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ECONOMIC COMMISSION
FOR EUROPE

Tel: +41 (0)22 917 4226 (direct)
+41 (0)22 917 1234 (Palais des Nations)
E-mail: aarhus.compliance@unece.org

Palais des Nations, Room 429-2
CH-1211 GENEVA 10

Ref: Pre-admissibility

28 November 2014

Mr. Konstantinos Kazanas
Lawyer
Ic Lykavittou
PC: 107 76, Athens
Greece

Dear Mr. Kazanas,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Greece in connection with access to information regarding the destruction of Syrian chemical weapons in the Mediterranean Sea

At its forty-sixth meeting (Geneva, 22-25 September 2014), the Aarhus Convention Compliance Committee considered the preliminary admissibility of the communication submitted by you and others on 31 July 2014. The communication alleged non-compliance with articles 3, 4 and 5 of the Convention with respect to the disposal of chemical weapons in international waters south of Crete. The Committee agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to ask you to further clarify your allegations.

Please find attached a set of questions prepared by the Committee for your attention. We would be very grateful to receive your response to the attached questions by **Tuesday, 16 December 2014**, in order that they may be considered by the Committee at its forty-seventh meeting (Geneva, 16-19 December 2014).

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions for the communicant

Questions for the communicants

1. Please resubmit your communication using the revised format for communications, available at http://www.unece.org/fileadmin/DAM/env/pp/compliance/CC-46/Draft_revised_format_for_communications_v18.09.2014.docx¹

When re-submitting your communication, please remove all information which is not directly related to illustrating how specific provisions of the Convention have been breached in this case.

2. In your re-submitted communication, please indicate which of the communicants are State officials. Please also indicate whether those persons are submitting their communication in their public or personal capacity.
3. In your communication you state ““The only information about the location of the undertaken hydrolysis operation was provided on the official website of the US Department of Defence where it is explicitly mentioned that the operation will take place “in an unspecified location in the Mediterranean Sea”.” Since submitting your communication, have you become aware of any further information regarding the approximate location of the disposal site, including whether it was more than 200 nautical miles south of Crete?
4. List as precisely as possible the provisions (articles, paragraphs, subparagraphs) of the Convention that you allege that Party concerned has failed to comply with (you do not need to provide the text of the provision, just to list the relevant paragraphs and sub-paragraph numbers is sufficient).
5. With respect to your allegations under article 4 of the Convention, please provide a list of the information requests within the scope of article 4 made by the communicants to the Party concerned that the communicants consider were not adequately addressed. In your list, please specify the date of the original request, what information was requested and who the request was made to. Please also specify the response, if any, received from the Party concerned as well as any subsequent correspondence with the Party regarding the request. Please provide copies of all relevant letters/emails between the communicants and the Party, together with English translations thereof.
6. What domestic remedies exist in Greece to challenge an inadequate response to a request for information? Did the communicants use these domestic remedies regarding each of the information requests? If so, what was the outcome? If they did not use these domestic remedies for any of the above information requests, please identify for which information request they did not do so and explain why not.
7. If the communicants wishes to allege that the Party concerned has failed to comply with article 5, paragraphs 1(a), (b) and (c) and 7 (a), (b) and (c), please explain for each of these sub-paragraphs more precisely what type of information within the scope of the sub-paragraphs you consider that the Government of Greece should have collected and/or disseminated to the public but failed to do so.
8. What domestic remedies exist in Greece to challenge the alleged failure of the Greek officials to collect and disseminate the above information? Did the communicants use these domestic remedies? If so, what was the outcome? If the communicants did not use these domestic remedies, please explain why not.
9. You allege that there was a failure to provide effective public participation in decision-making, but you do not refer to any provisions of the Convention in this regard. If you consider that the Party concerned has failed to meet its obligations with respect to public participation under the Convention:
 - a. Did the Government of Greece adopt any decision approving the agreement reached within the Organization on Chemical Weapons. If so, please provide a copy of that decision, together with an English translation thereof.
 - b. Specify the decision(s) taken by the Government of Greece that you consider should have been subject to public participation under the Convention. If you have copies of the

¹ It is expected that this format will be adopted at the Committee's upcoming 47th meeting.

text of the decision(s), please provide these to the Committee, together with English translations thereof.

- c. For each of the above decisions:
 - i. Indicate whether you consider that it was a decision under article 6, 7 or 8 of the Convention; and
 - ii. Explain clearly how that decision comes within the scope of the wording of that article.
 - iii. For any decision which you consider was subject to article 6 or 7 of the Convention, identify which sub-paragraphs of that article were breached.
 - iv. Explain how the facts of your case demonstrate that the Government of Greece has failed to meet the requirements of that article. Base your answer on the specific wording of the article, and provide any relevant supporting information or documentation to prove your answer.
 10. What domestic remedies exist in Greece to challenge a failure to ensure effective public participation in decision-making regarding the environment? Did the communicants use these domestic remedies with respect to each of the decisions that they allege to have been taken in breach of the Convention? If so, what was the outcome? If they did not use these domestic remedies for any of the above decisions, please specify regarding which decisions they did not do so and explain why not.
 11. What has been the outcome, if any, of the petition to the Public Prosecutor of the Supreme Court dated 7 April 2014?
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