



**Economic and Social
Council**

Distr.
LIMITED

ECE/MP.PP/WG.1/2008/L.4
10 December 2007

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE
CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING AND
ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group of the Parties to the Convention

Ninth meeting
Geneva, 13–15 February 2008
Item 5 (a) of the provisional agenda

GENETICALLY MODIFIED ORGANISMS

**DRAFT DECISION ON THE INTERPRETATION OF ARTICLE 14
OF THE CONVENTION**

Draft decision prepared by the secretariat in consultation with the Bureau
and the ad hoc group of legal experts¹

The Meeting of the Parties,

Recalling decision II/1 on genetically modified organisms, through which an amendment to the Convention was adopted,

Noting that article 14, paragraph 4, of the Convention, which establishes the conditions for entry into force of amendments to the Convention other than those to an annex, is open to different

¹ At its sixth meeting, the Working Group of Parties established an ad hoc group of legal experts nominated by the Parties, Signatories and other stakeholders to support the process of clarifying the conditions for entry into force of amendments under the Convention (ECE/MP.PP/WG.1/2006/2, para. 20).

interpretations due to the ambiguity inherent in the expression “by at least three fourths of these Parties”,

Recalling article 31 of the Vienna Convention on the Law of Treaties, which sets out general rules on the interpretation of treaties and which requires, in paragraph 3 (a), that any subsequent agreement between the parties to a treaty regarding its interpretation or the application of its provisions shall be taken into account,

Desiring to bring about an early entry into force of the amendment adopted through decision II/1, and, in principle, any future amendments to the Aarhus Convention,

1. *Agrees* to interpret the expression “by at least three fourths of these Parties” as meaning at least three fourths of the Parties to the Convention that were Parties at the time of the adoption of the amendment;

[2. *Decides* that this agreement shall take effect six months from the date of its communication by the Depositary in the three official languages of the Convention to all States and regional economic integration organizations that are Parties to the Convention at the time of adoption of this decision, provided that no such Party has notified the Depositary by the expiry of the six-month period that it objects to the decision;]²

3. *Decides* that any State that becomes a Party to the Convention after the date of adoption of this decision is also deemed to have agreed to the interpretation of article 14, paragraph 4, of the Convention, set out above[, once the agreement comes into effect in accordance with paragraph 2 above].

² There appears to be consensus among the experts of the ad hoc group that should all Parties be present at the meeting of the Parties at which the decision is adopted and be in support of the interpretation of article 14 contained in it, the text which is currently contained in square brackets in paragraphs 2 and 3 would not be required. However, there were different views within the ad hoc group as to whether the square-bracketed text in these paragraphs should be included in the decision if not all the Parties are present at that meeting.