effort to coordinate them with the implementation of DRP Component 3.4.

The Consortium proposes that:

- identification of these projects and examination/evaluation of possible synergies should be made on an ongoing, regular basis by REC, its Country Offices and local partners;



- such identification/evaluation should also take place in the context of the planned national Needs Assessments, future national and regional meetings, as well as Steering Committee meetings;
- representatives of these projects should be invited to be part of the national teams of component 3.4 so that a regular mutual exchange of information could take place with them, and/or possible cooperation could be discussed.

## POSSIBLE CHANGES TO TERMS OF REFERENCE

Based on the experiences of the Inception Phase, the Consortium proposes a few changes to the Terms of Reference (TOR) (See Annex 8 for these TOR with proposed changes).

These changes include:

- changes regarding timing in the Timetable/Important Milestones, due to the preparation of a more precise and detailed work plan;
- amendments to the original text on Objective 3 of the TOR regarding the assessment and support to be given to ICPDR regarding possible improvements in public access to information and public participation (the proposed changes reflect the Consortium's understanding of the tasks to be carried out under Objective 3 in the light of information received from ICPDR and DRP on these issues), and a more precise timetable);
- some minor comments of an editorial nature.

## PART II IMPLEMENTATION PHASE

### WORK PLAN

This section discusses the Implementation Phase of the project beginning with a detailed work plan (the work plan lists activities in both the inception and the implementation phase, activities completed in the Inception Phase have been marked with \*\*), and moving on to highlight some of the main activities and work products planned for this phase, indicating how they will be structured and managed. The last part of this section proposes a minor budget reallocation.

ACTIVITY	RESPONSIBLE	DEADLINE
<b>1. SELECTION AND HIRING OF NATIONAL CONSULTANTS:</b>		
Feedback on draft TOR	DRP	23 November 2004 **
Finalised TOR	Consultant	30 November 2004 **
Collection of CVs and proposal on selected experts to DRP	Consultant	5-10 December 2004 **
Approval of nominated experts	DRP/ICPDR	A week after submission **
Contracting of experts	Consultant	Upon approval **
<b>2. ESTABLISHMENT OF NATIONAL TEAMS:</b>		
Serbia and Montenegro national workshop	Consultant	12 October 2004 **
Bosnia and Herzegovina national workshop	Consultant	14 October 2004 **
Croatia national workshop	Consultant	22 October 2004 **
Romania national workshop	Consultant	16 November 2004 **
Bulgaria national workshop	Consultant	26 November 2004 **
Letters to key institutions with workshop minutes and requests for nominations	Consultant	1-22 December 2004 **
Nominations of members for national and operational teams	Stakeholder organizations	31 December 2004-January 31 2005
<b>3. NATIONAL NEEDS ASSESMENTS:</b>		
Feedback on draft NA outline	DRP	23 November 2004 **
Submission of draft questionnaire	Consultant	5 December 2004 **
Feedback on draft questionnaire	DRP	15 December 2004 **
Finalized NA outline	Consultant	5 December 2004 **
Finalized outline	Consultant	10 December 2004 **
Guidance for local experts	Consultant	December 2004 **
Draft NA reports, BG, SiM	Consultant	31 January 2005
Draft NA reports, HR, RO and BiH	Consultant	15 February 2005
Translation, distribution, national consultations	Consultant	February, mid- to end of March 2005
Final Needs Assessment Reports	Consultant	31 March 2005 – 1 <sup>st</sup> week of April 2005
<b>4. INCEPTION REPORT:</b>		
Draft Report	Consultant	17 December 2004 **
Feedback from DRP	DRP	January 7, 2005 **
Final Report	Consultant	End of second week of January 2005 **
<b>5. ICPDR ASSESSMENT:</b>		
Draft review and analysis of models for Observers and PP	Consultant	31 December 2004 **
Feedback from ICPDR on draft	ICPDR	January 13, 2005 **
Draft observer questionnaire	Consultant	1 December 2004 **
Feedback from ICPDR on draft observer questionnaire	ICPDR	17 December 2004 **
Final paper on PP models with recommendations to the ICPDR	Consultant (NYU)	5 February 2005
Draft ICPDR assessment of access to information mechanisms	Consultant (RFF)	31 December 2004 **
Final ICPDR assessment of access to information mechanisms	Consultant	15 February 2005

Final design of reform measures for ICPDR	Consultant	15 July 2005
Assistance to ICPDR in implementing recommendations on access to information and observer/PP models	Consultant/ICPDR	September 2005-June 2006
<b>6. FINALIZATION OF LOGFRAME AND INDICATORS:</b>		
Comments on TOR for TA	Consultant	26 November 2004 **
Feedback from DRP	DRP	10 December 2004 **
Start of cooperation with TA	Consultant, DRP	January 2005
Methodology for indicator development and other TA planned	Consultant, NHL	15 January 2005
Draft logframe with outcomes and outputs	Consultant	7 April 2005
Completed logframe and indicators	Consultant, NHL	4 May 2005
<b>7. LOCAL DEMONSTRATION SITES:</b>		
Selection criteria and a concrete proposal for selection, planning and implementation process	Consultant	Inception Report **
Feedback on selection criteria and processes	DRP	15 January 2005
Review of potential hot spots and project ideas	Consultant	29 February 2005
Discussion at national workshops	Consultant	February (end) and March 2005
Submission of proposals to 3.4 SC	Consultant	31 March 2005
Selection of local sites and demonstration projects	3.4 SC	April 28 (immediately following Steering Committee meeting)
Draft TORs for local experts	Consultant	6 May 2005
Feedback on TORs	DRP	13 May 2005
Contract local experts	Consultant	June-July 2005 (Upon approval)
Implementation Plans for demonstration projects	Consultant	July 2005
Start of demonstration projects	Consultant	July-August 2005 (Following contracting of experts)
Capacity building workshops at local sites	Consultant	August 2005-April 2006 (on an ongoing basis)
Technical Assistance to demonstration projects	Consultant	August 2005-April 2006 (on an ongoing basis)
End of demonstration projects	Consultant	June 2006
Final report on lessons learned from demonstration projects	Consultant	August/September 2006
<b>8. MEETINGS AND WORKSHOPS:</b>		
Plan/prepare for first set National Workshops	Consultant	January-February 2005
National workshops—first set	Consultant	February-March 2005
Plan/prepare for second set National Workshops	Consultant	December 2005-January 2006
National workshop—second set	Consultant	January-February 2006
Plan/prepare for First Plenary Meetings	Consultant	March-April 2005
Regional Plenary Meetings--First	Consultant	25-26 April 2005
Plan/Prepare for Second Plenary Meetings	Consultant	September-October 2005
Regional Plenary Meeting -- Second	Consultant	November 2005
Plan/Prepare for Final Plenary Meetings	Consultant	August -October 2006
Regional Plenary Meeting—Final	Consultant	October 2006
3.4 Steering Committee Meeting—first	Consultant/DRP	27 April 2005
3.4 Steering Committee Meeting—second	Consultant/DRP	November 2005
3.4 Steering Committee Meeting—Final	Consultant/DRP	October 2006
Kick-off Meeting of Project Partners/DRP	Consultant/DRP	November 2004 **
Meeting of Project Partners	Consultant	28 April 2005
Meeting of Project Partners/ICPDR/DRP, if needed	Consultant/DRP/ICPDR	November 2005
Meeting of Project Partners/ICPDR/DRP, as needed	Consultant/DRP/ICPDR	October 2006
<b>9. STUDY TOURS:</b>		
Selection of participants for U.S. and EU Study Tours	Consultant/National Teams	15 February 2005
DRP feedback on participants	DRP	28 February 2005
Draft agenda for U.S. Study Tour	Consultant	11 April 2005
DRP Comments on agenda	DRP	18 April 2005

Final agenda for U.S. Study Tour	Consultant	6 May 2005
U.S. Study Tour <sup>2</sup>	Consultant	16-27 May 2005
Draft agenda for EU Study Tour	Consultant	30 June 2005
DRP Comments on agenda	DRP	3 July 2005
Final agenda for EU Study Tour	Consultant	31 August 2005
EU Study Tour	Consultant	October 2005
U.S. Study Tour lessons learned report	Consultant	15 July 2005
EU Study Tour lessons learned report	Consultant	November 2005
<b>10. TECHNICAL ASSISTANCE / CAPACITY BUILDING:</b>		
Technical assistance to national teams as needed	Consultant	June 2005-September 2006 on an ongoing basis
Report on design of national capacity building activities	Consultant	September-October 2005
Practical Work Products (e.g., Best Practices Materials) researched/drafted/translated	Consultant	To be determined, based on needs identified in national workshops and regional plenary meetings
Practical work products completed	Consultant	October 2006
<b>11. NATIONAL MEASURES / PRODUCTS:</b>		
Identification of measures/products	National teams/Consultants	February-March 2005, in national workshops
Preliminary design of measures/products	National teams/Consultants	30 June 2005
Draft national reform proposals and/or other draft measures/products	National teams/Consultants	January-February 2006
Final national reform proposals and/or other final measures/products	National teams/Consultants	September 2006
<b>12. DISSEMINATION:</b>		
Draft dissemination plan	Consultant	November 2005
Final dissemination plan	Consultant	December 2005
Dissemination of project products	Consultant	December 2006
<b>13. WEBSITE:</b>		
Project website established	Consultant	November 2004 **
Posting of project products/articles and periodic updates	Consultant	November 2004-February 2007 on an ongoing basis
<b>14. FINAL REPORT / LESSONS LEARNED:</b>		
Draft Final Report	Consultant	October 2006
Final Report	Consultant	December 2006
<b>15. REPORTING:</b>		
First 6-month report	Consultant	15 July 2005
Second (Annual) 6-month Report	Consultant	December 2005
Third 6-month report	Consultant	July 2006
Fourth (Annual) 6-month report	Consultant	December 2006
External mid-term evaluation	Indep. Contractor	December 2005
<b>16. ARTICLES:</b>		
Draft articles	Consultant	March 2006
Finalize/begin to place articles for publication	Consultant	April -October 2006

Notes:

1. \*\* Activity has been completed.
2. In case the response/comments on the part of the DRP management team on a draft project output are delayed, a corresponding delay in the final output would be accepted in order to ensure sufficient time for finalization by the consultant.
3. Where it has been impossible to specify exact dates for activities that will be performed well in the future (i.e., more than six months from now), we have provided the month or months in which these activities are expected to take place. Exact dates for these activities will be specified as soon as they are known.

<sup>2</sup> The proposed date depends on receiving visas in due time. Fall back date for US study tour : June 20-30, 2005.

## ACTIVITIES

The discussion below focuses on several major activities and issues that are of immediate concern. However, we mention more briefly here several other planned activities. We do not, in this document, provide a great deal of detail on these because they have been discussed at some level of detail with the ICPDR and the DRP, and are referenced in the Work plan and previous project planning documents.

- **Plenary meetings:** The Consortium will convene plenary meetings to bring together the key representatives and stakeholders from each of the participating countries to address, discuss and decide priority issues of common concern to all participating countries. The meetings will include joint capacity building and technical assistance on these key issues and will be used to identify solutions/options for the problems/needs. One of the results will be the resource materials the Consortium will produce to assist the participants on identified common issues.
- **Technical assistance:** The Consortium will provide on-going technical assistance, throughout the project, both at the national, ICPDR level and at the level of the local demonstration projects. As in the pilot project, this will be provided both in response to individual requests from project participants, and generally, in preparation of resource materials or input on key topics of common concern. Technical assistance is to be provided in a flexible manner, using e-mail, phone calls (individual and conference) and other methods as indicated. We will also prepare a project list serve that will allow each of us easily to send relevant materials to the core project participants, and facilitate joint communication.
- **Study tours:** The study tours are a major learning and training tool of the project and the means to identify models and ideas for adaptation in each of project countries. Thus, this highly structured exposure to mature systems of information access and environmental public participation, with strong emphasis on how these tools work in the context of shared water bodies, will provide each of the project participants with ideas that they can consider in the context of their own needs and institutions. Along with the plenary sessions, the study tours are among the main "joint" activities of the project.
- **National measures/products:** Each project country will determine for itself, through joint consultation, which specific national measures and products will best help them achieve the overall goals of the project component with respect to access to water-related environmental information and implementation of the public participation goals of the Water Framework Directive. The specifics will be decided by each project country team, who will discuss the identified priorities for such measures or products in the national workshops, and then refine and further develop them as the project progresses, a process that is set out in the Timeline and TOR. These are central products of the project.
- **Capacity building:** The Consortium will provide capacity building during the national and regional workshops regarding the identified priority problems and to prepare those implementing the local demonstration projects. Capacity building is also a feature of the on-going technical assistance and of the study tours.
- **Website and articles:** as noted, members of the Consortium have already prepared websites for the project, located on their organizational web sites, and have published notices describing the project in institutional publications of general circulation. These web sites will be regularly updated and will provide timely information about the ongoing and planned activities and their results. The Consortium prepared a short introductory article on the component for the upcoming edition of Danube Watch and prepared a longer article for publication in a subsequent edition. The Consortium is also committed to producing other materials that increase the dissemination of the methodology and the results of the project, although the exact placement of these articles is currently unknown and cannot be known until submitted and accepted by publishers.

### 1. Criteria and selection process on the local demonstration projects

This section discusses the basic criteria and selection process for demonstration projects.

The purpose of the demonstration projects is to provide concrete, practical experience in the implementation of principles of access to environmental information and public participation, and if possible, to test-run methods that are devised in the context of Component 3.4 in each country to make these methods a reality. The main aim of the demonstration is not to solve the source discharge at the hot spot, but to learn how information and participation can help lead toward finding solutions for that and related environmental problems. Additionally, the demonstration projects will inform the project's work at the national level to develop effective measures to improve public access to environmental information and support public participation, and will be shared regionally.

There will be one demonstration project in each country; and the project duration for each project will be up to a maximum of one year. The choice of the demonstration project will be made in a way that assures, to the extent possible, that lessons learned in one project are replicable on a larger scale, providing a relevant example for wider audiences in both the particular countries and the region.

### 1.1 Selection criteria

The following criteria have been established for selection of the demonstration projects. The Consortium aims at selecting projects that fulfill all of these criteria. However, the circumstances in each of the countries suggest that it may end up being necessary to select some projects that do not completely fulfill all of these criteria, if in one or more of the countries involved it would appear to be impossible to find a location that fulfills all criteria. It is important to retain implementation flexibility in view of the vast differences in capability and development of the five countries that are part of this project and likely unforeseen issues and complications.

Each demonstration project will be located at and clearly connected with an existing pollution "hot spot" site, as defined and identified under ICPDR aegis. The Consortium will use the list of hot spots from the EMIS database (updated in 2002) to identify potential locations for demonstration projects. Ideally, although this may not always be possible, the site chosen for a demonstration project will be connected with on-going clean-up and remediation efforts, whether spearheaded locally or with support from GEF or other donors. If, however, none of the hotspots in the EMIS database in a country satisfy one or more of the other criteria for a demonstration project, the Consortium will propose other locations (with environmental problems of a similar magnitude or source as the hot spots) to the DRP project management.

Another selection criterion for demonstration projects is that there exist one or more NGOs with adequate capacity to carry out a demonstration project, in order to assure the sustainability of the project's results over the long-term. The Consortium would prefer that candidate NGOs have already identified the hot spot (or other problem-location) as a location that requires their attention, or are working on similar or sufficiently-related activities, and that some level of remediation-related activity with regard to the hot spot (or other problem-location) is already be going on. However, the Consortium recognizes that these may be difficult criteria to fulfill. This activity does not need to be at full force when the demonstration project starts, but there must be actors who are capable of handling such a project adequately and effectively, and who—with capacity building and technical assistance from the project—could carry on this effort in the future, when the demonstration project is over.

Because information access requires willingness and readiness to provide information on the part of the relevant governmental authority that holds information and/or is responsible for environmental decision making, as well as stakeholder demand for that environmental information, another of the selection criteria is the existence of a cooperative governmental authority willing to work on the project.

Another criterion for selection will be the existence of an "access to information problem" or a "related public participation problem" on the local level that is relevant to one or more information access or related public participation problem(s) that, through the project's national consultations, have been identified as priority problem(s) at the national level. In addition, the local approaches to the local access to information or related public participation problem could supply valuable information about possible solutions to the problem identified at the national level. The purpose of this criterion is to assure that the demonstration projects help inform efforts at the national level to develop measures to overcome the key identified barriers to access to information and hence, public participation. In addition, the requirement that there be an actual and significant information access or related public

participation problem that is worth trying to solve at chosen sites will help assure that the demonstration projects are concrete and produce results that are meaningful in the context of our project.

## 1.2 Selection process

The following process will be followed for selection and implementation of the local demonstration projects.

In each country, the national consultant who is preparing the Needs Assessment will consult the list of hotspots compiled by the ICPDR and found in Annex II of the Strategic Action Plan for the Danube River Basin, Revision 1999, to propose a number of hot spot locations for demonstration projects. He/she will be assisted and supported in this effort by the REC Country Office and the operational/national teams. Input from these local stakeholders is indispensable since they are the ones best acquainted with local conditions and possibilities. If for any reason the hotspot list provides insufficient information or data to select appropriate locations of demonstration projects, other sources will be consulted, keeping in mind how possible other locations could fit in the larger Danube Regional Project.

In addition, candidate locations will be screened according to the selection criteria described above.

The same group (national consultants, REC Country Office, national team) will identify NGOs who are working in the geographic locations selected. Because of their knowledge of local conditions and opportunities, identifying NGOs and authorities should be relatively straightforward for this group. However, the identification of locally involved NGOs assumes there are enough NGOs at the selected sites with a capacity to carry out public participation processes.

The result of the selection process will be a proposal for a site and a framework for the content of the demonstration project.

Following the analysis referenced above, the Consortium will invite the available local organizations to apply with specific project ideas in the form of a 2-3 page proposal. Accompanying its request for proposals, the Consortium will provide project guidelines that will help guide applicants to propose effective local projects that are also relevant to, or can help in, the development of measures or solutions to concrete, access to information and related public participation problems of priority concern at the national level, within the limited timeframe of the project. Organizations can send in proposals of project ideas both individually and in groups. In a situation where there is little NGO involvement at a location that fulfills all other selection criteria, the Consortium may also decide to request the NGOs involved to provide for joint implementation (by more than one NGO) of a concept that was initially advocated by one. The Consortium is aware that it may be a challenge to unite local NGOs around the implementation of one project (especially if only one of them proposed this project). It may be equally challenging to ensure that NGOs have a sense of ownership with regard to their project (even though they may have limited influence on the project framework they will have to work with). Local knowledge of the national consultants, the national team and the REC Country Offices may suggest solutions.

The Consortium is aware of the fact that the approach described above requires more detailed involvement of the Consortium. However, with the input of the national consultants, the REC Country Offices and the national teams, it is the Consortium's understanding that such detailed involvement can be provided without significantly delaying the project timetable.

Only in those situations where the approach to the selection of a specific project described above would fail due to special circumstances, a more open solicitation of proposals could be envisioned as an ultimate "fall back" option. In this approach, the Consortium would develop a list of interest areas/hot spots and selection criteria and invite NGOs to submit project proposals. It is important to note that soliciting of proposals is not the most effective approach if local expertise is limited and local NGOs lacks expertise to develop good proposals, especially to implement participatory processes.

After consultation with local stakeholders and experts (national teams, REC Country Offices) including national workshops, the Consortium will select one proposal for each country and present each to the Steering Committee for Component 3.4 for endorsement.

After acceptance by the Steering Committee of the proposals, the Consortium will officially appoint the NGO that submitted the selected proposal (possibly in combination with other local NGOs) for the project. Thereafter, other parties that will be involved in the project, including the local authority, as well as those NGOs that were not selected for the project, will be informed of the decision.

The Consortium will make more specific arrangements subsequently with the selected NGO(s) to prepare a sound implementation plan, including further specification of the project, its financial implications and a detailed timeframe for the project, as well as possible contracting of local experts.

Over the course of the demonstration projects, capacity building and training will be provided. Capacity building and training will focus not only on the rights and processes available for access to information and public participation, but also on developing and improving stakeholder skills and tools for effectively using and applying such rights and mechanisms.

The local REC country offices, in collaboration with local trainers and in consultation with the Consortium and under its guidance, will provide such training and capacity building to local stakeholders (including local government officials, interested or affected citizens, local NGOs) on an ongoing basis during the demonstration projects.

In addition, a capacity building workshop will be organized for each of the demonstration projects at the local sites. These workshops will provide an opportunity for stakeholders and the partners in the Consortium to evaluate the progress in the demonstration projects so far and provide structural capacity building with regard to reoccurring issue, flagged as being problematic for a project.

The Consortium will be heavily involved in the entire implementation process of the demonstration projects, from any necessary further refinement of selection criteria based on further information and experience through to selection, planning, direct support, technical assistance and capacity building, and monitoring of implementation of the actual project.

## 2. Technical assistance by NHL consultants

The Consortium has been in close contact with Rayka Hauser and with J. Dogterom and J.P.E. van Leeuwen of NHL to reach agreement on how NHL will provide support in the development of indicators, with the specific aim of assuring that their involvement will be most effectively used to support the Consortium in fulfilling its tasks, as well as the Consortium and DRP in developing a clear tool for monitoring of the progress and achievements of Component 3.4.

After an extended conversation with Rayka Hauser, which will be followed up by a conversation with the experts from NHL, the following plan of action was devised.

First, the Consortium will provide the experts from NHL with all written materials available on the project, so that they can get a good idea of what exactly will be undertaken by the Consortium and the local stakeholders. For example, with regard to objective 1, the Consortium will provide the Inception Report, the minutes of the country consultations that took place in October and November 2004, the Needs Assessments and the minutes of the national meetings that will take place in February and March 2005. With regard to objective 2, the Consortium will provide the experts from NHL with the five projects that have been selected as demonstration projects, the reasons for selecting those and the implementation plans. It may be useful to arrange one or more conference calls so that the Consortium partners can explain any details that are not clear. These activities together will assure that the experts from NHL have a full and concrete understanding of the access to information and public participation goals that the Consortium will be aiming for in each country, as well as the activities planned to achieve these goals.



Based on these materials and conversations, the experts from NHL will define the kind of additional inputs they think are needed from local counterparts (the stakeholders) so that the Consortium, with the help of the experts from NHL, can develop a list of indicators for each objective. The Consortium will then approach local counterparts in each country in order to obtain the necessary additional inputs suggested by the experts from NHL.

Then, the Consortium will work closely with the experts from NHL to develop a set of well-defined indicators for each objective.

The local partners in each country will be approached to discuss and give feedback on the proposed indicators.

As a last step, the Consortium, together with the experts from NHL finalize the indicators, so that along the way in the project, the progress and success of the project in achieving its objectives can be measured by DRP, by local counterparts, and by the Consortium.

### 3. National capacity building workshops in 2005

The first national capacity building workshops will be held at the end of February, 2005 and during March 2005. The REC and its partners will consult the DRP, the operational teams and the REC Country Offices about the proposed date and venue of the workshops before 15<sup>th</sup> of January 2005. These consultations will also include the draft agenda, materials to be distributed and the list of participants.

Invitation letters and registration forms will be sent out one month before the workshop. The more detailed updated agenda and the draft Needs Assessment report will be sent out to those who register for the workshop at least one week in advance.

The workshop agenda will include:

- presentation of and discussions on the findings of the Needs Assessment report by the national consultants;
- special focus on identification of national priorities, barriers/solutions to those priorities, and proposed activities/ outcomes to be addressed by the project component;
- discussion of potential measures and approaches for addressing priority needs;
- presentation of and discussion on the findings of the demonstration project report by the national consultants; and
- identification of preferred options among potential demonstration sites that best meet the selection criteria.

Outcomes of the workshop:

- better understanding of legal, institutional and practical barriers of access to/provision of environmental and water-related information, within the context of the Water Framework Directive, in the respective country;
- discussion and agreement on priority needs, activities and outcomes regarding improvements which can be achieved within the timeframe and framework of the project component;
- proposed specific activities/outcomes;
- preliminary scoping of potential measures and approaches to addressing priority needs;
- preferred options for demonstration sites;

- feedback and comments on draft Needs Assessment report, and identification of revisions to be made by national consultants in finalizing the report.

The draft Needs Assessment reports and the demonstration project reports will be finalized based on the results of the workshop within two weeks after the conclusion of the workshops.

#### 4. Needs assessments, who is involved and when

The purpose of each Needs Assessments is to provide a clear, factual foundation on which the entire project can proceed in each country. The Needs Assessment will set the framework for the work that is to follow in the two years of the project. One will be created in each project country. The Consortium is in the process of identifying and then contracting national consultants, who will then be directed to undertake a systematic examination of current laws, policies and practices in each of the countries. Their work is more than a paper review of laws and on-the-books procedures, however. Among other things, the national consultants are directed to develop practical information. For example, they must learn from those who have experienced this, how easy or hard it is to obtain information from national and local authorities by making requests at each level and reporting on the results, and by collecting other practical and pertinent information.

National consultants will work on the Needs Assessments under the supervision of the Consortium. The Consortium will be in close contact with the national consultants by e-mail and phone as they develop their national Needs Assessments. In the pilot project, the national consultants produced several drafts of their needs assessments in response to comments from the Consortium. This iterative effort sharpened and refined significant parts of the analysis. It is expected that the same will be the case for Component 3.4, and that the following schedule of events will be followed.

- As noted in greater detail in Part I, Section 1.1 of this Inception Report, the Consortium has prepared an outline of issues to be addressed in Needs Assessments and will also provide guidance to the country experts;
- The Consortium will oversee the national consultants' work including reviewing and commenting on drafts (both in writing and orally via phone conversations) and will do any necessary editing including to improve the way the information is conveyed, if necessary;
- The Consortium will circulate the results to the main country partners/national team (government and DEF/NGO) for review and comment;
- The Consortium will prepare and package the final reports of the national consultants in ways that make each of them easily accessible to the relevant country participants attending the national meetings and then the first plenary meeting scheduled for April 2005;
- The Consortium will facilitate an effective review and discussion on the Needs Assessments at the first national and plenary meeting, as the needs assessments will form the basis of discussions for identifying project priorities country-by-country, selecting hot spot demonstration project locations, and otherwise structuring the project efforts in each country;
- Following the plenary meeting, the Consortium will edit the Needs Assessments into a form accessible to a general or broader audience, reflecting discussions in the plenary meeting, and will post this information on the project websites and otherwise make them available as appropriate. For an example of this from the previous pilot project in Hungary and Slovenia, see <http://www.rec.org/REC/Programs/PublicParticipation/DanubeInformation/PDF/HungaryNeedsAssessment.PDF> and <http://www.rec.org/REC/Programs/PublicParticipation/DanubeInformation/PDF/SloveniaNeedsAssessment.PDF>

It is important to note that the 5 countries present a variety of different circumstances. The status of existing legal, institutional and practical arrangements necessary to implement public access to water-related information and the Water Framework Directive varies quite widely among them. Thus, the

country experts' specific assessment tasks in each country and the ultimate form of their reports may differ in form and/or emphasis from country to country.

**PART III ANNEXES**

A1 COUNTRY CONSULATIONS, DOCUMENTS

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION IN  
ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
MINUTES OF MEETING**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Bosnia and Herzegovina

Tuzla, Bosnia and Herzegovina  
14th October 2004

**The main objectives of the meeting**

- **To present the UNDP-GEF Danube Regional Project, Project Output 3.4**  
Enhancing Access to Information and Public Participation in Environmental Decision-making to relevant stakeholders in order to assure stakeholder ownership and input at the national level.
- To collect feedback on national level on the project activities, expected outputs including the scope and inputs needed for the needs assessment on barriers of public access to information on water issues taking into account the WFD and Aarhus Convention and relevant international and national legislation.
- To identify experts and relevant stakeholders who will build up the national teams and discuss with participants about the process.

**Participants**

Representatives of Ministries of Environment (MoE) on Entity level, as well as on cantonal level, institutions, business sector, NGO's (See Participants list in Annex 1)

**Introductory part**

The meeting was opened by Djordje Stefanovic, REC Banja Luka Field Office. Opening speech was delivered by Ms Naida Anđelić, BiH representative for ICPDR Expert Working group for River Basin Management. She greeted all on behalf of Prof. Borislav Jaksic and Mr. Mehmed Cero, BiH Heads of delegation to ICPDR. She presented the current situation regarding the role of BiH in the implementation of Danube Convention, as well as how the ICPDR operates and how BiH experts participate in different working groups and activities. BiH is in the process of ratification which will be finished by the end of this year. Currently there is no regular information flow due to problems of communication among institutions in BiH. already has involved in different activities so they could also join the Water Framework Directive implementation. BIH participates in observer status in the different expert groups including the River Basin Management Expert Group, now was asked to nominate experts to all working groups. The River Basin Management Expert Group took the initiative to develop

a Public Participation Strategy in River Basin Management Planning. BiH also participates in the discussions on the Roof Report and the upcoming Ministerial Meeting in December. ICPDR. A workshop will be held in Sarajevo on November 3-4, 2004 to present the ICPDR and DRP activities.

### **Introductory presentation**

*Magda Toth Nagy, Project Manager and Head of Public Participation Programme, REC* presented in details the Danube Regional Project and the context of the project component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" and the implementation of the Water Framework Directive in the Danube River Basin, in the name of *Ms. Rayka Hauser*, consultant of DRP. The presentation introduced the audience with goals of the DRP, applied description and justification of the methodology used in enhancing public participation process, involving and supporting ICPDR in the process concerning the implementation of the Strategy of public participation, principles of UNDP/GEF ways of acting, cooperation with DEF. (See the presentation attached.)

Magda Toth Nagy also presented on behalf of the implementing consortium of REC/RFF/NYU the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP:

- presented to the audience main project goals achieving ultimately a clean Danube River basin, the good experiences and knowledge gathered in the previous activities, the possibilities for removing existing barriers and the need for coordinated, integrated approach of all relevant society actors in society
- illustrated possible approaches based on implementation of the existing international documents, such as Aarhus Convention and Water Framework Directive, and through addressing national hot-spots at local level in countries which are project participants
- gave an introduction on project implementation phases with justification and expectations within framework of each particular project phase
- informed about the management of the project  
(See presentation attached in Annex.)

### **Plenary Discussion on Barriers to Access to Information and Public Participation in BiH**

The following comments were made by the participants:

- BiH has not ratified the Aarhus Convention yet, and ratification is not foreseen for the end of the current year.
- The DEF is organizing trainings for NGOs on the water Framework directive.
- Mr. Simicic enquired about the possibilities of public involvement in decision making concerning environmental protection when new industrial investment plans are being decided which may have significant impacts on the environment and water.
- If there is no collection of adequate information, the basis for public participation is weak. Also there is a demand on information supply for the higher level decision-makers which needs to be organized
- Mechanisms for dissemination of information can be found in NGO sector now
- With regards to industrial waste disposal, this needs to be tackled first in an appropriate and preventive manner, not to discuss how water protection can be introduced. Local Agenda 21 type of approach is needed to evaluate the impact of development plans on the environment and water.
- There is no or very little communication between NGO's and governmental sector especially at the local level. NGOs should be partners for the government to improve communication.
- There are also positive examples of cooperation between NGOs and authorities

### **Results of the working groups**

#### **Group A**

## **TASK**

Discuss current situation on access to information and public participation, identify the obstacles and solutions to it.

## **RESULT**

### Obstacles

- No or only outdated information is available
- Information is only available in English,
- Lack of public awareness and knowledge
- There is no proper information system in place so that it would enable the public to take part in the decision making process
- There is no cooperation between NGO-s and the governmental sector
- Improper institutional structure
- The Law on Water is not drafted yet
- There is a lack of by-laws or secondary legislation
- Lack of guidance materials on how to implement existing legislation
- Guidelines for civil servants
- Conflict of competencies between ministries and environmental institutions
- The role of the media is to guide the public in locating relevant information
- There is not enough media coverage on environmental issues
- Journalists are not interested in and not knowledgeable enough on environmental issues
- There is no qualitative water monitoring in place
- Information exists, but have to be purchased.
- Existence of administrative borders (between FBiH and RS)

### Solutions

- Legal framework needs to be completed
- Preparation of entity level water laws in harmonized way (There is an ongoing CARDS project on institutional structure in water sector)
- Public relations officers to be put in place in institutions
- Partnerships to be improved with all sectors
- Journalists need to be trained and educated
- Training seminars should be organized
- Public awareness raising about environmental issues Water Framework Directive and access to information
- Systems of charges for water use are not adequate, if improved, awareness would increase
- All stakeholders should see their responsibilities

## **Group B**

**TASK** Identify suggestions and opinions relevant to project activities and concluded following:

## **RESULT**

### Problems

- There is no critical mass of public opinion
- Long-term improvement is needed to have feedback from the public
- Lack of quality communication between decision-makers and the stakeholders
- There is a lack of competent experts/capacities/institutions
- The competences for the Sava and the Danube river is not defined on the state level, not clear who is responsible
- No proper information about ongoing reorganization of water sector to stakeholders

### Solutions

- Capacity building, training for officials
- Support from ICPDR
- Stimulation for young people through involvement
- Institutional strengthening at local level
- Vertical integration, to see who is responsible to whom and for what
- Water sector needs to be reorganized including state level agency and new water sector law (CARDS project)
- Database to be established at state level according to needs of officials and stakeholders and no participation opportunities  
Competent authorities should involve public within the process from draft stage.
- Information should be made accessible at national level and should be provided to ICPDR
- Websites should be used to make public documents and should be used for communication with public and NGOs
- Cost effective dissemination of information

### **Group C**

**TASK:** identification of the relevant authorities, NGO-s, experts and other stakeholders, their involvement in the project component 3.4

### **RESULT**

#### **For the national team:**

- State and entity ministries including those dealing with water, Danube issues
- Other ministries and agencies including Ministries of Health, Trade and Commerce,
- Public enterprises for water management, (Sava and Adriatic Basin)
- Steering Committees on Environment and Water on inter-entity level
- Cantons and municipalities,
- Communities,
- Enterprises dealing with production of electricity ,
- Umbrella NGO-s (DEF, Eco network, BiH ecology union etc.)
- Agriculture and industry,
- Media,
- Education system
- Enterprises dealing with environmental issues
- All should be consulted (except schools and media) and informed

#### **For the operational team**

- Ministry for Foreign Trade and Economic Relations, (State level ministry responsible for water issues)
- Entity level ministries on water and environment
- Public enterprises for water management

### **Closure of the meeting and next steps**

Ms Magda Toth Nagy explained the difference between the national and operational team. The National team will be open to representatives of all institutions and stakeholders who have relevant responsibilities or activities on Water Framework Directive implementation, with special regard to access to information and public participation. The operational team will be a small flexible (5-8 members) team with the involvement of the key institutions and organizations who will advise regularly on the project activities. An e-mail list will be established for communication and information dissemination. Letters will be sent to the heads of the relevant institutions to nominate a representative to the National Team and the key institutions to nominate representative to the Operational Team. The involvement of the Aarhus Focus point will also be required and useful.



She also underlined that focus of the project was access to information and not collecting of information, such as in RANSMO project. (The main goal of RANSMO is setting up an information and monitoring system in BiH). However, any kind of cooperation in water-related issues would be welcome. Cooperation with other projects is required, and they should be invited to the national teams.

### **The next steps**

- Establishing the national and the operational teams
- Letter will be sent to heads of institutions to nominate a representative to the national and operational team
- National expert/s will be hired to conduct Needs Assessment about the barriers on public access to water related information
- National workshop will be held in February or March to discuss the findings of the Needs Assessment report and decide on which priority problems the project activities should deal with during the next two years.

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION IN  
ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATION MEETING  
AGENDA**

Tuzla, Bosnia and Herzegovina  
14th October 2004

**The main objectives of the meeting:** to present the UNDP-GEF Danube Regional Project, Project Output 3.4

Enhancing Access to Information and Public Participation in Environmental Decision-making to relevant stakeholders in order to assure stakeholder ownership and input at the national level

- to collect feedback on national level on the project activities, expected outputs including the scope and inputs needed for the needs assessment on barriers of public access to information on water issues taking into account the WFD and Aarhus Convention and relevant international and national legislation
- to identify experts and relevant stakeholders who will build up the national teams and discuss with participants about the process.

9.00 – 9.20 **Welcome by REC Country Office Bosnia and Hertzegovina**, *Deputy Director, Mr. Djordje Stefanovic*

**Opening statement by Ms. Naida Anđelić** *on behalf of ICPDR Head of Delegation*

9.20- 9.35 **Introduction of agenda and participants**

9.35 - 9.55 **Introduction on the Danube Regional Project** and the context of the component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making and the implementation of the Water Framework Directive in the Danube River Basin" by *Magda Toth Nagy on behalf of Rayka Hauser, Public Participation expert to DRP.*

**Questions and answers**

9:55 – 11.20 **Introduction on the objectives, activities and outputs of component 3.4** "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP by *Magda Toth Nagy, Project Manager, REC (on behalf of the implementing consortium of REC/RFF/NYU)*

**Questions and answers**

11.20-11.35 Coffee break

11.35-11.50 **Linkages with other components of the DRP** and the Danube Public Participation Strategy. Introduction by Magda Toth Nagy *on behalf of Rayka Hauser* followed by questions and discussion

11.50-12.30 **The current state** of access to information and public participation in environmental and water related issues on national level (Problems encountered and needs)

*Plenary discussion moderated by Mr. Djordje Stefanovic*

12.30 - 14.00 Lunch break

14.00 - 15.00 Work in 3 Small working groups

#### **Group A**

**Present state on access** to information and public participation in environmental and water related issues on national level (Problems encountered and needs, legal and institutional perspective, possible solutions)  
(Input for the scope of the needs assessment surveys and the inception report)

#### **Group B**

**Input and suggestions** for Project activities on national level  
(Input for the Inception Report and future activities/outcomes)

#### **Group C**

**Identifying relevant officials**, experts NGOs and other stakeholders who need to be involved in the project and their proposed role or involvement

15.00-16.00 **Presentation on the outcomes** of the of the working groups and discussion

16.00- 16.30 **Process of formation of the national team for the project implementation and discussion on methods of work/cooperation/communication**

*Discussion facilitated by Mr. Djordje Stefanovic*

16.30-17.00 Conclusions and evaluation of the meeting

**UNDP-GEF DANUBE REGIONAL PROJECT (DRP)  
PROJECT COMPONENT 3.4 „ENCHANCING ACCESS TO INFORMATION AND  
PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION MAKING”**

**LIST OF PARTICIPANTS**

Tuzla, Bosnia and Herzegovina  
14th October 2004

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**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
MINUTES OF MEETING**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Bulgaria

Sofia  
26<sup>th</sup> of November 2004

**Preparation**

Representatives of governmental institutions, academia, environmental programmes, associations of municipalities, businesses and NGOs, stakeholders in water protection and public involvement were invited to participate in the meeting. The invitation included besides the official letter, draft agenda and short description of the project.

The meeting took place in the Executive Environmental Agency. Participants received as information package the presentations and a booklet on the Aarhus Convention.

The meeting was attended by 25 representatives of governmental institutions and 18 of academia, businesses and NGOs. (See Annex 1: List of Participants 26 Nov 2004)

The meeting took place on 26<sup>th</sup> November, according the preliminary distributed agenda of the meeting.

*Ms. M. Mateeva*, director of REC CO Bulgaria opened the meeting and welcomed the participants.

*Mr. Vladimir Donchev*, Head of Water Protection Department at the MOEW, stressed the importance of the project for implementation of the requirements of the Water Framework Directive and national water legislation. A draft text of the New Water Act was accepted by the collegium of the Council of Ministers. Full EU legislation harmonization is to be achieved with the adoption of the new Water Act. Access to information and public involvement are stated priorities of the national environmental policy and REC for CEE continuous efforts in this regard are highly appreciated.

*Ms. Margarita Mateeva* introduced the project goals and the goals of the first national meeting on the project. She presented the slightly revised agenda to the participants and it was accepted. (See Annex 2: Agenda 26 Nov 2004)

*Ms. Rayka Hauser*, Public Participation Expert, Danube Regional Project (DRP), made an introduction on the project and the context of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making and the implementation of the Water Framework Directive in the Danube River Basin". (See Annex 3: DRP\_PP\_Rhouser.ppt)

*Ms. Magdolna Toth Nagy*, Project Manager, REC made an introduction on the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" on behalf of the implementing consortium of REC/RFF/NYU. (See Annex 4: Danube consultations finalMTO.ppt)

*Mr. Alexander Kodjabashev* in his introduction stressed that there have been significant developments in the sphere of public access to information and public participation in the recent years, especially on the legislative site and on the governmental responsibilities. However there are still issues that need consideration as those of definition of public interest, of commercial and industrial secret and others.

The following discussion identified current barriers on access to information and public participation.

### **Identified Barriers on Access to information**

1. Regulatory barriers (minimal)
2. Insufficient knowledge of the regulation by the officials. Information is needed for officials, for courts
3. Interpretation is needed (for instance of public interest of commercial and industrial secret)
4. Lack of belief in win-win solutions
5. Insufficient consultation skills (to be overcome by training, change of culture)
6. Transparency of institutions to be increased
7. Price for information. Pricing is not regulated, price for processed and primary information, clear guidance.
8. Delay of Information
9. Insufficient motivation of public interest in information, beyond crisis situations
10. Media understanding and capacity to interpret environmental information unsatisfactory
11. Level of detailisation of publicly accessed information – data, sources of pollution insufficient
12. Representativeness of the monitoring points is doubted.
13. Lack of monitoring of some parameters
14. Terminology: information ≠ data
15. WFD does not use directly the term public participation. Guidance document is not obligatory.
16. It is not clear which are the responsible institutions for provision of information (response ExEA, MOEW website)
17. New Water Act – public consultation to be incorporated in it
18. 75 % of the public does not know their rights and do not believe they can change anything
19. Basin Councils' role – to be replaced by technical expert councils?
20. Lack of good coordination among the institutions

### **Working Groups**

Identification of problems and needs, possible solutions and relevant activities were stated as the tasks of the three working groups in the afternoon session. The facilitators of the three working groups represented the task of each working group and whom it may be of interest to.

Three working groups discussed the following issues:

- Legal and institutional aspects of access to information and public participation in environmental and water related issues (Problems encountered, solutions, proposed project activities)



- Practical aspects of access to information and public participation in environmental and water related issues (Problems encountered, solutions, proposed project activities)
- Identification of officials, experts, NGOs and other stakeholders who need to be involved in the project and their proposed role or involvement in the national/operational teams.

## **Working Group Results**

### **Working Group A**

*Legal and Institutional aspect of access to information and public participation in environment and water protection (Problems, measures)*

#### **Identified problems and measures:**

##### **1. Water Act – Public Consultations on the draft text.**

**Problem:** Only the first draft of the Water Act was made available for public consultation. It had a lot of shortcomings and had to be essentially changed. A second draft was developed by the authorities and adopted by the Collegium of the Council of Ministers, in which allegedly these shortcomings have been addressed. It is of major concern to stakeholders that the second draft was not made public before submission and adoption by the Council of Ministers.

##### **Measures:**

a/ organization of another public consultation process on the second draft,  
b/ in the future, organization of consultations before the submission of the draft law;  
c/ the act should include a mechanism for evaluation of the results from its implementation, and for corresponding corrective measures (amendments).

##### **Possible project activities:**

*The DRP Component 3.4 can provide assistance in the development of a monitoring mechanism for the Water Law. An EU PHARE pilot project will assess the impact of the Water Law on farmers. The approach and results of this pilot can be used as a basis for a broader evaluation and amendment mechanism. A DRP representative should contact the PHARE project team.*

*The DRP Component 3.4 can also look into the procedure for stakeholder consultation in legal drafting and propose improvements.*

##### **2. The Water Act provides for public participation in River Basin Management Planning through the River Basin Councils, which are the future Consultative bodies of the River Basin Directorates.**

##### **Problem:**

The River Basin Councils are not operating entirely effectively

##### **Possible Project Activities:**

*Technical assistance to the Basin Councils for the 2 regions (Danube and Black Sea) in order to help them organize their work and become operational. Special attention should be given to other on-going assistance to these structures, in order to avoid overlapping. This proposal assumes that River Basin Councils have been restored to their original functions in the latest draft of the Water Act.*

3. **Problem:** the collection and processing of information by certain institutions is secured through public funds (e.g. at the National Institute of Meteorology and Hydrology, of Cartography, etc.). However payment is required from MOEW, NGOs and other interested parties for the information they request from these institutions.
4. **Problem:** No legal criteria for the definition of commercial and industrial secret allow for the misuse of this term.
5. **Problem:** Lack of effective, legally adopted penalty for not providing information to the public or stakeholders.

**Measures for 3,4, 5 and possible project activities:** legal amendments (new regulations or amendment of existing ones) in order to: regulate which kind of information should be provided free of charge, and in which cases payment is needed; defining what can be considered commercial and industrial secret; and setting effective penalties for refusal of access to information.

6. **Problem:** Unclear implementation procedures to legal and administrative staff concerning the general regulation on access to information – Access to Public Information Act and the specialized regulation – Environment Protection Act and the Aarhus Convention.

**Measures and proposed project activities:** training of the legal specialists within the administration

## **Working Group B**

*Practical aspect of access to information and public participation in environment and water protection (Problems, solutions, proposed activities on the project)*

### **Problems:**

1. NGOs are not involved in the development of Municipal Environmental Protection Programmes (incl. water issues), neither in the Regional Strategy development. Development of Municipal Strategies/WRMP is assigned to private companies, no public consultation.
2. Lack of good practice for municipal announcement of submitted applications for water use; inefficient announcement of EIA consultation
3. Conflict of interests between investors and public
4. General public is not acquainted with the Aarhus Convention, Environmental Protection Act, environmental and water protection management procedures
5. Lack of coordination among the institutions in regard of access to information responsibilities.
6. No stakeholder analysis is done

### **Solutions to problem 1:**

1. Process of development of municipal and regional plans, programmes, strategies to be regulated to include involvement of NGOs, business, public, media

### **Activities:**

1. Request to MOEW and Ministry of Regional Development and Public Works to include relevant text in regulations (for environmental assessment of plans and programmes).
2. To be preserved the subbasin councils in the recent draft text of the new Water Act.

**Solution to problem 2:**

- Municipal and RIEW training in efficient communication with stakeholders

**Activities:**

1. Survey of current practices
2. analysis and recommendations for good practices
3. Development of guidelines
4. Trainings
5. Annual reward for municipality with best results

**Solution to problem 3:**

- To amend the Regulation – instead of national newspaper, media, announcement to be required to be done in regional, local newspaper / media

**Activities:** Proposal to the Ministry to amend the Regulation

**Solution to problem 4:**

- Increase of awareness and knowledge

**Activities:**

1. Publicising successful public participation
2. Awareness campaigns addressing target groups
3. Training of messengers for dissemination of environmental information
4. Establishment of cooperation with media, through: meetings and seminars, regular delivery of information, weekly bulletins of municipalities and RIEW on the state of environment (website, press office)

**Solution to problem 5:**

- Concretise the RIEW and BD responsibilities

**Activities:** Request from RIEW and BD to the Minister to regulate the issue with an Order.

**Solution to problem 6:**

- To regulate the process of: identification of stakeholders, ways of communicating the information

**Activities:** proposal to the MOEW for amendment of the Regulation.

**Working Group C**

*Identification of representatives of governmental institutions, experts, NGOs, other stakeholders, and their role in the project for both national and operational team*

**National team****Institutions:**

1. MOEW
2. Ministry of Energy and Energy Resources
3. ExEA

4. RIEW
5. Ex Agency for exploration and maintenance of the Danube river.
6. Basin Directorates
7. Ministry of Agriculture and Forestry
8. National center for Hygiene, Medical Ecology and Nutrition
9. Ministry of Transport and communications
10. Ministry of Labour and Social Policy
11. Ministry of Regional Development and Public Works
12. National Statistical Institute
13. Municipalities
14. Executive Agency Fisheries and Aquacultures
15. Ministry of Economy
16. Ministry of Finance

#### NGOs

1. Association of Danube Municipalities, Belene
2. Association of Black Sea Municipalities
3. Earth Forever - Svishtov
4. Union for Environmental Protection, Vidin
5. Bulgarian Society for Protection of Birds
6. CEIE
7. NAMRB
8. Bluelink
9. National School Eco-parliament
10. Danube Environmental Forum

#### Academia

1. Institute for Meteorology and Hydrology, Bulgaria Academy of Science
2. Institute on Water Problems, Bulgaria Academy of Science
3. Geological Institute
4. Central Laboratory on General Ecology
5. Universities
6. Sociological Institute (BAS)

#### Media

1. National media
2. Specialised media
3. Regional Media
4. Information Agencies

#### Business

1. Bulgarian Industrial Association
2. Bulgarian Chamber of Commerce and Industry
3. Stakeholders from business

#### **Operational team:**

1. Water Directorate of the MOEW
2. ExEA – Quality of surface water
3. RIEWs – the Danube and the Black Sea region
4. Basin Directorates – the Danube and the Black Sea
5. Ministry of Agriculture and Forestry
6. National statistical Institute
7. Access to information Programme

8. Danube Environmental Forum
9. National pupils eco-parliament
10. Bulgarian Academy of Science with the relevant Institutes
11. Bulgaria Industrial Association

### **Discussion on working group results**

In regard of the national team was pointed that there are many institutions/organizations which participation may contribute to project outcomes and for the different tasks the team may differ to allow for inclusion of experts on specific tasks. It was stressed that the activity of both teams is organized in voluntary basis.

### **Conclusions**

*Ms. Magda Toth Nagy* presented the next steps on the project:

- Minutes from this meeting will be sent out to all participants
- REC will send a letter to the heads of institutions and organizations to nominate a representative to the national team
- REC will send a letter to those key institutions and organizations requesting them to nominate a representative in the operational team
- REC is inviting by 1 December candidates for the implementation of a national Needs Assessment (to be completed by end March 2005). TOR for the task is under development.
- Establishment of an e-mail list for communication and information dissemination about activities related to the project component
- Selecting and contracting National consultant/s to prepare a Needs Assessment report on the barriers of public access to information
- Organising and holding National workshops February-March to discuss the findings of the Needs assessment report and decide on which priority problems the project activities should deal with during the next two years.

### **Closing of the Meeting**

*Ms. Margarita Mateeva* expressed her satisfaction of the creative and devoted work of the participants and officially announced the closure of the meeting.

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
AGENDA**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Bulgaria

Sofia  
26<sup>th</sup> of November 2004

**The main objectives of the meetings is**

- to present the UNDP-GEF Danube Regional Project, Project Output 3.4 Enhancing Access to Information and Public Participation in Environmental Decision-making to relevant stakeholders in order to assure stakeholder ownership and input at the national level
- to collect feedback on national level on the project activities, expected outputs including the scope and inputs needed for the needs assessment on barriers of public access to information on water issues taking into account the WFD and Aarhus Convention and relevant international and national legislation
- to identify experts and relevant stakeholders who will build up the national teams and discuss with participants about the process

9.00 – 9.20 Welcome by *Ms. Margarita Mateeva, REC CO Director*,  
Opening statement by, *Mr. Vladimir Donchev, Head of Water Protection  
Department of MOEW*

9. 20 - 9.35 Introduction of agenda and participants

9.35 - 9.55 Introduction on the Danube Regional Project and the context of the  
component 3.4 "Enhancing Access to information and Public Participation in  
Environmental Decision Making and the implementation of the Water  
Framework Directive in the Danube River Basin" by *Ms. Rayka Hauser, Public  
Participation Expert, DRP.*

Questions and answers

9:55 – 10.20 Introduction on the objectives, activities and outputs of component "Enhancing  
Access to information and Public Participation in Environmental Decision  
Making" of the DRP by *Ms. Magda Toth Nagy, Project Manager, REC (on behalf  
of the implementing consortium of REC/RFF/NYU)*

Questions and answers

10.20 -10.35 Coffee break

10.35 -12.15 The current state of access to information and public participation in environmental and water related issues on national level (Problems encountered and needs)

Plenary discussion, introduction by *Mr. Alexander Kodjabashev*.

12.15 - 12.30 Introduction into the working groups

12.30 -13.30 Lunch break

13.30 -14.30 Work in 3 working groups

### **Group A**

Legal and institutional aspects of access to information and public participation in environmental and water related issues (Problems encountered, solutions, proposed project activities)

### **Group B**

Practical aspects of access to information and public participation in environmental and water related issues (Problems encountered, solutions, proposed project activities)

### **Group C**

Identification of officials, experts, NGOs and other stakeholders who need to be involved in the project and their proposed role or involvement in the national/operational team.

14.30-15.45 Presentation of the working groups and discussion

- Problems, solutions, proposed project activities
- Process of formation of national and operational team for the project implementation and methods of work

Discussion facilitated by the REC CO Bulgaria Director

15.45 – 16.15 Conclusions and evaluation of the meeting, next steps. Closure

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
LIST OF PARTICIPANTS**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Bulgaria

Sofia  
26<sup>th</sup> of November 2004

# present <sup>3</sup>	Addressed	Institution	Contacts	Confirmed Representative <sup>4</sup>
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<sup>3</sup> Number is entered only for participants in the meeting

<sup>4</sup> Some of officially confirmed representatives were not present



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**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
MINUTES OF MEETING**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Croatia

Zagreb  
22nd of October 2004

**Meeting Objectives**

- to present the UNDP-GEF Danube Regional Project's new Component 3.4: "Enhancing Access to Information and Public Participation in Environmental Decision-making" to relevant stakeholders in order to assure stakeholder ownership of the project component and input at the national level
- to collect, summarize, analyze and interpret stakeholders' feedback on the national level on specific needs and potential project activities and outputs. In particular, determine the scope and inputs for a needs assessment of national level barriers to public access to information on water issues taking into account the future harmonization with the EU Water Framework Directive - WFD and Aarhus Convention and relevant international and national legislation
- to identify relevant experts and interested stakeholders who will be able to build up national working teams and participate in various project activities

**Introduction**

*Chairman: Ms. Magda Toth Nagy, Moderator: Ms. Borjanka Metiko*

**Ms. Magda Toth Nagy**, Project Manager opened the meeting introducing briefly to the audience the objectives of the meeting, the Danube Regional Project and the framework of the Project component 3.4, expressing the project needs, expectations and preferred methodology. (See agenda and list of participants attached in the Annex.)

**Ms. Karmen Cerar**, representative of the Ministry of Agriculture, Forestry and Water Management, welcomed the participants on behalf on Mr. Zeljko Ostoic, Head of Croatia's ICPDR delegation, expressing the support and motivation of the Croatian water authorities to be actively involved in the project implementation. She talked about the importance of public participation in the framework of the Water Framework Directive implementation and about initiatives taken to this end in the framework of the River Basin Expert Group to develop and approve a Public Participation Strategy of the ICPDR. She also shared the news that in order to support the project implementation, a key contact person has been nominated responsible for public participation within the National Water Authority, namely Ms. Vesna Krolo.

### **Presentation: UNDP/GEF Danube Regional Project and the context of Component 3.4**

*Ms. Rayka Hauser*, DRP Public Participation Expert, presented the goals of the Danube Regional Project: to reduce nutrient and toxic pollution and promote transboundary cooperation in the Danube River Basin. The context of the new project component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" is formed by the role of the International Commission for the Protection of the Danube River as a coordinating body for the implementation of the Water Framework Directive in the Danube River Basin. The Danube Regional Project supports the ICPDR and the Danube countries in this process, working with authorities and stakeholders at all levels. Within Objective 3, the DRP aims to strengthen public awareness and participation in environmental decision-making. Component 3.4 represents an important element in this effort, and special attention is given to coordinating it with other activities within Objective 3.

Questions and answers:

- *Ms. Nevenka Preradovic* inquired about the availability of the ICPDR PP strategy in the Croatian language. *Ms. Karmen Cerar* clarified that although it is not available in Croatian, the document can be accessed in English via the ICPDR web page.
- *Ms. Doris Filipovic*, Ministry of Sea, Tourism and Transport and Development enquired about the Small Grants program as part of the Danube Regional Project. *Ms. Dalia Matejevic* gave an update on the latest development of accessing the grants: 1<sup>st</sup> round of grants under implementation; second call for proposals will be out in spring 2005.

### **Presentation: Objectives, activities and outputs of component 3.4**

*Ms. Toth Nagy*, REC Project Manager, acting on behalf of the implementing consortium of REC/RFF/NYU:

- provided a detailed introduction on the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP.
- presented to the audience the main project goals supporting the ultimate objective of a clean Danube River basin, the good experiences and knowledge gathered in previous pilot activities, the possibilities for removing existing barriers to access to information, and the need for a coordinated, integrated approach of all relevant society actors to this end.
- illustrated possible approaches based on the implementation of the existing international documents, such as the Aarhus Convention and the Water Framework Directive, and through addressing national hot-spots at local level in the countries which are project participants
- gave an introduction on the project implementation phases with justification and expectations within the framework of each particular project phase
- informed about the management arrangements of the project  
(See presentation attached in Annex.)

### **Panel discussion**

- *Ms. Karmen Cerar* asked for an overview of already running or future projects including those implemented by REC that are targeting Croatia and might cause certain overlaps of activities, mentioning the CARDS project of which she is aware. *Mr. Predrag Sibalic* from Ministry of Environmental Protection, Physical Planning and Construction, Osijek Department expressed the need for closer integrated multi-sectoral cooperation, especially from the point of view of inspectors. He mentioned that there is a good cooperation among experts but accessing information in a systematic manner is a problem for them too, sometimes information is not available at all, information flow is not secured. The need to give priority to integrated water

management approach when tackling water issues and give the political interests a secondary position.

- The representative of the Green Action, Irma Popovic, urged the governmental institutions to use the opportunity by the project component for accelerating the ratification of the Aarhus Convention. She shared her negative experience when requesting information she did not receive the information for two months, although 15 days is required as a timeframe in the national law. There are problems with regard to timely delivery of information and this has a negative impact for the process of public participation, therefore in order to comply, the state administration has to be strengthened, their capacities should be improved, the work process needs to be more efficient and transparent
- Ms. Nevenka Preradovic expressed her view that the project might be a good opportunity for the governmental decision-makers for taking the last steps to ratify Aarhus Convention. The national legislation adopted in 2003 already reflected the Aarhus approach as well as the Law on Access to Information
- Ms. Karmen Cerar confirmed that the integrated database is needed, partially is available. The setup of database on underground waters is completed and accessible both for officials and public, but indeed the rest of information might be scattered. She also mentioned the need to provide both the decision-makers and the public the information they need.
- Ms. Doris Filip, Ministry of Sea, Tourism and Transport and Development concluded that while on higher level inter-sectoral cooperation and information flow is good, there are problems on the lower levels and improvement in this is needed
- Ms. Dora Radoslavljevic NGO Participant from Varasdin Illustrated their experiences in listing concrete examples of problems and obstacles they are facing, when or relevant environmental information related to the water resource management.
- Ms. Tatjana Borosa Pecigos, raised how much the actual real picture is reflected in the transboundary hotspot list prepared in 1999 and the EMIS database on the actual hot spots. The situation has changed significantly in the last years.
- Mrs. Magdolna Toth Nagy gave more details in order to clarify how the "hot spots" are considered in the project context and the methodology how hot-spots were being selected

### **Summary of plenary discussion: Barriers to Access to Information and Public Participation in Croatia**

- It is important to build synergies with other relevant projects which are either in place or will come up in the future in order to avoid duplication and overlap. This will be the first task of the planned national Needs Assessment.
- Inter-sectoral cooperation should be improved as well as cooperation among higher level and lower level information holders, providers and decision makers. This is especially important since information on various aspects of water resource status and conditions is held by different authorities. There needs to be also clarity about "who is who" in environmental institutions
- The new DRP Component should support the institutions for the practical implementation of Access to Information regulations, including the necessary steps for the ratification of the Aarhus Convention and implementation of the EU WFD.
- An integrated and coherent water database should be established. This is underway within a project of the National Water Authority. An integrated groundwater database already exists and is available to experts and the public.
- Data in the ICPDR EMIS database may be outdated and should therefore be used with care in the identification of the pilot sites.
- NGOs are facing considerable problems in performing their role in civil society, especially because of lack of funds
- The legislative tools and guidelines for information dissemination are missing.
- The establishment of a Public Information Office is not enough, a larger interdisciplinary approach is needed in order to make it function in an adequate way

It was pointed out that many of the issues raised during the plenary session already refer to barriers to information access. These need to be prioritized and further elaborated in the working groups.

## **WORKING GROUPS**

In continuation the participants separated into two working groups with the following tasks:

- Group A: to list and prioritize particular problems within the project framework, looking into legal, institutional and practical issues and to suggest the possible solutions
- Group B: to list the main authorities and stakeholders that have an interest in the project implementation, identifying national and operational team members

### **Results of the Group discussions**

#### **Group A**

List and Prioritize particular problems within the project framework, to suggest the possible solutions to the problems considering the legal, institutional and practical issues

Problems listed were:

- difficulties in accessing information
- low capacity of civil sector representatives to achieve successful access to relevant information and low capacity in governmental sector to provide relevant requested information in time and in an appropriate way
- constant problems in accessing information for the general public and difficulties in public participation process
- lack of user-friendly meta-database that would be shared among relevant sectors that would be functionally networked.
- Lack of procedures that would allow easier implementation

Solutions:

- creation of national sets of indicators, structured and well maintained information system
- establishing inter-sectoral cooperation system through establishing working groups and international working groups that would be working on particular problems
- law harmonization, education and informing public regularly
- improved NGO capacity in order to erase their negative image in the society as non-competent and non-relevant
- Methodology to be used should be trainings, consultations, technical support, thematic publications, networking, campaigns.

#### **Group B**

Identify the relevant project participants, to describe their particular roles and benefits they will be able to gain through this project, and finally to propose the structure of the future operational project national team.

The relevant persons who would form the national project team are:

- water related experts, relevant decision-makers, and users of the information and the resource that should be actively involved, consulted and informed
- Beside the relevant Ministries, also counties, local communities, scientific institutes and interested financial institutions have to be actively involved. Benefits would be on the institutions that will be able to accomplish their tasks properly and to improve their inter-institutional cooperation and communication.



- Operational project team, this body should consist of representatives from Croatian Ministry of Environmental Protection, Physical Planning and Construction, Ministry for Agriculture, Forestry and Water Management, Ministry of Marine, Traffic, Tourism and Development Affairs, National Institute for Information, Croatian Agency for Water Management "Hrvatske vode", environmental NGOs, Ministry of Culture, Dept. for Nature Protection, Ministry of Health, media representatives.

## **Discussion**

Ms. Rayka Hauser explained the difference between the national and operational team. The National team will be open to representatives of all institutions and stakeholders who have relevant responsibilities or activities on Water Framework Directive implementation, with special regard to access to information and public participation. The operational team will be a small flexible (5-8 members) team with the involvement of the key institutions and organizations who will advise regularly on the project activities.

Ms. Toth Nagy, REC Project Manager presented the proposal for structuring the future national and operational team for the project implementation, as well as the possible appropriate methods of future work/cooperation/communication. An e-mail list will be established for communication and information dissemination. Letters will be sent to the heads of the relevant institutions to nominate a representative to the National Team and the key institutions to nominate representative to the Operational Team.

Ms. Karmen Cerar emphasized that it is not enough to nominate a person but it has to be a person who has background and knowledge on water issues. The problem of capacity of water authorities to provide the necessary input into the project (and in general to ensure public access to information) was discussed.

## **CONCLUSIONS AND NEXT STEPS**

Ms. Magda Toth Nagy, Project Manager in her conclusions and closure indicated the following next` steps in the project:

- minutes of the meeting will be prepared and sent to the participants
- a letter will be sent in December to heads of institutions and organizations to nominate a representative to the national team
- a letter will be sent in December to the heads of those key institutions and organizations which will be asked to be involved in the smaller operational team to nominate a representative
- an e-mail list will be established for communication and information dissemination about activities related to the project component
- National consultant/s will be hired to prepare a Needs Assessment report on the barriers of public access to information
- National workshop will be held in February-March to discuss the findings of the Needs assessment report and decide on which priority problems the project activities should deal with during the next two years.

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
AGENDA**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Croatia

Zagreb  
22nd of October 2004

**The main objectives of the meeting**

- to present the UNDP-GEF Danube Regional Project, Project Output 3.4 Enhancing Access to Information and Public Participation in Environmental Decision-making to relevant stakeholders in order to assure stakeholder ownership and input at the national level
- to collect feedback on national level on the project activities, expected outputs including the scope and inputs needed for the needs assessment on barriers of public access to information on water issues taking into account the WFD and Aarhus Convention and relevant international and national legislation
- to identify experts and relevant stakeholders who will build up the national teams and discuss with participants about the process

9.00 – 9.20 **Welcome by Ms. Magda Toth Nagy**, Head of Public Participation, REC HQ

**Opening statement by Ms. Karmen Cerar**, representative of the Ministry of Agriculture, Forestry and Water Management on behalf of ICPDR Head of Delegation

**Moderator:** Ms. Borjanka Metikoš

9. 20- 9.35 **Introduction of agenda and participants**

9.35- 9.55 **Introduction on the Danube Regional Project** and the context of the component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making and the implementation of the Water Framework Directive in the Danube River Basin" by Ms. Rayka Hauser.

Questions and answers

9:55 – 11.20 **Introduction on the objectives, activities and outputs of component 3.4** "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP; by Ms. Magda Toth Nagy, Project Manager, REC

Questions and answers

**11.20-11.35** Coffee break

*11.35-12.30* **The current state of access** to information and public participation in environmental and water related issues on national level (Problems encountered and needs)

Plenary discussion. Moderator: *Ms. Borjanka Metikoš*

12.30-14.00 Lunch break

14.00-15.00 **Work in 2 working groups**

#### **Group A**

**Present state on access** to information and public participation in environmental and water related issues on national level (Problems encountered and needs)  
(Input for the scope of the needs assessment surveys and the inception report)

#### **Group B**

**Input and suggestions** for Project activities on national level  
(Input for the Inception Report and future activities/outcomes)

**Identifying relevant officials**, experts NGOs and other stakeholders who need to be involved in the project and their proposed role or involvement

15.00-15.30 **Presentation on the outcomes** of the of the working groups and discussion

15.30- 16.00 Process of formation of the national team for the project implementation and discussion on methods of work/cooperation/communication

Discussion. Moderator: *Ms. Borjanka Metikoš*

16.00-16.30 Conclusions and evaluation of the meeting

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
LIST OF PARTICIPANTS**

The Regional Environmental Centre for Central and Eastern Europe  
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Zagreb  
22nd of October 2004

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**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
MINUTES OF MEETING**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Rumania

Bucharest, Hotel Continental  
16<sup>th</sup> of November 2004

**Project objectives**

- presentation of the Danube Regional Project(UNDP-GEF), Component 3.4 "Enhancing Access to Information and Public Participation in Environmental Decision Making" to the main groups of interest with the purpose of involving them at national level
- collecting comments and recommendations at national level regarding:
  1. project scope and activities, expected outputs, importance of involving the authorities to assure a correct frame of the Needs Assessment Study to evaluate the problems encountered in public's access to information, regarding water, taking into account the Water Framework Directive and the Aarhus Convention and international and national legislation
  2. identification of the experts and relevant interested groups which will form the National Team and discuss with the participants

*Mr. Lucian Ionescu*, REC Country Office Romania welcomed the participants and opened the meeting.

*Ms. Ana Drapa*, representing the Ministry of Environment and Water Management greeted the participants and welcomed them on behalf of the ICPDR Delegation and gave an outline on the process of implementation of the WFD.

*Ms. Rayka Hauser*, representative of the DRP presented in details the Danube Regional Project and the context of the project component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" and the implementation of the Water Framework Directive in the Danube River Basin.

*Ms. Magda Toth Nagy*, REC Public Participation Head of Program, Project Manager of the component DRP 3,4, acting on behalf of the implementing consortium of REC/RFF/NYU in her presentation addressed the following topics:

- introduction on the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP.
- main project goals achieving ultimately a clean Danube River basin, the good experiences and knowledge gathered in the previous activities, the possibilities for

- removing existing barriers and the need for coordinated, integrated approach of all relevant society actors in society
- possible approaches based on implementation of the existing international documents, such as Aarhus Convention and Water Framework Directive, and through addressing national hot-spots at local level in countries which are project participants
- project implementation phases with justification and expectations within framework of each particular project phase
- project management information

### **Plenary discussion: Barriers to Access to Information and Public Participation in Romania**

*Ms. Mirela Leonte/ DEF:*

Sometimes the role of NGOs was to make criticisms towards the governmental institutions that they lack proper legislative tools. We also have to mention that although the public is not active enough, reacts when is the case of relevant investments. Example: Rosia Montana, Dracula Park, etc.

*Mr. Viorel Tecuci/ Institute of Hydrology*

Brought in attention the case of public involvement in the past times, investment projects like "building the dam ", using the method of distributing flyers to the post boxes of the local inhabitants. Public was targeted by the assistance of the local personalities like the teacher and the priest. This example is relevant since Romania is still beneficiary of such investment projects.

Problems expected with the involvement of public while implementing WFD:

- Middle age people are not very keen to be part of decision process bad experiences as "consequence" of the former regime
- Mentality issues, while the man from village interested on the impact caused by the dam being built, throws the garbage at the river bank
- WFD requests a new approach, shifting from the issue of drinkable water to an integrated approach looking into water quality, quantity and eco systems
- The public needs to be aware of these so that their involvement would indeed contribute with the added value
- Conflict of different interest ; too strong political influence is not wished

*Ms. Ana Drapa*

Asked the Project Manager to make a summary of the previous meetings, the main conclusions.

*Ms. Magda Toth Nagy*

The countries are situated at different levels when we look into the transposition of WFD and ratification of AC and their implementation.

SCG and BIH:

- have transposed yet WFD and AC
- they are in the process of ratification
- developing legislative tools and in the process of legal harmonization

CRO:

- a bit more ahead on both issues

In each of the countries the stage of legislative harmonization water came up in the meetings as important element.

Several similar practical problems have been identified:

- several institutions that have responsibilities on the water issues, different ministries, agencies, institutes covering different activities
- sharing/flow of information among the diverse institutions/departments is a problem
- this has an impact on the public, making the process very difficult and time consuming



- while trying to integrate the Access to Information and Public Participation principles and regulations in the implementation of the WFD institutions and their officials encounter problems :
  - lack capacity
  - short timeframe

*Ms. Camelia .Zamfir/* NGO, Friends of Earth

Asked the ministry representative to present the actual situation of the public involvement in relation to the implementation of WFD regarding evaluation, methods and plans

*Ms. Magda Toth Nagy*

Asked about other efforts/projects are ongoing or being planned for in the future on implementation of WFD, or generally related to Access to Information and Public Participation in Romania

*Ms. Ana Drapa*

Gave a general outline and invited a colleague from the Water Directorate to complete  
As the project title said the "improvement" is the key word. In Romania the WDF implementation is under the responsibility of the Ministry of Environment and Waters and the Water Agencies.

Relevant Legislation is in place for A to I and PP:

- Law 86/2002
- Access to Public Information
- Law on the Environment

Relevant water legislation is updated:

- Law 107/-../1996 amended 2004
- Law 310
- Governmental decree 2000 for establishing the Water Basin Committees

Steps in for WDF transposition in Romania:

- Presently rules and procedures on A to I and PP is under drafting process.
- Horizontal legislation developed
- Water Management Plans developed 2001, in the water management plan: activities, measures, deadlines, respectively for A to I P and PP.

*Ms Aurora Vasile* presented the elements of PP:

General development of PP in Romania:

- To ensure PP in water management decision making processes
- Finalization of working documents.
- Finalizations of proposals
- Support of EU policies implementation related to water issues
- Strategy of water management 2003-2009 and A to I and PP according to ICPDR requirements for implementing WFD.
- A national water management operational plan had been elaborated.
- PP is needed: reflected on level of river basin (national/regional/local level)

How can we involve the public?

- Using the guide (EC document)
- Using the guide (ICPDR document fro the Danube Basin)

-2006: Draft measures

- Draft water management plans
- Start up of monitoring process

2007: Information and PP for the river basin management plans, a 6 month period for gathering comments and hold consultations

2008: Draft widely circulated

2009: Publishing the final water management plan and establish measures

2010: Measures will be implemented

2015: Update on measures, sharing good/bad experience.

The National Water Directorate has 11 Regional Water Directorates under its supervision and have tasks of:

- drafting water management plans for its region
- establishment of Basin Committee, composed from representatives of: Ministry, Local authority, Industry, Technical Expert secretariat, Environmental Inspectorate, and NGOs
- All in the 11 RWD have received the rules of PP that had been adjusted to local needs (ICPDR)

Tasks of the Basin Committees:

- to inform about the phases of the Water management Plans, through press conferences, dissemination of information materials.
- assist the implementation process of the WFD
- approves the draft WMP on basin level
- approves the list for protected areas

Based on the basin level WMP the national WMP is being drafted and approves

Problems:

- Not all Basin Committees are performing at the level of expectations
- Difficulties with dissemination of information for factors, actors that are outside the process, Mayors and representatives of NGOs could help to increase the information flow
- Not enough financial resources in order to have capacities to hold meetings and ensure information dissemination, with the assistance of REC Country Office Romania project on Prut and Siret information dissemination seminars have been held

Needs:

- Stakeholder analysis to be prepared
- More public debates in order to identify the issues in the WMP.
- River Basin Committee are the basic units, an improvement of their function and operational possibilities is needed.
- Maintenance way of operation

*Mr. Viorel Tecuci/ Institute of Hydrology*

- the PP is not the main scope of the WMP and implementation of the WFD
- In Romania it is a special situation needs a special approach to involve the public, short and long term strategy is needed
- Adoption of concrete field test are needed, project should consider to address this
- Bottom up approach is needed

*Ms. Laura Boicenco/ Mare Nostrum, NGO, Constanta*

Presented a project which they had recently with Royal Haskoning, to draft of a plan on sustainable development. As final product, a vision on the development of the coastal area of the counties Constanta and Tulcea had been developed. In order to gather input from the public, method of questionnaires has been used and related to this they experienced:

- lack of preliminary information dissemination on what is topic and why they are requested to give their contribution lead to uninformed
- citizens felt being "attacked by questions"
- they used the opportunity for complaining about the authorities related to other issues

Therefore, information dissemination in the early phase of WMP is crucial.

**In 3 work groups the participants addressed different issues:**

**Group A**

Present state on access to information and public participation in environmental and water related issues on national level (Problems encountered and needs, legal framework and possible project activities that could address these needs, solutions)

**Group B**

Obstacles in accessing environmental information( problems encountered and needs, institutional framework and project activities that could address those)

**Group C**

Identify relevant authorities, NGO’s and other interested groups, that need to be involved in the project, defining their role and level of involvement in the project

**Group A**

Present state on access to information and public participation in environmental and water related issues on national level (Problems encountered and needs, legal framework and possible project activities that could address these needs, solutions)

<b>Problems and Needs</b>	<b>Solutions</b>
interest in the water related issues	It is necessary to complete the Order No. 1212 with regulations that would allow all the Basin Committees to act coherently.
More efficient public relations offices	Consolidation of those that exist at Hydrographic Directorate Level
Difficulties in access to public information	list of public information must be listed according to Law 544/2001.
Uneasy collaboration among different stakeholders	The Romanian Water Administration must improve it’s collaboration with local authorities and schools for educational projects and with environmental NGO’s
Not sufficient technical& logistic support	Must be strengthened

**Group B**

Obstacles in accessing environmental information( problems encountered and needs, institutional framework and project activities that could address those)

<b>Problems and Needs</b>	<b>Proposals for Project Activities</b>
There is an integrated information system that doesn’t work properly	Transfer of know how from institutions that in the given personnel and technical conditions operate efficiently In country study tours at the agencies that have pilot projects in implementation
Problems with technical and personnel capacity/instruments and personnel to produce information	

**Group C**

Identify relevant authorities, NGO’s and other interested groups, that need to be involved in the project, defining their role and level of involvement in the project

**Relevant authorities and other interested groups      Role and level of involvement in the project**

National environmental authorities	Operational and national team
Business/ industry sector	National team
Professional organizations	Operational and national team
Civil society	Operational team, national team more active in all relevant project issues
Pollutants that have activities with environmental impact	Raise awareness on their share in contributing to reduction of water pollution with greener technologies
Media	Disseminate information, inform about project development and share the good experiences

**Meeting concluded with the presentation of the next steps:**

- Minutes of meetings will be prepared
- An e-mail list will be established for communication and information dissemination about activities related to the project component
- In cooperation with Country Offices and relevant institutions nominations will be finalized for the operational and national teams
- National consultant/s will be selected and contracted in order to prepare a Needs Assessment report
- National workshops will be held in February-March to discuss the findings of the Needs assessment report and decide on which priority problems the project activities should deal with during the next two years.

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**NATIONAL CONSULTATIONS  
AGENDA**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Rumania

Bucharest, Hotel Continental  
16<sup>th</sup> of November 2004

**The main objectives of the meetings**

- to present the UNDP-GEF Danube Regional Project, Project Output 3.4 Enhancing Access to Information and Public Participation in Environmental Decision-making to relevant stakeholders in order to assure stakeholder ownership and input at the national level
- to collect feedback on national level on the project activities, expected outputs including the scope and inputs needed for the needs assessment on barriers of public access to information on water issues taking into account the WFD and Aarhus Convention and relevant international and national legislation
- to identify experts and relevant stakeholders who will build up the national teams and discuss with participants about the process

- 9.00 – 9.20 Welcome by *Mr. Lucian Ionescu*, REC CO Director,  
  
Opening statement by *Ms. Ana Drapa*, the Head of Delegation to the ICPDR, Chair of the meeting, representative of the Ministry
9. 20- 9.35 Introduction of agenda and participants
- 9.35- 9.55 Introduction on the Danube Regional Project and the context of the component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making and the implementation of the Water Framework Directive in the Danube River Basin" by *Ms. Rayka Hauser*, consultant to DRP

*Questions and answers*

- 9:55 – 11.20 Introduction on the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP by *Ms. Magda Toth Nagy*, Project Manager, REC (on behalf of the implementing consortium of REC/RFF/NYU)

*Questions and answers*

- 11.20-11.35 Coffee break

11.35-12.30 The current state of access to information and public participation in environmental and water related issues on national level (Problems encountered and needs)

Plenary discussion, introduction by Mr., Lucian Ionescu

12.30-14.00 Lunch break

14.00-15.00 Work in 3 working groups

#### **Group A**

Present state on access to information and public participation in environmental and water related issues on national level (Problems encountered and needs, legal framework)  
(Input for the scope of the needs assessment surveys and the inception report)

#### **Group B**

Input and suggestions for Project activities on national level  
(Input for the Inception Report and future activities/outcomes)

#### **Group C**

Identifying relevant officials, experts NGOs and other stakeholders who need to be involved in the project and their proposed role or involvement

15.00- 15.15 Coffee break

15.15- 16.00 Presentation of the working groups and discussion

16.00- 16.30 Process of formation of the national team for the project implementation and discussion on methods of work/cooperation/communication  
Discussion facilitated by the REC CO Director, *Mr. Lucian Ionescu*

16.30-17.00 Conclusions and evaluation of the meeting

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**NATIONAL CONSULTATIONS  
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Bucharest, Hotel Continental  
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<b>42</b>	Ana Drapa	Ministry of Environment and Water Management	021/335.25.91 F: 021/410.20.32 <a href="mailto:adrapa@mappm.ro">adrapa@mappm.ro</a>
<b>43</b>	Rajka Hauser	UNDP/ GEF Danube Regional Project Public Participation Expert	<a href="mailto:rayka.hauser@vip.hr">rayka.hauser@vip.hr</a>

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
MINUTES OF MEETING**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Serbia and Montenegro

Belgrade  
12<sup>th</sup> of October 2004

**The main objectives of the meetings was**

- to present the UNDP-GEF Danube Regional Project, Project Output 3.4 Enhancing Access to Information and Public Participation in Environmental Decision-making to relevant stakeholders in order to assure stakeholder ownership and input at the national level
- to collect feedback on national level on the project activities, expected outputs including the scope and inputs needed for the needs assessment on barriers of public access to information on water issues taking into account the WFD and Aarhus Convention and relevant international and national legislation
- to identify experts and relevant stakeholders who will build up the national teams and discuss with participants about the process

The meeting was opened and facilitated by *Mr. Jovan Pavlovic*, Project Manager, REC CO SCG, together with *Ms. Jovanka Ignjatovic*, member of ICPDR delegation. All the presentations and introduction of the Project was following the enclosed Agenda (see Annex 1)

After the introduction of the agenda, participants introduced themselves (see List of participants, Annex 2)

*Ms. Jovanka Ignjatovic* in her opening speech presented the role and activities of the ICPDR and the Danube Regional Project. UNDP/GEF is present in the Danube region since 1992 and through this financial mechanism priority problems and environmental issues are addressed in transboundary cooperation. Serbia and Montenegro ratified the Danube Convention and participates in the efforts by ICPDR and Danube \Regional Project in reducing pollution by nutrients and toxics. The Convention is in force and chaired by the EU in 2004 ICPDR coordinates implementation of the Danube Convention through cooperative efforts and by activities in individual countries parties/signatories to the Convention. The structure of ICPDR includes delegations of the countries, the Presidency and the Secretariat of the Convention. ICPDR developed a system for early warning and prevention of accidents as well as a network of monitoring water quality both of which are operated in transboundary cooperation. One of the main focuses of the ICPDR activities is the creation of conditions for the implementation of the EU Water Framework Directive. All Danube countries are harmonizing their legislation with the EU directives. NGOs can participate in the process through the small grants program funded by UNDP/GEF and managed through the REC. The first phase of the Danube Regional Project has started in December 2000 to reinforce the existing structures and activities in the Danube River Basin. The DRP is supporting the ICPDR through capacity building and implementation in regional/transboundary approach. The second phase of DRP started in 2003

and is running until 2006. It focuses on capacity building activities to achieve ultimately pollution reduction, establishment of efficient legislation and monitoring as well as implementation. Public Participation is in the focus of the second phase as well, through support to NGOs as well as through the project component 3.4. The DRP includes components on developing and implementing legal instruments at national and regional level, nutrient reduction and pollution prevention, water management including all necessary structures and adequate monitoring systems. Assessment of the first phase was done by the Expert Groups. The second phase includes component on institutional development of NGOs through public awareness raising, small grants program, communication and the new component 3.4 on "Enhancing Access to Information and Public Participation in Environmental Decision-making".

*Ms. Magda Toth Nagy*, Project Manager, REC, has introduced the Danube Regional Project and the context of the component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making and the implementation of the Water Framework Directive in the Danube River Basin". (The presentation was written by Rayka Hauser. DRP Consultant who could not attend the meeting. See the summary of presentation attached, Annex 3.) She also presented the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP;

Comments made after the presentations:

*Ms Milica Durac* (Ministry of Science and Environment of Serbia-Aarhus Focal point):

- A new system of environmental protection was proposed in the new draft Environmental Protection Act in 2002 which currently has been changed and new versions of draft laws have been prepared on EIA, SEA, IPPC.
- New draft laws enhance public participation in decision-making and include radical provisions on public access to information (It is considered a criminal offense if information is not provided)
- The new draft laws (including the Water Law) are still possible to comment.

*Ms. Tanja Nikolic* (Young Researches of Serbia):

- There is no legal basis in the country since the old basic law on Environment is still in effect and the new one is in the pipeline for a very long time. The main problem is related to implementation of the legislation because even the old one is acceptable if the implementation and enforcement is conducted in a proper way.

### **Plenary discussion: Barriers to Access to Information and Public Participation in Serbia and Montenegro**

*Ms. Milica Durac* (Ministry of Science and Environment of Serbia-Aarhus Focal point):

- The assessment conducted about the compatibility with Aarhus Convention concluded that the first and third pillar but there is need to enhance better the second pillar. A new draft law on public participation in territorial planning and construction is underway with similar requirements as the EIA process
- The main obstacle for the implementation of first and second pillar is that the procedure needs to be better defined regarding public participation
- The obstacle regarding access to information:
  - o There is database on air, water and soil but a good information system is needed where relevant environmental information could be found. Certain institutions, tools, techniques are needed.
  - o The Ministry for Protection of Natural Resources and Environment was restructured at the beginning of 2004 and was merged with the Ministry of Science and Environment.. An Agency for Nature Protection of Serbia was planned to be established and to have important role in access to information and public participation but the establishment is being delayed due to practical implementation and other reasons including financial ones. The initiative still exists and possible donor is identified (Greek government)

- There is a problem with the access to justice: citizens are not involved in EIA in practice since under the current law it is not required to involve the public from an early stage.
- There are different channels used for informing the public including:
  - o The media
  - o State of the environment report is published yearly
  - o Internet sites for citizens

*Mr. Rodomir Mijic*, Belgrade Municipality, Secretariat for Environment:

- The Secretariat issues a bulletin with an annual report on the quality and state of the environment on pollution and radiation to air, water and land which was published for 2002 and 2003. The bulletin is published in cooperation with REC CO.

*Ms. Mira Bartula* (DEFSCG):

- Government agencies distribute information to all stakeholders but there are often complaints by NGOs.
- The Environmental Protection Act is still a draft, there are no implementation practices
- It is difficult to know which authorities to address with request
- It is necessary to set up a section for communication with the public.
- There have been several activities initiated to increase the knowledge level of NGOs on public participation, future target group should be the representatives of official institutions.

*Ms. Jelko Preskalo* ( OK MOROVIC NGO)

The NGOs have not seen the new drafts and would like to make sure that they contain proper access to information and public participation requirements

*Mr. Vladimir Lukić* (NGO Ecological and Citizens Action –Tales)

- No proper legislation in force which information should be made accessible. The media only deals with sensational information
- Need to access in different forms information necessary for EIA, on water pollution, etc.

*Ms Milena Jovanovic* (Yugoslavian Shipping Operator)

The citizens are skeptic about the information they receive. The quality of information is a problem

-

*Ms Gajinov Jelena*, (Society for Water Law, Novi Sad):

- There is great need for strengthening cooperation regarding the relations between NGO↔Officials↔Media↔Local level
- NGOs could promote the dialogue and cooperation

## **Results of the working groups**

### **Group A**

#### **TASK**

Present state on access to information and public participation in environmental and water related issues on national level Legal, institutional barriers. (Problems encountered and needs)

(Input for the scope of the needs assessment surveys and the inception report)

#### **RESULT**

##### **Problems**

Lack of environmental awareness  
(missing the habit of addressing the questions to the

##### **Needs**

Education  
Starting with the youngest generation-elementary school

##### **Solutions**

Introduction of the needed elements in basic school program as a first step in education.

relevant institutions  
 Insufficient motivation of the  
 citizens for seeking  
 information)

Lack of cooperation among the  
 different resource  
 institutions/ministries/institutes  
 Unsatisfactory state of  
 equipment supply for  
 processing the information in  
 the relevant institutions  
 All stakeholders insufficiently  
 informed

Need for better usage of  
 electronic media

Need for capacity building of  
 employees and technical  
 assistance

Communication between  
 NGOs and government  
 organization on the regular  
 basis

Capacity building-Trainings  
 and seminars

Procurement of the  
 equipment

Regular meetings between  
 NGO and GO  
 Defining un-commercial  
 obligation of electronic  
 media (to put environmental  
 information toward the  
 public as obligatory one)

### Group B

#### **TASK**

Input and suggestions for Project activities on national level  
 (Input for the Inception Report and future activities/outcomes)

#### **RESULT**

Project activities on national level

- outcome1 *Distribution of the environmental legislation* (Basic law+ sub legislation acts on EIA, SEA and IPPC , Framework Water Law-draft and other relevant laws )

activity 1 launching web site

activity 2 distribution through electronic networks-different types -to cover all stakeholders (such as Electronic network of environmental NGO in SCG-Volvox)

activity 3 announcement to the Media

- outcome2 *Formation of "body/committee"* responsible for:
  - a) Summarizing suggestions and proposals made by stakeholder on proposed law
  - b) Organization of public hearings
  - c) Incorporation of adopted/justify suggestions into the proposed law
- outcome3 *Capacity building*

activity 1 *organizing trainings ,workshops.*

Target: Officials, NGOs, stakeholders and Media

	<b>Target group</b>	<b>Type of the training</b>
Ones who are interested in receiving env. inf.	Media	Training/workshop-how to find relevant environmental inf., way of communication with relevant bodies, officials...
Ones who are interested in receiving env. inf.	NGO, Public	Training/workshop-how to find relevant environmental

Ones who give env. information

Officials

inf., way of communication with relevant bodies, officials...  
Introducing the legal practices from neighboring countries  
Putting the environmental information into the right format-presentation of the env.information

activities 2 presentation/review of the PP best practice in the different countries (EU, countries in transition)

- a) National workshop
- b) Web-presentation
- c) Printed materials

activities 3 Guidelines for relevant institutions (containing contacts, names...)

activities 4 Study tours

activities 5 Sustainability check ToFT

- outcome4 *Horizontal and vertical distribution of information and establishment of structure for distribution of the information*
  - a) appointment of the persons/institutions responsible for dissemination of the information
  - b) procurement of equipment for dissemination of the information on a local level
- outcome5 *Pilot Project for selected Hot-spot-demonstration of PP methodology for selected Hot-spot*

Identification of governmental agencies, institutions and other stakeholders who need to be involved in the activities of the project component

Discussion on how to form **National and Operational teams** facilitated by Ms. Jelena Kis and the goal of discussion was to identify experts and relevant stakeholders who will build up the national teams.

Ms. Magda Toth Nagy, Project Manager explained that the National Team will include all institutions and stakeholders who have relevant activities regarding the water management and water issues as well as access to information and public participation in water related matters. The National Team is open and further additions are possible. The smaller 5-8 person Operational Team will include only some of the key institutions which are responsible for the implementation of Water Framework Directive and its access to information/public participation requirements and at least one key NGO. The Operational Team will help to prepare events, materials with advice and commenting. Both groups will work on a voluntary basis.

The participants developed the list of institutions and organization that will be invited to appoint responsible persons who will continue work in the national teams.

The list is divided on

- **broader list** -containing all stakeholders who are interested and will be involved in the implementation project
- **shorter list**- containing the relevant institution and organization who will build up operational team

### **Operational team-shorter list**

1. Ministry for Science and Environment, Directorate for Environmental Protection of Republic of Serbia
2. Ministry of Agriculture, Forestry and Water management, Republic Water Agency
3. Secretary for Environment and Sustainable Development of Autonomous Province of Vojvodina
4. City Council of Belgrade, City Secretariat for Environment
5. Republic Hydro-meteorological Institute of Serbia
6. Institute for Water Distribution Jaroslav Cerni
7. NGO (DEFSCG, Young Researches of Serbia, Yugoslavian Society for Water Law and few more to be determined by sending letter of interest)

### **National team:-broader list**

In addition to the above:

1. Ministry of Capital Investments
2. Ministry of Environment of Montenegro
3. Yugoslavian Shipping Operator
4. Belgrade Sewage and Water Supply
5. and all institutions/organizations that were present on the meeting

The meeting was closed with the positive evaluation made by participants who are looking forward to receive further information about project activities and implementation of Project.

*Ms. Magda Toth Nagy*, Project Manager in her conclusions and closure indicated the following next` steps in the project:

- o minutes of the meeting will be prepared and sent to the participants
- o a letter will be sent in December to heads of institutions and organizations to nominate a representative to the national team
- o a letter will be sent in December to the heads of those key institutions and organizations to which will be asked to be involved in the smaller operational team to nominate a representative
- o an e-mail list will be established for communication and information dissemination about activities related to the project component
- o National consultant/s will be hired to prepare a Needs Assessment report on the barriers of public access to information
- o National workshop will be held in February-March to discuss the findings of the Needs assessment report and decide on which priority problems the project activities should deal with during the next two years.

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
AGENDA**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Serbia and Montenegro

Belgrade  
12<sup>th</sup> of October 2004

- 9.00 – 9.20 Welcome by REC CO Director
- Opening statement by the ICPDR member Ms. *Jovanka Ignjatovic*, Chair of the meeting
9. 20- 9.35 Introduction of agenda by *Mr. Jovan Pavlovic* REC CO SCG (facilitator of the meeting) and introduction of participants
- 9.35- 9.55 Introduction on the Danube Regional Project and the context of the component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making and the implementation of the Water Framework Directive in the Danube River Basin" by *Ms. Magda Toth Nagy*, Project Manager, REC (on behalf of Rayka Hauser, DRP Consultant)
- Questions and answers
- 9:55 – 11.20 Introduction on the objectives, activities and outputs of component 3.4 "Enhancing Access to information and Public Participation in Environmental Decision Making" of the DRP by *Ms. Magda Toth Nagy*, Project Manager, REC (on behalf of the implementing consortium of REC/RFF/NYU)
- Questions and answers
- 11.20-11.35 Coffee break
- 11.35-12.30 The current state of access to information and public participation in environmental and water related issues on national level (Problems encountered and needs)
- Plenary discussion, introduction by *Mr. Jovan Pavlovic*, REC CO SCG
- 12.30-14.00 Lunch break
- 14.00-15.00 Work in 2 working groups



**Group A**

Present state on access to information and public participation in environmental and water related issues on national level (Problems encountered and needs)  
(Input for the scope of the needs assessment surveys and the inception report)

**Group B**

Input and suggestions for Project activities on national level  
(Input for the Inception Report and future activities/outcomes)

15.00-16.00 Presentation of the working groups and discussion

16.00 - 16.30 Process of formation of the national team for the project implementation and discussion on methods of work/cooperation/communication- identifying relevant officials, experts NGOs and other stakeholders who need to be involved in the project and their proposed role or involvement

Discussion facilitated by the *Ms. Jelena Kis*, REC CO SCG

16.30-17.00 Wrap up of the meeting

**ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION  
IN ENVIRONMENTAL DECISION-MAKING  
UNDP-GEF DANUBE REGIONAL PROJECT, PROJECT OUTPUT 3.4**

**NATIONAL CONSULTATIONS  
LIST OF PARTICIPANTS**

The Regional Environmental Centre for Central and Eastern Europe  
Country office Serbia and Montenegro

Belgrade  
12<sup>th</sup> of October 2004

<b>Name</b>	<b>Institution</b>	<b>Telephone number</b>	<b>E-mail</b>
Gajinov Jelena	NGO Society for Water Law Ministry of Science, Directorate for		<a href="mailto:jelena@neobee.net">jelena@neobee.net</a>
Jovanka Ignjatović	Environmental protection of Republic of Serbia Ministry		<a href="mailto:vana@meteo.yu">vana@meteo.yu</a>
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Milena Jovanović	Yugoslavian Shipping Operator	064/1366-832	
Zoran Zečević	Ministry of Science, Directorate for Environmental protection of Republic of Serbia Ministry		
Milica Durac	NGO-Ecological and Citizens Action -Tales	064/1996-026	<a href="mailto:milica.durac@ekoserb.sr.gov.yu">milica.durac@ekoserb.sr.gov.yu</a>
Vladimir Lukić	JVP Srbijavode	474-600, 063/239-699 135-864,063/8237- 829	<a href="mailto:vlukic@beograd202.co.yu">vlukic@beograd202.co.yu</a>
Radoslav Mandić	Sava-Danube dpt City Council of Belgrade, Secretariat for Nature Protection		
Rdomir Mijić		3345-538	<a href="mailto:beoeko@beogradsc.org.yu">beoeko@beogradsc.org.yu</a>

A2 PROJECTS IMPLEMENTED WITH IMPACT TO DRP 3.4

### ACTIVITIES SIMILAR OR OVERLAPPING WITH DRP COMPONENT 3.4

UNDER IMPLEMENTATION OR IMPLEMENTED IN THE FUTURE BY REC COUNTRY OFFICES OR OTHERS

#### BOSNIA AND HERZEGOVINA

No	Title of the project	Institution/program	Period of implementation	Main goals/outputs of the project	Possible link with DRP project component 3.4
1.	Capacity building in Environmental Management systems	CARDS project – beneficiary are two B&H MoEs	October 2003 – September 2005	Three main activities: Economic aspect Legal aspect Public awareness	Capacity building EU legislation related to AI and PP, general environmental issues
2	Development of Environmental Monitoring System	CARDS project – beneficiary are two B&H MoEs	October 2003 – September 2005	Development of Monitoring system in accordance with EEA	Improvement of AI system
3.	Environment Performance Review of B&H	CARDS project – beneficiary are two B&H MoEs and B&H State Ministry for Foreign trade and Economic Relations	October 2004 – April 2005	An overview of institutional set up in environmental sector	Capacity building Institutional strengthening
4.	Institutional strengthening of water Sector in B&H	CARDS project – beneficiary are two B&H MoWs	October 2003 – September 2005	Preparation of new water related legislation in both of B&H entities; New institutional set up in B&H water sector	AI and PP incorporated in new legislation
5.	RBM on the Sava River Basin	CARDS Regional project, including SCG, Cro and B&H	October 2004 – September 2007	Preparation of conditions for preparation of RBM Plan in accordance with requirements of WFD	Capacity building; Stakeholders involvement; AI
6.	Establishing of B&H EPA	REC&ITF in cooperation with national authorities	June 2003 – December 2004	Preparation of Feasibility on B&H EPA and LAW on EPA	Information dissemination; International conventions in including Aarhus convention; Capacity building

7.	Preparation of State Law on environmental protection	Ministry for Foreign Trade and Economic Relations	Started in November 2004, there is no precise time limit	Preparation on B&H level law on Environmental Protection	Legal changes related to water protection, AI and PP
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## BULGARIA

No	Title of the project	Institution/program	Period of implementation	Main goals/outputs of the project	Possible link with DRP project component 3.4
1.	Capacity Building of the East Aegean Basin Directorate in Bulgaria for the Implementation of Requirements of Water Framework Directive in Pilot Basin Arda River	East White Sea region Directorate, Plovdiv/ MATRA – Pre-accession fund	1 <sup>st</sup> Jan 2005-December 2006	Capacity building for implementation of WFD on regional level	Capacity building, Water Framework directive, in country regional level
2	Assisting of Black Sea region Directorate in Bulgaria for the Implementation of Water Framework Directive in relation of the Monitoring System in coastal waters.	Black Sea region Directorate, Varna/ Pre-accession program – environmental fund	1 <sup>st</sup> Jan 2005-December 2006	Capacity building for implementation of WFD on regional level, focused on monitoring of coastal waters	Capacity building, Water Framework directive, in country regional level, coastal area/ Black Sea
3.	Integrated Water Management of	MoEW and West White Sea region	2005-2007, in two phases	Implementation of integrated water	

	River Mesta/Nestos Basin In two Phases.	Directorate/ PHARE-TBC INTERREG/ Bulgaria-Greece		management principles, regional level	
4.	Capacity Building of the Basin Directorates for the Implementation of the Framework Water Directive in the River Danube Basin	MoEW/ Phare-Twinning	2005-2006	Implementation of WFD on national level , capacity building for all Danube rives basin directorates, PP activities planned for 2006	PP activities within implementation of WFD
5.	Management and Capacity Building for Protected Wetlands	Municipalities: Tutrakan, Belene/ PHARE	2003-2005		
6.	Implementation of Framework Water Directive on the Basin of Iskar River and Feasibility Study for WWTP	MoEW/ Republic of Italy Ministry of Environment and Territory	2004-2005		

## CROATIA

<b>No</b>	<b>Title of the project</b>	<b>Institution/program</b>	<b>Period of implementation</b>	<b>Main goals/outputs of the project</b>	<b>Possible link with DRP project component 3.4</b>
1.	Public Participation in Environmental Decision-Making: Promoting Aarhus	REC Country Office Croatia	Sept 2004-Aug 2005	Capacity building for various stakeholder groups in applying all 3 Aarhus pillars, with focus on PP. Activities include a series	General capacity building for A to I, PP and A to J in for Aarhus Convention.

	principles			of 6 training-workshops, including ToT (for mixed groups of NGO, local authorities, media and business representatives); publishing the manual on public participation; and publishing a directory of environmental information sources in Croatia.	
2	Pilot River Basin Plan for Sava River (EuropeAid/118940/C/SV/Multi)	Safege Consulting Engineers, Belgium Responsible authorities: Ministries of Agriculture and Water Management of Croatia, BiH and SCG Donor: EC-CARDS Regional Program	October 2004 - October 2007	Improving water management of Sava river basin following the integrated approach of WFD, including: developing capacities of water authorities, implementing pilot projects in each country (CRO, BiH, SCG) on preparing Sava river mgmt plans according to WFD; supporting capacities of Sava Commission; facilitating coordination of WFD-related support projects in the Sava Basin.	Development of Water Management plans, possible overlap with some capacity building activities of the DRP for A to I and PP. Beneficiary countries, 3 the same from the DRP 3,4.
3	Water Information System - Standardization and Monitoring (EuropeAid/116034/C/SV/HR)	DHI Water & Environment, DK Responsible authority: Ministry of Agriculture, Forestry and Water Management, Croatia Donor: EC-CARDS National Program Croatia	March 2004 - March 2005	Modernization, standardization and improvement of the Water Information System in Croatia. There are 2 project components: (1) institutional set-up and functioning of WIS with standardization of procedures and IT-infrastructure in line with EU and international standards; (2) design of	Project focusing on technical issues, possible issues the A to I considering data gathering system.

				real-time data gathering subsystem and developing technical design & tender documentation for one monitoring station.	
4.	Approximation of Water Management Legislation with the EU Water Acquis (ref. EuropeAid/11944 5/C/SV/HR)	Tender to select the agency is still pending Donor: EC-CARDS National Program Croatia Responsible authority: Ministry of Agriculture, Forestry and Water Management, Croatia		Assist national and local water administrations for the implementation of Croatian water management legislation in accordance with the EU water <i>acquis</i> . TA will be provided for performing legal gap analysis, law drafting, administrative and institutional capacity building, horizontal impact assessment, development of compliance schedules and estimation of implementation costs for "heavy investment" EU Directives, in particular the Urban Waste Water Treatment Directive.	?

#### ROMANIA

No	Title of the project	Institution/program	Period of implementation	Main goals/outputs of the project	Possible link with DRP project component 3.4
1.	LEAP- European Model of developing inter-sectorial partnership	PHARE/FDSC	2004-2005	Involving all stakeholders in implementing the LEAP for Bucharest	Public participation in LEAP



2	Technical assistance for the elaboration of the environmental cost assessment and investment plan	EPTISA	Dec.2003-Jul.2005	Assessment of the cost associated to the implementation of all EU Directives	Evaluation of costs related to WFD implementation
3.	Pro-Aqua	PHARE/FDSC	Project submitted	Non governmental coalitions and integrated solutions in implementing the Water Environmental Acquis in Romania	Implementation of Water legislation ; access to justice

#### SERBIA AND MONTENEGRO

No	Title of the project	Institution/program	Period of implementation	Main goals/outputs of the project	Possible link with DRP project component 3.4
1.	Capacity building in Environmental Management system Development of Environmental Legislation in Serbia and Montenegro (YUGOLEX)	Ministry for Foreign Affairs of Finland – beneficiary Central government of SCG	April 2002 to April 2005	Harmonisation of legislation of Serbia and of Montenegro with EU Directives on EIA and SEA, IPPC, and Freedom of Access to Information on the Environment	Freedom of Access to Information on the Environment
2	GEF Serbia Danube River Enterprise Pollution Reducing Project	World Bank/River Basins	planned		DRP
3.	Clean up of	EC/Hot spot Clean up	ongoing		Hot-spot

	Pancevo Canal				
4.	RBM on the Sava River Basin	CARDS Regional project, including SCG, Cro and B&H		Preparation of conditions for preparation of RBM Plan in accordance with requirements of WFD	Capacity building; Stakeholders involvement; Access to Information

#### REGIONAL PROJECTS IMPLEMENTED BY THE REC HEADQUARTERS

<b>No</b>	<b>Title of the project</b>	<b>Institution/program</b>	<b>Period of implementation</b>	<b>Main goals/outputs of the project</b>	<b>Possible link with DRP project component 3.4</b>
1.	Sava Commission – Secretariat, Legal and Stakeholder` Support	Booz, Allen and Hamilton (USAID)	Ongoing December 2003-March 2005	Assist the Sava Commission in developing and implementing a stakeholder involvement strategy in the Sava River Basin.	Developing stakeholder involvement strategy Capacity building workshops Providing information related to Sava Agreement
2	Improving Practices of Public Participation: Next Steps in Implementing the Aarhus Convention in Albania, Bosnia and Herzegovina, FYR Macedonia, Serbia and Montenegro and Kosovo/t	Ministry for Foreign affairs of the Netherlands	Ongoing December 2004-December 2006	Support the practical implementation of Aarhus Convention and the PRTR Protocol in Albania, Bosnia and Herzegovina, Serbia and Montenegro, Kosovo/a and FYR Macedonia. Herzegovina, Serbia and Montenegro, Kosovo/a.	Capacity building to promote improvements of public access to environmental information and public participation and access to justice in environmental matters

## A3 LIST OF OPERATIONAL TEAMS

### LIST OF PROPOSED MEMBERS OF OPERATIONAL TEAMS

The experts below have been proposed and some of them already have agreed to participate in the Operational Teams for each of the countries involved in Project Component 3.4. In order to formalize their participation, a letter was, or will be, sent in December 2004 and January 2005 by the REC Country Offices to the institutions asking for official nominations.

#### BOSNIA AND HERZEGOVINA

**Mr. Mehmed Cero** and **Mr. Jaksic Borislav** - Heads of B&H Delegation to ICPDR;  
**Mr. Almir Prljaca** - Ministry for Water Federation B&H;  
**Ms. Violeta Jankovic** - Ministry for Waters RS - B&H - representative of ICPDR PR Expert Group;  
**Ms. Dilista Hrkas** - Sava River Basin Public Enterprise, PR, editor of magazine "Water and e"(Water and us);  
**Mr. Igor Palandzic** - DEF B&H;  
TBN( to be nominated):

- representative from B&H Ministry for Foreign Trade and Economic Relations
- Representatives of two entities Ministry of Environment

#### BULGARIA

Water Directorate of the MOEW;  
ExEA – Quality of surface water;  
RIEWs – the Danube and the Black Sea region;  
Basin Directorates – the Danube and the Black Sea;  
Ministry of Agriculture and Forestry;  
National statistical Institute;  
Access to Information Program;  
Danube Environmental Forum;  
National representatives of Eco-parliament;  
Bulgarian Academy of Science with the relevant Institutes;  
Bulgaria Industrial Association.

\* all the institutions above mentioned will nominate their representatives by the end of December

#### CROATIA

**Ms. Karmen Cerar** , ICPDR Delegation, Ministry of Agriculture, Forestry and Water Management; Directorate for Water Management;  
**Ms. Mojca Lukšić** ,ICPDR Delegation , Ministry of Agriculture, Forestry and Water Management; Directorate for Water Management;  
**Ms. Gorana Ćosić Flajsig** , Croatian Waters;  
**Ms. Nevenka Preradović**, Aarhus focal point, Ministry of Environmental Protection, Physical Planning and Construction;  
**Ms. Irma Popović**, representative DEF, NGO "Zelena akcija - Green Action";  
**Ms. Vesna Kroló** , Ministry of Agriculture, Forestry and Water Management, Directorate for Water Management;  
**Ms. Ljiljanka Mitoš Svoboda**, Osijek Greens;  
**Ms. Dalia Matijević** (REC Country Office Croatia).

#### ROMANIA

**Ms. Ana Drapa**, Ministry of Environment and Water Management;  
**Ms. Aurora Vasíu**, National Water Directorate;  
**Ms Mirela Leonte/Petruța Moisi** DEF Romania, Eco Counseling;  
**Mr.Valentin Brustur**, Ministry of Environment and Water Management;

**Ms. Aleksandra Ionescu**, Ministry of Environment and Water Management;  
**Mr. Liviu Popescu**, National Institute for Research and Development in Environmental Protection;  
**Mr. Lucian Ionescu**, REC Country Office Romania

## SERBIA AND MONTENEGRO

**Mr. Nikola Marjanovic**, Ministry of Agriculture, Forestry and Water management, Director of National Water Directorate, Head of ICPDR Delegation;

**Mr. Milovanovic Miodrag**, Institute for Water Distribution Jaroslav Cerni, member of ICPDR Delegation;

**Ms. Jovanka Ignjatovic**, Ministry for Science and Environment, Directorate for Environmental Protection of Republic of Serbia- Head of Water Quality Department

**Ms. Milica Durac**, Aarhus Focal Point;

**Mr. Branislav Bozovic**, City Council of Belgrade, Secretariat for Environment;

**Ms. Mira Bartula**, DEF SCG-, **Ms. Tanja Nikolic**, Young Researches of Serbia;

**Ms. Jelena Gajinov**, Yugoslavian Society for Water Law -, representatives of NGOs;  
TBN (to be nominated ):

- Secretary for Environment and Sustainable Development of Autonomous Province of Vojvodina
- Republic Hydro-Meteorological Institute of Serbia- Head of Water Quality Department.

## A4 OUTLINE FOR NEEDS ASSESSMENT

### **LEGAL, INSTITUTIONAL AND PRACTICAL BARRIERS TO PUBLIC ACCESS TO ENVIRONMENTAL AND WATER-RELATED INFORMATION TO SUPPORT PUBLIC INVOLVEMENT FOR THE IMPLEMENTATION OF THE EU'S WATER FRAMEWORK DIRECTIVE**

#### **Introduction**

#### **I. Status of laws/regulations on public access to environmental and water-related information**

##### **1. General laws and regulations**

1.1. Constitutional rights to information

1.1.2. Environmental framework and other laws relevant to environmental and water-related information

1.1.3 Access to monitoring information gathered by the State

1.1.4 Access to information within the environmental impact assessment (EIA) procedure and licensing/permitting procedure

1.2.1 Other laws and regulations

1.3 Implementation of EU directives on access to environmental information and active dissemination of information, relevant provisions of the WFD and other relevant directives (Focus should be on WFD requirements for access to information, the EU access to environmental information directive (2003/35/EC), including both passive and active aspects of access to/provision of information.)

1.4 Implementation of the Aarhus Convention regarding public access to environmental information and active dissemination of information

##### **2. Specific law or regulations related to water**

2.1. Status of legislation concerning waters including harmonization/transposition with the EU directives on water with special regard to Water Framework Directive, (Please focus on the access

to information and public participation requirements or the water laws. Please also consider national legislation if transposition or harmonization is in process or is not yet started.)

- 2.1.1. Planned developments in developing and implementing legislation regarding water
- 2.2 Requirements for collection of environmental and water-related information
- 2.3 Institutions collecting and providing environmental and water-related information (Environmental and water-related information system, record-keeping, registers, information center/s accessible for the public, Active dissemination of information)
- 2.4 Environmental monitoring and reporting requirements including water (State monitoring, Polluters' environmental self-monitoring and reporting requirements Enforcement of polluter's self-monitoring and reporting requirements, Requirements for implementing regulations)
- 2.5 Information on permit applications and reporting required by permits

### **3. Procedural rules for gathering and accessing water-related environmental information**

- 3.1 Definition of environmental information. Data or information
- 3.2 Duties of public authorities.
- 3.3 Procedures for access to/provision of information. Legal requirements regarding collection and dissemination of information
- 3.4 Timeframe providing access to information
- 3.5 Grounds for refusal of access to information
- 3.6 Confidentiality of information (State secret, military secret, business secret, etc.)
- 3.7 Access to administrative appeal procedure or to court
  - 3.7.1 Ombudsman
- 3.8 Charges for supplying the information
- 4.0 Accessibility of information concerning pollution caused by private persons

## **II. Status of enforcement and implementation of laws on public accessibility and collection of environmental and water-related information**

- 1.1 General findings - Implementing regulations and procedures regarding access to the general environmental and water related information in the practice
  - 1.1.1 The types of information to be made accessible and /or available by law and how this is being implemented
- 1.2. Administrative enforcement
- 1.3. Public accessibility of databases concerning waters (Accessibility of data concerning water discharges, ambient quality of surface and ground water, Accessibility of data concerning quantity of water resources and planning Accessibility of data contained in the Water Book)

## **III. Institutional arrangements for provision of access to environmental and water-related information**

**Please evaluate the issues below for national, regional/River Basin and local levels**

### **1. Institutional framework and cooperation**

- 1.1. Institutions dealing with collecting, processing and disseminating of environmental and water-related information
- 1.2 Relationship (Cooperation/coordination) among different agencies and bodies having responsibility for collection and dissemination of environmental and water-related information
- 1.3. Personnel, infrastructure and budget for providing access to environmental and water related information
- 1.4. Database linkages for environmental and water related information (Domestic databases accessible on internet)

### **2. Status of provision of environmental and water-related information upon request**

- 2.1 Practical experiences with provision of information,
- 2.2 Implementation of procedures, guidance documents,
- 2.3 Number and types of requests received by agencies)

### **3. Status of active dissemination of environmental and water-related information**

- 3.1 Methods of active dissemination of environmental and water-related information;
- 3.2 What tools are used for dissemination of information;
- 3.3 Information is made available on websites, publicly accessible databases, registers,
- 3.4 Emergency notification,
- 3.5 Other tools including publications; practical experiences

#### **IV. Legal and practical barriers to providing access to environmental and water-related information**

- 1.1 Confidentiality, secrets, including business secret  
(Concerns of government officials, NGOs and other stakeholders)
- 1.2 Analysis of the laws/regulations governing confidentiality and their effects. State secret and other ground for refusal of access
- 1.3 Technical and other barriers to providing access to information
- 1.4 Practical experiences

#### **V. Public access to information gathered within the framework of the implementation of the Convention on the Danube River Protection, information held by countries and ICPDR, and other programs relevant to environmental and water-related information on discharges into the Danube**

#### **VI. Problems and gaps identified with respect to all of points (1-5)**

#### **VII. Priority issues proposed to be addressed in the project component activities**

#### **VIII. Limitations of the needs assessment itself - information which was impossible to obtain and reasons**

#### **IX. Notes or references**

## A5 QUESTIONNAIRE FOR NEEDS ASSESSMENT

### QUESTIONNAIRE FOR THE PURPOSE OF NEEDS ASSESSMENT REPORT<sup>5</sup>

1.  
In general, what is your opinion about the possibilities for members of the public, local communities and NGOs to have access to environmental information, and more specifically to water-related environmental information?

(Please include information in connection with water protection, water management and the activities or projects regarding the Danube and its tributaries and focus on the requirements of the EU Water Framework Directive.)

2.  
How do you evaluate the availability of environmental and water-related information? Please address the conditions for systematic collection, processing and dissemination of the most important environmental information and for more specifically regarding water-related information.

3.  
Please evaluate the substantive and procedural legal conditions of access to and provision of environmental information, including water-related information, and their practical implementation in your country  
(e.g. definition of information, access to data/information, necessity of proving interest, timeliness of information provision, deadlines, separation of confidential information, information in

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<sup>5</sup> The proposed questionnaire is non-exhaustive, there may be further questions and issues added on the topics during the interviews

extraordinary situations, the price of the data/information, rules for confidentiality, refusal of information provision, forwarding of requests, appeal procedure, etc.).

4.

What in your opinion and experience are limitations of access to/provision of environmental and more specifically water-related information, regarding submitting or answering requests (business secret, state secret, other sorts of secrets, procedural barriers, insufficiencies of the requests/answers, price of information, etc.)?

Please address the issues regarding submitting a request and receiving the information or if you belong to the authority responsible for handling requests, please address the issues/difficulties regarding answering the requests.

5

What are your experiences in connection with the active provision of environmental and more specifically water related information? What type of information is made available actively? What forms of active dissemination are used? What limitations have you experienced?

6.

What are your experiences in connection with accessing information gathered within the framework of the implementation of the Danube River Protection Convention, information held by countries and ICPDR, DRP and other projects relevant to environmental and water- related information on the Danube? Have you had any problems when accessing such information at ICPDR/DRP or when asking for such information from ICPDR/DRP or from your national authorities? If so, please describe.

7.

To what extent is there an institutional background to support access to environmental information and more specifically water related information? (Please evaluate this for different levels including local, national, and regional/River Basin levels.)

(Infrastructure for provision of information upon request or actively including proper organizational background such as specific departments/sections/units, personnel, equipment, budget, other resources; public registers, databases - and linkages among databases if any, and how are they accessible to public, etc.)

Is the provision of information organized? Are there specific officials serving the information needs and assisting to receive, process and answer requests? Is there a procedure developed on tracking and answering the requests?

Do the institutions charge for the information provision and if yes, on what basis? If there are charges, are these charges made publicly available?

What is the situation regarding active dissemination? Is there a procedure to decide what information should be put on the website or distributed in other forms?

What guidance/assistance/training is available for the officials responsible for answering requests or for actively providing information?

8.

Please estimate how many requests for (1) environmental information and (2) water-related information have arrived to the ministry, authority you are working for or, if you are an NGO representative/expert, how many of such requests you have submitted or heard about.

9.

What do you consider to be the greatest insufficiencies/barriers in the field of access to environmental information and provision of environmental information, including water related information?

10.

What, in your opinion, are the most important priorities that need to be addressed to improve the situation regarding access to environmental information and provision of environmental information, including water related information?

## A6 TERMS OF REFERENCE FOR NEEDS ASSESSMENT

### SUBCONTRACT FOR NATIONAL CONSULTANTS PREPARING NEEDS ASSESSMENT REPORT FOR THE COMPONENT 3.4 OF THE DANUBE REGIONAL PROJECT "ENHANCING ACCESS TO INFORMATION AND PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING"

#### 1. Background Information

Component 3.4 of the UNDP/GEF Danube Regional Project (DRP) "Enhancing Access to Information and Public Participation in Environmental Decision-making" aims to build capacities on the regional, national and local levels for the provision of public access to information and participation in decision-making on water pollution issues. National level capacity building will be carried out in five selected Danube countries: Bosnia and Herzegovina, Bulgaria, Croatia, Romania, and Serbia and Montenegro. In the first stage of the project component, a national Needs Assessment will be carried out in each of these countries, in order to identify barriers to public access to information, and based on this, to develop priority capacity building activities.

Also, for each of the five countries a demonstration project will be selected. This project is meant to serve as a replicable example of how access to information and public participation issues can be handled in hot spot areas of the Danube, involving the local public and NGOs, as well as local/regional responsible authorities.

The Project Component is implemented by a Consortium of three partners: the Regional Environmental Center for Central and Eastern Europe (REC, lead organisation), Resources for the Future (RFF) and the New York University School of Law (NYU).

#### 2. Purpose and description of assignment

The objective of the present subcontract is to ensure that technical assistance provided to [country] within the project component addresses priority needs concerning national legislation, policy, practices and capacities for providing public access to environmental and water-related information as a precondition for public participation, as well as the requirements of the EU Water Framework Directive and the Aarhus Convention.

The specific purposes of the subcontract are to:

(1) Carry out a *National Needs Assessment of Legal, Institutional and Practical Barriers to Public Access to Water Related Information*, and to prepare a *Needs Assessment Report* in [country].

(2) Assist the Consortium in identifying and selecting one demonstration project for [country] and to draw up a demonstration project report, which in first instance identifies a number of potential sites for demonstration projects, using (all or, if necessary, most of) the criteria for demonstration projects established by the Consortium, and explaining how the criteria apply to the projects selected in first instance.

The subcontractor will be responsible to REC for the production of the demonstration project report and the needs assessment report, which will serve as a basis for the tasks and activities under Objective 1 of the project component. The subcontractor will work closely and collaboratively with REC and the other project partners, NYU and RFF to complete and finalize the draft needs assessment report, according to the attached outline and questionnaire.



The subcontractor will consult a wide range of stakeholders identified together with the Consortium, as well as further stakeholders to be identified in the course of the assessment.

It will be important for the experts working under this subcontract to provide an independent view on the issues requested in the outline. The report should also reflect stakeholder views on the related issues, however, this should be made as separate part of the requested materials indicating when expressing personal or stakeholder view.

### 3. Concrete tasks

- a. Assist and advise REC in finalising arrangements and establishing a National Team of stakeholders and an Operational Team of key actors to be directly involved in the project implementation.  
*Output: established National and Operational Teams **by December 31, 2004***
- b. Research and put together an overview of completed, ongoing and – wherever possible – planned activities and processes relevant to public access to water-related and environmental information and participation in environmental decision-making in [country]. Advise on possible overlaps or links with the present project component.  
*Output: overview of completed, on-going and planned relevant activities **by January 5, 2005***
- c. Needs Assessment
  - i. Familiarise themselves with the Needs Assessment approach and methodology, following closely the Needs Assessment Questionnaire and Outline and further guidelines from the Consortium; provide suggestions on how to adapt the methodology and questionnaire to local circumstances;
  - ii. Collect and review relevant documents and consult key stakeholders for the completion of the Needs Assessment Questionnaire;
  - iii. Develop and submit to REC and partners a 1<sup>st</sup> draft Needs Assessment Report for comments and feedback from the project team **by 31 January 2005**
  - iv. Integrate comments and feedback from the project team, including further research if found necessary, and submit a 2<sup>nd</sup> draft Needs Assessment Report **by 15 February 2005**.
  - v. Participate in a 2-day national workshop organised by REC and its partners at which the sub-contractor will present the main findings and conclusions of the report, and will receive feedback from stakeholders **(During second half of February or March 2005)**.
  - vi. Based on comments received at the workshop, complete and submit the final Needs Assessment Report to REC **by 31 March 2005**.  
*Outputs: Final Needs Assessment Report **by 31 March 2005***
- d. Participate in a Regional Plenary Meeting and give input on legal, policy and practical issues based on the analysis provided by the Needs Assessment, **in the second half of April 2005**  

(The expenses related to travel and participation in the workshop will be covered by the project in addition to the consultants' fee.)
- e. The subcontractor assists in identifying and selecting one demonstration project for [country].

I. Identify locations that may be used for a demonstration project in the given country, based on the criteria established by the Consortium.

Ii. Consult the Consortium, the REC Country Office and the Operational Team in this phase. Identify between 3 and 5 locations depending on the availability of such locations, and give an explanation on why the proposed projects fulfil the criteria for demonstration projects.

Iii. Present the results of the identification of the demonstration project locations (and explanation why these locations are relevant) to the project team in a demonstration project-report. The draft report of 5-10 pages should be submitted by **January 31, 2005**

**Output: Demonstration Project Report**

Iv. Prepare final draft report based on comments from the Consortium before the national workshop.

V. Present findings of the draft final hot spot report in national workshop for discussion **in February (or March)**

Vi. Finalize demonstration project report based on input and comments by workshop participants two weeks after the national workshop (by **29 February 2005 or March 31 2004**)

Output: Finalized demonstration project report **by March 31, 2005**

Based on the hot spot report one location will be proposed for a demonstration project by the Consortium. The final choice for the demonstration project will presented to the Steering Committee at **April 15, 2005**.

## **Reporting**

1<sup>st</sup> draft of Needs Assessment report and Hotspot report **by January 31, 2005**

2<sup>nd</sup> draft of Needs Assessment report and Hotspot report **by February 15, 2005**

Final version of Needs Assessment report and Hotspot report **by March 31, 2005**

The Needs Assessment report 25-30 pages long, the Hot spot report should be up to 10 pages long. Both reports should be written in English.

## **Accountability**

The sub-contractor will be responsible to REC for the quality and timelines of the activities required under this contract.

## **Payment and payment schedule**

The sub-contractor will receive a payment for .....USD for the above services. This payment is equal to **30** full workdays of work.

The payment will be transferred in two installments according to the following schedule:

1<sup>st</sup> installment of ...USD will be transferred upon receiving the first draft by January 31, 2005

2<sup>nd</sup> installment of ....USD will be transferred upon receiving the finalized versions of the needs assessment report and participation in the regional plenary workshop by April ..., 2005

## **Expert Profile Requirements**

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- Background in environmental legislation or a related subject, with special regard to water laws and policy, and/or work experience in water management
  - Familiarity with EU environmental law and the Water Framework Directive, national legislation on water issues and on access to information/public participation requirements and practices
  - Familiarity with the institutional structures and operation of national environmental and water management authorities
  - Experience regarding legal institutional and practical aspects of public access to environmental and water-related information and public participation, implementation of Aarhus Convention, relevant EU directives and national legislation in practice.
  - Acceptance by stakeholders and acknowledged expertise on one or more of the above.
- 

## A7 CVs OF EXPERTS

### BOSNIA AND HERZEGOVINA

#### EUROPEAN CURRICULUM VITAE FORMAT



#### PERSONAL INFORMATION

Name	<b>JASMINA ČENGIĆ</b>
Address	<b>Antuna Hangija 64, 71 000 Sarajevo, BiH</b>
Telephone	<b>+387 33 221 998; 387</b>
Fax	<b>+387 33 209 130</b>
E-mail	<b>jascengic@rec.org.ba</b>
Nationality	<b>BiH</b>
Date of birth	<b>11<sup>TH</sup> MARCH 1969</b>

#### WORK EXPERIENCE

- Date **January 2004 up to date**
- Name and address of employer  
REC-Regional Environmental Center for South-Eastern Europe – Country Office Sarajevo, BiH, Sarajevo
- Occupation or position held  
Project Manager/Consultant
  - Project: Institutional Strengthening of Environmental Ministries in Bosnia and Herzegovina; PHASE II: Back-stopping support to the Experts-working Groups for preparation of Draft Environmental Law at State Level and Feasibility Study for establishment of an Environmental Protection Agency of Bosnia and Herzegovina;
  - Preparation of various environmental projects, feasibility studies and assessment reports for Bosnia and Herzegovina for funding by international multilateral and bilateral environmental and reconstruction Funds and Organizations (EU-EC CARDS; REReP; LIFE-Third Countries; UNDP)
  - Participation in activities and organization of various

meetings and workshops, organized by REC;

Date

**June 2001 - September 2002**

- Name and address of employer
- Occupation or position held
- Main activities and responsibilities

Ministry of European Integrations – EC Technical Assistance to the Establishment of a Single Economic Space in Bosnia and Herzegovina in line with the EU Internal Market, Sarajevo, BiH  
Local Long-Term Project Administration and Finance Manager  
- Assistance to the International Project Manager and local and foreign experts/consultants in the Project management;  
- Project budget management and Project supply management;  
- Administration works and correspondence;  
- Organization of conferences, seminars, workshops and meetings for the project development;

Date

**February 2001- June 2001**

- Name and address of employer
- Occupation or position held
- Main activities and responsibilities

Agency for Translation and Business Consultancy, Sarajevo, BiH  
Consultant  
- Translation into Bosnian / Serbian / Croatian of various documents and articles from English and Slovenian Languages;  
- Consultancy services for the National Ozone Unit in the environmental projects preparation;  
- Participation in the preparation of environmental Assessment Report on Public Participation and Public Awareness in the matters related Ozone Layer Protection;

Date

**February 2000 - January 2001**

- Name and address of employer
- Occupation or position held
- Main activities and responsibilities

EC – IDP (Industrial Development Programme for BiH), OBNOVA Project of Woman Entrepreneurship Development, Sarajevo, BiH  
Deputy Project Manager & Finance Manager of the project  
- Assistance to the Project Manager in overall Project implementation;  
- Assistance to the local and foreign experts and consultants assigned within the project;  
- Managing budget & finances;  
- Interpretation and translation tasks;  
- Office supply management,  
- Arranging meetings and organizing conferences, workshops and seminars;  
- Maintaining project files and correspondence;

Date

**May 1999 - August 1999**

- Name and address of employer
- Occupation or position held
- Main activities and responsibilities

“POIN”– Engineering, Export-Import & Construction Co, Sarajevo, BiH  
Administrative Officer, Interpreter, Translator  
- Assistance to the Company Manager in the preparation of business offers and bids  
- Assistance in workers engagement evidence and pay-role;  
- Management of English correspondence;  
- Communication with local and foreign business partners;

Date  
**February 1998 - May 1999**  
Name and address of employer  
UNDP – VEEP (Village Employment and Environment Programme), Sarajevo, BiH  
Occupation or position held  
Municipal Monitor for Project Implementation Supervisor for Sarajevo Region  
• Main activities and responsibilities  
- Co-ordination of the relations between the UNDP and VEEP Headquarters and relevant Municipalities;  
- Preparation, contracting and supervision of the VEEP projects (public and infrastructure investment works-cleaning the rivers, protection of river banks, waste management, forestation,  
- Preparation of summaries, surveys and assessment reports of the implemented projects and foreseen activities;

Date  
**1996 - 2000**  
Name and address of employer  
Chamber of Commerce and Industry of BiH-Education Seminars;  
Summit on Stability Pact for South-Eastern Europe, Sarajevo 1999;  
Process on Stability and Good Neighbourliness in South-Eastern Europe Project-Education Seminars; Sarajevo, BiH  
Occupation or position held  
Part-time job as Interpreter, translator of English/Bosnian/Slovenian language;  
• Main activities and responsibilities  
- Translation of seminar reference-books and lecturing materials and hand-outs;  
- Translation of reports and other documents;  
- Interpretation at conferences, seminars and meetings;

Date  
**July 1992 - June 1995**  
Name and address of employer  
Slovene Cultural Centre "Cankarjev Dom"(seminars, workshops, round tables);  
Slovene International Tourist Fair "Alpe Adria", LjubljanaSlovenia  
Occupation or position held  
Organizer, Hostess, Interpreter, Translator  
• Main activities and responsibilities  
- Logistical support to the Organizational Committee;  
- Translation of materials and documents for seminars and meetings;  
- Interpretation at international conferences and seminars;

## EDUCATION AND TRAINING

- Dates
- Name and type of organisation providing education and training
- Title of qualification awarded

**February 2002 – September 2003**  
University of Sarajevo & University of La Sapienza, Rome, Italy;

**M. Sc. in State Management and Humanitarian Affairs**  
(Master Theses: Environmental Issues in International Relations)

<p>Date</p> <ul style="list-style-type: none"> <li>• Name and type of organisation providing education and training</li> <li>• Title of qualification awarded</li> </ul>	<p><b>1993-1997</b></p> <p>University of Ljubljana, Slovenia Faculty of Arts</p> <p><b>B. Sc. in English Language and Literature</b></p>
<p><b>PERSONAL SKILLS AND COMPETENCES</b></p>	
<p>MOTHER TONGUE</p>	<p><b>[ Specify mother tongue ]</b></p> <p><b>Bosnian</b></p> <p><b>Serbian</b> Excellent Excellent Excellent</p> <p><b>Slovenian</b> Excellent Excellent Excellent</p> <p><b>English</b> Excellent Excellent Excellent</p> <p><b>French</b> Excellent Excellent Good</p> <p><b>Spanish</b> Excellent Excellent Good</p> <p><b>Italian</b> Excellent Excellent Good</p>
<p>SOCIAL SKILLS AND COMPETENCES</p>	<p>Intercultural skills: experienced work in European dimension such as work and cooperation with REC country offices Team work, work in multicultural environment, negotiations, management Good communication skills</p>
<p>ORGANIZATIONAL SKILLS AND COMPETENCES</p>	<p>Organizing, facilitating and coordinating different seminars, workshops and conferences with economic and environmental background. Management of environmental and business projects.</p>

TECHNICAL SKILLS  
AND COMPETENCES

Computer literacy: Windows, MS Excel, MS Word, Power Point

ARTISTIC SKILLS  
AND COMPETENCES

Photographing, painting and interior design

OTHER SKILLS  
AND COMPETENCES

The Official Court Interpreter for Slovene and English language

DRIVING LICENCE(S)

Category B

**ADDITIONAL INFORMATION**

**Key Qualifications / Specialisation:**

- Implementation of Institutional and Business Development and Infrastructure Investment Projects;
- Preparation and drafting of environmental protection-related projects and feasibility studies
- Consultancy in Business Administration and Cooperation with International Agencies and Organisations;
- Environmental issues in International relations and Environmental Treaties;
- Organisation of conferences, meetings, seminars and workshops;
- Preparation and management of development of Environmental projects;
- Interpretation and translation tasks (English, Slovene);
- Lecturing on Global Environmental Protection Issues and Development of International Cooperation in Global Environmental Protection and Multilateral Environmental Agreements Conventions and Protocols)

**Specific Experience in the Region:**

**Bosnia and Herzegovina**

February 1998 - May 1999

- UNDP - VEEP workshop for national environmental project supervisors on investment project management
- UNDP - VEEP workshop on sub-projects for environmental revitalisation in BiH

February 2000 – January 2001

- International Conference on Woman Entrepreneurship Development, Sarajevo
- Seminar on Development of Italian Woman Entrepreneurship, Sarajevo, Banja Luka and Mostar

June 2001 - September 2002

- EC Workshop on Single Economic Space in BiH, Banja Luka,
- EC – SES Seminar on Competition and Consumer Protection, Sarajevo
- EC – SES Seminar on Market Surveillance, Sarajevo
- EC – SES Seminar on Veterinary and Phyto-sanitary Control, Sarajevo
- EC – SES Seminar on Free Movement and Safety of Industrial Products, Sarajevo
- EC – SES Seminar on Free Movement and Safety of Agricultural Products, Sarajevo
- EC – SES Seminar on Public Procurement, Sarajevo
- EC – SES Seminar on IPPC Directive, Sarajevo

January 2004 – up to date

- EC CARDS Seminar on IPPC Directive, Sarajevo
- EC-CARDS workshop on establishment of the Environmental Monitoring and Information System of Bosnia and Herzegovina
- REReP-REC (3) workshops on drafting the State Environmental Law and State Environmental Agency activities



## **Slovenia**

April 1993 – September 1996

- Seminar on Small Entrepreneurship and the Environmental Protection;
- Round table on Human Responsibility in relation to Global Environmental Problems;
- Seminar on Development Investment Projects and their Environmental Impact;
- Round table on Public Awareness and the Local Environment

**EUROPEAN  
CURRICULUM VITAE  
FORMAT**



**PERSONAL INFORMATION**

Name **VRHOVAC DALIBOR**  
Address **28 Av. SVETOG SAVE, 78000 BANJA LUKA, BOSNIA NAD  
HERZEGOVINA**  
Telephone **+387 51 312 058 , mobile : +387 65 596 752**  
Fax **+387 51 312 058**  
E-mail **[kancelarija\\_vrbasbl@blic.net](mailto:kancelarija_vrbasbl@blic.net) , [dvrhovac@blic.net](mailto:dvrhovac@blic.net)**

Nationality Bosnia and Herzegovina

Date of birth FEBRUARY 5 1976

**WORK EXPERIENCE**

- Date April 2002 - today
- Name and address of employer Republic Directorate for water , office Banja Luka
- Occupation or position held Adviser for Finances
  - Main activities and responsibilities Financial and economic aspects in water sector ,  
envolment on diferent projects  
related to water sector
- Date November 2001 – April 2002
- Name and address of employer Accounting and Inspection Association  
Adviser for Finances
- Occupation or position held Accounting aspects
  - Main activities and responsibilities



ARTISTIC SKILLS  
AND COMPETENCES  
*Music, writing, design, etc.*

[ Describe these competences and indicate where they were acquired. ]

OTHER SKILLS  
AND COMPETENCES  
*Competences not mentioned  
above.*

[ Describe these competences and indicate where they were acquired. ]

DRIVING LICENCE(S)

category B and C

#### **ADDITIONAL INFORMATION**

##### **Publications**

- Manual: Public Participation for users in Bosnia and Herzegovina ,  
specific water sector (as a national representative for organization Dunube day in Bosnia and Herzegovina)
- Economic analysis of the „Framework Agreement on the Sava River Basin“
- Economic analysis of water charges
- Economic aspects of EU Water Framework Directive in BiH

##### **Key qualifications:**

Economic and financial analysis  
Sustainable development  
Reporting in cordiance water sector  
Inter-institutional matters  
Sustainable regional development  
Capacity-building and technical support of local and national authority officials  
Communications and the civil society  
Press and media relations  
Organization of conferences and events  
Training and education

### **Specific experience in the region:**

#### **B&H**

- Workshop about Institutional Strengthening in water sector BiH in Cooperation with EU Consultant (period 2002-2003  
"HASKONING", period 2003- today  
"PLANCENTAR" Ltd)
- National representative BiH for organization Danube day and public participation , period april-october 2004
- Workshop about public participation and information under the Danube Regional Project (DRP)
- Member of Economy expert group in cooperation with ICPDR
- Member of Economy group for preparation a new water law in BiH

#### **Serbia and Montenegro**

Visit to Belgrade : July 2004 – participation on meeting under the ICPDR as member of new expert groups (economy group)

#### **Croatia**

Visit to Zagreb : June 2004 – participation on meeting and exchange a information about reform in water sector .

#### **Spain**

Visit to Madrid : June 30- July 5 2003- participation Azahar Workshop Water Management course for water basins

#### **Hungary**

Visit to Budapest: October 2004 – participation on Regional Workshop organised under the CARDS project Assistance in Environmental Law Drafting in SEE funded by the EU Subject ; Approximation of the Water Framework Directive in South Eastern Europe

## BULGARIA

**1. Family name:** Kodjabashev

**2. First names :** Alexander

**3. Date of birth :** 29 April 1958

**4. Nationality :** Bulgarian

**5. Civil Status :** Married

**6. Education :**

<b>Institution [Date from - Date to]</b>	<b>Degree(s) or Diploma(s) obtained:</b>
Council of Europe, Environmental Department, 1992	
University Robert Schumann, Strasbourg, France, Faculty of Law 1991-1992	Diploma for Special Studies in environmental law,
Sofia University, Faculty of Law 1979-1984	MS Legal Sciences
French Language School – Sofia 1972-1977	Secondary school diploma

**7. Language skills:** (Mark 1 to 5 for competence, 1- excellent, 5 - basic)

Language	Reading	Speaking	Writing
French	1	1	2
English	1	2	3
Russian	1	3	4

**8. Membership of professional bodies:**

1986 – Member of Bulgarian Bar Association

1994 – Member of Association of Environmental Lawyers Worldwide (E-LAW)

1999 – Member of Association of Environmental Lawyers from Central and Eastern Europe (GUTA Association)

**9. Other skills:** (e.g. Computer literacy, etc.)

Microsoft Office applications Word; Excel, Power point;

**10. Present employer and position**

Freelanced attorney at law

Project leader of the Center for Environmental Law, Sofia, Bulgaria

**11. Years with the present employer:**

**12. Work experience**

- **Legal Advisor of State and Municipal Institutions**

A. Legal consultant for the Ministry of the Environment 1993-1999 /on long term contract in the period 1993-1995 and on contracts ad hoc in the period 1996-2001/

- Member of Commissions at the Ministry of the Environment for preparation of drafts of laws and sublegislative acts:

- 1994 -The Regulation on the Environmental Impact Assessment
- 1995 -The Regulation for the Professional Capacities of EIA Experts
- 1995 -The Regulation on the Status of the Ecological Fund.
- 1995 and again in 2000 - from January 2000 to August 2000 - Drafting of a project for legislation on Access to Environmental Information ;
- 1997 – from September 1997 to December 1997 - The Law on the Protected Areas;
- 1998-1999 - from August 1998 to January 1999 - The Water Law

- 2000 – from July 2000 to September 2000 - The Biodiversity Act
- 2000, 2001 – Environmental Protection Act /for two of it's chapters/
- 2001 – Regulation for issuing waste water discharges permits.
- 2001 – Regulation for non road machinery emmissions into the atmospheric air.

B. Other activities in Bulgaria

- 1993-1994 Drafting of Local regulations for Environmental Protection(Municipality of Troyan and Botevgrad).

- **Legal Consultant to International Projects**

- 1998 – from January 1998 to July 1998 - Legal consultant , Sir William Halcrow & Partners Ltd.
- Development of an Environmental Approximation and Training for the Bulgarian Ministry of Environment and Waters
- 1998-1999 – from September 1998 to June 1999 - Legal consultant, Sir William Halcrow & Partners Ltd - Provision of Technical Assistance in the Approximation of Water Legislation
- 1998 and 2000 – Local legal consultant of the Regional Environmental Center-Budapest and of Milieu Ltd for Progress Monitoring of Approximation Activities in Environmental Legislation (analysis and assessment of the level of approximation of Bulgarian legislation to the legislation of the EU)
- 2001 – Legal consultant of the Ministry for Agriculture and Forests for preparation of legal scheme for implementation of the SAPARD programme

- **Project Manager/Leader**

- 1999 – Manager of a project for ratification and implementation of the Aarhus Convention in Bulgaria
- 2001 – Manager of a project for development of a legal framework for protection of industrial and trade confidential information
- 2002 – Manager of a project for investigation of the quality of Environmental Impact Assessment Decisions at the Ministry for Environment and Water
- 2002-2004 – Project leader of the Center for Environmental Law

- **Public Interest Environmental Legal Advisory Activities**

Legal consultancy to environmental NGOs in the period 1993-2003 including:

- discussions with NGOs on the possibilities to find legal solutions for the environmental problems;
- writing demands, petitions, appeals and other papers for implementation of the environmental legislation;
- appearing in court as attorney of environmental NGOs;
- helping NGOs for formulating their proposals for amendments of the existing environmental legislation and for adoption of new legislation;

In the period 1996-2003 this activity has been done as member of the Ecological Association "Demetra", Sofia, Bulgaria.

Since 2002 and until 2004 - project leader of Center for Environmental Law – an office for helping citizens and environmental NGOs in access to justice in environmental matters.

- **Assistance in Preparation of Educational Programmes in Environmental Decisionmaking**

- 1994 Manual for Public Participation in Environmental Decisionmaking.
- 1996 Drafting of Educational Program for Public Participation in Decision Making in the Field of the Environment.

- **Lecturing and participation in training courses as lecturer or facilitator (the more recent ones)**

- 2002-2003 – Giving lectures on access to environmental information, on public participation in environmental decisionmaking and on access to justice related to environmental rights. More than a dozen workshops organized by the Regional Environmental Center for Central and Eastern Europe-Bulgaria.
- 2003-2004 – Giving lectures on access to environmental information, on biodiversity protection and on environmental impact assessment for various stakeholders – judges, lawyers, NGOs, officials. Five workshops held in the period 2003-2004 for the Center for Environmental Law.

- 2002-2004 – Giving lectures on environmental law and on water protection and management law for the students at the University for Civil Buildings and Architecture, the Hydrogeological Faculty.
- 2003-2004 - Giving lectures on urban (construction) law for the students at the University for Civil Buildings and Architecture, the Hydrogeological Faculty

- **Preparation of Reports, Analysis and Investigations in the field of Environmental Law**

- 1994-2003 - Reports and articles, requested by the Regional Environmental Center, Budapest on the participation of the public in decision making in the field of the environment;
- **2001 – Preparation of analysis concerning the application of the Aarhus Convention for Access to Environmental Information, Public Participation in Environmental Decisionmaking and Access to Justice in Environmental Matters in relation to genetically modified organisms (for the UNECE).**
- **2001 – Preparation of analysis of the Bulgarian legislation for prevention of forest fires (for the Bulgarian Swiss Forest Protection Programme).**
- **2003 – The Aarhus Convention – a new challenge for the Bulgarian administrative jurisdiction (an article published in the leading review Bulgarian Administrative Jurisdiction – No 5/2003)**
- **2004 – Preparation of commentary to the Aarhus Convention for Access to Environmental Information, Public Participation in Environmental Decisionmaking and Access to Justice in Environmental Matters (in partnership with other authors).**

### 13. Professional Experience Record (most recent first):

Date from - Date to	Location	Company	Position	Description
2004-1992	Sofia	Attorney at law at Sofia Bar Association	Freelanced consultant	Consultant in Civil, Environmental and Administrative Law
1986-1989	Pleven	Attorney at law at Pleven Bar Association	Freelanced consultant	Consultant in Civil and Administrative Law



## STANISLAVA BOSHNAKOVA

- Current Address:** 39 Trakia Str.  
1527 Sofia  
tel. 843 9389 (home), 980 84 97 (work)  
GSM: 0887 887 367  
e-mail: [sboshnakova@yahoo.com](mailto:sboshnakova@yahoo.com), [pazitelb@abv.bg](mailto:pazitelb@abv.bg)
- Permanent Address:** 5600 Troyan  
Dobrudja 1-B  
Bulgaria  
tel. (359) 670 34338
- Education:** **2003 - 2004** Department of Environmental Sciences and Policy, Central European University, Budapest, Hungary  
Master Thesis topic: "Public Participation in Water Resource Management in the Danube River Basin in the Context of the Water Framework Directive of the EU"  
**2000 - 2002** Sofia University 'St. Kliment Ohridsky', Bulgaria and Lund University, Sweden (Joint distant learning course Transeurope)  
Master Thesis topic: "Bulgarian Environmental Non-governmental Organizations: Local Activities in a Global Context: The Pirin Case"  
**1996 - 2001** Faculty of Journalism, Sofia University, Bulgaria  
Master Thesis topic: "Bulgarian Environmental NGOs: Media Reality and Actual Activities"
- Qualifications:** **2004** MSc in Environmental Sciences and Policy (CEU, Budapest)  
**2002** Transeurope European Master Course Certificate (Lund University, Sweden)  
**2001** Cambridge Certificate in English as a Foreign Language (Advanced Level)  
**2001** MA in Journalism, Sofia University 'St. K. Ohridsky'  
**2000** Germanicum Institute - Grundstufe 1
- Languages:** Bulgarian (native), English (fluent), Russian (good), Macedonian (basic), German (basic)
- Internships:** **2001** Junior Fellowship Programme of Regional Environmental Center, Hungary:  
junior fellow  
**1999** 'Trud' Daily Newspaper, Bulgaria - reporter  
**1998** Bulgarian National Radio - reporter  
**1997** Bulgarian News Agency - reporter
- Professional** **2002 - 2004** Center for Environmental Information and Education (CEIE), Bulgaria,

**Experience:** Project Officer

**2001 – 2002** Bulgarian Society for the Protection of Birds/ BirdLife Bulgaria, Public Relations Officer

**2001** – Information campaign for water use in the town of Montana, CEIE, Bulgaria, Campaign Consultant

**2000- 2001** 'Alma Mater' Radio, Bulgaria, Show Moderator of environmental program

**Participation in projects:** **2004** Austrian Energy Days in Bulgaria

**2004** World Wetlands Day 2004 at the Central European University

**2002 – 2004** UNDP/GEF Danube Regional Project - Strengthening the Implementation Capacities for Nutrient Reduction and Transboundary Cooperation in the Danube River Basin

**2002 – 2003** Regional Environmental Press Center for South East Europe, project of REC Hungary, funded by the EU under REREP Program

**2002 – 2003** Sustainable development in North-West Stara Planina through encouraging the implementation of traditional handicrafts and practices, and promotion of the possibilities for alternative tourism, project of CEIE funded by REC (Hungary) under Deutsche Gesellschaft fuer Technische Zusammenarbeit

**2001 – 2002** Establishing the European Environmental Network Natura 2000 in Bulgaria, project of BSPB/BirdLife funded by Phare – Access Program of the EU

**2000 – 2001** Bulgarian environmental NGOs and Mass Media, individual student project funded by Open Society Foundation – Sofia

**Scholarships and awards:** **2003** – Soros Foundation: Open Society Scholarship to undertake MS in Environmental Sciences and Policy, Central European University

**2000** - Open Society Foundation, Sofia: Student Achievement Award

**Computer literacy:** MS Word, Internet Explorer, MS Power Point, Netscape Composer, MS Excel, Dream Weaver – Basics, Cool Edit Pro Audio

**Interests:** Water resource management, access to information, public participation, EU legislation, globalization

**Publications:** **2003, 2004** Press releases and publications in Bulgarian and international magazines in the Danube River Basin for Centre for Environmental Information and Education/Danube Environmental Forum

**2003** Publications for Regional Environmental Press Center for Southeast Europe

**2002** NGO Communication Activities in the Danube River Basin. In *Wetlands and Nutrient Reduction*. Bratislava, 2002.

**2001** The Pirin dilemma and reflections on the role of mass media. In *Civil Practices for access to Environmental Information*. Sofia, 2001

**2001** Press releases for Bulgarian Society for the Protection of Birds  
**2000, 2001, 2002** reports for BlueLink Information Network  
**1999** publications for Trud Daily Newspaper  
**1998** reports for Bulgarian National Radio  
**1997** international news for Bulgarian News Agency

## CROATIA

### EUROPEAN CURRICULUM VITAE FORMAT



#### PERSONAL INFORMATION

Name	<b>CERAR KARMEN</b>
Address	<b>JOSIPA MAROHNICA 12, 10 000 ZAGREB, CROATIA</b>
Telephone	<b>++385 1 6307 300</b>
Fax	<b>++385 1 6151821</b>
E-mail	<a href="mailto:kcerar@voda.hr"><b>kcerar@voda.hr</b></a>
Nationality	CROATIAN
Date of birth	14, JANUARY, 1966

#### WORK EXPERIENCE

- Dates (from – to) **MAY 1995 ONWARDS**
- Name and address of employer  
MINISTRY OF AGRICULTURE, FORESTRY AND WATER MANAGEMENT, DIRECTORATE FOR WATER MANAGEMENT, ULICA GRADA VUKOVARA 220, 10 000 ZAGREB
- Type of business or sector  
WATER MANAGEMENT
- Occupation or position held  
SENIOR ADVICER
- Main activities and responsibilities  
DEALING WITH WATER LEGISLATION, ISSUING WATER ACTS, RIVER BASIN MANAGEMENT PLANING, INTERNATIONAL PROJECTS

#### EDUCATION AND TRAINING

- Dates (from – to) 9.-29. September, 2001.
- Name and type of organisation providing education and training  
The international Agricultural Centre (IAC), Wageningen, NETHERLAND
- Principal subjects/occupational skills covered  
RIVER BASIN MANAGEMENT PLANING  
- WFD-RIVER BASIN CONCEPT AND INSTITUTIONAL ASPECTS  
- GROUNDWATER AND THE EU-WATER FRAMEWORK DIRECTIVE  
- INLAND SURFACE WATERS  
- MANAGERIAL ASPECTS-GIS ASPECTS OF THE WFD  
- MONITORING AND ASSESSMENT ASPECTS OF THE WFD  
- PUBLIC PARTICIPATION  
.....
- Title of qualification awarded  
CERTIFICATE
- Level in national classification

- (if appropriate)
- Dates (from – to)
- Name and type of organisation providing education and training
  - Principal subjects/occupational skills covered
- Title of qualification awarded
- Level in national classification (if appropriate)

1984-1992

UNIVERSITY OF ZAGREB, FACULTY OF CIVIL ENGINEERING

HYDRAULIC ENGINEERING

B.Sc

**PERSONAL SKILLS AND COMPETENCES**

*Acquired in the course of life and career but not necessarily covered by formal certificates and diplomas.*

MOTHER TONGUE

**CROATIAN**

OTHER LANGUAGES

**ENGLISH**

- Reading skills
- Writing skills
- Verbal skills

GOOD

GOOD

GOOD

SOCIAL SKILLS AND COMPETENCES

*Living and working with other people, in multicultural environments, in positions where communication is important and situations where teamwork is essential (for example culture and sports), etc.*

I HAVE BEEN PARTICIPATING ON MANY NATIONAL AND INTERNATIONAL WORKSHOPS WHERE I USED TO WORK IN TEAM AND ALSO I HAVE ABILITY TO ADAPT TO MULTICULTURAL ENVIRONMENT.

ORGANISATIONAL SKILLS AND COMPETENCES

*Coordination and administration of people, projects and budgets; at work, in voluntary work (for example culture and sports) and at home, etc.*

I WAS MEMBER OF ORGANISATION COMMITTEE OF INTERNATIONAL HYDROLOGICAL CONFERENCE AND MANY OTHERS ORGANISATION COMMITTEE FOR DIFFERENT SEMINARS AND WORKSHOPS. I CO-ORDINATE WORKING GROUP ON GROUNDWATER ISSUES AND CROATIAN DELEGATION IN THE RBM/EG OF THE ICPDR. ON THE NATIONAL LEVEL I CO-ORDINATE PROJECT "Development of the Sava River basin" AND LOTS OF OTHER PROJECTS

TECHNICAL SKILLS AND COMPETENCES

*With computers, specific kinds of equipment, machinery, etc.*

COMPETENT WITH MOST MICROSOFT COMPUTER PROGRAMMES (WORD, EXCEL, ACCESS,...)

ARTISTIC SKILLS AND COMPETENCES

*Music, writing, design, etc.*

OTHER SKILLS  
AND COMPETENCES  
*Competences not mentioned  
above.*

Positions of responsibility in voluntary organisations:  
Member of main committee of Croatian hydrological society  
Member of Croatian society for protection of water and see

DRIVING LICENCE(S)

category B

**ADDITIONAL INFORMATION**

**PUBLICATIONS:**

- Concessions in Sava River Basin
- Abstraction of water for sailing in the market
- River basin management plan and the Water Framework directive

**MEMBERSHIP OF professional organisations:**

- Croatian national committee for International Hydrological Program and Operational Hydrological program of the UNESCO/WMO
- Member of Interim Sava Commission

**NATIONAL CONSULTANT FOR THE PROJECT  
"STAKEHOLDERS ANALYSIS AND PROPOSALS FOR  
INVOLVEMENT OF DIFFERENT KEY STAKEHOLDERS IN  
THE PROCESS OF NEGOTIATION AND  
IMPLEMENTATION OF THE FRAMEWORK AGREEMENT  
ON THE SAVA RIVER BASIN IN CROATIA" LEDED BY  
REC (2003)**

## **CURRICULUM VITAE**

### **Personal details:**

**Name:** Irma Popovic  
**Date of birth:** 17<sup>th</sup> April 1978  
**Place of birth:** Vinkovci, Croatia  
**e-mail:** [irma@zelena-akcija.hr](mailto:irma@zelena-akcija.hr)

### **Education and qualifications:**

- **2002** – graduated at Faculty of Sciences, University of Zagreb,  
Graduation thesis: "Ecological and Phytosociological Characteristics of Beech Forest on Mt. Medvednica"
- **2002** - participated in Training Course on Development of Forest Certification Standard by Indufor Oy from Finland
- **2001** – participated a WWF Wild School - course on Hotspots/Protected areas management
- **1996** - high school education: VII Gymnasium in Zagreb
- **1992** - finished primary school in Zagreb

### **Languages:**

Fluent in English (spoken and written)  
Passive in Italian and Spanish

### **Working experience:**

- **2004** –national coordinator of campaign "Save the Drava" - stop the gravel excavation and river regulation of Drava River - in partnership WWF International Danube-Carpathian Program
- **2003/2004** coordinator and Board Member of Danube Environmental Forum in Croatia (DEF is NGO platform for protection of Danube River)
- **2002** – in October become officialy employeed in Green Action on "Green Belt Velebit project – Ecoregional conservation of Mt. Velebit in partnership with WWF MedPO
- **2002** - in April started to work in Green Action on Nature Protection Program
- **2001** – started with volunteering in ENGO Green Action
- **2000** – working in organization team on "Littoral 2000" Conference in Cavtat, Croatia

### **Skills:**

- PC – Office, Photoshop, Freehand
- Mac - Office
- communication skills, office work, organization experience

## CURRICULUM VITAE

### Personal data:

Surname : **Petra**  
Christian name : **Djuric**  
Date of birth : February 6, 1979  
Nationality : Croatian  
Family Status : Single  
Address : Augusta Senoe 45, 10 290 Zapresic, Croatia  
Telephone : ++385 1 33 11 321  
GSM : ++385 98 91 098 03  
E-mail : petra\_djuric@yahoo.com

### Education:

1997 - 2002. : Faculty of Science, Zagreb – Department of Biology  
BS thesis: "Microclimate conditions on different habitats in the vicinity of the  
Sunger village"  
1993 - 1997. : High School of Science, Zagreb  
1984 - 1993 : Primary School, Zapresic

### Professional experience:

Academy year 1997 / 1998

- participated in "Paklenica" - scientific-educational camp for biology students in NP Paklenica organised by Croatian Herpetological Society - "Hyla"

Academy year 1998 / 1999

- involved in **research** – bonitet classes of Veliki potok (Grand Stream) on Sljeme,
- involved in **pilot project** "SOS for amphibians on roadways" in Koprivnica
- participated in international summer biological camp "Paklenica 1999", organized by BIUS ( Organization of biological students )

Academy year 1999 / 2000

- participated in **project** "Telascica 2000" in Nature Park Telascica, organized by BIUS

Academy year 2000 / 2001

- participated in **project** "Preliminary biological research of the Nakovana plateau"

Year 2002

- involved in a **project** of estimation of population density and migration of the noble crayfish, *Astacus astacus* in Paklenica National Park
- collaboration on the paper:  
**Maguire I, Erben R, Klobucar G, Stambuk A, Hudina S, Galic N, Djuric P (2002)** The noble crayfish (*Astacus astacus* L.) in Paklenica National Park. The study of University in Zagreb, pp 16
- participated in population study of *Salamandra salamandra* in NE part of Kalnik mountain
- **student assistant** in *General Zoology* practicum

Year 2003

- course "Human Dimensions in Large Carnivore Management" lectured by Prof. Alistar J. Bath, Ph.D. from Memorial University of Newfoundland, Canada
- participating as a Green Action volunteer in organisation of World Bank and WWF Alliance Workshop "High Conservation Value Forest" held in Baške Oštarije, 27-30 October 2003

Year 2004

- currently a volunteer at Green Action
- leading a **project** "Alpine Salamander (*Salamandrina atra*) on Zumberak – popularisation of species, education of inhabitants and mapping of potential habitats in order to protect a species"
- involved in a **project** "Inventory and Monitoring of Stripe-necked Terrapin (*Mauremys rivulata*) in Croatia"
- participated in winter count of birds in Nature Park Lonjsko polje
- for a period from 7 till 24 September 2004 worked as a teacher of ecology at 9<sup>th</sup> Gimnasium
- participated as a representative of Green Action at the CEEWEB "TIME IS LIFE" conference on 3-4 November in Budapest, and at CEEWEB program "Building



- partnerships – towards halting the loss of biodiversity” as well as at CEEWEB Annual Meeting on 5-6 November in Jósval (Hungary). (CEEWEB – Central and East European Working Group for the Enhancement of Biodiversity)
- participated on Water Framework Directive – Directive 2000/60/EC 2<sup>nd</sup> training workshop held on 11-12 November 2004 in Slavonski Brod and organized by Danube Environmental Forum (DEF)

Also:

- **scholarship** *Stipendija Grada Zapresica* (academy year 2001/2002)
- member of Croatian Herpetological Society - “Hyla”
- member of Green Action
- member of Croatian Mountaineering Association

### **Foreign Languages:**

Croatian : Native language  
English : Excellent  
German : Basic

### **Additional Skills:**

Driving license (B)

### **IT Skills:**

MS Office, Internet Explorer

### **Interests and Hobbies:**

*Volunteering* : *Green Action (non-governmental organisation whose aim is the protection of environment and nature, as well as the promotion of sustainable development in Croatia)*

Caving : Trainee  
Alpinisam : Trainee  
Other : Hiking, Painting

### **PUBLICATIONS**

Papers in proceedings:

**Hudina S., Maguire I., Galić N., Djuric P. (2004)**, The population dynamics of noble crayfish (*Astacus astacus* L.) in Paklenica National Park, Paklenicki zbornik vol. 2 povodom 55. godisnjice Nacionalnog Parka Paklenica (in press)

## ROMANIA

### Curriculum vitae

1. **Family name:** RELICOVSCHI
2. **First names:** ADINA MANUELA
3. **Date of birth:** June 4 1968
4. **Nationality:** Romanian
5. **Civil status:** Married
6. **Education:**

<i>Institution [ Date from - Date to ]</i>	<i>Degree(s) or Diploma(s) obtained:</i>
University of Bucharest – Faculty of Geology September 1986 – March 1991	Graduate MSc. – Geology
Harvard University, Cambridge, Massachusetts, USA June-July 1999	Post graduated Diploma on <b>Environmental Economics &amp; Policy Analysis</b>

#### **Supplementary Education:**

- 1993, Romania - World Health Organisation , certificate on **“The management and implementation of risk assessment studies”**
- June 1996, Romania - Environmental Institute from Glasgow, certificate on **“Landfills and new technologies in this field”**
- March 1998, Romania - Environmental Training Programme, USAID, certificate on **“Institutional development for local Environmental Protection Agencies”**
- January 2003-November 2003, Romania – Phare Programme, certificate: **trainer on EIA/IPPC;**
- September 2004, Portugal – Phare programme, study tour on **management of Structural and Cohesion funds, Environmental Operational Programme**

7. **Language skills:** Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

<i>Language</i>	<i>Reading</i>	<i>Speaking</i>	<i>Writing</i>
Romanian	Mother tongue		
English	1	1	1
Spanish	1	2	2

8. **Membership of professional bodies:** No
9. **Other skills:** (e.g. Computer literacy, etc.) PC Intel Pentium Compatible; MS Word for Windows, Word Perfect 5.1 for Windows; Other Editing Software; dBase Data Processing; MS Excell; Internet, E-mail.
10. **Present position:** Manager Director – FOLOS Consulting Ltd
11. **Years within the firm:** 2 years
12. **Key qualifications:** (Relevant to the project)
  - Strong **technical and project management skills** (experience in conducting independent/team projects and in providing recommendations for subsequent initiatives), – project manager/ team leader and deputy team leader in a big number of international projects;
  - Proven experience in conducting projects evaluation;
  - Excellent knowledge of Phare, ISPA and SAPARD pre-accession instruments and of PRAG rules;
  - **Trainer** in a number of EU funded projects on environmental legislation, approximation process, project cycle management
  - **Environmental expert** – key sectors: environmental strategies, policy, legal drafting (main author of main Romanian environmental legal acts)
  - **Legal drafting:** co-author of the existing (and proposed) Romanian **permitting procedures**, integrating specific requirements on EIA, **IPPC, SEVESO II, Habitat, Landfill** and technical norms, as well as inspection procedure;
  - **EU approximation process** – especially the **horizontal legislation and the industrial pollution control and risk management;**
  - **Institutional expert** – co-author of several proposals for strengthening institutional capacity in order to implement the environmental *acquis*, based on the assessment of the existing

institutional capacity of environmental authorities; co-author of the **self-financing system for environmental authorities**;

- President of the Romanian National Committee for Certification of the natural and legal persons for environmental impact assessment studies and environmental audit, 1998-1999;
- **President of the Romanian Evaluation Committee for Life Environmental Projects - Life - Financial Instrument to support the implementation of the European Community environmental Policy; 1998**
- **Fostering the professional expertise of the staff within the permitting procedure, inspection activity/report and analysis of the environmental impact assessment studies, environmental audits and risk assessment studies;**
- **Managing staff and collaborators - including selection, establishing job description, setting performance objectives, evaluation on regular basis.**

### 13. Specific experience in the region

<i>Country</i>	<i>Date from - Date to</i>
Switzerland, Geneva	December 1997 - March 1999: Member of UN/ECE – Committee on Environmental Policy – preparation of the fourth ministerial conference “Environment for Europe”
Hungary, REC	1997 – 2001: Member of General Assembly – coordination of REC’s strategy/policy and project implementation, including evaluation and monitoring services for the programmes/projects implemented by REC as well as institutional strengthening
Luxemburg	1998: Member of the WHO working group developing the National Environmental and Health Action Plans, institutional section
Belgium, Brussels	1998: Member of the Romanian Delegation in charge with preparation of the accession process (involved in the screening process), responsible for horizontal legislation
Hungary, Czech Republic, Bulgaria, Slovenia, Romania	November 1999: October 2000 <b>“PPP” Project – Opportunities and Constrains in Private Public Partnerships in Municipal Waste Management in Central and Eastern Europe</b> , position institutional expert responsible for the country strategy, evaluating the current PPP arrangements and the institutional framework, including the assessment of the local authorities.
Bulgaria, Serbia, Albania, Romania	2002 – 2004: <b>“REReP 2.2 – Technical Assistance to Develop the Regional Strategy for the Implementation of Aarhus Convention”</b> , position – trainer on EIA/permitting procedure expert
10 Accession Countries	2002 – 2004: PHARE multi-country Programme: <b>“Monitoring transposition and implementation and monitoring commitments</b> made during negotiations Location Bulgaria Czech Republic Estonia Hungary Latvia Lithuania Poland Romania Slovakia Slovenia”- legal/institutional expert
China	December 2003 – on going: <b>“Trans-jurisdictional Water Pollution Prevention and Control”</b> - environmental permitting expert
Portugal	2004: <b>“Strengthening the central public administration in the field of EU affairs with special focus on managing the EU programmes”</b> – responsible for the study-tour in Portugal to the representative institutions dealing with the management of the Structural Funds
Turkey	November 2003 – on going: <b>“Developing Capacity in Implementing and Enforcement of Environmental Legislation in Turkey through the IMPEL Network”</b> , Ministry of Environment, (EUROPEAID/114824/D/SV/TR), position team leader

### 14. Professional experience

<i>Date from - Date to</i>	<i>Location</i>	<i>Company</i>	<i>Position</i>	<i>Description</i>
December 2003 – on going	Ankara, Turkey	AHT Group, Essen, Germany	Team Leader	<b>Developing Capacity in Implementing and Enforcement of Environmental Legislation in Turkey</b> through the IMPEL Network (overall project management, task leader for the <b>development of the institutional strategy for the effective implementation of the acquis</b> , including the design of a comprehensive institutional programme to be undertaken based on a more radical restructuring and reorganization, task leader for <b>legal drafting</b> : a

				<b>new permitting and inspection procedure</b> , including related <b>guidelines, trainer on IPPC and inspection</b> , pilot project implementation on permitting and inspection)
July 2002- November 2003	Bucharest , Romania	Project Management Ltd, Dublin, Ireland	Deputy Team Leader	<b>Technical Assistance to ensure compliance with Environmental Impact Assessment Directive</b> (overall project coordination, task leader for drafting the new <b>EIA, access to information, SEA</b> and the new <b>permitting procedure</b> based on IPPC legislation fully in compliance with the EU legislation, developing guidelines, task leader for <b>capacity building component</b> , including detailed assessment of the central and local authorities, as well as <b>development of institutional procedural documents, trainer on EIA/IPP</b>
November 2002 – present	Bucharest , Romania	FOLOS Consulting SRL	Manager Director	Preparing project proposal and raising funds and developing international environmental projects financed by European, Commission, World Bank and other donor; Managing staff and collaborators.
January 2002 – July 2002	Bucharest , Romania	Project Management Ltd, Dublin, Ireland	Head of international projects, Romania	Preparing project proposal and raising funds and developing international environmental projects financed by European, Commission, World Bank and other donors; Managing staff and collaborators.
1999 - 2002	Bucharest , Romania	FOLOS Consultant	Director	Preparing project proposal and raising funds and developing international environmental projects; Managing staff and collaborators.
May 1998 February 1999	Bucharest , Romania	<b>Ministry of Waters, Forests and Environme ntal Protection</b>	<b>State Secretary Environment al Protection Department</b>	Co-ordination of the activity of Environmental Protection Department, including the local environmental authorities; President of the Environmental Committee within RENAR; Counterpart for World Bank Project – <b>“Pollution Abatement Project”</b>
November 1997 - May 1998	Bucharest , Romania	<b>Ministry of Waters, Forests and Environme ntal Protection</b>	<b>Director – Strategies, Legislation, Environment al Economy and Sustainable Developmen t Directorate</b>	Co-ordination of National Environmental Protection Strategy and the sectorial strategies; National Environmental Action Plan, Technical Secretariats for the International Conventions Drafting the new Romanian regulations: laws, guidelines, norms and Implementation of the permitting procedure and inspection within the MWFEP and EPAs; Responsible for introduction of the economic instruments in the environmental policy Responsible for running the screening process for horizontal legislation, Responsible for the institutional reorganisation Counterpart for ROM 101/102 projects – Assistance to Romania in the management of the environmental approximation process financed by DG Enlargement;
1991 - 1997	Bucharest , Romania	<b>Environme ntal Protection Agency of Bucharest</b>	Environmental Expert – Regulation Department	Analysis of the technical documentation, that includes the environmental audits, EIAs and issued environmental permits/agreements; Analysed the environmental audits for the privatisation of some companies within the privatisation

15. **Other relevant information** (eg, Publications)  
Participation in Projects Financed by the External Sources

Project title	Achievement period	Financing source	Personal position
Project Preparation Facility for Environmental Projects – <b>support the relevant central and local authorities in identification and preparation of CBC projects in the environmental sector and to prepare the environmental grant scheme 2005-2006 and its implementation/selection process</b>	May 2004 – May 2005	Phare CBC programme RO 2002/000 – 625.05.02	<i>Institutional Expert</i>
Assistance to the implementation of Phare 2001 Environment – <b>technical assistance to MoEWM in preparing ToRs, TS, tender Dossier and overall management of 5 Environmental projects (3 Technical Assistance and 2 Supply Contracts), including to enhance the staff capability regarding Project Cycle Management, procurement Procedure, Contract Management, etc, providing training on the above mentioned.</b>	May 2003 – October 2005	PHARE Project – RO	<i>Key Expert – Institutional Expert and Trainer</i>
Strengthening the central public administration in the field of EU affairs with special focus on managing the EU programmes, <b>especially PCM, monitoring and evaluation of projects financed under EU programmes. Responsible for the environmental protection workshop on indicators of monitoring and achievement for the 2003 projects Phare fiches and for the study-tour in Portugal.</b>	December 2003 – December 2004	PHARE Project – RO 0106.06.02	<i>Environmental policy expert</i>
<b>Technical Assistance to ensure compliance with EIA Directive as applicable to “Rosia Montana” golden-silver mining:</b> preparing detailed guidelines for environmental authorities on implementation of EIA procedure for “Rosia Montana” project	June 2003 – November 2003	PHARE Project – RO 0006.14.02.01	<i>Deputy Team Leader</i>
Technical assistance for the monitoring and dissemination of LIFE actions (evaluation and monitoring services), including elaboration of Interim Evaluation Reports based on 5 criteria: Relevance, Efficiency, Effectiveness, Impact, Sustainability; and Issue recommendations to be used for improving the management of the projects.	February 2001 – December 2001	EC-DG Environment	<i>Environmental expert – evaluator</i>
<b>“Training in European Affairs”</b> – Component A – Training of Civil Servants	September 2000 – December 2000	PHARE Project – RO 9706.01.20	<i>Trainer - EU expert</i>
<b>“Market study of the Environmental Market in Romania”</b>	200	OIKOS Co./ REC	Team Leader
<b>“Strengthening the environmental monitoring capacity within the Environmental Protection Agencies”</b> – drafting the new emission inventory guidelines and detailed institutional assessment of local authorities	May 1999 – March 2000	USAID	<i>Legal/Institutional expert/Trainer</i>
<b>“Strengthening the environmental inspection capacity within the Environmental Protection Agencies”</b> – drafting the new inspection procedure and detailed institutional assessment of local authorities	April 1999 – May 2000	USAID	<i>Legal/Institutional expert/Trainer</i>
<b>“Implementing the Polluter Pays Principle”</b> preparing the deposit-refund system for used tires	1999 - 2000	Open Society Foundation	<i>Environmental expert</i>

*Publications and workshop participation:*

- Main author and Co-author of the new Romanian legislation transposing the EU legislation related to: **GD and MO on environmental agreement procedure, integrating EIA, IPPC, SEVESO II, Habitat Directive, Landfill Directive and Water Framework Directive, MO for approval of guidelines on screening, scooping and review of EIS report, MO on permitting procedure,**

**including IPPC installations; GD on SEA, MO on technical norms for inspection procedure following Impel criteria; framework environmental protection law**, including the procedure for self-financing of the local/regional EPA, waste management law, air protection law, environmental fund law, GD on management and control of the PCB impacts and asbestos related impact, etc.

- Co-author of **"Public participation to decision-making process and access to environmental information" guidelines for local public authorities, REC, 2004**
- Author of **"Environmental policy in the context of EU integration"** European Institute, 2001
- Co-author of **"Implementing polluters pays principle"** Public Policy Center, 2000

## Curriculum Vitae

### Proposed position in the programme: LEGAL EXPERT

1. **Family name:** TOZA
2. **First name(s):** VERONICA
3. **Date of birth:** 19 FEBRUARY 1980
4. **Nationality:** ROMANIAN
5. **Civil status:** SINGLE
6. **Education:**

Institution Date from – to	Degree(s) of Diploma(s) obtained
Faculty of Law, "Ovidius" University from Constanta, Romania: September 1999 – January 2004	Paper Diploma: "The Aarhus Convention. Legal aspects" – International Environmental Law" – average graduation points 9.28
"Mircea cel Batran" High School, Science Class, Constanta, Romania: September 1995- June 1999	Baccalaureate Diploma – average graduation points 9.61

7. **Language skills:** (Indicates competence on a scale from 1 to 5: 1 - Excellent, 5 - Basic)

Language	Reading	Speaking	Writing
Romanian		<i>Mother tongue</i>	
English	1	1	1
French	2	3	2
Spanish	1	2	1
German	3	5	4

8. Membership of professional bodies: -

### 9. Other skills:

*Computer Literacy: Ms Office, Outlook, Adobe Suite (Photoshop), Corel Graphics Suite (Corel Draw) and Internet*

10. **Present position:** LOCAL LEGAL EXPERT

11. **Years within the firm:** Since July 2004

### 12. Key qualifications: (relevant to the programme)

Ms. Veronica Toza is a Local Legal Expert that achieved during her work activity a broad experience in European and national environmental legislation and policy-making. She previously graduated the Faculty of Law with the Paper Diploma "The Aarhus Convention. Legal aspects" – "International Environmental Law" and attending the courses on "International Law", "International Environmental Law", "Law of the Sea", "Maritime Law", "International Legal Protection of Human Rights" and "European Community Law".

Ms. Toza worked and is working in projects funded by The European Commission, European Community and US Government through RASP Program as a Local Legal Expert, Legal Assistant and Legal Counsellor as well. She is directly involved into the process of monitoring the approximation progress of Romanian legislation with the EU environmental *acquis*. Legal guidance and assistance is provided to the Romanian Ministry of Environment in this respect. This year progress monitoring exercise covers 7 sectors of EU legislation; Horizontal and Water Quality are among them.

She was previously directly involved into preliminary investigations on environmental protection legislation infringements and legal actions undertaken by these brought to the courts. She also drafted and updated a legislative database consisting of environmental protection legislation or related to it, national and international as well.

Ms. Toza has a detailed knowledge and understanding of the Romanian legal and administrative system, especially in what concerns the environmental protection law and the competent institutions. She is also familiar to EU environmental acquis requirements and the process of transposition and implementation of the EU acquis into the national legislation as she had to base her legal procedural acts and pleas upon it and provide legal overview within the approximation process.

### 13. Experience relevant to project:

Country or region	Date: from- to	Name and brief description of the project
Romania	July 2004 - present	<p><b>Supporting the Accession Process of the Candidate Countries and Croatia:</b> Local Legal Expert: Responsible for providing the Romanian Ministry for Environmental Protection and Water Management with legal assistance and guidance on approximation process of national legislation with EU requirements (transposition and implementation). Further assistance provided to DG ENV in order to update its Progress Monitoring data-base at national level. Client: COWI, Denmark, as contracted by European Commission.</p>
Romania	April 2004 – July 2004	<p><b>Access to public information programme:</b> Legal Counsellor. Responsible for identifying the reluctance of the public institutions and other bodies in providing public information (environmental as well) and hence bringing them to justice in the national courts. Training support for journalists and students in access to information of public interest also provided. Client: Center for Legal Resources Foundation (Member of Soros Open Network/SON Romania), Bucuresti, Romania.</p> <p><b>Strategic Litigation Programme:</b> Legal Counsellor. Responsible for identifying test cases to protect human rights, sanction discriminatory conduct and corruption, promote free access to information of public interest and environmental protection etc. Another responsibility is to set-up the Human Rights Protection Advocacy Network at national level. Client: Center for Legal Resources Foundation (Member of Soros Open Network/SON Romania), Bucuresti, Romania.</p>
Romania	September 2002 – March 2004	<p><b>European Partnership for Black Sea Clean Beaches – Legal component:</b> Legal Counsellor. Responsible for running the preliminary investigations on environmental protection legislation infringements, especially of the coastal and marine protection one; providing legal assistance through the Litigation Action Fund to the NGO's, informal groups, citizens with regard to the environmental protection legislation; running most of the legal actions or court proceedings as requested by national courts; keeping up-to-date the legislative database consisting of environmental protection legislation, national and international as well. Client: Mare Nostrum NGO, Constanta, Romania</p>



<b>Country or region</b>	<b>Date: from- to</b>	<b>Name and brief description of the project</b>
Romania	February 2002 – September 2002	<b>Black Sea Coastal Initiative – Legal component:</b> Legal project assistant. Responsible for setting up the Litigation Action Fund for the Black Sea to make money or assistance available for advocacy and court appeal initiatives to NGO's, informal groups, citizens concerned with urgent public policy changes and citizens seeking to prevent decisions that are posing risks to the environment; it has to be allocated upon request and without any discrimination to citizens or NGO's through a formal and transparent procedure. Responsible also for drafting and keeping up-to-date of a legislative database consisting of environmental protection legislation, national and international as well; specific consultancy to citizens or NGO's. Client: Mare Nostrum NGO, Constanta, Romania
Romania	May 2002	<b>Internship in the Decision Making Bodies in the Youth Sector</b> – international training on direct youth involvement into the decisional process organized by RYCD/Regional Youth Center for Information and Documentation in South Eastern Europe – Participant. Elaboration of the National Action Plan for Youth and drafting the "Volunteering Law". Clients: Youth Commission –Chamber of Deputies and Educational and Youth Ministry, Romania.

#### 14. Professional experience record:

<b>Date from - to</b>	<b>Location</b>	<b>Company</b>	<b>Position</b>	<b>Description</b>
July 2004 - present	<b>Bucuresti, Romania</b>	<b>COWI/ Denmark</b>	<b>Local Legal Expert</b>	Provides the Romanian Ministry for Environmental Protection and Water Management with legal assistance and guidance on approximation process of national legislation with EU requirements (transposition and implementation). Further assistance provided to DG ENV in order to update its Progress Monitoring data-base at national level. Draw up the draft of Progress Monitoring Report – 2004 in close cooperation with the Team Leader/COWI.
<b>April 2004 – July 2004</b>	<b>Bucuresti, Romania</b>	<b>Center for Legal Resources Foundation</b>	<b>Legal Counsellor</b>	Identifies the reluctance of the public institutions and other bodies in providing public information (environmental as well) and hence bringing them to justice in the national courts altogether with the Foundation lawyer. Training support for journalists and students in access to information of public interest also provided. Assists Foundation lawyer in promoting test cases to protect human rights, sanction discriminatory conduct and corruption, promote free access to information of public interest and environmental protection etc. Another responsibility is to set-up the Human Rights Protection Advocacy Network at national level.
<b>Septemb</b>	<b>Constanta,</b>	<b>Mare Nostrum NGO</b>	<b>Legal</b>	Run the preliminary investigations on

<b>Date from - to</b>	<b>Location</b>	<b>Company</b>	<b>Position</b>	<b>Description</b>
<b>er 2002 – March 2004</b>	<b>Romania</b>		<b>Counsellor</b>	environmental protection legislation infringements; especially of the coastal and marine protection one; provide legal assistance through the Litigation Action Fund to the NGO's, informal groups, citizens with regard to the environmental protection legislation; run most of the legal actions or court proceedings as requested by national courts; keep up-to-date the legislative database consisting of environmental protection legislation, national and international as well
<b>February 2002 – September 2002</b>	<b>Constanta, Romania</b>	<b>Mare Nostrum NGO</b>	<b>Legal project assistant</b>	Set up the Litigation Action Fund for the Black Sea to make money or assistance available for advocacy and court appeal initiatives to NGO's, informal groups, citizens concerned with urgent public policy changes and citizens seeking to prevent decisions that are posing risks to the environment; it has to be allocated upon request and without any discrimination to citizens or NGO's through a formal and transparent procedure. Responsible also for drafting and keeping up-to-date of a legislative database consisting of environmental protection legislation, national and international as well; specific consultancy to citizens or NGO's.
<b>August 2002 – September 2002</b>	<b>Constanta, Romania</b>	<b>Constanta City Council</b>	<b>Press Officer</b>	Organize the press conferences during the "Mamaia Music Festival 2002"; provides full support to the accredited reporters to the Festival; supervise the well functioning of the "Mamaia Music Festival" Press Center
<b>January 2001 – March 2004</b>	<b>Constanta, Romania</b>	<b>Mare Nostrum NGO</b>	<b>Public Relations Assistant</b>	Organize and attend NGO Mare Nostrum press conferences; organize workshops and other events on environmental protection issues at international, national, regional and local level; organize public events in order to raise the public awareness regarding the environmental protection and nature conservation issues.
<b>September 2000 – January 2002</b>	<b>Constanta, Romania</b>	<b>Mare Nostrum NGO</b>	<b>Project Manager</b>	Manage the activity implementation and budgeting of the "Let's save our dolphins!" Project; elaborate and edit informative and educational materials for youth (The Dolphins' Monitoring Guide along the Romanian sea sides and national waters); organize public events and campaigns related to dolphins' conservation issue.

15. **Others:** Member of the Environmental Advocacy Network for South Eastern Europe – EANSEE since September 2003, developed under REReP.2.6.

**Publications:** Co-author of "The Bystre Waterway – One *hot* issue for nature protection and diplomacy in (Eastern) Europe", *part I*, MEDA/Spain, January 2005

## SERBIA AND MONTENEGRO

### PHARE CV FORMAT

<b>1. Family Name:</b>	<b>Ignjatović</b>
<b>2. First Name:</b>	<b>Jovanka</b>
<b>3. E-mail:</b>	vana@meteo.yu
<b>4. Mailing Address:</b>	11000 Beograd, Solunska 25
<b>5. Contact phone numbers:</b>	(011) 659-171, 063-8-699-566

Proposed Position in the Project:

<b>1. Family Name:</b>	Ignjatović		
<b>2. First Name:</b>	Jovanka		
<b>3. Date and place of birth:</b>	05.06.1956. Belgrade		
<b>4. Nationality:</b>	Yugoslav		
<b>5. Civil status:</b>	Single		
<b>6. Education:</b>	Belgrade University-Civil Engineering Faculty		
<i>Institution:</i>	Belgrade University-Civil Engineering Faculty, Yugoslavia		
<i>Date:</i>	October 1983		
<i>Degree:</i>	Bachelor of Civil Engineering-Hyrotechnical Department		
<i>Institution:</i>	International Post-Graduate Course on Hydrology (VITUKI), Budapest, Hungary		
<i>Date:</i>	July 1992		
<i>Degree:</i>	Post-Graduate Certificate (advanced training on water quality )		
<b>7. Language skills: (1 to 5: 1 lowest - 5 fluent)</b>			
<i>Language.</i>	<i>Speaking</i>	<i>Writing</i>	<i>Reading</i>
English	4	4	5
Russian	2	2	3
Serbian	5	5	5
<b>8. Other skills:</b>	Computer skills: - Windows, - MS-Office, - Relational Database		
<b>9. Present position:</b>	Head of Water Quality Department		
<b>10. Years with the Firm:</b>	2,5 (two and a half)		
<b>11. Key qualifications:</b>	- Hydrology, - Statistical Data Processing, - Surface and Ground Water Quality, - Water Quality Simulation Modeling		
<b>12. Specific experience:</b>			
<b>International organization</b>	<i>Date</i>		
ICPDR (International Commission for the Protection of the Danube River), Vienna, Austria - Member of: - APC EG (Accident Prevention and Control) - MLIM EG (Monitoring, Laboratory and Information Management Expert	from September 2000		

Group)	from March 2002
<b>13. Professional experience record:</b>	
(Start with last place first)	
<i>Date:</i>	September 2000-Present 2002
<i>Location:</i>	Birčaninova 6, Belgrade, Yugoslavia
<i>Company:</i>	Federal Hydrometeorological Institute
<i>Position:</i>	Head of Water Quality Department
<i>Description:</i>	All aspects of surface water quality issues, particularly transboundary waters (data processing, statistical data processing, water quality state estimation, National Programme for the Danube survey, water quality database development, etc.); All activities related to the ICPDR – APC and MLIM E’s actions and tasks at the international and national level.
<i>Date:</i>	March 1996 - September 2000
<i>Location:</i>	Kneza Višeslava 66, Belgrade, Yugoslavia
<i>Company:</i>	Republic Hydrometeorological Institute
<i>Position:</i>	Senior Adviser for Water Quality Modeling
<i>Description:</i>	All aspects of water quality issues (national monitoring programme, data collection and processing, statistical data processing, water quality database development and handling, water quality state estimation, water quality modeling, bilateral water quality monitoring with Hungary and Romania, etc.); Project revision (industrial plants, water treatment plants, dams, etc.) - water quality protection aspects
<i>Date:</i>	July 1988 - March 1996
<i>Location:</i>	Kneza Višeslava 66, Belgrade, Yugoslavia
<i>Company:</i>	Republic Hydrometeorological Institute
<i>Position:</i>	Senior Adviser for Water Balance
<i>Description:</i>	All aspects of water quantity issues (data collection and processing, water balance, statistical data processing, water quantity and quality modeling, water quantity database development and handling, analysis of low flow and drought , etc.); Project revision (industrial plants, water treatment plants, dams, river training, etc.)
<i>Date:</i>	November 1983 - July 1988
<i>Location:</i>	Kneza Višeslava 66, Belgrade, Yugoslavia
<i>Company:</i>	Republic Hydrometeorological Institute
<i>Position:</i>	Adviser for Water Quality
<i>Description:</i>	Water quantity issues (data collection and processing, statistical data processing)

**PHARE CV FORMAT (not more than four pages)**

<b>1. Family Name:</b>	<b>Djordjevic</b>
<b>2. First Name:</b>	<b>Sreten</b>
<b>3. E-mail:</b>	ecolawgica@ptt.yu
<b>4. Mailing Address:</b>	Hajduk Veljkova 4, 14000 Valjevo, Serbia/Yugoslavia
<b>5. Contact phone numbers:</b>	+381 14 232 636; +381 64 164 22 48

<b>6. Date and place of birth:</b>	09.01.1969
<b>7. Nationality:</b>	Serbian
<b>8. Civil status:</b>	Married with two children's
<b>9. Education:</b>	Lawyer
<i>Institution:</i>	University of Belgrade
<i>Date:</i>	1999, November
<i>Degree:</i>	B.A.
<i>Institution:</i>	
<i>Date:</i>	
<i>Degree:</i>	

**10. Language skills: (1 to 5: 1 lowest - 5 fluent)**

<i>Language.</i>	<i>Speaking</i>	<i>Writing</i>	<i>Reading</i>
English	4	4	4

<b>11. Other skills:</b>	Presentation skills, excellent organizational skills, Computer literacy: Windows, Desk Top Publishing, Internet publishing , diving, driving.
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<b>12. Present position:</b>	President of the Ecological Society "Gradac", Valjevo Director of " Legal advocacy center " in Serbia, "Centar za eko-pravnu pomoc"
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<b>13. Years with the Firm:</b>	Ten years
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<b>14. Key qualifications:</b>	Lawyer, Environmental law expert, experience in work with NGOs, managerial experience (10 years of experience of working in national environmental NGOs), Organizational and communicational skills, project management, lectures and Presentation skills, Regional experience, Ability to work independently.
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**15. Specific Eastern European countries experience:**

<i>Country</i>	<i>Date</i>

**16. Professional experience record:**

(Start with last place first)

<i>Date:</i>	2003.
<i>Location:</i>	Valjevo, Serbia
<i>Company:</i>	"Legal advocacy and advisory center"- "Centar za eko-pravnu pomoc"
<i>Position:</i>	Director
<i>Description:</i>	First environmental legal advocacy/advisory center in Serbia, based on cooperation with other environmental lawyers and relevant NGOs. Specific advocacy/advisory activities, focused on specific issues of environmental law, such as nature protection, EIA and IPPS procedures, public participation in decision making procedures, right to env. Information, legislative analysis in environmental matters etc.

<i>Date:</i>	2003.
<i>Location:</i>	Belgrade
<i>Company:</i>	OSCE Mission in SCG
<i>Position:</i>	Consultant for legal environmental matters
<i>Date:</i>	2001
<i>Location:</i>	Valjevo
<i>Company:</i>	Ecological Society "Gradac"
<i>Position:</i>	President
<i>Description:</i>	Organize meetings, co-operate with the media and other NGOs, make contacts with governmental institutions and international funds and organizations, co-ordinate the activities of the whole NGO, Managing the NGO staff, representing organization on the meeting and such events.
<i>Date:</i>	2001
<i>Location:</i>	Belgrade
<i>Company:</i>	Directorate for environmental protection
<i>Position:</i>	Working group for the ratification and implementation of the Aarhus Convention.
<i>Description:</i>	Access to Justice in Environmental Matters - Project Coordinator
<i>Date:</i>	2000.- 2002.
<i>Location:</i>	Valjevo
<i>Company:</i>	County Court Valjevo
<i>Position:</i>	Judge Assistant
<i>Description:</i>	Dealing with criminal and civil issues
<b>17. Seminars/Trainings</b>	<p><b>Participated:</b> Seminar "Wide view" , environmental programs of the Political parties in Yugoslavia; Round table "Public participation in the decision making process" organized by The Regional Environmental Center for Central and Eastern Europe-Country office Yugoslavia; Workshop on UNEP and UN/ECE environmental conventions in FR Yugoslavia , organized by Directorate for environmental protection Ministry for health and environmental protection of Serbia, Belgrade 2001. , Capacity building procedures for EIA and IPPC (REReP 1.4), Workshop Yugolex, <b>Conference on Prioritization on Environmental Law Drafting Needs in SE Europe</b> (Bosnia and Herzegovina, REReP 1.3), <b>10. OSCE Economic Forum (Prague, Czech Republic), Lucca Conference 2002.</b> (Italy 2002.) , <b>First meeting of the Aarhus Convention Task force on Access to Justice (Brussels 2003.), Member of the Serbian ministerial delegation on The Fifth Conference on "Environment for Europe" process (Kiev 2003.),</b> Conference on Post Kiev process in Serbia and Monte Negro (Belgrade, 2003.), Around table on Agency for natur protection in Serbia (Belgrade 2003.), Sinaia Meeting of EANSEE members (Romania 2003.), <b>Second meeting of the Aarhus Convention Task force on Access to Justice (Geneve 2003.),</b> Ohrid Meeting of EANSEE (Macedonia 2003.), Pula Meeting of EANSEE (Croatia 2004.),</p> <p><b>Lectures:</b> Seven seminars within the project "With school in natural protected area" Valjevo 2004., Four seminars "Public participations in the Tisa river basin", organized by Danube environmental forum Yugoslavia, Two Seminars "NGO Management" – Lectures for Aarhus convention and Management in natural protected areas organized by Belgrade open school, Seminar "Public participation in process of preparation of <b>LEAP</b>" Prokuplje, Leskovac and Smederevo– Serbia, Moderator on First preparatory meeting for Kiev Conference "Environment for Europe" Belgrade 2003., Milocer preparatory meeting for Kiev Conference "Environment for Europe" (introduction), Monte Negro 2003., Seminar "First step", Valjevo 2003., NGO managing in natural protected areas, Valjevo 2003.</p>
<b>18. Expert work</b>	

	<p>Environmental law consultant on Project „Legal consultancy for the drafting of a regulation on the conditions and procedure for a risk based definition of the liability of the state for past environmental damage caused by enterprises under privatization“, Belgrade 2004., Expert and advisor on REC CO YU Public participation seminars, Co - author of the Needs Assessment for the development of an implementation strategy for the Aarhus Convention in Serbia in the framework of the project " Support Developing Strategies for the Implementation of Aarhus Convention"(REReP 2.2), Analytic assessment of the Environmental draft law under the OSCE Support to Environmental Legislation and Institutional Structuring in Serbia Program, Member of working group for accesses to information within the project "Yugolex"- harmonization of present Yugoslav law with EU directives.</p>
<p><b>19 Publications</b></p>	<p>Co-author of the "<b>The Right to Adequate Environment</b>", <b>comparative analysis of the Aarhus Convention and relevant Yugoslav legislation</b>, Belgrade 2001.  Author of the "<b>Guideline for NGO's on Access to information, Public participation and Access to justice in environmental matters and practice in Serbia</b> ", Belgrade 2003.</p>



## **UNDP-GEF Danube Regional Project**

### **Terms of Reference**

# ***"Enhancing Access to Information and Public Participation in Environmental Decision Making"***

(Project Output 3.4)

**Draft, May 24, 2004**

**OBJECTIVE 3: Strengthening of public involvement in environmental decision making and reinforcement of community actions for pollution reduction and protection of ecosystems**

Output 3.4: Enhancing Support of Public Participation in Addressing Priority Sources of Pollution ("hot spots") through Improved Access to Information in the Frame of the EU Water Framework Directive

## **1. Background**

### **1.1. Introduction**

The International Commission for the Protection of the Danube River (ICPDR), with support of the Danube Regional Project (DRP) has identified the participation of the public in environmental decision making as one of the key elements for sustainable improvement of the environmental condition of the Danube and its tributaries. Improved laws, regulations and self-imposed industry restrictions can only be enacted successfully if the various stakeholders who are either polluters or beneficiaries of a cleaner environment, or – like in many cases – both at the same time look for common ground and accept joint action as a part of win-win-solutions.

Directives of the European Union that implement the Aarhus Convention and the Water Framework Directive (WFD) recognize that people are a necessary part of improving shared water bodies such as the Danube, and that the foundation-stone of public involvement in making environmental improvements is information. Despite this, in many countries in the Danube Basin there are barriers to public access to environmental information that need to be identified and overcome in order to facilitate effective public participation in water basin management planning, as mandated by public participation provisions of the WFD and the Aarhus Convention.

For this reason, the ICPDR recognizes the need to build capacity in government officials who manage water and environment related information, to assure that they have the tools and comprehension to make information available to individuals and NGOs, to, in turn, improve the chances that all parts of society will take responsibility in the necessarily joint efforts toward a cleaner Danube River.

The DRP supports the creation of enabling structures for public participation on basin-wide, sub-basin, national and local levels. Public participation strategies for all these levels have been discussed at a joint DRP/ICPDR workshop in Bratislava in April 2003. Following this workshop, a sub-group of the River Basin Management Working Group, including the DRP, ICPDR, WWF, REC and GWEP, developed a Danube River Basin Strategy for Public Participation in River Basin Management Planning, 2003-2009. The ICPDR adopted the strategy for the Danube River Basin level and recommended to the Danube countries to implement the strategy at the other levels as well.

In order to gain momentum, UNDP/GEF has allocated extra funds for a new project component, which particularly is meant to support emerging processes of improved

public participation in environmental decision making, with emphasis on better access to environmental information in decision making on hot spot prevention and cleanup. The component will build capacity in government officials who are the “front lines” of access to information and responsible for implementing public participation in the various stages of the WFD planning process and in decision making at Danube hot spots, through targeted training and technical assistance activities carefully tailored to the needs and circumstances of each country. The NGOs involved in the Danube and water-related issues and active at the national or local level WFD and Aarhus activities will also benefit from the project as main partners of officials regarding public participation among the stakeholders and when carrying out project activities. The objective of these activities is to facilitate the development of country-specific, practical, legal and institutional measures to improve public access to water-related information in each of the participating countries. Implementation of these measures will in turn support full and effective public involvement in WFD planning and prevention and cleanup of Danube hot spots in a sustainable manner, long after the GEF-funded DRP has been completed. The UNDP/GEF DRP conducted a multi-stakeholder workshop to begin planning the new component 3.4 in Zagreb in August 2003. This workshop yielded the following guidance on design and implementation of the new component:

- The WFD and the Aarhus Convention, as well as other relevant EU directives and international agreements, as tools for Access to Information, provide the legal base for the project component 3.4.
- The ICPDR, as a co-executing agency of the DRP and as a primary beneficiary, has a guiding role in the project component. The Consultants, given their experience conducting the pilot project on which component 3.4 is based, should closely collaborate with ICPDR on planning and implementing the project. The DEF as a network of NGOs should both help in the implementation of the project as well benefit from the project in terms of institutional strengthening.
- Support to the implementation of the ICPDR Public Participation Strategy should be one key objective of the new project component.
- The new project component is closely related to other outputs of the DRP and needs to be integrated with these.
- This project, while being implemented in 5 selected countries, has a strong regional impact and should be used for general improvement of access to environmental information in support of public participation in water related issues, particularly with respect to the WFD, via the structures provided by the ICPDR.
- The demonstration of how enhancing access to information helps to facilitate public participation in decision making on hot spot clean-up is a key part of this new project component. Therefore, to assure maximum impact, demonstration sites on hotspots should be selected on base of the hotspots identified in the ICPDR EMIS database.
- A project component (3.4) steering mechanism should be established to provide guidance on project implementation.

The workshop participants also suggested initial considerations for country-specific measures, which should be taken into account in the Inception Phase.

In a stakeholder analysis, carried out in Baden/Austria in December 2003, ICPDR experts, members of governments, DRP, and NGOs defined first steps of a strategy to

involve stakeholders in the implementation of the EU WFD and how to define stakeholders at the Danube river basin level. The important work done there is critical in identifying stakeholders and developing stakeholder involvement mechanisms programs at the Danube River Basin level. Similar mechanisms may be created at other levels as well, which the Output 3.4 should consider among the methods of involving the public and other stakeholders.

## **1.2. Requirements of the EU Water Framework Directive (WFD)**

The EU WFD entered into force in December 2000. It has a strict and binding plan of implementation with detailed steps that EU member countries have to put into practice over the coming 10 years. None of the countries involved in component 3.4 is an EU Member State. Romania and Bulgaria are to become Member States in 2007. There is no specific timeframe for accession by Bosnia and Herzegovina, and Serbia and Montenegro, and Croatia will only start negotiation on accession in 2005. Nevertheless all five countries have indicated that they shall implement the requirements of the WFD in their national legislative and policy frameworks, starting before 2007.

The central feature of the WFD, around which all its other elements are arranged, is the use of river basins as the basic unit for all water planning and management actions. This recognises that water respects physical and hydrological boundaries, but not political and administrative limits. Mainly through the development and implementation of River Basin Management Plans, the overall environmental objective of the WFD is the achievement of 'good status' for all of Europe's surface- and ground-waters. As a consequence, WFD implementation should involve a vast range of stakeholders, ranging from individual consumers, major water-using sectors such as agriculture and industry, and secondary uses like water-based recreation, to water supply/treatment companies, scientists, nature conservationists and the authorities involved in planning land and water use at local, regional, national and international levels.

According to the provisions of the WFD the public is to be informed about the definition of river basin characteristics and it is to be actively involved in the drafting of river basin management plans and the consequent programmes of measures. The practical implementation of the provisions of the Aarhus Convention with respect to public access to information and related public participation, including concrete mechanisms, procedures and practices, will at the same time effectively give "teeth" to the PP requirements of the WFD.

In addition to the WFD, recently developed and adopted EU directives on public access to environmental information and public participation in decision-making will implement the related obligations under the Aarhus Convention in EU legal instruments. These directives will need to be taken into account in the project implementation.

## **1.3. Requirements of the Aarhus Convention**

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process. It has been signed by most European countries, including several

countries in the Danube region. The Convention entered into force in October 2001 and to date 27 countries have ratified or acceded to it, including Romania and Bulgaria. Other countries that will also participate in component 3.4, Croatia, Serbia and Montenegro and Bosnia and Herzegovina have shown interest in ratification and have been developing strategies to go about achieving this.

The Aarhus Convention links government accountability and environmental protection. It focuses on interactions between the public and public authorities in a democratic context and it is forging a new process for public participation in the negotiation and implementation of both effective domestic environmental requirements and potentially of international agreements. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness. The Aarhus Convention grants the public rights and imposes on Parties, and thus on public authorities, obligations regarding access to information and public participation and access to justice in environmental matters. Despite signature and in some cases ratification of the Aarhus Convention, and the remarkable progress in several of the Danube countries, there is still lack of the kind of good practices that are necessary to translate the precepts of the Aarhus Convention from words to deeds. Bulgaria, Romania, Bosnia and Herzegovina as well as Serbia and Montenegro have developed strategies for the implementation of the convention and have carried out capacity building activities to put the convention in practice. Output 3.4 will particularly be related to the first two pillars, access to information and public participation, and will link them to water related matters.

#### ***1.4. Lessons Learned from a Pilot Project in Hungary and Slovenia***

UNDP/GEF has already completed a pilot project that was implemented in two countries, which led to the dissemination of results to more countries of the Danube region and the design of the new DRP project component 3.4. From 2000 to 2002, the project for improved access to information has been successfully implemented in Hungary and Slovenia. Important lessons that can be learned from the project were drawn up in an evaluation as:

- In an effort such as this to make changes as substantial as mandatory efforts to provide citizens and stakeholders with access to environmental information currently in the hands of the government, it is imperative to develop strong, genuine support of high-level officials.
- If government priorities are changed in the course of project implementation, other stakeholders should put in an extra effort to achieve the goals of the project. Well-designed capacity building activities targeted at NGOs which can generate pressure to implement determined changes, are certainly of a high benefit.
- A vast amount of effort is required to convince governments of the importance of the Aarhus Convention implementation.
- Well prepared workshops and a facilitated exchange of qualified arguments are simple ways of achieving a seemingly complicated change of attitudes, elimination of

prejudice and ultimately a change of general practice. Active participation of foreign experts enriches the project by contributing invaluable practical experience with well-developed access to information systems.

- It is important for countries in transition to have the opportunity to observe the experience of the countries with well-developed, mature systems of access to information, where the "growing pains" have been completed. This aspect, including through the use of well-prepared study tours, provides motivation for officials and examples for NGOs.
- It is advisable to allocate resources more in the field of intensive in-country capacity building, or in designing a comprehensive training system for relevant officials.
- Country driven and bottom up approaches; workshops based on the needs of participants are considered self-evident features of similar project activities
- Access to information, public participation and other Aarhus related themes present a meaningful investment for GEF and UNDP. The project can result in a much better understanding of the issue of access to information, shaping the new form of relations between stakeholders, capacity building and mobilization of sources capable to implement concrete changes.

## **2. Objectives**

### **2.1. Overall objective DRP**

The long-term development objective of the DRP is to contribute to sustainable human development in the Danube River Basin (DRB) through reinforcing the capacities of the participating countries in developing effective mechanisms for regional cooperation and coordination in order to ensure protection of international waters, sustainable management of natural resources and biodiversity. In this context, the DRP supports the ICPDR, its structures and the participating countries in order to ensure an integrated and coherent implementation of the Strategic Action Plan 1994 (revised 1999), the Common Platform, the ICPDR Joint Action Program (approved by the ICPDR Plenary in November 2000) and related investment programs in line with the objectives of the DRPC.

The overall objective of the DRP is to complement the activities of the ICPDR required to provide a regional approach and global significance to the development of national policies and legislation and the definition of priority actions for nutrient reduction and pollution control with particular attention to achieving sustainable transboundary ecological effects within the DRB and the Black Sea area.

Taking into account the basic orientations of the Danube/Black Sea Basin Programmatic Approach, the DRP, in its Tranches 1 and 2 facilitates implementation of the Danube River Protection Convention in providing a framework for coordination, dissemination and replication of successful demonstration that will be developed through investment projects (World Bank-GEF Strategic Partnership, EBRD, EU programmes for accession countries etc.)

## **2.2. Specific objective of Phase 2 of the Project**

The specific objective of Phase 2 of the Project, December 2003 – November 2006, is to set up institutional and legal instruments at the national and regional level to assure nutrient reduction and sustainable management of water bodies and ecological resources, involving all stakeholders and building up adequate monitoring and information systems. To reach these goals and to secure the implementation and consolidation of those basin-wide capacity-building activities, the Project has to build up on the results achieved during the 1st Phase of the Project (December 2001 – November 2003).

The following immediate objectives are designed to respond to the overall development objective:

- (1) Creation of sustainable ecological conditions for land use and water management;
- (2) Capacity building and reinforcement of transboundary cooperation for the improvement of water quality and environmental standards in the Danube River Basin;
- (3) Strengthening of public involvement in environmental decision making and reinforcement of community actions for pollution reduction and protection of ecosystems;
- (4) Reinforcement of monitoring, evaluation and information systems to control transboundary pollution, and to reduce nutrients and harmful substances.

## **2.3. Specific Outcome 3.4: Enhancing Support of Public Participation in Addressing Priority Sources of Pollution ("hot spots") through Improved Access to Information in the Frame of the EU Water Framework Directive**

An additional component 3.4. in the frame of the Danube Regional Project will strengthen and enhance the GEF priority of community involvement and reinforce the capacities of the ICPDR to implement the elements on public participation in the EU WFD.

**The purpose of the new project component is to strengthen and institutionalise access to information and public participation in addressing priority sources of water pollution in the Danube River Basin ("hot spots"), in the frame of the EU Water Framework Directive.**

The component, to be implemented in 2004-2006, will build national capacity in selected Danube countries on implementation of public access to information on Danube pollution and thereby support public participation in decision making on hot spot cleanup and prevention. The following countries have been selected for implementation of the project component:

- Bulgaria
- Bosnia i Herzegovina
- Croatia
- Romania
- Serbia and Montenegro

The project component will work at the national, local and river basin levels, as appropriate, to promote capacity building and mutual learning, develop specific solutions tailored to the needs of the partners, using workshops and other tools including exposure to relevant experience in other countries in the region and elsewhere, through targeted training, technical assistance, study tours

and other mechanisms. It would primarily focus on government officials but also include citizens, communities and NGOs, specifically through the concrete mechanism of efforts to implement and facilitate access to information.

In a stakeholder analysis workshop held in Zagreb, Croatia in Aug. 2003, national representatives stated their support for the project and indicated preliminary interests that will be further defined during a Needs Assessment phase.

It is expected that the project will also have positive consequences for other countries of the Danube basin, by working through it to find and if possible implement concrete steps for improvement in the way ICPDR itself handles access to information and public participation, as well as by disseminating lessons learned and successful models on a wider scale in the Danube River Basin.

**The Purpose of the Present TOR** is to assist the participating countries in building capacity and developing country-specific legal, institutional and practical measures to promote public access to environmental information, and related public participation through technical and logistical support to the wide range of project partners in the Danube Basin, for the achievement of the above objectives.

### **3. Expected Results and Services**

#### **3.1. Inception Phase**

*The project will be implemented in two phases:*

- A) Inception Phase (2-4 months), during which the following activities shall be completed:
- Establishment of project structures;
  - Mobilization of national teams;
  - Mobilisation of national experts, in close consultation with the DRP management team;
  - Review of relevant information, identification of inputs required and initiation of Needs Assessment;
  - Conduct of five national project consultation meetings and/or other means to assure stakeholder ownership and input at the national level;
  - Identification of criteria for selecting local demonstration project sites. Examples of criteria could be grave pollution problems, priority given to sites with transboundary pollution impacts, government willingness to participate, local stakeholder initiatives already started that need support etc.

At the end of the Inception Phase, the Consultant shall present an Inception Report outlining the main findings, outcomes from the national consultation meetings (or other means for national input,) scope of further assessment of needs, draft criteria for the selection of local demonstration project sites, a proposed Work Plan, description of the national teams, as well as national and international experts/consultants (including TOR and CVs).

- B) Implementation Phase, within which the Consultants shall carry out the following activities and achieve the following objectives:

***Objective 1: Key national and local institutions in the five participating countries meet their obligations in practice with regards to granting access to water related environmental information and public participation in an enabling environment under the EU Water Framework Directive, the Aarhus Convention and national legislation.***



*Activities in the five participating countries:*

- 1.1 Complete a Needs Assessment on access to information on water issues, taking into consideration especially the provisions of the EU Water Framework Directive and the Aarhus Convention, existing legislation and enabling institutional framework for public participation.
- 1.2 Work out, as necessary, reform proposals for mechanisms to overcome the barriers identified in the Needs Assessment and to fill in gaps identified in 1.1 dealing with improved access to environmental information in support of public participation. This activity will be carried out in close consultation with relevant stakeholders.
- 1.3 Raise awareness and increase the capacity of national administration/policy makers on issues of access to information and public participation.
- 1.4 Support the establishment and strengthening of the enabling institutional framework for access to information and related public participation on the national and local levels, in support of the ICPDR public participation strategy and the identified needs under 1.1. In this process, work closely with the national authorities to ensure their ownership and support for any established structures and mechanisms beyond the end of the project.

**Objective 2: Participatory processes are established and strengthened in selected sites in the five countries, and stakeholders participate in environmental decision making towards addressing water pollution problems, providing models for public involvement**

Activities:

- 2.1 Propose water pollution hot spots in the five participating countries in the Danube River Basin, that need to be addressed through improved access to information and public participation. The Consultant shall identify and propose suitable sites from the EMIS Database, using the selection criteria defined in the Inception Phase and consultations with the national teams in the countries and with the ICPDR. The final decision on the sites will be made at the first meeting of the Component 3.4. Steering Committee.
- 2.2 Guide and support local stakeholders in developing and implementing a public participation process for each of the demonstration sites.
- 2.3 Monitor the progress of local demonstration projects and assess the lessons learned regarding access to information and public participation.

Objective 3: The ICPDR provides access to information in support of public participation in environmental and water related issues

Activities:

- 3.1 Assess the kinds of information ICPDR holds and how it handles active dissemination and passive sharing of this information, making recommendations based on the assessment, of ways to increase active and passive forms of release and dissemination.
- 3.2 Provide ICPDR with an overview of opportunities for public input and participation, including observership, provided under ICPDR's current rules and policies, and under those of a selected number of other relevant international institutions, as well as with a survey of the experiences of current observers to ICPDR, leading to a list of options and preliminary recommendations for ICPDR on possible improvements to its current public participation regime

### 3.3 Support the ICPDR in the implementation of measures for improvement.

Objective 4: Project results, models and lessons disseminated in the five participating countries and the DRB

#### Activities:

- 4.1 Undertake activities to disseminate to the other DRB countries the lessons learned during implementation and models/measures/strategies developed through component 3.4 to improve public access to information and related public participation in the five countries participating in the project. Such activities should include a dedicated web page linked to the DRP web site, articles in relevant publications (Danube Watch, REC Bulletin etc.) and regional workshops.
- 4.2 Develop appropriate and cost-effective mechanisms and disseminate lessons learned within the five participating countries in respective national languages.

## 4. Assumptions

It is expected that the project component will achieve its purpose, if the activities as described are carried out, and the following assumptions hold true:

- National, regional and local authorities take all necessary steps to adopt and implement in practice legal and institutional measures, mechanisms and operational tools developed through the project; communicate and collaborate with other stakeholders and take appropriate action in response to public information requests and pressure; assure that all relevant staff receive adequate training and guidance/instructions in AI and PP; provide the resources necessary to maintain beyond the project end appropriate mechanisms to provide public access to environmental information and improved public participation.
- Stakeholders, including polluters, individuals and NGOs, are willing and able to cooperate in a proactive and conducive manner; take initiatives to obtain information and use information obtained to participate in relevant decision making processes and actively work towards solutions to Danube hot spot and pollution problems..
- There is national support from the Danube Basin countries for the role of the ICPDR in ensuring public access to information and participation in environmental decision-making and continued strong interest in participating in the Danube River Basin planning processes.

This timetable is based on the proposed Activities and Timelines by the Consortium, with some amendments (see file “040525\_DRP\_Comments on Activities and Timelines” for details) and further revisions agreed to during the Inception Phase.

<b>Activity</b>	<b>Important Milestones and Deliverables</b>	<b>Delivery timeframe (months from project start)</b>
<b>Project Start: Month 1 is September 2004</b>		
<b>Inception Phase</b>		
Develop TOR and recruit national experts for Needs Assessments in the	TOR, CVs approved by DRP	4

5 countries	Local experts contracted	
Carry out national level consultations for country-specific planning and feedback on access to information at the ICPDR	Consultations held Summary of findings in Inception Report	2-3 4
Design detailed questionnaire(s) / outlines for national Needs Assessments	Questionnaires and outlines	4
Mobilise national teams	National teams established	4
National experts carry out Needs Assessments	Draft Needs Assessments	6
Draft criteria for local demonstration projects, discuss with national teams and submit for approval to the ICPDR/DRP	Criteria for local demonstration project sites	4
Review and assess ICPDR policies, documents and structures on access to information	ICPDR Assessment Report	4-6
Review and assess observer and other PP processes at ICPDR, research other relevant observer/PP models, and provide recommendations to ICPDR	ICPDR Public Participation Report	4-6
Establish project website	Project website	4
Prepare detailed work plan and timeline for project implementation	Work plan	4
<b>Finalize Inception Report</b>	<b>Inception Report</b>	<b>5</b>

<b>Implementation Phase</b>		
Identify, discuss with the national teams potential local demonstration sites from the EMIS database, and submit proposals for potential sites to 3.4. Component Steering Committee members.	Proposals for local demonstration project sites submitted	8
Circulate National Needs Assessment reports to national teams for review	Preliminary National Needs Assessment Reports circulated	6-7
Plan/prepare for 5 national workshops in months 6-7	Workshop materials (agenda, background documents etc.)	5-6
Hold 5 national workshops to discuss draft Needs Assessments; identify priority barriers and potential	5 National Workshops held Workshop Reports	6-7

measures to them; and plan national capacity building and technical assistance activities/outputs		
National Needs Assessments finalised with gaps/priorities identified	Final National Needs Assessment Reports	7
Project logframe finalised	Final logframe	8
Preparations for First Steering Committee Meeting	Meeting materials (agenda, invitations, background docs)	7-8
Preparations for First Regional / Plenary meeting	Meeting materials (agenda, invitations, background docs)	7-8
Draft reform measures for access to information and public participation at the ICPDR level	Report on proposed design of ICPDR reform measures	6
First (6-monthly) Progress Report	First Progress Report	11
First Steering Committee Meeting organized and held	Steering Committee meeting held Meeting Report	8 9
Local demonstration project sites selected by Steering Committee	List of agreed selected local demonstration project sites	8
First Regional/Plenary meeting at REC to identify common issues for joint regional workshops and plan regional level capacity building and technical assistance	Regional Plenary meeting held Meeting report	8
Meeting of project partners (scheduled to immediately follow Plenary meeting)	-	8
Preliminary design of measures to address gaps/barriers regarding access to information in each participating country	Preliminary design of measures	10
Final design of reform measures for access to information and stakeholder participation at the ICPDR level	Final design of ICPDR reform measures	11
Preparation of study tours in the EU and US	Study tour programmes, agendas and participants	6-8
Technical assistance to ICPDR on implementation of measures as needed	TA provided	13-23
Assemble/Research/Prepare/Translate best practices materials on priority regional information access/PP issues identified in Regional/Plenary meeting	Best practice materials	To be determined, based on needs identified in national workshops and regional

		plenary meetings
Technical assistance on regional, national and local level (shifting emphasis)	TA provided	10-25
Finalize implementation plans for the selected local demonstration projects	Local demonstration projects implementation plans	10
Develop TOR and contract consultants for local demonstration projects	TOR, CVs, contracted consultants	10-11
TA and capacity building, where needed, for local demonstration projects (subsequent meetings and activities scheduled and implemented by local partners, with continuous technical support by the Consultant)	-	11-21
Study tour in US	Study tour completed	9
	Study tour report and lessons learned	11
Study tour in EU	Study tour completed	14
	Study tour report and lessons learned	15
Second (Annual) Progress Report	Second Progress Report	16
Complete design of national capacity building activities	Report on Activities Design	13-14
Plan Second Regional / Plenary Workshop at REC	Workshop materials (agenda, invitations, background docs)	13-14
Plan Second Steering Committee Meeting	Meeting materials (agenda, invitations, background docs)	13-14
Technical assistance as needed and holding of local demonstration projects' capacity building workshops	Workshop reports	14-15
Second Regional / Plenary Workshop	Workshop Report	15
Second Steering Committee Meeting	Meeting minutes	15
Meeting of project partners and ICPDR/DRP if needed	Meeting memo	15
Dissemination Plan completed	Dissemination Plan	16
External mid-term evaluation	Response according to the findings and recommendations of the Evaluation Report	16
Plan five national capacity building workshops	Workshop materials, agendas, etc.	16-17
Five national capacity building	Workshop reports and	17-18

workshops held on the development of strategies and measures to overcome priority barriers, incorporating early results from local demonstration projects, lessons learned from study tours, and best practice materials	background documents	
Develop national reform proposals, and technical assistance as requested	National reform proposals	19
Third (6-monthly) Progress Report	Third Progress Report	23
Completion of technical support to ICPDR	TA provided	23
Completion of demonstration projects	-	21
Final report on lessons learned from demonstration projects	Final report on lessons learned	24-25
Completion of country-specific measures and products, and of national capacity building activities		25
Fourth (Annual) Progress Report	Fourth Progress Report	28
Practical Work Products completed	Practical Work Products	26
Planning of final Regional / Plenary Meeting	Meeting Preparation materials	25-26
Draft Final Report with lessons learned	Draft Final Report	26
Final Regional / Plenary Meeting	Meeting report	26
Final Steering Committee Meeting	Meeting minutes	26
Meeting of project partners and ICPDR/DRP as needed	-	26
Final products posted on website	Website updated	28
Final report with lessons learned	Final Report	28

## 4. Project Management

### 4.1 Steering Mechanisms

The project component will be supervised by clearly defined steering mechanisms. There are three levels of management and coordination relevant to this DRP project output (3.4):

- The overall DRP Project Steering Committee at ICPDR/UNDP/UNOPS level is the decision-making body having the overall responsibility on all project components, including endorsement of work plans and outputs. The implementation of the project component is under the responsibility of the DRP Project Manager.
- A Component 3.4. Steering Committee will be established for this project component, that will have the following tasks:
  - review progress and provide guidance on the general project component implementation, including work plans and associated budgets,

- assist the DRP in ensuring smooth project implementation,
- ensure impact of the national activities on different levels of the project,
- provide strategic guidance on the direction of the project component,
- facilitate dissemination of the component outcomes.

The Component 3.4. Steering Committee will be a representative body, one that can provide clear guidance, but small enough to be flexible. Probably meetings would be needed twice a year but scheduled as the needs arise. Costs for these meetings will come from the component 3.4 budget. The Consultant will organise the meetings, prepare all relevant materials and submit them for approval to the DRP team, which will send out invitations. Stakeholders represented there will include:

- The ICPDR Permanent Secretariat
- DRP Manager
- Representative(s) of consultants (up to three)
- DEF – one representative, which will be a DEF speaker
- National representatives (the decision on who should represent the participating countries will be given in the hands of the national head of delegations; it is important to ensure that this person is also involved with and represents the national teams.)
- ICPDR Expert Groups’ representatives as appropriate (e.g. from the EMIS EG).

## **4.2 Implementation Arrangements**

The partnership of the Regional Environmental Center for Central and Eastern Europe (REC), New York University School of Law (NYU), and Resources for the Future (RFF) ( further collectively, “the Consultant”) will lead implementation of the project component, through a main subcontract to REC, in close consultation with ICPDR and other project structures. The Consultant shall establish a central project office in the REC premises, with a Project Manager responsible for the internal coordination of the Consultant, for consultancy outputs and for communication with the DRP team. The Consultant shall ensure sufficient office space, equipment, administrative and secretarial provision as necessary to enable the experts working on the project component to concentrate on their primary responsibilities.

In the Inception Phase, the Consultant shall assess the options for, and facilitate the establishment of small, flexible and cost-effective coordination mechanisms in the participating countries, based on national implementation teams, including representatives of key relevant stakeholder groups (e.g. national public participation focal point, national Aarhus focal point if different, DEF representative, etc.). The process for their establishment will be designed at the first national project consultation meetings to be organized in all five countries during the Inception Phase. The project component budget will provide resources to cover participation related costs of stakeholders, such as travel, communication expenses, etc. In addition to the national implementation teams, the Consultant shall aim to use the capacities of the local REC offices and of the DEF structures in the participating countries. The proposed arrangement shall be presented in the Inception Report, and put into effect early in the Implementation Phase.

## **4.3 National and international consultants**

The Regional Environmental Center led team will propose consultants to the DRP management team. Selection and contracting of consultants will be made in agreement of those two partners.

The Consultant shall propose the core team of key experts in their Services Proposal to the DRP management team.

In the early stages of the Inception Phase, the consultant shall identify, consult the DRP for approval, and mobilise national experts in each of the participating countries. The Inception Report will provide a description of the national experts.

Additional short-term local or international experts may be hired for specific assignments as necessary for the successful execution of the TOR. The Consultant shall aim to use local expertise. Support of international short-term consultants will be sought for targeted inputs, particularly those which place the project component into an international context, and those for which national expertise cannot be found. Approval of small additional short-term international consultancy tasks shall be obtained in written communication with the DRP Project Manager.

#### **4.4 Role of DEF**

The Danube Environmental Forum should be a key implementation partner for the implementation of these activities. DEF will advise on the selection of demonstration sites, the implementation of public participation mechanisms and on capacity building of stakeholders.

A DEF representative should participate in the Component 3.4. Steering Committee. DEF representatives will also participate in the national implementation teams in the five countries.

In putting together local teams of experts/consultants and national coordination mechanisms, the Consultant should aim to involve to the extent possible and appropriate the existing DEF structures, in order to both draw on their capacities and build them further in the course of project implementation.

#### **4.5 Links to other DRP components**

Most DRP components are related to the subject of Output 3.4. The components which have particular relevance are:

Output 1.1: River Basin Management

Output 1.3: Pilot Projects for Best Agricultural Practices

Output 2.6: Capacity Building

Output 3.1: Support to DEF

Output 3.2: Small Grants Programme

Output 3.3: DRB Communication Activities

The DRP can only be successful if the various partners cooperate in the implementation of the project. The DRP project team will therefore advise consultants involved in the implementation on possible synergies and potential collaboration between the teams.

Capacity building plans need to be coordinated with other components to reduce inputs necessary for design and implementation of workshops, to avoid overlaps and ensure coherence.

Results of this component need to be continually communicated in a form that is easily accessible to other project actors. A specific dedicated project component web page linked to the DRP website shall be established and updated in a timely manner, on which intermediate results,



activities, events and reports are published. Reports on the project progress shall also be disseminated through other regional media such as Danube Watch, the REC Bulletin, etc.

#### **4.6 Monitoring and Evaluation**

A draft logical framework for the project component is enclosed to these TOR. Further detail on the indicators, outputs and inputs will be added to the log frame based on the findings of the Inception Phase and the Needs Assessment.

As this is an innovative component and very much work in progress, some activities will be defined in greater detail in the course of the project.

The project component will be monitored and evaluated externally and internally. Internal monitoring will be a day-to-day task of the consortium leader and concentrate on activities and results. The Component 3.4. Steering Committee will review project progress, work plans and related budgets, and will provide guidance on project implementation.

There will be an external mid-term evaluation, which will look at the results achieved and, together with the involved stakeholders, will propose changes of the project design if necessary. The external evaluation will focus on objectives, outputs and assumptions as stated in the logical framework.

#### **4.7 Reporting**

Besides specific deliverables that will be produced within this project component, the following reports shall be provided by the consultant:

- An Inception Report, four month after the project start, outlining the main findings, the selection criteria for demonstration sites, a proposed Project Implementation Plan, TOR and composition of the national teams, implementation timelines and inputs.
- 4 six-monthly Progress Reports (up to 5 pages) outlining progress, problems encountered, and attached project outputs, as well as any significant changes. A work plan with associated budget for the next 6 month period will be submitted together with the Progress Reports.
- Project Draft Final Report, at least 2 months before the project end, and Final Report at least one month before the project end.
- Workshop documentation, including at least agenda, participants and short minutes. For some key events, and upon advance agreement with the project team, the Consultant shall prepare workshop reports. Advance agreement will be made during the revision of the 6-month work plans.

All reports should be prepared in concordance with DRP guidelines for project reports.

#### **4.8 Visibility**

The Consultant is responsible to ensure that the DRP support is appropriately acknowledged, and the project logo is prominently displayed in all briefings, newsletters, press conferences, presentations, invitations, signs, promotion materials and all other items produced by the project component. Before initiating any communication related to the activities under the project component or visibility action, the Consultant must contact the DRP staff responsible for

communications to ensure compliance with the UNDP/GEF communications and visibility policies.

**Attachments:**

*List of background documents to be taken into account by the consultant*

**Annex I : International Commission on the Protection of the Danube River**

- 1. Convention on cooperation for the protection and sustainable use of the river Danube*
- 2. Rules of Procedure ICPDR*
- 3. Legal Status of the Signatory Parties, Participants with Consultative Status and Observers to the Danube River Protection Convention*
- 4. Detailed Guiding Criteria for granting Observer Status*

**Annex II : International Commission for the Protection of the Rhine**

- 1. Convention on the protection of the Rhine*
- 2. Rules of procedure and financial regulations of the ICPR*

**Annex III : International Commission for the protection of the Meuse river**

- 1. Convention on the protection of the Meuse*
- 2. Rules of organizational and financial procedure*

**Annex IV : International Sava River Basin Commission**

- 1. Framework Agreement on the Sava River Basin*
- 2. Statute of the International Sava River Basin Commission*
- 3. Draft Rules of Procedure of the Sava Commission*
- 4. Draft stakeholder involvement strategy*

**Annex V : Great Lakes Commission**

- 1. Great Lakes River Basin Compact*
- 2. Great Lakes Commission Bylaws*
- 3. Role and responsibility of observers*

**Annex VI : OSPAR Commission**

- 1. Convention for the Protection of the Marine Environment of the North-East Atlantic*
- 2. Rules of Procedure of the OSPAR Commission*

**Annex VII : Border Environment Cooperation Commission**

- 1. Agreement concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank*
- 2. Rules of Procedure Board of Directors*
- 3. Procedures regarding public notice*
- 4. Project Certification Criteria*
- 5. Procedures regarding complaints from groups affected by projects*

**Annex VIII : North American Commission for Environmental Cooperation**

- 1. North American Agreement on Environmental Cooperation*
- 2. Council Rules of Procedure*
- 3. Joint Public Advisory Committee Rules of Procedure*
- 4. Framework for Public Participation in CEC Activities*

**Annex IX : Aarhus Convention**

- 1. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*
- 2. Draft guidelines on promoting the application of the principles of the Aarhus Convention in international forums*
- 3. Rules of Procedure*

**Annex X : European Commission Proposal for a Regulation on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to EC institutions and bodies.**

- 1. Proposal for a Regulation on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to EC institutions and bodies*

## ANNEX I

### 1. Convention on cooperation for the protection and sustainable use of the river Danube

#### **Part III: International Commission**

##### **Article 18 Establishment, tasks and competences**

(...)

6. The International Commission decides on the cooperation with international and national organizations or with other bodies, which are engaged or interested in the protection and water management of the river Danube and of waters within its catchment area or in general questions of water protections and water management. This cooperation is directed to enhancing coordination and to avoiding duplication.

### 2. Rules of Procedure ICPDR

#### **6. Signatory Parties, observers and participants with consultative status**

Unless the International Commission decides otherwise, Signatory States to the Convention, Participants with Consultative Status and Observers may take part in the meetings of the International Commission in accordance with the relevant provisions of the ICPDR documents: "Legal status of Participation and Observership under the DRPC" (IC/010) and "Detailed guiding criteria for granting Observer status" (IC/020)."

### 3. Legal Status of the Signatory Parties, Participants with Consultative Status and Observers to the Danube River Protection Convention

#### **I. Definitions**

1.1 "Convention" means the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention), done at Sofia, on 29th of June 1994.

1.2 "Contracting Party" means a State or a regional economic integration organization that signed and ratified, accepted, approved or acceded to the Danube River Protection Convention and for which this Convention is in force. 1.3 "Signatory Party" means a State or a regional economic integration organization that signed the Danube River Protection Convention before the date of its entry into force (the 22nd of October 1998) and for which this Convention is not yet in force, because of the non-ratification, non-acceptance, non-approval or because the 90 days period after the deposit of its instrument of ratification, acceptance or approval did not expire yet.

1.4 "Participant with consultative Status" means a State or regional economic integration organization as referred to in Article 28 of the Convention, unanimously invited by the Contracting Parties to participate to the activities in the framework of the Convention.

1.5 "Observer" means an international or national organization or other body as referred to in Article 18 (6) of the Convention invited by the International Commission to participate to all or only selected activities in the framework of the Convention.

1.6 "Interim Period" means the period before the entry into force of the Convention.

1.7 “International Commission” means the International Commission for the Protection of the Danube River (ICPDR) established by Article 18 of the Convention.

1.8 “Steering Group” means the group consisting of the heads of the delegations to the International Commission.

1.9 “President of the International Commission” means the member of the delegation to the International Commission that holds the Chair of the International Commission, nominated to become President according to Annex IV, Article 2 of the Convention.

1.10 “Secretariat” means the Permanent Secretariat established by Annex IV, Article 7 of the Convention.

1.11 “Executive Secretary” means the person appointed by the International Commission according to Annex IV, Article 7 of the Convention.

(...)

### **III. Observers**

#### **6. Rights and Duties**

6.1 to be informed, by the Secretariat, of the date, place and agenda of the meetings and of the activities in which they are entitled to participate.

6.2 to have access to the documents of the International Commission and its bodies in accordance with the decisions of the Commission.

6.3 to participate in meetings organized in the framework of the Convention in which they are entitled to participate with the possibility to express their position and views and to have them reflected in the relevant documents.

6.4 to take part in the programs and contribute to the projects initiated under the auspices of the Convention in which they are invited to participate or to make any other voluntary contribution.

6.5 to reflect in their practice the principles and goals of the Convention.

#### **7. Procedure of granting the Observer Status**

7.1 Having in view the interest of participation the Observer status may be granted by the International Commission for a limited or unlimited period of time, for all or only selected meetings and activities in the framework of the Convention. The Executive Secretary shall address a letter of invitation to the future Observer, containing these elements of the Observer Status.

7.2 The detailed criteria for granting Observer Status shall be elaborated by the Secretariat and adopted by the International Commission.

### **IV. Common Rules concerning the Decision-making**

8. The Signatory Parties, the Participants with Consultative Status and the Observers cannot take part in the process of adopting decisions during the meetings in the framework of the Convention in which they are entitled to participate.

## **4. Detailed Guiding Criteria for granting Observer Status**

(...)

### **3. Criteria deriving from the DRPC’s implementation**

3.1 The general conditions under which candidates are admitted to get Observer Status to the ICPDR are the following:

- (a) the goals and basic principles of the DRPC acknowledged;
- (b) the existence of specialized technical or scientific competence or of other competences relating to the goals of the DRPC;
- (c) the existence of a structured permanent administration;
- (d) the mandate to speak as accredited representatives.

3.2 Supporting the effective implementation of the DRPC the observership to the ICPDR is intended to focus on particularly competent partners and to meet additional criteria in terms of efficiency:

- (a) partners within the Danube River Basin being strongly interested or even engaged in the Danube protection and water management; the latter, sharing the goals and even the implementation of the DRPC through their specific activities, are the most important partners to basin-wide coordination (as provided by the EU-Water Framework Directive);
- (b) partners outside the Danube River Basin being strongly interested and ready to stimulate and even support the development under the DRPC, in particular those being familiar with the tasks of large River Commissions;
- (c) preference for basin-oriented cooperation and coordination, which cannot be left to current activities other than observership; this applies to both, GOs and NGOs. Small River Commissions can be involved through the governmental delegations acting on both sides. Specific groups of potential partners can be represented by one relevant umbrella organization, to which observer status is granted;
- (d) an overall criterion serving the DRPC's implementation is to get well balanced participation both as to the provisions to be covered and to the interests represented;
- (e) these criteria, although having in mind the best effective support and input to the activities under the DRPC, do not mean any priority ranking or discrimination of potential partners. An **open-ended List of Candidates** for granting the Observer Status is given with the **Annex**.

#### 4. Application and admission

4.1 There are two ways for taking the first initiative leading to the Observer Status granted, for both the criteria for application, admission do apply accordingly:

- (a) the candidate interested in becoming observer to the ICPDR on its own initiative comes in with a formal application or at least with an informal request, which is the usual way;
- (b) the ICPDR, driven by its specific interest, takes the first initiative inviting a particular partner to apply for observership.

4.2 The application for recognition by the ICPDR is to be addressed to the Secretariat and has to contain the following:

- (a) a description of the candidate including its competences and experience available for making inputs to the ICPDR;
- (b) the reasoning concerning the foreseeable benefit, of which this input will be for the ICPDR's activities; expected input by the ICPDR to the candidate in terms of reciprocity;
- (c) a written confirmation of acceptance and readiness to meet the obligations imposed according to the ICPDR's Rules of Procedure.

4.3 The letter of invitation to be addressed by the Executive Secretary formally makes known the admission of the candidate as observer. This letter specifies the period (limited or unlimited) of time and for which meetings and activities (all or selected ones) this status is granted. As a rule the participation is focused on the ICPDR/Plenary meetings and/ or on relevant Expert Body

meetings, so as to cover both the general interests and the special needs expressed by the applicant.

4.4 If there exists an efficient possibility being preferable for cooperation and coordination, other than observership and convenient for both sides of partnership, the Candidate is informed accordingly and on behalf of the ICPDR invited to participate this way in its activities.

4.5 The Secretariat invites the admitted Observers to take part in the particular meetings and to perform any other exchange of experience and information in oral or written form via the Secretariat, in individual case. By this invitation the Observer is informed in advance about potential agenda items, which are to be dealt with exclusively amongst the delegations (Contracting Parties), such as internal administrative issues.

4.6 General conditions for Observers taking part in particular meetings are the following:

- (a) active cooperation in support of the ICPDR's goals;
- (b) fulfillment of the President's orders regarding the meeting conduct and management;
- (c) fulfillment of special arrangements made together with the ICPDR or its Expert Body concerned.



## ANNEX II

### 1. Convention on the protection of the Rhine

#### **Article 14 Cooperation with other States, other organizations and external experts**

1. The Commission shall cooperate with other intergovernmental organizations and may address recommendations to them.
2. The Commission may recognize as observers:
  - (a) States that have an interest in the work of the Commission;
  - (b) intergovernmental organizations whose work is related to the Convention;
  - (c) non-governmental organizations, insofar as their field of interest or activities are relevant.
3. The Commission shall exchange information with non-governmental organizations insofar as their fields of interest or activities are relevant. The Commission shall in particular consult such organizations before discussing decisions liable to have an important impact on them and shall inform them as soon as such decisions have been taken.
4. Observers may submit to the Commission any information or reports relevant to the aims of the Convention. They may be invited to participate in Commission meetings without having the right to vote.
5. The Commission may decide to consult specialists representing the recognized nongovernmental organizations or other experts and invite them to its meetings.
6. The conditions for cooperation and those for eligibility and participation shall be laid down in the rules of procedure and financial regulations.

### 2. Rules of procedure and financial regulations of the ICPR

#### **8. Co-operation with non-governmental organizations and external experts**

- 8.1 ICPR terms for granting observer status to NGOs:
  - a. Acceptance of the targets and basic principles of the ICPR-Convention
  - b. Specific technical or scientific knowledge or other knowledge pertaining to the targets of the Convention;
  - c. Well-structured administration of the organization;
  - d. Powers to speak in the name of the members of the organization as accredited representative.
- 8.2 Applications for granting the observer status are addressed to the Commission's secretariat. Any application for granting the observer status should be addressed to the secretariat at least twelve weeks prior to a plenary assembly. The application should
  - a. comprise a description of the organization, the competence and experience it may contribute to the Commission's work;

- b. list the reasons for why the non governmental organization esteems its contribution of use for the Commission's work; and
- c. include a confirmation in writing that the non-governmental organization respects the obligations under the ICPR rules of procedure.

Upon receipt of an NGO application for granting observer status

- d. the Secretary General immediately forwards it to all Contracting Parties, requesting them to make a statement on the application
- e. the Secretary General distributes a summary of the statements of all Contracting Parties concerning the application in question at latest four weeks prior to the Commission meeting.
- f. The respect of the rules of procedure establishing the observer status for the NGOs is a prerequisite; the observer status enters into force after the meeting in which it was granted.

If a non-governmental organization with observer status does not participate in the Commission's work for two years in succession, the President of the Commission may decide to withdraw the observer status.

8.3 The secretariat draws up a list of the non-governmental organizations to which the Commission has granted observer status.

8.4 The NGOs may submit relevant documents and proposals to the Commission which are distributed at the Secretary General's discretion and discussed at the discretion of the participants in the meeting.

The co-ordination group decides

- a. on the kind of the exchange of information with the NGOs with observer status
- b. on the organization and realization of gathering written and oral statements of the NGOs with observer status.

Unless the co-ordination group decides otherwise, hearings and technical meetings not combined with a Commission meeting are held at the seat of the secretariat. The secretariat prepares and supports hearings and technical meetings. It drafts a note on the outcome of the hearings and technical meetings in due time.

8.5 The co-ordination group decides whether acknowledged NGOs and external experts are invited to the plenary assemblies of the Commission as observers. It sees to an equilibrated participation of the different interest groups.

Conditions of the observers' participation are:

- a. constructive co-operation with a view to achieving the targets of the Commission;
- b. respect of the President's instructions aimed at a proper conduct of the meetings;
- c. respect of particular agreements passed with the ICPR.

When issuing the invitation, the secretariat informs the NGOs if certain points on the agenda, such as internal affairs are discussed by the delegations only.

8.6 In agreement with the President, working and project groups decide on inviting external experts or competent NGO representatives.

## ANNEX III

### 1. Convention on the protection of the Meuse

#### **Article 6 Observateurs et coopération avec des tiers**

1. La Commission peut reconnaître en qualité d'observateur et à leur demande:
  - a) la Communauté Européenne;
  - b) des organisations intergouvernementales dont les activités sont liées au présent Accord;
  - c) des organisations non gouvernementales pour autant qu'il y ait des points communs avec leurs intérêts ou tâches ;
  - d) tout Etat qui n'est pas Partie Contractante au présent Accord et qui marque un intérêt pour les travaux de la Commission.
2. Les observateurs peuvent participer aux réunions de la Commission sans pour autant disposer d'un droit de vote et peuvent transmettre à la Commission toute information, tout rapport ou toute opinion relatifs à l'objet du présent Accord.
3. La Commission échange des informations avec les observateurs. En particulier, elle entend les observateurs, s'il s'agit d'avis, recommandations ou décisions qu'elle estime importants pour ces derniers, et elle les informe des avis ou recommandations émis et des décisions prises.
4. La Commission organise en son sein la collaboration avec les observateurs. Les modalités de cette collaboration ainsi que les conditions requises à l'admission et à la participation à cette collaboration sont fixées dans le Règlement intérieur et financier.
5. La Commission peut décider de se faire assister par des experts et les inviter à ses réunions.

### 2. Rules of organizational and financial procedure

#### **Annexe I Collaboration avec les observateurs**

1. Les demandes d'admission en qualité d'observateur sont adressées à la Commission. Les organisations internationales et les ONG doivent présenter dans leur lettre de candidature une description de l'organisation, de ses activités et de ses compétences particulières, et les motivations de participation aux travaux de la Commission, et joindre une copie de ses statuts.
2. Une ONG peut être reconnue en qualité d'observateur, si elle répond aux conditions suivantes:
  - a. elle dispose de statuts et d'une organisation structurée, garantissant qu'elle peut s'exprimer au nom de ses membres par le biais de représentants dûment mandatés;
  - b. elle a des intérêts, des missions et des connaissances scientifiques ou techniques particulières en liaison avec l'objet de l'Accord et les travaux de la Commission;
  - c. elle reconnaît les objectifs et principes fondamentaux de l'Accord et accepte les dispositions du Règlement intérieur et financier de la Commission.

3. Les ONG qui remplissent les critères précités peuvent également soumettre une demande commune de reconnaissance en tant qu'observateur mais, dans ce cas, elles doivent désigner un point de contact spécifique qui assurera la communication avec la Commission. En ce qui concerne la limitation nécessaire du nombre d'observateurs reconnus, la Commission peut tenir compte des demandes communes de plusieurs ONG, en particulier lorsque cette façon de procéder contribue à une représentation équilibrée de différents groupes d'intérêt.

4. Pour la reconnaissance des ONG en tant qu'observateurs, la Commission est guidée par les principes suivants:

- a. tendre vers une représentation équilibrée des différents groupes d'intérêt des ONG reconnues en qualité d'observateurs;
- b. tendre vers une répartition équilibrée des ONG 'régionales' et des ONG internationales reconnues en qualité d'observateurs;
- c. limiter à un nombre raisonnable le nombre total des ONG reconnues comme observateurs, de manière à permettre une collaboration efficace.

5. Pour les ONG reconnues en qualité d'observateurs, la reconnaissance est accordée pour une durée limitée, correspondant au maximum à 4 années civiles consécutives. Elle peut être retirée à tout moment par décision motivée de la Commission. La reconnaissance est renouvelable. Dans les 6 mois qui précèdent l'échéance de la période de reconnaissance, les ONG qui le souhaitent introduisent une demande de renouvellement.

6. Tout observateur :

- a. est invité à participer aux sessions ordinaires de l'Assemblée plénière ordinaire pour les points de l'ordre du jour qui concernent les travaux de la Commission, à l'exclusion des points relatifs au personnel, au budget et à l'organisation interne de la Commission. Il reçoit les documents relatifs aux points de l'ordre du jour qui le concernent.
- b. peut proposer de déléguer aux réunions des groupes de projet un ou plusieurs experts ayant des compétences particulières et pouvant apporter une contribution significative.
- c. peut, sur proposition du président d'un groupe de travail et après approbation des chefs de délégation, être invité à déléguer un ou des experts à participer à l'examen d'un ou de plusieurs points de l'ordre du jour d'une réunion d'un groupe de travail.
- d. est invité à participer une fois par an à une réunion avec les chefs de délégation organisée spécialement à cet effet, afin d'avoir un échange de vues au sujet des travaux de la Commission. La date et l'ordre du jour de cette réunion sont fixés par les chefs de délégation. Les chefs de délégation peuvent se faire accompagner par les présidents des groupes de travail.

7. Les chefs de délégation statuent sur l'admission aux réunions des groupes de travail et des groupes projet, des experts proposés par les observateurs en concertation avec le président du groupe de travail. Les experts admis reçoivent les documents qui les concernent.

8. Les observateurs et leurs éventuels experts, ainsi que les personnes relevant de l'article 11 du présent règlement qui reçoivent des documents de la Commission ne peuvent utiliser ces documents que pour leurs activités en relation avec les travaux de la Commission et ne peuvent diffuser ces documents sous peine d'exclusion immédiate.

9. Il sera procédé régulièrement à une évaluation de la collaboration. Une première évaluation aura lieu en 2005.

10. La Commission peut décider d'autres formes de coopération avec les observateurs.

## ANNEX IV

### 1. Framework Agreement on the Sava River Basin

#### **Article 5 Cooperation with International Organizations**

In realization of this Agreement, the Parties shall especially cooperate with:

- a) The International Commission for Protection of Danube River (hereinafter: ICPDR);
- b) The Danube Commission;
- c) The United Nations Economic Commission for Europe (hereinafter: UN/ECE), and
- d) Institutions of the European Union.

#### **Article 6 Cooperation with National Organizations (Authorities or Bodies)**

- 1) The Parties agree to nominate organizations (authorities or bodies) competent for realization of this Agreement on the part of the Sava River Basin within their territories.
- 2) The Parties agree to inform the Chairman of the International Sava River Basin Commission (as established in Article 15 of this Agreement) of the nomination of the organizations (authorities or bodies) stated in paragraph 1 of this Article.

### 2. Statute of the International Sava River Basin Commission

#### **Article 3 Sessions of the Sava Commission**

(...)

- 5) The Sava Commission may invite observers to its sessions.

#### **Article 4 Tasks and competencies of the Sava Commission**

- 1) In implementing this Agreement, the Sava Commission shall:

(...)

- k) Cooperate and harmonize activities with international and national organizations (authorities and bodies), and

### 3. Draft Rules of Procedure of the Sava Commission

#### **Article 5 Sessions of the Sava Commission**

5.6 The sessions of the Sava Commission shall be held in private and recorded, unless the Sava Commission decides otherwise. The participation of observers to sessions of the Sava Commission shall be done according to the procedure specified in Rule 14 on Observer Status.

#### **Article 14 Observer status**

The Sava Commission may grant observer status to states, international, regional and national governmental and non-governmental organizations. The granted observer status may be permanent or ad hoc.

## **Article 16 Cooperation with International Organizations**

16.1 The Sava Commission shall cooperate with international, regional and national organizations.

16.2 The Sava Commission shall develop specific cooperation and coordination mechanisms with the international organizations designated in Article 5 of the Agreement.

16.3 The Secretary may nominate Officials of the Secretariat as representatives to meetings organized by other international, regional and national organizations.

## **4. Draft stakeholder involvement strategy**

(...)

### **V. The approach to public/ stakeholder involvement**

When preparing the draft strategy for stakeholder involvement, it is necessary to match the Aarhus Convention and the EU legislation approach with the stakeholder approach.

The Aarhus Convention can give a general orientation on how to involve the “public” or the so called “concerned public” which can be used as a general starting point. According to the Convention, “public” “means one or more natural or legal persons, and in accordance with national legislation or practice, their associations, organizations or groups”. The “public concerned” means “the public affected or likely to be affected by, or having an interest in the environmental decision-making...” The “concerned public” includes as well “NGOs promoting environmental protection and meeting any requirements under national law”.

The Aarhus Convention has a broader approach since it deals with public access to information on information, public participation in decision-making and access to justice in environmental matters. The scope of “environmental information” as well as the scope of the “environmental decision-making” includes all information and decisions which have or may have a significant impact on the environment and health.

The Sava Agreement deals with a number of specific issues related to the international navigation, sustainable water management and measures to prevent or limit hazards. These issues or decisions affect or may affect the “public” or the “public concerned” since they affect or likely to affect the environment or health. These issues and decisions also may affect the interest of different key stakeholders dealing with those issues.

Our aim is that the Sava initiative should also be an example for informing and involving the public and the key stakeholders about the issues/measures and activities discussed/negotiated or undertaken within this sub-regional initiative, as well as about the implementation of those issues/activities or measures at the national level. It is necessary therefore to match the Aarhus Convention’s “concerned public” approach with a more specific process of stakeholder analysis and identify those other key stakeholders as well who might have different specific interests related to these matters.

While providing regular information about the Sava Agreement and its implementation process should target the general public, active involvement of the “concerned public” can be foreseen regarding the specific issues within the Sava process and its implementation.

## **VI. Levels of decision-making processes, activities or issues**

The information and involvement of the public/stakeholders can happen at different levels:

- Sub-regional level: the level of the Sava Agreement where the Parties /Signatories take decisions or measures
- National level: the level of the national decision-making process where national governmental authorities have a responsibility to take actions
- The local level where concrete decisions will be implemented in the future including for example projects, investments affecting or likely to affect the local community.

In the stakeholder involvement strategy, therefore, all of these levels should be addressed.

We need to clarify also, what are the decision-making processes, activities or issues in which the public/stakeholders can be and should be involved at the sub-regional or the national level.

The provision of information and stakeholder involvement opportunities (and thus the identification of key stakeholders) should be related to the following issues/activities and possible decision-making related to them:

- Issues related to navigation including exchange of data and information on the water regime, the navigation regime, legislation, organizational structures and administrative and technical practices. Regime of navigation and related measures, activities;
- Cooperation with international organizations in the realization of the agreement (including ICPDR, Danube Commission, UNECE and institutions of the European Union);
- Cooperation with national organizations (Authorities or bodies);
- Regulation of “all issues concerning measures aimed at securing integrity of the water regime in the Sava River Basin and the elimination or reduction of transboundary impacts on waters of the other parties caused by economic or other activities”. (A separate protocol shall be developed on procedures for issuance of water law acts (licenses, permits and confirmations) for installations and activities that may have a transboundary impact on the integrity of water regime”);
- Appropriate measures to prevent causing significant harm to other Party(ies)
- Sustainable water management including integrated management of surface and ground water resources;
- Development of a joint and/or integrated Sava River Management Plan;
- Establishment of a coordinated or joint system of measures, activities, warnings and alarms for extraordinary impacts on the water regime.

In addition to issues, the following activities also should be covered:

- Regular meetings of the Interim Commission (meeting of signatories), and after entry into force the Meetings of Permanent Commission which bodies are to oversee and review the implementation of the Agreement;
- Establishment of the International Sava River Basin Commission including development of the details of how the Sava Commission will function and how it will be financed; (this includes the Rules of Procedure)
- Establishment of a Secretariat for the Commission;
- Monitoring of the implementation of the agreement including establishment of a methodology of permanent implementation of the Agreement and the activities: “timely provision of information to stakeholders and the general public by the authorities

- responsible for implementation of the Agreement.”;
- Drafting of several protocols in the next year/s for regulating:
    - a) Protection against flood, excessive groundwater, erosion, ice hazards, drought and water shortages;
    - b) Water use/utilization;
    - c) Exploitation of stone, sand, gravel and clay;
    - d) Protection and improvement of water quality and quantity;
    - e) Protection of aquatic eco-systems;
    - f) Prevention of the water pollution caused by navigation, and emergency situations

(...)

### **VIII. Public participation/ stakeholder involvement**

Public participation/stakeholder involvement, as said above, also can happen at *sub-regional, national and local level*. As we pointed out above, while information access should be based “*on any person*” principle, in case of public participation/stakeholder involvement, the so called ‘*concerned public*’ or representatives of specific relevant stakeholder groups should be invited.

For the decision-making, activities or issues foreseen under the Sava Agreement at sub-regional and national level, the same list of issues are considered as mentioned on page 6 and 7. There should be national level input in each of these issues therefore, the levels are interrelated. There should be information provided at the sub-regional level on all of these decision-making processes, activities and issues to the key stakeholders on the opportunities for involvement.

#### **1. Sub-regional level**

At the Sub-regional level the crucial issue is whether it is possible to have public/stakeholder involvement when the representatives of the public /stakeholders could participate in the meetings of the Sava Commission and its Expert groups.

Three aspects are relevant in this respect:

- a) What should be the form of participation
- b) Who should/could participate
- c) What rights would the representatives of the public/stakeholders have in the meetings

When discussing the possible options for these questions, the abovementioned models on pages 3-4 could be followed.

#### ***The Aarhus/UNECE model***

The Aarhus model is a relatively open model (See page 3), where NGOs and international organizations can ask for an observer status by sending their registration request and can participate in the meetings of the convention, the working groups and task forces, etc. (This is the practice of several other UNECE conventions as well, such as the Espoo Convention, Helsinki Convention and their protocols.) The applicants are usually accepted, although there is an encouragement through financial assistance that the representatives of NGOs should organize themselves in coalition and the representatives should represent a broader coalition not only one national or local organization. Traditionally, among others, the ECO Forum is present and coordinates the involvement by a great number of NGO groups from all over Europe. In the different specific meetings, according to the subject, business associations are also present.



If the Aarhus model is followed, the Sava Commission should include in its Rules of Procedure clear guidance and criteria on how NGOs or representatives of other stakeholders can get observer status. In this case the language of the Rules of Procedure should be amended to ensure that NGOs or representatives of other stakeholders can get observer status and should clarify

- who and when can get the observer status,
- what are the criteria for granting and what is the procedure of getting this status
- whether there is a registration procedure request,
- to whom this request should be submitted and who decides on the request
- what are the rights of the observers. (Can they access all documents, participate in meetings, speak and submit documents?)
- what is the difference between the permanent and ad hoc status and who can get one or the other.

The criteria for gaining observer status could be relevant activity in the fields to which the Sava Agreement relates. The Rules of Procedure could include in Art. 14 the following formulation: “The Sava Commission shall grant observer status to relevant international, regional or national governmental or non-governmental organizations qualified or having an interest in the fields to which the Sava Agreement relates.....”

Currently the Draft Rules of Procedures in Article 14 says that “The Sava Commission *may* grant observer status to states, international, regional and national governmental and non-governmental organizations. The granted observer status may be permanent or ad hoc.” If adopted this proposed draft, this would mean that NGOs can ask for being granted an observer status but it would not be clear when they can receive it and why.

***The ICPDR model:***

The ICPDR which also has very strong traditions in public participation, invited major NGO networks or international/regional NGOs active in Danube issues such as Danube Environmental Forum (DEF), Global Water Partnership (GWP), World Wide Fund for Nature (WWF). These NGOs are invited to ICPDR meetings as well as to the expert group meetings along with international organizations such as the REC, and recently, representatives of stakeholder groups. The stakeholder groups include for example: The International Association of Water Supply Companies in the Danube River Catchment Area (IAWD), International Hydrological Programme (IHP), or the International Association for Danube Research (IAD).

The ICPDR governs these issues based on the documents, “Legal Status of Participation and Observership under DRPC” adopted in 1998 and the “Detailed Criteria for Granting Observer Status”, adopted in 1998. These documents are planned to be updated, in the light of the implementation of the WFD. The ICPDR approach is dual, application is possible as well as the ICPDR may invite stakeholders to take the observer status.

If this model is followed, the Sava Commission should also invite/ensure that the representatives of the main NGOs and NGO networks or international/regional NGOs active in Sava issues should be invited as observers. However, the Sava Agreement includes only 4 countries and there are less international/regional NGOs (only DEF, GWEP) involved while more national NGOs are active on Sava issues. Therefore it is recommendable to include also representatives of national NGOs or NGO coalitions representing national NGOs. In addition, the key stakeholder groups should be identified and their representatives should be invited.

In case of both examples the meetings are open, unless the Parties decide otherwise. Regarding the Sava Commission, the current draft Rules of Procedure has a different approach. The current draft says in Article 5: “The sessions of the Sava Commission shall be held in private and recorded, unless the Sava Commission decides otherwise. “

In case of following the abovementioned examples, the draft Rules of Procedures would need to be amended to allow the openness of meetings.

The observers in case of both models have a right to participate in the meetings of Parties and other meetings, including expert group meetings, have a right to speak and submit documents, as well as access all documents.

(...)

During 2003, a process of dialogue was already started in the framework of the project “Sava River Basin – Support to Public Participation” funded by USEPA and implemented by the REC. Four national workshops and a regional workshop was held where participants including officials, NGOs and other key stakeholders discussed how stakeholders should be identified for participation, who should be invited to participate and recommendations were made on possible forms of participation at national as well as sub-regional level. A list of stakeholders was developed in each country which can be used as a basis when stakeholders need to be identified by Parties/Signatories or by the Sava Commission. Based on these lists, a database of stakeholders could be developed in each country and at the Secretariat of the Sava Commission which could be regularly updated.

**The dialogue should be further continued regarding both the sub-regional and the national level involvement and one possibility is to develop a process of identification and selection of key representatives of major stakeholder groups starting at the national level and further select from the national stakeholder groups representatives who would then participate in the sub-regional level.**

(...)

### **3. Who should be involved? Stakeholder identification**

When identifying those who need to be involved as the so-called “public concerned” or the relevant key stakeholders, specific look should be taken to the different sectors whose cooperation is needed for the implementation of the Agreement and whose activities will be influenced or whose activities influence the issues covered by the Agreement. The same exercise should be done regarding the national level decision-making processes and their preparatory phases.

“Stakeholders” can be any relevant group or organization with an interest in the respective issue either because is to be affected positively or negatively, or has influence, or because has knowledge, expertise or experience that is useful for the process.

When identifying stakeholders we need to look at:

- Which are the key stakeholders affected or likely to be affected by the decision-making and activities covered by the Sava Agreement and the implementation of the Agreement or have an interest to participate in the decision-making related to them?

- Which stakeholders need to be informed and/or involved in what activities or types of activities and in what way?

The types of stakeholders may include, for example: government agencies at different levels, local government, non-governmental institutions, political organizations, research institutes, industries, agriculture, tourism, or different other businesses, households, etc.

We also need to look at the proposed scope of decision-making/activities/measures under the Sava Agreement, and review which stakeholders are affected or likely to be affected and therefore relevant to be involved in the process at the national or local level and determine what way the stakeholders should be involved, at which stage, how, etc.

The relevant stakeholders, for our purpose, may include different authorities and those stakeholder groups in addition to NGOs who may have different economic and other interests connected to the Sava initiative such as business and industry associations, chamber of commerce or economy, e.g: those connected to navigation, ports, ship owners, as well as to agriculture, tourist industry, biodiversity issues, management and supply, quality of water, but also other stakeholders, NGOs, professional experts, academy, municipalities, etc should be looked upon when defining key stakeholders. The different international or regional organizations which have valuable expertise or extensive activities in the Sava region should also be involved.

When identifying key stakeholders, it also should be discussed which stages they should be involved in the future if such stages can be determined for decision-making. Different stakeholder groups may have specific interests and they may not be interested to be invited to participate in all meetings. Some stakeholders may not needed to be actively involved at all times but they need to be regularly informed of the Sava Agreement developments (e.g. the general public). The key stakeholders should participate and contribute to the process while others could be stakeholders from whom some specific input is needed at certain times or on certain issues.

The process of stakeholder involvement needs to reach out to those *as a minimum* which will be most affected and they should be identified and approached actively and invited to the process.

However, it is not possible to identify always all of the key stakeholders, therefore the stakeholder identification and involvement at the same time should be open for others to participate who are not actively approached and identified. The combination of active and targeted identification and invitation of key stakeholders should be matched with the open approach of giving information about the upcoming meetings and process, opportunities for involvement in broadly circulated notice so those who there would be space for those not reached but affected/interested also could join the process.

The steps for stakeholder identification should be the following:

- 1) Define the key stages of process/ key issues or opportunities for involvement (See Section on proposed decision making/activities/issues below);
- 2) List stakeholders and their perspectives to the selected decision making/ issues/activities and regarding different stages if possible;
- 3) Organize them in different categories/types;
- 4) Allocate to the identified stakeholders a concrete name, address, contact information;
- 5) Check results: have all stages of the process been covered? Are those who benefit or will be negatively affected both included?;
- 6) Once the stakeholders are identified, the list can be ordered by identifying the degree of

involvement of each actor in each stage and completed with a contact list;

## **IX. Conclusions**

There should also be a dialogue and discussion regarding the development of a strategy and concrete mechanisms for public access to information and public/stakeholder involvement under the Sava Agreement at the sub-regional level, including the relevant international models proposed above as well as the model of delegating stakeholder representatives from the national level stakeholder forums.

At the national level, existing stakeholder forums could be continued with or new ones/ could be established including the relevant networks, NGOs and other relevant stakeholder groups. .

There should be also scope for operating and further improving/developing the proposed structures/networks and keep the stakeholders informed and involved.

At the moment there is only ad hoc public/stakeholder involvement at the national level, apart from the results of the mentioned EPA funded project in 2003. There is no any public/stakeholder involvement at the sub-regional level, at the level of the Sava Commission. However, the aim of the current draft strategy and the current ongoing project is to start a dialogue and initiate the development and implementation of a more systematic and institutionalized involvement both at the level of the Sava Commission and at national level by the Parties/Signatories of the Sava Agreement.

## ANNEX V

### 1. Great Lakes River Basin Compact

#### **Article VI**

The Commission shall have power to:

(...)

12. Cooperate with the governments of the United States and of Canada, the party states and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Basin or any portion thereof.

### 2. Great Lakes Commission Bylaws

#### **Article II Membership, section 4.**

The Commission shall be permitted to designate observers representing the United States and Canadian federal governments, provincial governments, regional organizations, or any others it may so designate to advance the goals and objectives of the Great Lakes Basin Compact. Observers may be permitted to participate in discussions, deliberations and other activities as approved by the Commission, but shall have no vote.

### 3. Role and responsibility of observers

Each observer is expected to

1. be fully versed in the goals and objectives of the Great Lakes Basin Compact, and in the structure and operation of its implementing agency, the Great Lakes Commission;
2. serve as an initial point of contact for Great Lakes-related inquiries to your agency / organization;
3. Participate regularly in all relevant Commission activities, including regular attendance at semiannual and annual meetings of the Commission;
4. When requested, consider membership and active participation on one or more Commission task forces or groups addressing issues consistent with his/her areas of interest/expertise;
5. Ensure that draft policy positions and related Commission materials are circulated for review and comment, as appropriate, within his/her agency/organization;
6. Serve as a conduit to ensure that Commission members and staff are well informed of policy issues and developments within his/her agency/organization;
7. When requested by the Commission, and where possible, be available to represent the Commission and its applicable task forces at meetings, hearings and other events;
8. Organize roundtables, workshops and other meetings, as needed, for the mutual benefit of the Commission and his/her agency/organization;
9. Designate an alternate who is authorized to represent the Observer agency/organization in the event that he/she is unable to attend a given event or participate in policy discussions;
10. Be accessible to Commission staff for periodic inquiries concerning Commission business;

11. Where necessary and appropriate, work within his/her agency/organization to secure financial support, in-kind services or related resources that may be required to support activities of mutual interest;
12. Maintain an active role in Commission operations, including provision of advice, support and feedback on all aspects of Commission activities and, in particular, setting regional priorities and identifying opportunities for joint initiatives.

## ANNEX VI

### 1. Convention for the Protection of the Marine Environment of the North-East Atlantic

#### **Article 11 Observers**

1. The Commission may, by unanimous vote of the Contracting Parties, decide to admit as an observer:

- a any State which is not a Contracting Party to the Convention;
- b any international governmental or any non-governmental organisation the activities of which are related to the Convention.

2. Such observers may participate in meetings of the Commission but without the right to vote and may present to the Commission any information or reports relevant to the objectives of the Convention.

3. The conditions for the admission and the participation of observers shall be set in the Rules of Procedure of the Commission.

### 2. Rules of Procedure of the OSPAR Commission

9. In accordance with Article 11 of the Convention, the Commission may unanimously decide to admit

- a any state which is not a Contracting Party to the Convention;
- b any international Governmental organisation; and
- c any international non-Governmental organisation (NGO);

to be represented by observers at its meetings. If need be, the Commission may restrict the participation in a specified meeting of observers in any category. The participation of NGO observers in the work of the Commission shall be governed by the Criteria and Procedures set out in Annex 2.

20. Unless the Commission makes special provision to meet a particular need, the subsidiary bodies shall be:

- the main committees;
- working groups;
- the Meeting of Heads of Delegation to the Commission and the Committee of Chairmen and Vice-Chairmen;
- the Group of Jurists and Linguists;
- intersessional correspondence groups;
- *ad hoc* meetings included in the schedule of meetings.

23. States and intergovernmental organisations which have been admitted as observers may be represented at meetings of the main committees and working groups, and may participate in intersessional correspondence groups, on the same basis as for meetings of the Commission. By special invitation of the Chairman, they may also participate in Meetings of Heads of Delegation and meetings of the Committee of Chairmen and Vice-Chairmen and the Group of Jurists and Linguists.

24. Representatives of non-governmental organisations admitted as observers may participate in the work of subsidiary bodies in accordance with the criteria and procedures set out in Annex 2.

## **ANNEX 2**

### **Criteria and Procedures Governing Observership of Non-Governmental Organisations at Meetings within the framework of the OSPAR Commission**

#### *General*

1. The following criteria shall be applied in considering applications from non-Governmental Organisations (NGOs) for observer status at meetings within the framework of the Commission.

1.1 Subject to the conditions specified in the paragraphs 4 and 5 below, observer status will be granted for agenda items dealing with issues other than management issues internal to the Commission or the discussion of restricted documents as specified in Rule 58 of the Rules of Procedure of the OSPAR Commission.

1.2 Consideration of the suitability of NGOs for observer status shall be based on the capability of the NGO in question to contribute constructively to the aims and objectives of the Commission. Observer status may only be granted to an NGO with specialised technical, scientific or other expertise pertinent to the objectives of the Convention.

1.3 Observer status will only be granted to NGOs which:

a have an organised administration;

b are international in character (an organisation shall be deemed to be an international organisation for the purposes of the Commission only if it has members, component branches or affiliated bodies in a number of States covered by the Convention area);

c are authorised under their constitution to speak for their members through accredited representatives.

1.4 Applications for observer status shall be either for such status generally or for specific topics. The Commission shall decide in which category to approve any application.

#### *Application and Selection Procedure*

2. An application for observer status should be sent to the Executive Secretary at least 12 weeks before a meeting of the Commission. Such applications should include:

a a concise statement about the organisation and how it meets the criteria in paragraph 1.3 above and of the expertise and experience which it could provide to the Commission;

b reasons why the NGO believes this contribution would assist the work of the Commission;

c confirmation in writing that the NGO will respect the obligations imposed on it by these Criteria and Procedures and any additional requirements imposed by the Commission from time to time.

3. Following receipt of an application from an NGO for observer status:

a the Executive Secretary shall immediately distribute the application to all Contracting Parties for comments;

b at least 4 weeks before the meeting of the Commission the Executive Secretary shall circulate a summary of the views of Contracting Parties on such applications;

c observer status shall be granted by a unanimous decision of the meeting of the Commission. Observer status will be subject to the acceptance of the Criteria and Procedures governing observership for NGOs and will take effect following the meeting at which it was granted.



### *General and Specialised NGO Observer Status*

4.1 NGO observers may participate in meetings held in the framework of the Commission as follows:

a meetings of the Commission:

two seats per delegation will be allocated to general NGO observers;  
a total number of six seats will be available for specialised NGO observers. Such observers may apply to attend the meetings of the Commission for one or more points of the agenda. The Chairman of the Commission will decide upon the distribution\* of the seats available to specialised NGO observers.

*\* the aim will be to make such distribution at the latest three weeks before the date of the meeting*

b the total number of seats allocated to general and specialised NGO observers in meetings of subsidiary bodies of the Commission will be:

8 for meetings of main Committees;

6 for meetings of working groups specified in the annual schedule of meetings adopted by the Commission;

for *ad hoc* working groups, a number to be settled by the subsidiary body establishing the *ad hoc* working group.

The Chairman of the meeting of the subsidiary body will decide upon the distribution of the available seats to NGO observers requesting participation. This may include the allocation of a seat for a limited period or for a specific piece of business. When there is no Chairman prior to the meeting, the Executive Secretary shall decide. The host of a meeting may decide to provide more seats for NGOs.

4.2 Any NGO accepted as an observer to the Commission may:

a submit prior to meetings held in the framework of the Commission relevant documents to be distributed at the discretion of the Executive Secretary and to be considered at the discretion of the meetings; and

b participate in discussions at the discretion of the Chairman at a meeting at which it has been allocated a seat;

c make proposals at such meetings, but no proposal by an NGO shall be discussed unless discussion of this proposal is supported by at least one Contracting Party.

4.3 Any NGO admitted as an observer to the Commission may ask to participate in an intersessional correspondence group, unless participation is limited.

4.4 Documents for these meetings will be circulated as appropriate.

### *Other Procedural Conditions*

5. The Commission or any subsidiary body may at any time take any appropriate action in accordance with the Rules of Procedure of the Commission if, in the opinion of the Commission or of that subsidiary body, the conduct of an NGO is contrary to these Criteria and Procedures relating to its status as observer.

6. The observer status of any NGO shall impose an obligation:

6.1 to recognise the basic purposes and principles of the Convention and not to hinder the work of the Commission or of its subsidiary bodies;

6.2 to deliver only such information as is pertinent to the work of the Commission or of its subsidiary bodies;

6.3 to refrain from using the meetings of the Commission or of its subsidiary bodies for the purpose of demonstrations;

6.4 to respect the private character of the meetings and of the documents circulated for them; and

6.5 to respect any specific requirements agreed to by the Contracting Parties relating to the participation of NGOs at the meetings of the Commission or of its subsidiary bodies.

7. If an NGO observer does not participate in the work of the Commission for 2 consecutive years, then the Chairman of the Commission may either determine that its observership status has lapsed or restrict the observership to the receipt of documents.

## ANNEX VII

### 1. Agreement concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank

#### **Article II Operations**

##### **Section 2. Requests for assistance**

(c) In providing such assistance, the Commission shall consult with the Advisory Council established pursuant to Article III, Section 5 of this Chapter, and, as appropriate, with private investors and national and international institutions, particularly the North American Development Bank.

##### **Section 4. Relationship with the public**

The Commission shall establish procedures in English and Spanish:

(1) ensuring, to the extent possible, public availability of documentary information on all projects for which a request for assistance or an application for certification is made;

(2) for giving written notice of and providing members of the public reasonable opportunity to comment on any general guidelines which may be established by the Commission for environmental infrastructure projects for which it provides assistance, and on all applications for certification received by the Commission; and

(3) whereby the Board of Directors could receive complaints from groups affected by projects that the Commission has assisted or certified and could obtain independent assessments as to whether the terms of this Chapter or the procedures established by the Board or Directors pursuant to this Chapter have been observed.

#### **Article III Organization and management**

##### **Section 3. Board of Directors**

(a) All the powers of the Commission, including the power to determine its general operational and structure policies, shall be vested in the Board of Directors. The Board shall have ten directors:

(...)

(5) six additional directors having expertise in environmental planning, economics, engineering, finance, or related matters, consisting of--

(i) a representative of one of the U.S. border states, appointed by the United States in such a manner as it may determine;

(ii) a representative of one of the Mexican border states, appointed by Mexico in such manner as it may determine;

(iii) a representative of a U.S. locality in the border region, appointed by the United States in such manner as it may determine;

- (iv) a representative of a Mexican locality in the border region, appointed by Mexico in such manner as it may determine;
- (v) a member of the U.S. public who is a resident of the border region, appointed by the United States in such manner as it may determine; and
- (vi) a member of the Mexican public who is a resident of the border region, appointed by Mexico in such manner as it may determine.

(...)

(f) The Board of Directors may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Commission.

### **Section 5. Advisory Council**

(a) The Advisory Council shall be composed of:

- (i) at least one resident of each of the U.S. border states, totaling not more than six such representatives, who shall represent states or localities, or local community groups, to be appointed by the United States in such manner as it may determine;
- (ii) one resident of each of the Mexican border states, who shall represent states or localities, or local community groups, to be appointed by Mexico in such manner as it may determine;
- (iii) three members of the public, including at least one representative of a U.S. non-governmental organization, appointed by the United States in such manner as it may determine; and
- (iv) three members of the public, including at least one representative of a Mexican non-governmental organization, appointed by Mexico in such manner as it may determine.

(...)

(d) The Council may adopt such rules as may be necessary or appropriated to conduct the business of the Council.

(e) The Council may provide advice to the Board of Directors or the General Manager on any matter within the scope of this Chapter, including certifications pursuant to Article II, Section 3, of this Chapter, and on the implementation and further elaboration of this Chapter, and may perform such other functions as directed by the Board.

## 2. Rules of Procedure Board of Directors (no longer in effect)

### **Article 4: Participants in the Board of Directors' Meetings**

a) Unless the Board of Directors otherwise determines, and upon the motion of any Director, meetings at regular and special sessions shall be open to attendance by the General Manager, the Deputy General Manager, as well as the required staff of the Directors and the Commission, and such other persons as the Board may invite.

b) The Board, as appropriate, shall enter into confidentiality agreements with attendees of such meetings, pursuant to Article 19(b) of these Rules.

c) At all regular sessions of the Board, the Board shall hold at least one public meeting which shall be the subject of public notice given at least thirty days prior to the date of the public meeting.

## **Article 5: Public Meetings**

a) Any person may attend a public meeting of the Board as an observer upon registration with the General Manager by providing his/her name and the name of the organization, if any, with which he/she is affiliated. Attendance at the meeting is subject to the availability of space, security, and safety considerations, with due regard to attendance by an equitable proportion from among the nationals of each of the United States and Mexico. Persons may register in advance or at the meeting.

b) The Board may invite any person, state, locality, or intergovernmental organization to advise the Board on any matter relevant to the Commission's work.

c) Any persons and representatives of states, localities, and non-governmental organizations of the United States and Mexico, and representatives of inter-governmental organizations, who have a specific interest in requests for assistance or certification, or other matters directly related to the Board's public meeting agenda:

i) may request to make an oral statement at a public meeting of the Board. Any such request shall be addressed to the General Manager, and must be received by the Commission at least fifteen days prior to the date of the public meeting.

Each request shall identify the person wishing to address the Board, the organization, if any, that he/she represents and shall identify the subject of the statement.

The General Manager shall transmit to the Board the list of those requesting to make oral statements together with all other information received. The Board shall determine who may make oral statements at least ten days prior to the date of the public meeting and shall provide notice of their decision at least seven days prior to the date of the public meeting.

The Board, under special circumstances, may consider requests to make oral statements received less than fifteen days prior to a public meeting.

All such oral statements shall be made in an official language of the Commission. Each speaker should provide prior to his/her presentation a written version of his/her remarks in one of the official languages of the Commission. The written version shall be made available only when translated into both official languages of the Commission. Additional written materials submitted in connection with an oral statement must be submitted in both official languages of the Commission.

ii) may submit a written statement for formal consideration by the Board during a public meeting.

The submission must be made in the two official languages of the Commission, or must be submitted at least ten days prior to the meeting in one official language of the Commission to allow sufficient time for the General Manager to translate the document into the Commission's other official language.

If a written statement is not available to the Board in the two official languages of the Commission, the Board shall decline to consider it at the meeting. Except as the Board may decide otherwise, if a written statement is submitted less than ten days prior to a public meeting, the Board shall decline to consider it at that meeting.

d) With respect to all oral and written statements at the public meetings, the Board shall give priority to requests presented by residents of the localities where the projects are located, and may set reasonable limits on the total number of statements on each matter and the time allowed for each. Due regard shall be given to the importance of having an equitable proportion of oral and written statements from among the nationals of each of the United States and Mexico.

e) No one may address the Board without previously having been recognized by the Chairperson. The Chairperson may call speakers to order when their remarks are not relevant to the subject under discussion.

#### **Article 9: Minutes**

(...)

d) All the minutes approved by the Board that summarize public meetings shall be made available to the public. The minutes that summarize the meetings that are not public may be made available to the public only upon a decision of the Board.

#### **Article 14: Written Submissions**

a) Any person may make a written submission to the Board at any time on any subject relevant to the work of the Commission.

b) A written submission only may be considered by the Board if it is submitted in both official languages of the Commission or if it is simultaneously available in both official languages.

### **3. Procedures regarding public notice**

#### **ARTICLE I.**

#### **NOTICE OF PUBLIC MEETINGS OF THE BOARD OF DIRECTORS**

##### **Notice**

The Commission must notify the public, with at least 45 days anticipation, of any public meeting of the Board of Directors. Such notice must include the proposed agenda for the meeting as well as the place and time the meeting will be held.

##### **Means for Providing Notice**

The Commission, taking into account the conditions in both the United States and Mexico, will use the most appropriate means to comply with the notice requirement referred to in Section 1 above. In this sense, the Commission will give notice of the public meetings of the Board of Directors as follows:

- Paid notices in at least two major news papers in the region where the headquarters of the Commission are located, one on each side of the border;
- When a meeting is not held in the region where the Commission is headquartered, a notice must be paid in at least one major news paper of the locality where the meeting is to take place;
- If applicable, paid notices in at least one major newspaper in the communities where the candidate projects for certification during the public meeting are located;

- Posting notice of the meeting on the Commission's Home Page on the Internet;
- Posting an electronic mail message to the BECCNET list server; and
- Providing such information to any person or organization who has specifically requested to periodically receive it.

The Commission shall comply with all the requirements mentioned above, unless such compliance is not possible due to causes not attributable to the Commission, in which case a meeting will not be postponed.

Additionally, when the Commission considers it appropriate, it may resort to using other means to give notice of public meetings. These means may include the following:

- Paid notices in national newspapers in both countries;
- Paid notices in major news papers in the border region;
- Paid announcements in radio and television;
- Through the publication BECCNEWS.

**Registration.**

Any person who wishes to attend a public meeting of the Board of Directors is encouraged to register with the General Manager of the Commission. Registration may take place by telephone, fax, electronic mail or in person at the Commission's offices, after public notice of the meeting, and up to the day of the meeting, at the place of the meeting. Attendance to the meeting will be conditioned to available space, and although the Commission will strive to provide facilities that allow all interested parties to participate, it is recommended that registration not be postponed until the meeting begins.

All other aspects regarding public meetings will be governed by the Rules of Procedure of the Board of Directors.

**ARTICLE II.**

**PUBLIC NOTICE REGARDING APPLICATIONS FOR PROJECT CERTIFICATION**

**Notice**

The Commission shall publish within the first ten working days of each month, a list of all projects that have been submitted to the Commission for certification during the last thirty days. This list must include the projects for which a Step I format has been submitted in accordance with the Commission's Certification Criteria, since publication of the previous month's list. As a minimum, the list should include the following information:

- the date of receipt of the application;
- The name of the project;
- The type of project;
- The location of the project;
- The official name of the applicant and the project's primary contact person;
- The estimated cost of the project, where applicable; and
- A brief summary of the project.

**Means for Providing Notice.**

The list mentioned above shall be made available to the public as follows:

- Placing it on the Commission's Home Page on the Internet;
- Posting an electronic mail message on the BECCNET list server;
- Sending the information to any person who has specifically requested it.

**ARTICLE III.  
PUBLIC NOTICE REGARDING TECHNICAL ASSISTANCE REQUESTS AND  
TECHNICAL ASSISTANCE GRANTS.**

**Notice.**

The Commission shall publish within the first ten working days of each month a list of all technical assistance requests that have been presented to the Commission in the past thirty days, and a list of all technical assistance granted during the past thirty days. As a minimum, this list should include the following information:

- Name, type and location of the project for which technical assistance is being requested;
- Date on which the application for technical assistance was received;
- Type of technical assistance requested;
- Amount of technical assistance granted, where applicable.

**Means for providing Notice.**

The list mentioned above will be made available to the public as follows:

- Placing it on the Commission's Home Page on the Internet;
- Posting an electronic mail message on the BECCNET list server;
- Sending it to any person who has specifically requested such information.

**ARTICLE IV.  
PUBLIC NOTICE OF PROJECTS PENDING FOR CERTIFICATION BY THE  
COMMISSION.**

**Notice**

The Commission must notify the public, at least forty five days prior to a meeting of the Board of Directors, of all the projects that shall be considered for certification by the Board at such meeting. This notice must include, at least, the following information:

- A summary of the project, describing how it complies with the Commission's Certification Criteria;
- A list of the most important project documents on file at the Commission;
- A list of all written public comments received.

**Means for Providing Notice:**

The information mentioned in the preceding Section must be made available to the public as follows:

- Through the Commission's Internet Home Page;
- Making printed copies available at the BECC's offices;
- Sending it to any person or organization who has specifically requested to periodically receive it.



Additionally, the Commission will send a short message to the mail server BECCNET indicating that the information on the candidate project for certification is available to the public through any of the means established in this section.

When the Commission considers it appropriate, it may resort to using other means to give notice of projects up for certification. These means may include the following:

- Paid notices in national newspapers in both countries;
- Paid notices in major news papers in the border region;
- Paid announcements in radio and television.

#### **Public Comments.**

All written comments from the public regarding a project, shall be considered by the Commission's Staff, and shall be forwarded to the Board of Directors and Advisory Council, as long as such comments have been received at least ten days prior to the date of the meeting at which the project will be considered for certification.

#### **Compliance with Procedures.**

No project may be certified by the Board of Directors unless the project has been given public notice in the terms of this Article.

### 4. Project Certification Criteria

(...)

#### **Community Participation Certification Criteria**

**Comprehensive Community Participation Plan.** Applicants must submit and implement a BECC-approved Community Participation Plan that will consist of a local steering committee, meetings with local organizations, public access to project information, and at least two public meetings.

**Report Documenting Public Support.** Following implementation of the Comprehensive Community Participation Plan, applicants must submit a report to the BECC demonstrating public support for the project.

#### **Information Required**

Comprehensive Community Participation Plan Each Comprehensive Community Participation Plan will vary with the specifics of each project and will be designed to meet the particular needs of the community where the project will be located. In each case, the applicant must demonstrate how the public will be meaningfully engaged in project development and implementation.

Members of the BECC Board of Directors, Advisory Council, and staff may participate, where appropriate, in the implementation of this Participation Plan to ensure compliance with the Community Participation criteria.

Each Participation Plan must describe how the applicant will fulfill at least the following essential components:

- **Local Steering Committee.** The applicant must develop a local steering committee or utilize an existing committee. This steering committee must be made up of

representatives from diverse organizations (e.g., business, civic, non-profit, academic, governmental, educational, environmental, elected officials) in the affected community to assist with implementation of the Participation Plan. The steering committee must invite representation from both countries if the proposed project is located in and/or impacts both the United States and Mexico.

The steering committee may be responsible for developing detailed outreach activities, conducting surveys of public support, disseminating information about the project, engaging public participation in the process, developing public education and media campaigns, attending public meetings, preparing meeting minutes, and soliciting public support. The local steering committee may also be involved in developing the Participation Plan.

- **Meetings with Local Organizations.** The applicant must meet individually with local organizations (e.g., business, civic, community, neighborhood, academic, environmental) affected by the project to provide information on and develop support for the project.
- **Public Access to Project Information.** The applicant's project proposal must be made available to the public at least 30 days before the applicant's first public meeting. This information must be available in a publicly accessible location during and after work hours. As required for public meetings, the applicant must disclose the availability of the project information in the public meeting notices.

Additionally, the applicant should utilize as many additional avenues as possible to distribute the project proposal including, but not limited to, providing copies to the local steering committee, providing copies during meetings with local organizations, and mailing copies to local organizations. In the event that the project affects other communities, the project sponsor must inform appropriate public officials from the affected communities of the project proposal's availability.

- **Public Meeting.** Each applicant must hold *at least* two public meetings in the community affected by the project. If the project affects more than one community, the public meetings must be noticed to citizens in all affected communities. Notification must at least consist of notifying public officials in affected communities.

For a meeting to be BECC-approved the applicant must comply with the following requirements :

- The applicant must provide notice of the public meeting to the BECC and publish in the local newspaper, and other media avenues, where appropriate. The notice must also include an accessible location where the public may obtain the applicant's project proposal. For at least one public meeting, the notice must be posted at least 30 days prior to the meeting.
- During the public meeting, the applicant must provide a briefing on the proposed project and hear public comments on the proposed project. Impacts of user fees must be presented during at least one of the public meetings. A summary document containing the fundamental aspects of the project must be made available during the public meeting.
- The applicant must record minutes of the public meeting to include the names of the participants and comments made. The minutes will serve as an official record of the meeting.

The public meeting may be conducted in conjunction with public meetings required to comply with existing state or federal laws as long as the corresponding state or federal agency agrees to

such and the notice of a public meeting is written and published accordingly. **Report Documenting Public Support** The applicant must provide a written report to the BECC documenting the successful implementation of the Comprehensive Community Participation Plan. The report must include supporting documentation including a list of local steering committee members and their activities related to the project, a list of the local meetings conducted, copies of public meeting notices, the minutes from the public meetings, and other such documentation demonstrating the scope and success of the Public Participation Plan. The report should convey that the community understands and supports the environmental, health, social, and financial benefits and costs of the project, as well as any changes in user fees.

## 5. Procedures regarding complaints from groups affected by projects

### **ARTICLE I: DEFINITIONS**

#### **Group affected by a project(s)**

Two or more people who are affected in a direct and material way by one or several projects that the Commission has assisted or certified. Members of the group must reside in the area where the project(s) causing the effects is(are) located or in an area where the project(s)' effects are manifested or likely to be manifested based on evidence. Groups may include an organization or other association of individuals. The group affected by a project(s) may appoint a representative acting on instructions as its agent.

### **ARTICLE II: SUBJECT MATTER OF COMPLAINTS**

a) Projects about which complaints will be considered under these Procedures shall be those for which the Commission has:

- Actually provided technical or other assistance requested by the project applicant;
- Certified pursuant to a decision of the Board of Directors.

b) A complaint under these Procedures must be based on the health or environmental effect(s) of a project(s) or on evidence or facts which enables the complainant to foresee the health or environmental effects of a project.

### **ARTICLE III: CONTENTS OF COMPLAINTS**

a) The group affected by a project(s) must provide the following information:

- A description of the project(s), including how the project(s) satisfies the requirements of Article II of these Procedures;
- A description of the facts or evidence supporting the complaint, including how the group is affected or likely to be affected by a project(s), as defined in Article I of these Procedures;
- Any other supplemental information supporting the complaint;

- Copies of any correspondence with Commission staff or with third parties, which include the applicant of the project which is the subject matter of the complaint, and any government agency which has participated in the project.

**b)** If the Complaint relates to a matter previously addressed pursuant to these procedures, the complainant shall also state whether new evidence or changed circumstances now exist.

#### **ARTICLE IV: FORM AND TIMING OF COMPLAINTS**

**a)** Complaints shall be submitted in writing to the Board of Directors through the General Manager of the Commission. If a complaint is provided in only one official language, the Commission will ensure that it is available in both languages before it is considered by the Board of Directors. In this case, the Commission shall be allowed sufficient time to ensure that it strive to have the complaint translated within fifteen working days from the date it was received.

**b)** Complaints shall be dated and signed by a member, or members, of the group affected by a project(s), and contain the address (and telephone number, when available) of such person or persons.

**c)** The representative of a group affected by a project(s) shall submit written proof, satisfactory to the Commission, that the representative has authority to act on behalf of the group.

**d)** Complaints shall be sent by registered or certified mail, or delivered by hand, to the Board in care of the General Manager.

**e)** Complaints shall be submitted in as timely and expeditious a manner as circumstances permit. Specifically, complaints pursuant to Article II(a)(1) and Article II(a)(2) of these procedures shall be submitted no later than two years from the date that the project becomes fully operational.

**f)** All complaints submitted in accordance with the time limitation established in Article IV(e) above shall be formally addressed by the Board in accordance with these Procedures. All other complaints concerning projects assisted or certified by the Commission arising after the time limitation set forth above shall be directed to the appropriate local, state or national authorities, and a certified copy of the complaint shall also be sent to the Board of Directors, which shall continue to play an informal and facilitative role with respect to such complaints among the appropriate authorities, the project sponsor and the complainant, and shall provide available information regarding the project(s) that is the subject of the complaint.

#### **ARTICLE V: REVIEW OF COMPLAINTS**

**a)** Upon receipt of a complaint pursuant to these procedures, the General Manager, with the assistance of Commission staff, shall notify the Board of Directors and the Advisory Council of the complaint and will notify the public through the Commission's periodic publication. Consistent with the Agreement and with the Procedures Regarding Disclosure and Confidentiality, the notice shall consist of a brief description of the complaint.

**b)** The Board of Directors, with the assistance of Commission staff, shall review each complaint received by the Commission and assess whether a complaint satisfies the requirements of Articles II, III and IV of these Procedures. If the Board of Directors determines that any of these

Provisions are not satisfied by a complaint, the complaint shall be rejected, and the Commission shall notify the complainant, by certified mail, return receipt requested, of the reason(s) why the complaint was rejected by the Board of Directors, and will publish a summary of the reasons for the rejection in its periodic publication. Once a complaint is rejected, the complainant shall have one opportunity to submit an amended complaint that fully satisfies the requirements of these Procedures. If the Board of Directors, with the assistance of Commission staff, determines that the amended complaint does not satisfy the requirements of these Procedures, the Board of Directors shall reject the amended complaint, informing the complainant of its reason(s) for rejecting it, and will publish a summary of the reasons for the rejection in its periodic publication.

**c)** If, after making initial inquiries pursuant to Article V(b) of these Procedures, the Board of Directors, with the assistance of Commission staff, decides that further information is necessary to adequately assess or respond to the complaint, the Board of Directors may request such information from:

- The complainant;
- The Advisory Council
- Any other public or private institution it deems appropriate.

**d)** Once the file on the complaint is complete, and the Complaint has been accepted the Board of Directors shall send it, through certified mail, to the Advisory Council so that it can evaluate the complaint. The Advisory Council shall then prepare a report for the Board in which it provides its recommendations regarding the complaint and the basis for such recommendations. The Advisory Council shall strive to present its report before the next regular session of the Board. In its analysis of the complaint, the Board of Directors will consider the Advisory Council's report.

**e)** If requested by the Board of Directors, Any other organization or individual may submit information or recommendations to the Board with respect to the complaint. The brief description of the complaint provided as notice shall be sufficiently detailed to enable the public to submit information or recommendations to the Board of Directors. The Board of Directors must keep a file containing copies of the complaint, including any supporting information from the complainant. The information contained in this file shall be made available to the public, consistent with the Agreement and the Procedures Regarding Disclosure and Confidentiality.

**f)** The Board shall issue a determination in writing on each complaint, and shall strive to issue that determination within two quarterly regular sessions of the Board following the date on which the Board is notified of the complaint. The determination shall be forwarded simultaneously to the complainant by certified mail, return receipt requested, to the Advisory Council, and shall be included in the Commission's periodic publication.

**g)** The Board's determination on the complaint shall include:

- A clear statement of the conclusion with respect to the complaint;
- A full statement of the reasons supporting the conclusion;
- Steps, if any, the Board intends to take as a result of the complaint, including a timetable for undertaking such steps.

**h)** The General Manager, at the request of the Board, may assist in the review of complaints.

**i)** Other than for purposes of the amendment process described in paragraph (b) of this Article, the Board shall not consider a complaint on the same subject and from the same affected group as a prior complaint that has already been fully considered by the Board, unless new evidence is presented or changed circumstances exist

## ANNEX VIII

### 1. North American Agreement on Environmental Cooperation

#### **Article 9: Council Structure and Procedures**

(...)

4. The Council shall hold public meetings in the course of all regular sessions. Other meetings held in the course of regular or special sessions shall be public where the Council so decides.

5. The Council may:

- (a) establish, and assign responsibilities to, *ad hoc* or standing committees, working groups or expert groups;
- (b) seek the advice of non-governmental organizations or persons, including independent experts; and

#### **Article 13: Secretariat Reports**

1. The Secretariat may prepare a report for the Council on any matter within the scope of the annual program. (...)

2. In preparing such a report, the Secretariat may draw upon any relevant technical, scientific or other information, including information:

(...)

- (b) submitted by interested non-governmental organizations and persons;
- (c) submitted by the Joint Public Advisory Committee;
- (d) furnished by a Party;
- (e) gathered through public consultations, such as conferences, seminars and symposia;

#### **Article 14: Submissions on Enforcement Matters**

1. The Secretariat may consider a submission from any non-governmental organization or person asserting that a Party is failing to effectively enforce its environmental law, if the Secretariat finds that the submission:

(...)

#### **Article 16: Joint Public Advisory Committee**

(...)

4. The Joint Public Advisory Committee may provide advice to the Council on any matter within the scope of this Agreement, including on any documents provided to it under paragraph 6, and on the implementation and further elaboration of this Agreement, and may perform such other functions as the Council may direct.

5. The Joint Public Advisory Committee may provide relevant technical, scientific or other information to the Secretariat, including for purposes of developing a factual record under Article 15. The Secretariat shall forward to the Council copies of any such information.

(...)

## 2. Council Rules of Procedure

### **Rule 4: Conduct of Business**

4.1 The Council shall hold public meetings in the course of all regular sessions. Other meetings held in the course of regular or special sessions shall be public where the Council so decides. A decision of the Council to convene a session shall be made public.

(...)

4.3 Where persons, including representatives of nongovernmental organizations, advisors and experts, are invited to advise the Council at nonpublic regular or special sessions, such persons shall undertake to protect information designated as confidential pursuant to Articles 11(8) and 39 of the Agreement and sign a declaration to that effect.

### **Rule 6: Public Meetings**

6.1 The Council may invite any person, including a representative of any province, state or intergovernmental or nongovernmental organization to advise the Council.

6.2 Any person, including a representative of any province or state, residing in the territory of a Party, or a nongovernmental organization established in the territory of a Party, or an intergovernmental organization, may make oral statements to the Council regarding agenda items for public meetings, provided they are accredited as participants.

6.3 Requests for accreditation as participants at a public meeting shall be addressed to the Executive Director. The Executive Director shall prepare a list of all person, intergovernmental organizations, non-governmental organizations, and all representatives of provinces and states, requesting accreditation and that have an interest in the work of the Commission. The Executive Director shall transmit the list to the Council. The Council shall decide upon accreditation of participants 30 days before the public meeting. The Council may consider requests for accreditation received less than 30 days before the public meeting under special circumstances.

(...)

6.6 Non-accredited persons may attend public meetings of the Council as observers on registration with the Executive Director, subject to availability of space, security considerations and with due regard to the importance of having an equitable proportion of attendees from among the nationals of each Party. If space is limited, attendance by observers shall be determined taking into account attendance by an equitable proportion from among the nationals of each Party. Non-accredited persons may not make oral or written statements at such public meetings.

### **Rule 7: Committees, Working Groups and Experts Groups**

7.1 The Council may establish and assign responsibilities to *ad hoc* or standing committees, working groups or expert groups as it may require to fulfill its mandate. The Council shall establish the terms of reference, guidelines and budget for the committees and groups. The Council may request the Executive Director to assist in carrying out these functions.

7.2 Subject to the terms of reference, guidelines and budget established by the Council under Rule 7.1, the committees and groups may seek advice and information from JPAC, Provinces, States, participants, nongovernmental and intergovernmental organizations, independent experts and affected members of the public as necessary in order to fulfill their mandates.

### **Rule 9: Agenda**

9.1 All items on the agenda of the Council session shall be within the scope of the Agreement.



9.2 The Executive Director shall prepare and transmit lists of proposed agenda items for each regular session. The lists shall include any items proposed by Parties, items related to the Executive Director's responsibilities as defined in the Agreement, items proposed by JPAC and items proposed by other interested persons residing or established in a territory of a Party.

### 3. Joint Public Advisory Committee Rules of Procedure

#### **Rule 5: Functions**

5.1 JPAC may provide advice to the Council on any matter within the scope of the Agreement, including on any documents provided to it under Article 16(6) of the Agreement and on the implementation and further elaboration of the Agreement, and may perform such other functions as the Council may direct. JPAC reports and recommendations shall incorporate all points of view of JPAC members.

5.2 JPAC may provide relevant technical, scientific or other information to the Secretariat, including for purposes of developing a factual record under Article 15 of the Agreement. The Secretariat shall forward to the Council copies of any such information.

### 4. Framework for Public Participation in CEC Activities

(...)

#### **2. Goals**

Building on the understanding that public participation is a two-way process, the CEC should:

(...)

- d) Provide the public with a means to interact constructively with the CEC;
- e) Promote opportunities for the participation of the public in all of the three countries;
- and
- f) Enhance the understanding of both the CEC and the public by including and considering also those sectors of the public that are not active participants.

#### **3. Guiding Principles**

The following principles upon which the framework is based are all of equal importance:

##### **3.1 Equity for Public Participants**

To promote equity, the CEC's public participation strategies are directed toward diverse constituents. The needs and economic requirements of diverse groups and cultures should be recognized and actively supported. Achieving broad, equitable participation requires applying active, innovative methods in order to offer the same opportunities in all three countries for educating, informing and consulting varied stakeholders.

##### **3.2 Efficiency and Timeliness**

Public participation should be an integral part of decision-making at the CEC so that public views can be considered. Public participation should begin the planning stages so that opportunities for public input can be clearly identified and appropriately scheduled in the CEC's activities.

The public participation should be planned in such a way that the circumstances and facts are presented and conveyed to the stakeholders in a manner that allows them to determine how best to participate. No one set of formats for public participation is likely to meet all needs, therefore, tailoring the format to the needs of each situation and/or sector of the public is essential.

Participants should be informed of what decisions the public participation process can affect and how that particular process will affect them. Any links to other related activities (i.e., those of the government, nongovernmental organizations, or industry) should also be described. The purposes and goals of the public participation process should be clearly defined and communicated in a timely manner. Public notification and the documents to be discussed at public meetings should be sent, to the extent possible, to identified stakeholders beforehand for their review and comments.

### **3.3 Transparency and Accessibility**

The CEC endeavors to conduct its activities in an open and transparent fashion. The public should be provided with all relevant CEC documents as appropriate, for their involvement in CEC activities.

All CEC documents for a public consultation should be made available simultaneously in English, French and Spanish. These documents should be, to the extent possible, accessible electronically in the three languages through the CEC web site, as well as in hard copy upon request to the CEC Secretariat.

Translation of the other documents into the three official languages will be handled in conformance with the CEC rules on translation.

The CEC annual program and budget, proposed by the Secretariat, should be distributed, posted on the CEC web site and be available in hard copy upon request to the CEC Secretariat. When appropriate the project descriptions or details of programs should address opportunities for public participation in each project.

There are several types of CEC meetings where opportunities for public participation may be provided. The public notice of the meeting should provide information on how the public can participate, and on any restriction that might apply:

- a) Open Public Meetings: These meetings would be open to participation by all without restriction, subject to space availability and the security of participants.
- b) Public as Observers: These are meetings which are fully or partially open to the public as observers, subject to space availability and the security of participants.
- c) Public Participation by invitation: In specific circumstances, the appropriate CEC component may decide that a meeting or portion thereof, should be focused to specific groups or persons. The appropriate CEC component may decide that a meeting should be closed to the public.

Documents to be discussed at an open public meeting should be made available to all interested stakeholders in advance, for a period of not less than 30 (thirty) days, during which comments from the public may be received.

All meetings of the public under the auspices of the CEC shall provide a service of interpretation in the three languages of the Commission. Under certain circumstances, the participants may decide that one or more of the official languages are not required 2 (two) weeks before the meeting.

Information on official activities under the CEC work program should be made widely available through all possible channels, including the CEC web site and be provided directly to organizations in the three countries interested in CEC activities. In activities involving public participation, details of the registration process for the public should be included.

Records should be kept of public meetings and contain minutes of the meetings. The summary report of a meeting should include the recommendation(s) made, and should be circulated to participants through registration addresses or whatever means the CEC deems appropriate.

### **3.4 Inclusiveness**

The CEC should seek to communicate effectively with the full range of communities and interested groups within the North American public. The CEC will seek to ensure that meaningful opportunities for the public to be informed and able to comment on CEC activities are provided.

### **3.5 Financial Support**

Each CEC activity and project should detail how it will involve the public and what part of the budget has been allocated for those purposes.

Decisions on financial support to public participants, as well as the manner in which public participants are selected, should be made by the appropriate CEC committees and work groups in accordance with the annual work program and budget.

Financial support, when offered, will be limited to only one participant per organization for the same meeting and will take into account the principles outlined in paragraph 3.1.

Selection of eligible candidates for financial support will be guided by the following:

- a) Ensuring a wide range of views and interest—public participants should be selected from different sectors representing a broad range of views in each country.
- b) Demonstrated expertise with the topic(s) to be dealt with at the public meeting.
- c) Ability to present specific, concrete and constructive proposals.

Funding for participants shall be in accordance with the CEC Business Travel Directive.

### **3.6 Accountability to the Public**

Accountability to the public, and evaluation of public participation processes, is a key element of successful and effective public participation requiring:

- a) That clear objectives for public participation be established in advance of meetings.
- b) Providing the public with information on possible next steps and decisions that need to be taken by CEC components regarding specific subject areas/initiatives that the public will be discussing.
- c) Informing the public of how and when their comments will be considered in the ongoing activities of the CEC.
- d) Evaluating the effectiveness of public meetings. As part of overall project evaluation, or evaluation of other CEC initiatives, public participation processes will also be evaluated, taking into account the objectives for these sessions. This will allow for continuous improvement of public participation sessions.

## **4. Public Participation Mechanisms**

With respect to the goals and the principles described above, one or a combination of mechanisms could be used for involving the participation of the public. In any case, the CEC shall strive to promote informed public participation, taking the appropriate measures by:

- a) Consulting with JPAC as one vehicle for public participation, and disseminating CEC information to the public through the JPAC in ongoing efforts to encourage public participation.
- b) Seeking the advice of the National and Governmental Advisory Committees in promoting informed public participation.
- c) Informing the public of ongoing activities through CEC publications, such as the Annual Program and Budget, CEC annual reports, the *Eco Region* newsletter, press releases, conferences, and the CEC web site.
- d) Obtaining information from the public on a specific issue via questionnaires, interviews, forums, meetings, seminars, community and site visits, focus groups, and Internet exchanges.
- e) Consulting with the public on a specific issue through, workshops, round tables, electronic discussion groups, and outreach programs.

f) Preparing and distributing reports for all CEC public participation activities, to assist the public in evaluating follow-up decisions by the appropriate CEC body.

#### **4.1 Directives**

The CEC Secretariat shall coordinate logistics for public participation in all CEC activities. To implement these mechanisms, some basic public participation directives should be used as follows:

##### **4.1.1 Open Public Meetings**

- a) Except in extraordinary circumstances, notice of open public meetings should be provided no less than 30 (thirty) days before such meetings are to take place. The purpose, objectives, agenda, date and venue of such meetings should be posted on the CEC web site and other appropriate electronic venues such as CECNet. The Secretariat should make available a current calendar of key CEC meetings and update it weekly. The CEC Secretariat will coordinate the administration and logistics for the public participation processes in all CEC activities. Other tools may be used to ensure as wide a distribution as possible; for example, mail, fax, and advertising in newspapers or other publications.
- b) A chairperson or facilitator should be considered for specific meetings.
- c) Agendas will clearly indicate when oral statements from the public may be made.
- d) Individuals or organizations may submit written comments to the appropriate CEC component even if unable to attend the meeting. Written comments received within 5 (five) days after the meeting will have the same status as verbal comments made during a public meeting. A summary record of discussions at public meetings should be sent to the participants and made available to the public through the CEC web site.
- e) Registration for public meetings will be limited to the capacity of the meeting room(s) on a first-come, first-serve basis.

##### **4.1.2 Call for Public Comments**

- a) Any call for public comments should provide a minimum of 30 (thirty) days' notice for review of documents. The purpose and objectives of the call for public comments and any draft documents related to the issue should be posted on the CEC web site and other appropriate electronic venues such as CECNet or sent to potentially interested individuals and organizations who do not have access to the Internet.
- b) All comments from the public should be sent to the Secretariat with the understanding that they might be made available to the public.

##### **4.1.3 CEC Contact List**

The CEC Secretariat develops and maintains a list of relevant contacts. This list is used by the CEC for distribution of information on specific issues and activities.

## ANNEX IX

### 1. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

#### **Article 3 General provisions**

(...)

7. Each Party shall promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.

#### **Article 6 Public participation in decisions on specific activities**

1. Each Party:

- a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I;
  - b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and
  - c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes.
2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, inter alia, of:
- a) The proposed activity and the application on which a decision will be taken;
  - b) The nature of possible decisions or the draft decision;
  - c) The public authority responsible for making the decision;
  - d) The envisaged procedure, including, as and when this information can be provided:
    - i) The commencement of the procedure;
    - ii) The opportunities for the public to participate;
    - iii) The time and venue of any envisaged public hearing;
    - iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;
    - v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and
    - vi) An indication of what environmental information relevant to the proposed activity is available; and
  - e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.
3. The public participation procedures shall include reasonable time frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.

4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.
5. Each Party should, where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.
6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:
- a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;
  - b) A description of the significant effects of the proposed activity on the environment;
  - c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;
  - d) A non-technical summary of the above;
  - e) An outline of the main alternatives studied by the applicant; and
  - f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.
7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.
8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.
9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.
10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied *mutatis mutandis*, and where appropriate.
11. Each Party shall, within the framework of its national law, apply, to the extent feasible and appropriate, provisions of this article to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

#### **Article 7 Public participation concerning plans, programmes and policies relating to the environment**

Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment.

#### **Article 8 Public participation during the preparation of executive regulations and/or generally applicable legally binding normative instruments**

Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.

To this end, the following steps should be taken:

- a) Time-frames sufficient for effective participation should be fixed;
- b) Draft rules should be published or otherwise made publicly available; and
- c) The public should be given the opportunity to comment, directly or through representative consultative bodies.

The result of the public participation shall be taken into account as far as possible.

#### **Article 10 Meeting of the Parties**

(...)

4. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State or regional economic integration organization entitled under article 17 to sign this Convention but which is not a Party to this Convention, and any intergovernmental organization qualified in the fields to which this Convention relates, shall be entitled to participate as observers in the meetings of the Parties.

5. Any non-governmental organization, qualified in the fields to which this Convention relates, which has informed the Executive Secretary of the Economic Commission for Europe of its wish to be represented at a meeting of the Parties shall be entitled to participate as an observer unless at least one third of the Parties present in the meeting raise objections.

6. For the purposes of paragraphs 4 and 5 above, the rules of procedure referred to in paragraph 2 (h) above shall provide for practical arrangements for the admittance procedure and other relevant terms.

## 2. Draft guidelines on promoting the application of the principles of the Aarhus Convention in international forums

### **II General [principles] [objectives] and considerations**

(...)

16. Guaranteeing international access might, for practical reasons, be more complex, costly, and difficult to manage than access at a national or local level. In some cases, practices in international forums do not effectively meet, and may even aggravate, these challenges. There is a need to adapt and structure international participation processes and mechanisms in order to address these challenges and assure balanced and equitable participation of the public [concerned].

17. Participation processes and mechanisms should be structured to facilitate international access by the public [concerned], including participation by a diverse range of relevant actors within an efficient and manageable process. Such actors may include:

- representatives of those affected or likely to be affected by, or having an interest in, the outcomes of decisions, including environmental citizens organizations;

- those who can offer expertise relevant to the issues under consideration; and
- representatives of commercial interests that might cause, contribute to, or be in a position to alleviate the problems under discussion.

18. Special efforts should be made to minimize barriers to access for representatives of those most directly affected or likely to be affected by, or having an interest in, the outcomes of decisions, including environmental citizens organizations [and traditionally marginalized constituencies].

19. Where the public concerned have differentiated capacity, resources, socio-cultural status or political power (among other factors), there may be a need for differentiated treatment to assure a balanced and equitable process. Processes should be designed to minimize inequality by creating, where possible, a more level playing field for the resolution of issues and controversies. Recognizing that commercial interests, including those regulated by international forums, frequently have greater financial capacity [and political influence] than other actors, efforts should be made to ensure that representatives of such interests do not have an inappropriate role in or undue influence upon decision-making in international forums.

20. Where it is necessary [and unavoidable] for practical reasons to restrict participation of representatives of the public concerned, this should be done taking account of the need for meaningful, balanced and equitable participation and any such restrictions should be based on transparent and clearly stated standards which are established in advance.

21. International access should be provided without discrimination on the basis of citizenship, nationality, domicile or accreditation status and without any requirement to prove or state a legal or other interest. In the case of a legal person, international access should be provided without discrimination as to where it has its registered seat or an effective centre of its activities.

22. Capacity building is important, both for non-governmental organisations (NGOs) and, in different ways, for secretariats of international forums. Capacity building in developing countries, in countries with economies in transition, and for stakeholders who are new to international forums is of particular importance.

23. Enhancing civil society involvement in international forums implies investment of resources. Accordingly, sufficient resources should be made available to enable balanced participation of all members of the public concerned.

24. Some codification of procedures governing international access could be beneficial and contribute to transparency, predictability and the creation of a 'level playing field'. However, excessive formalization of such procedures (e.g. those relating to accreditation of participants) could in some circumstances be counterproductive and impede or reverse the progress of international access.

25. Effective international access requires involvement at an early stage, when all options are open, and at all relevant levels. This includes access to relevant preparatory processes at the national and regional levels.

26. To ensure the transparency of the decision-making process and thereby strengthen the application of the principles of the Convention, meetings of international forums, including their subsidiary bodies, established for purposes such as those described in paragraph 3 should be open to the attendance of the public unless there is [an overriding reason][a reasonable basis] to close



the meeting to the public and a[n] [explicit] reasoned decision taken to that end, the text of which is made publicly available.

27. In order to ensure the effectiveness of international access without impeding the efficiency of the decision-making processes of international forums, NGOs and other actors should be encouraged to consider their structures of self-organisation. The issues that should be taken into consideration in this context include transparency, [legitimacy,] breadth of representation, openness to participation, coordination and procedures for [comprehensive] consultation with constituencies.

(...)

## **V. Public participation**

*40. Option I:* [With due regard to chapter I, Parties, Signatories and other interested States should ensure the application, to the extent [possible][appropriate], of the guidelines in this chapter in international forums in the light of the objectives and considerations set out in paragraphs 41 to 43.]

*Option II:* [The promotion of public participation in international forums should take into account the general principles set out in paragraphs 41 to 43.]

41. Public participation generally contributes to the quality of decision-making in international forums by bringing different opinions and expertise and increasing transparency and accountability. The forms of participation might vary according to the nature and phase of the process, and the format of the meeting (expert, negotiation, etc).

42. Public participation should be as broad as possible. [However, when restrictions are needed according to paragraph 20, they should [not] be [neither excessive nor] established solely for the sake of minimizing governmental burdens or promoting efficiency unless there is no reasonable alternative to such restrictions.]

43. Participation of the public [concerned] in the meetings of international forums, including their subsidiary bodies and other formal and informal groups, established for purposes such as those described in paragraph 3, should be allowed unless there is [a reasonable basis][an overriding reason] to exclude such participation and a reasoned decision to this effect is taken and made publicly available.

### **Entitlement to participate**

44. Under special circumstances, depending on the nature and phase of the decision making process, as well as on the format of participation sought, participation may be restricted in order to ensure the quality, efficiency and expediency of the decision-making process. In this case, accreditation or, if applicable, selection procedures based on clear and objective criteria, [should][could] be set up and the public be informed accordingly. The procedures should be transparent, fair, accountable and accessible. Selection criteria may include, among others, field of expertise, representation in geographic, sectoral, professional and other relevant contexts, and knowledge of working language. Procedures and criteria should take account of the value of continuity of participation without restricting the entitlement of newcomers and underrepresented stakeholders to participate..

45. In order to ensure efficiency and expediency of decision-making processes and ensure as far as possible that members of the public purporting to represent a particular sector or interest group are genuinely representative of that sector or interest group, self-organization and self-selection processes among participants sharing common goals should be encouraged.

46. [Public interest organizations should be given no less standing and participation rights in decision-making processes as those enjoyed by business organizations.]

### **Types of decision-making processes**

47. The international decision-making processes which should benefit from public participation include national preparation for international decisions, the formulation of rules, plans, programmes, policies and projects, the negotiation and implementation of conventions, and the preparation of international events.

### **Public participation mechanisms**

48. Effective public participation may be ensured through a variety of forms, depending on different factors, such as the type of international forum concerned and the nature and phase of decision-making process. Such forms may include consultative status, NGO advisory committees, NGO forums and dialogues, participation of NGOs in governmental delegations, Internet broadcasting of events and general calls for comments.

49. Public participation should include the entitlement to have access to relevant documentation, propose items for the agenda, speak at meetings and circulate written statements.

50. Public participation procedures in international forums should include reasonable time-frames for the different phases, allowing sufficient time for informing the public and for the public to prepare and participate effectively during the decision-making process. The timing of the opportunities to participate should be compatible with those pertaining to public access to the relevant documents, in order to facilitate informed public participation. The opportunity to participate in a given decision-making process should be provided at a stage when options are still open and effective public influence can be exerted.

51. The public concerned should be informed in due time of the opportunities, procedures and criteria for public participation in the decision-making and of the availability of information for the public, such as drafts for comments, final documents, decisions and reports. Such information should be provided through websites as well as directly to members of the public concerned having requested to be so notified. To preserve the quality of the decision-making process, clear objective criteria should be set regarding the provision of comments and the public should be informed accordingly.

52. Participation mechanisms should result in reasoned decisions that clearly take into account public comments. Transparency with respect to the impact of public participation on final decisions should be promoted, through, *inter alia*, ensuring the public availability of documents submitted by the public, the records of such positions in the related official documents and the mechanisms to assess their impact on the final decision.

### **Assistance and Capacity Building**

53. Decision-making processes in international forums are enhanced by the participation of an informed, knowledgeable and diversely represented public. Measures that would contribute to such participation, including preparatory meetings organized by or for the public and the forming of coalitions on specific issues, should be recognized as important and governments, relevant organizations and donors should accordingly consider providing support. This could include financial assistance and support to international secretariats and public interest organizations, especially those based in countries with economies in transition and developing countries, including support for capacity building.

### 3. Rules of Procedure

#### **IV. Notification**

##### **Rule 5**

(...)

2. The secretariat shall also provide notification in the official languages of the Meeting of any meeting, including information on the date and venue, at least six weeks before it is due to take place to:

(...)

(d) Relevant intergovernmental organizations, qualified or having an interest in the fields to which the Convention relates, that have requested to be so notified;

(e) Relevant non-governmental organizations, qualified or having an interest in the fields to which the Convention relates, that have requested to be so notified; and

(f) Any member of the public that has requested to be so notified.

#### **V. Observers**

##### **Rule 6**

1. Representatives of the States and the organizations identified in rule 5, paragraph 2 (a), (c) and (d), shall be entitled to participate in the proceedings of any meeting governed by these rules. Representatives of any State that is entitled under article 19, paragraph 3, of the Convention to seek to accede to it shall also be entitled to participate in such meetings, regardless of whether it has requested to be notified of such meetings.

2. Representatives of any of the organizations referred to in rule 5, paragraph 2 (e), shall be entitled to participate in the proceedings of any meeting governed by these rules, unless one third of the Parties present at that meeting objects to the participation of representatives of that organization.

3. Observers entitled to participate in meetings pursuant to this rule do not have the right to vote at such meetings.

#### **VI. Presence of the public**

##### **Rule 7**

1. The meetings of the Parties shall be open to members of the public, unless the Meeting of the Parties, in exceptional circumstances, decides otherwise especially to protect the confidentiality of information pursuant to the Convention.

2. Where it is not feasible to accommodate in the meeting room all the members of the public who have requested to attend the meeting, the proceedings of the meeting shall be relayed to those members of the public using audiovisual equipment wherever possible.

3. The secretariat, and, in the event of the meeting being held in a location other than the United Nations Office at Geneva, the host government or organization, shall ensure that practical arrangements are made to facilitate the entitlements of members of the public under this rule.

## **VII. Agenda and documentation**

### **Rule 10**

The provisional agenda, together with any supporting documents for the meeting, shall be distributed by the secretariat to the Parties and to the other States, organizations and bodies referred to in rule 6 at least six weeks before the opening of the meeting. (...)

### **Rule 11**

All official meeting documentation prepared in connection with meetings of the Parties or of subsidiary bodies, and the notification under rule 5, shall be placed on the ECE web site when sent to the Parties and shall be provided to members of the public on request. The terms of public access to the information shall be consistent with the provisions of article 4 of the Convention, except that the documentation shall be provided in electronic form where it exists in that form unless the applicant has specific reasons justifying its provision in a different form in which it is also held.

## **IX Officers**

### **Rule 22**

1. A bureau shall be established consisting of seven members, as follows:

(a) The officers referred to in rule 18;

(b) Representatives of other Parties.

2. The Bureau shall invite a representative of non-governmental organizations established for the purpose of, and actively engaged in, promoting environmental protection and sustainable development, appointed in accordance with paragraph 4, to attend bureau meetings as an observer.

3. At each ordinary meeting of the Parties, following the election of the officers, the remaining members of the Bureau shall be elected by the Parties present at the meeting.

4. The representative of the non-governmental organizations referred to in paragraph 2 shall be appointed by those organizations at meetings of the Parties.

## **X. Subsidiary bodies**

### **Rule 23**

1. The Meeting of the Parties may establish such subsidiary bodies as it deems necessary, in accordance with article 10, paragraph 2 (d), of the Convention. It may also dissolve such bodies.

2. These rules of procedure shall apply mutatis mutandis to the proceedings of subsidiary bodies established by the Meeting of the Parties, save as otherwise specified in paragraphs 3 to 6 below or decided by the Meeting of the Parties.

(...)

## **XII. Conduct of business**

**Rule 27**

1. No one may speak at a meeting without having previously obtained the permission of the Chairperson. The representatives of the States, organizations and bodies entitled to participate under rule 6 shall be entitled to seek to address the Meeting under each agenda item and, having made such a request, shall be included on the list of speakers. Without prejudice to rules 28, 29, 30 and 32, the Chairperson shall in general call upon speakers in the order in which they signify their desire to speak, but may at his or her discretion decide to call upon representatives of Parties before observers.

(...)

4. The Chairperson may request representatives of two or more non-governmental organizations having common goals and interests in so far as the subject matter of the Convention is concerned to constitute themselves into a single delegation for the purposes of the meeting, or to present their views through a single representative, in order to facilitate the proceedings.

## ANNEX X

### 1. Proposal for a Regulation on the application of the provisions of the Århus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to EC institutions and bodies

#### **GENERAL PROVISIONS (Title I)**

##### **Definitions (Article 2)**

The Article establishes definitions that are crucial for the interpretation of the proposed Regulation. The most important ones are:  
(...)

##### *Plans and programmes relating to the environment*

The Århus Convention does not define “plans and programmes relating to the environment”. In its overall context, it is given a broad meaning, also including complex strategies such as environmental action plans that might themselves give rise to plans based on the strategies. The proposed definition of “plans and programmes relating to the environment” has been drawn up with the intention to remain, where appropriate, as much as possible in parallel to the requirements for Member States, notably under the Directive 2003/35/EC on public participation and Directive 2001/42/EC of the European Parliament and of the Council on ‘strategic environmental assessment’<sup>9</sup>. The proposed definition would include plans and programmes that contribute to the achievement of the Community’s environmental policy objectives. Furthermore, those plans and programmes shall be included that are likely to have a significant effect on the achievement of those objectives. This is in line with the integration requirement of Article 6 EC Treaty. In relation to the Member States, a parallel approach is followed by Directive 2001/42/EC, which, in the framework of the environmental assessment requirements, provides for public participation in line with the Århus Convention. To give guidance for the selection of the plans and programmes concerned, the proposal refers to Decision 1600/2002/EC laying down the Sixth Community Environment Action Programme<sup>10</sup>, which contains the actions to be taken within the next ten years in order to reach EC environmental policy objectives. Related plans and programmes would be subject to the public participation provisions. Furthermore, the definition provides for specific exceptions. Thus, financial or budget plans and programmes shall not be included, as they do not as such have a significant direct effect on the environment. Budget plans and programmes would include the annual budgets of the Community institution or body. Financial plans and programmes would include the ones which describe how some project or activity should be financed, or how grants or subsidies should be distributed. Internal work programmes are also excluded.

## **PUBLIC PARTICIPATION IN THE PREPARATION BY COMMUNITY INSTITUTIONS AND BODIES OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT (Title III)**

The point of departure for the present proposal for a Regulation was that it should be limited to the legally binding requirements of the Århus Convention, i.e. Articles 6 and 7, where the latter concerns public participation in the preparation of plans and programmes relating to the environment.

### **(1) Public participation in decisions on specific activities and projects (Article 6 of the Århus Convention)**

The Århus Convention provides for public participation “with respect to decisions on whether to permit” certain activities listed in Annex I to the Convention (Article 6(1.a)). Decisions to authorise the listed activities are not taken at Community level, but by Member States, at local, regional or national level.

It has been considered whether the provisions of Article 6 of the Århus Convention should be applied to decisions taken at Community level relating to the financing of the listed activities and of others that may have a significant effect on the environment (Article 6(1.b)). The proposal decides against this option. Indeed, the Århus Convention does not explicitly require public participation in financial decision-making related to the activities covered. When the Commission made its proposal for transposing the requirements of the Århus Convention in relation to public participation into Member States’ legislation, it did not propose to have such provisions at national level, nor did the Council or the European Parliament consider this necessary or desirable. Setting up participation requirements for financial decisions made at Community level would thus create different approaches at national and Community level.

Furthermore, there is considerable risk of duplication, as normally the permitting procedure for the respective activity covered by the Århus Convention already itself requires public participation. Participation of the public should therefore be made a requirement where the permitting procedure takes place, as provided for in Directive 2003/35/EC, but not for the financial decisions related to such activities.

Article 6(1.b) of the Århus Convention, providing for public participation in decisions on other proposed activities “which may have a significant effect on the environment”, is not of application in relation to the Community level.

Administrative decisions on the authorization of chemicals, pesticides and biocides are, as a rule, taken at the level of Member States.

Decisions taken at Community level, such as the establishment of lists of active substances or the classification of substances, are as such not aimed at as specific activities in the sense of Article 6. Regulation (EC) No 2037/2000 on ozone-depleting substances<sup>13</sup> provides for administrative decisions at Community level. However, the decisions concerned do not have a significant effect on the environment, as they concern only the management of the different quota for the placing on the market or importation of such substances.

In relation to genetically modified organisms (GMOs), Directive 2001/18/EC<sup>14</sup> also provides, under certain circumstances, for decisions on the placing of the market of GMOs to be taken at Community level and its Article 24 contains some provisions on public participation. Under the present proposal, no specific further public participation is provided for as regards GMOs.

Indeed, the Århus Convention itself recognises that GMOs have a specific status under the Convention<sup>15</sup>. Within its framework, work on the elaboration of specific rules on the application of the Convention to GMOs is underway, and the Community and the Member States participate in these discussions. Therefore, it appears more appropriate to await the outcome of these international negotiations, before establishing specific rules at Community level.

## **(2) Public participation concerning plans and programmes relating to the environment (Article 7, first part, of the Århus Convention)**

Article 7, 1<sup>st</sup> part of the Århus Convention requires making provisions for the participation of the public during the preparation of plans and programmes relating to the environment. As concerns the basic requirements of such public participation, it refers back to certain parts of Article 6. The notion 'plans and programmes relating to the environment' is not defined in the Convention. In order to transpose the requirements into Community legislation and to give, at the same time, legal certainty to administrations and to the public, the present proposal defines plans and programmes relating to the environment. The definition is sufficiently broad to cover also sets of measures that, although not officially called 'plans' or 'programmes', in substance constitute an 'organised and co-ordinated system in order to reach certain objectives'.

Article 2(1)(c) of the proposal clarifies that the definition of "Community institutions and bodies" does not include those "when and to the extent to which they act in a judicial or legislative capacity". Applied to the decision-making on plans and programmes relating to the environment, which are prepared by the Commission and subsequently endorsed or adopted by a legislative act, this means that the public participation requirements cover the stage preceding the legislative proposal by the Commission. Once a proposal is made, participation is ensured through the parliamentary process.

### **Requirements for public participation (Article 8)**

Article 7, first part requires that "practical and/or other provisions" be made for public participation in the preparation of plans and programmes relating to the environment. As concerns the modalities to be provided for, it refers back to Article 6, paragraphs 3, 4 and 8.

The present proposals takes up these requirements, addressed to Community institutions and bodies where they prepare plans and programmes relating to the environment.



In line with Article 7, sentence 3 of the Århus Convention, it will be for the relevant Community institution or body to identify the public which may participate. This takes account of the fact that the plans and programmes covered might be very varied, and that the public authority in question is best placed to define the target public. In any case, when identifying the public to consult, the Community institution or body will have to take account of the objectives of the Convention, and to include relevant non-governmental organisation, such as those providing environmental protection. In line with Articles 7, 6(3) of the Århus Convention, the proposal requires the public participation provisions to include reasonable timeframes and provide the necessary information to allow for effective participation. The requirement to provide for early and effective participation is formulated along the lines of Article 6(4) of the Århus Convention. The requirement to take due account of the results of public participation follows from Article 7 in conjunction with 6(8) of the Århus Convention.

For the Commission, general principles and minimum standards for consultation of interested parties have already been established in December 2002<sup>18</sup>. These standards were not designed to cover specifically environmental decision-making, but in particular 'major policy initiatives' which, as a first step, are those for which also an extended impact assessment is required following the Commission's Communication on that issue of 5 June 2002<sup>19</sup>. Within this frame, they contain basic requirements for the consultation of interested parties, which, according to the policy proposal under preparation, also include the public at large and civil society organisations. The general principles and minimum standards in particular require consultation to take place at an early stage, to provide the necessary information on the consultation, to provide sufficient time for comments and to give feedback to those consulted, including on the results of the consultation and how these were taken into account in the proposal. These guidelines however do not apply to the other Community institutions or bodies, which by the present proposal will be obliged to adopt similar instruments in relation to the preparation of plans and programmes relating to the environment.

As the Commission's general principles and minimum standards for participation in decisionmaking were adopted with a view to a more general coverage, the Commission will have to complete those to fully integrate the specific requirements of the Århus Convention, in particular the coverage of relevant 'plans and programmes relating to the environment'. A commitment to that end is already contained in the Commission's Communication establishing those standards<sup>20</sup>. Given that the consultation standards have been in operation only for a short period, it is envisaged to take up this issue after a period of two years, when some more practical experience on all aspects of their operation will have been gained.

### **TITLE III**

**PUBLIC PARTICIPATION IN THE PREPARATION BY COMMUNITY INSTITUTIONS AND BODIES OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT**

*Article 8*

Community institutions and bodies shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment. The provisions to be made to this end:

- a) shall include reasonable timeframes, allowing sufficient time for informing the public of the plans and programmes to be prepared and the modalities of its participation, and for the public to participate effectively in the preparation of the plans and programmes relating to the environment;
- b) shall enable public participation at an early stage, when all options are open;
- c) shall provide that in the decision-making on the plan or programme relating to the environment, due account is taken of the outcome of public participation;
- d) shall identify the public which may participate, including relevant nongovernmental organisations such as those promoting environmental protection.