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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

Compliance Committee

Fourteenth meeting
Geneva, 13–15 December 2006

REPORT OF THE FOURTEENTH MEETING

1. The fourteenth meeting of the Compliance Committee took place in Geneva on 13–15 December 2006. All members were present. Representatives of the Governments of Albania, Romania and the Russian Federation and non-governmental organizations (NGOs) Earthjustice and Alliance for the Protection of Vlora Gulf participated as observers during the open sessions.
2. The Chairperson, Mr. Veit Koester, opened the meeting.

I. ADOPTION OF THE AGENDA

3. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2006/7.

II. RELEVANT DEVELOPMENTS SINCE THE PREVIOUS MEETING OF THE COMMITTEE

4. Members of the Committee exchanged information on various meetings and conferences related to the Convention or compliance issues that had taken place since its previous meeting or were planned in the near future.

III. OTHER MATTERS ARISING FROM THE PREVIOUS MEETING

5. There were no outstanding matters from the previous meetings.

IV. SUBMISSIONS BY PARTIES CONCERNING OTHER PARTIES

6. The secretariat informed the Committee that no new submissions had been made by Parties concerning compliance by other Parties.

V. SUBMISSIONS BY PARTIES CONCERNING THEIR OWN COMPLIANCE

7. The secretariat informed the Committee that no submissions had been made by Parties concerning problems with their own compliance.

VI. REFERRALS BY THE SECRETARIAT

8. No referrals had been made by the secretariat.

VII. COMMUNICATIONS FROM MEMBERS OF THE PUBLIC

9. As agreed at its thirteenth meeting, the Committee resumed its discussion of communication ACCC/C/2005/12 (Albania) submitted by the Albanian NGO Alliance for the Protection of the Vlora Gulf, which concerned compliance by Albania with certain provisions of article 3, paragraph 2; article 6, paragraph 2; and article 7 of the Convention.

10. In general, discussions on the communication proceeded in accordance with the form decided on by the Committee at its fifth meeting (MP.PP/C.1/2004/6, para. 40). They included interventions by representatives of the Government of Albania and the communicant as well as comments by other observers.

11. The Committee confirmed that the communication was admissible and proceeded to prepare draft findings and draft recommendations in closed session (decision I/7, annex, para. 33).

12. The Committee agreed on the main findings and conclusions and decided to continue the deliberation process electronically. It mandated the curator, with the assistance of the secretariat, to determine the modalities to be used for the preparation of draft findings and recommendations during the intersessional period.

13. It was agreed that the draft findings and any draft recommendations would be sent to the Party concerned and the communicant inviting them to comment (decision I/7, annex, para. 34). The timing of the commenting period would be determined by the Chairperson in consultation with the secretariat. The Committee also agreed to send the draft findings to the World Bank and the European Bank for Reconstruction and Development, providing them an opportunity to comment during the same period if they so wished. The modalities for the commenting procedure discussed at the Committee's sixth meeting would apply (MP.PP/C.1/2004/8, para. 36).

14. With regard to communication ACCC/C/2005/15 (Romania), no further information had been received from the parties concerned in advance of the meeting. The secretariat informed the Committee that it had received correspondence from the communicant expressing the latter's intention to submit further information in advance of the next meeting.

15. As requested by the Committee at its thirteenth meeting, the secretariat had sent a letter to the communicant in communication ACCC/C/2006/16 (Lithuania) inviting it to comment on whether information contained in the Party's response concerning a judgment of the Administrative Court of Vilnius County had implications for the communication. No response from the communicant had been received in advance of the fourteenth meeting. The Committee agreed that it should aim to hold a discussion on the communication at its next meeting. However, as any further development regarding review of this communication was subject to the information to be provided by the communicant, the Committee mandated the secretariat to write to the communicant requesting it to provide the information as soon as possible and at the latest by 10 January 2007.

16. The Committee also mandated the Chairperson in consultation with the curator to decide, taking into account the information to be received from the communicant, whether the Committee should proceed to hold the discussion at its next meeting, which would take place on 21–23 March 2007. Should the discussion take place at the next meeting, it requested the secretariat to notify the Party concerned and the communicant of this and of their right to participate (decision I/7, annex, para. 32)

17. The secretariat informed the Committee that no response had as yet been received from the Party concerned with regard to communication ACCC/C/2006/17 (European Community). The deadline for responding was 11 January 2007. In accordance with the request made by the Committee at its previous meeting, the secretariat had sent a letter to the Party with an additional question (ECE/MP.PP/C.1/2006/6, para. 24). Additional information had been received from the communicant in response to the questions raised by the Committee with the Party concerned (ECE/MP.PP/C.1/2006/4, para. 24) and had been duly forwarded to the Party concerned.

18. The secretariat informed the Committee that it had received correspondence from Mr. Søren Wium-Andersen from Denmark addressed to the Compliance Committee and presented in

the form of a communication to the Committee. In the correspondence, Mr. Wium-Andersen had requested the Committee to examine the compliance of Danish legislation with EC Directive 79/409/EEC on the conservation of wild birds. The correspondence did not, however, appear to concern compliance with the Aarhus Convention. The secretariat provided a copy of the correspondence to the Committee and informed it that, at the request of the Chairperson, it had notified Mr. Wium-Andersen that the Committee had no mandate to review compliance by States with acts of international law other than the Aarhus Convention. The Committee took note of this information and agreed to reflect the procedure that had been followed in its *modus operandi* (see paras. 26–28 below).

VIII. OTHER INFORMATION RECEIVED BY THE COMMITTEE RELEVANT TO POSSIBLE CASES OF NON-COMPLIANCE

19. The Committee had received no additional information relevant to possible cases of non-compliance.

IX. FOLLOW-UP ON SPECIFIC CASES OF NON-COMPLIANCE

20. The secretariat informed the Committee that no further information had been received from the Government of Ukraine with regard to the implementation of decision II/5b of the Meeting of the Parties. The Government had earlier made a request to delay the submission of the strategy referred to in that decision until the end of 2006 (ECE/MP.PP/C.1/2006/6, para. 30).

21. A representative of the Government of Romania informed the Committee that in a recent bilateral meeting between the Romanian and Ukrainian authorities, the latter had indicated that the works on the canal in question had been resumed and would be finished by February 2007. In the opinion of the Government of Romania, Ukraine had failed to demonstrate that it intended to act on the findings of the Espoo Convention Inquiry Commission (see ECE/MP.PP/C.1/2006/6, paras. 11 and 12); to provide, at the request of the Romanian side, the available information on the whole project to the affected Romanian population and relevant NGOs; and to implement the recommendations contained in paragraph 2 of decision II/5b of the Meeting of the Parties to the Aarhus Convention. She further noted that Romania was not aware of any public consultations having been carried out, as recommended by the Committee, in connection with the preparation of the implementation strategy that was to be completed by Ukraine by the end of 2006 (see ECE/MP.PP/C.1/2006/6, para. 30). A note verbale from the Permanent Mission of Romania elaborating on these points was subsequently provided to the Committee.

22. The Committee took note of a letter that it had received from the Ministry of Environmental Protection of Turkmenistan on 6 December 2006. In the letter the Government of Turkmenistan expressed its intention to submit to the Committee, in accordance with paragraph 6 of decision II/5c, a report to the Meeting of the Parties, through the Compliance Committee.

X. REVIEW OF COMPLIANCE WITH REPORTING REQUIREMENTS AND PROCEDURES FOR ADDRESSING COMPLIANCE ISSUES ARISING FROM THE IMPLEMENTATION REPORTS

23. The Committee resumed its discussion on the preparation of guidance on reporting requirements, on the basis of a draft prepared by the secretariat. It finalized the operative part of the document and agreed to use its electronic decision-making procedure to complete the annex containing a list of issues recommended for special consideration by the Parties. The Committee mandated Mr. Sandor Fülöp to draft the annex in consultation with Mr. Jerzy Jendroska and Mr. Jonas Ebbesson. The draft would be sent via the secretariat to the other members of the Committee by 15 January 2007 for comment. The document would then be submitted to the Working Group of Parties for consideration at its seventh meeting (2–4 May 2007).

24. The secretariat presented information about scheduled upgrades to the Aarhus Clearinghouse for Environmental Democracy (<http://aarhusclearinghouse.unece.org>), and in particular demonstrated the development of online National Implementation Reports which will be linked to the Clearinghouse. Under the project, National Implementation Reports prepared for the meetings of the Parties will be accessible through an online database which can be searched by language, year of publication, country (or set of countries) and selected question(s) corresponding to specific provisions of the Convention. This approach will facilitate the analysis of implementation practices and gaps. The secretariat further reported that an online database containing responses to a questionnaire on the implementation of decision II/3 on electronic information tools and the clearinghouse mechanism, which had been circulated to Parties and Signatories by the Task Force on Electronic Information Tools in October 2006, would also be made available online. The secretariat presented an information note about online reporting on implementation of the Convention.

25. The Committee welcomed the work undertaken by the secretariat and encouraged it to continue exploring possibilities for using electronic tools to facilitate access to information on implementation and the functioning of the reporting regime. While recognizing the technical challenges posed by online reporting, the Committee considered that Parties should make use of electronic tools, including online reporting where available, in elaborating and submitting the reports.

XI. MODUS OPERANDI

26. The Committee considered how to deal with situations where correspondence purporting to be a communication did not contain any reference to the Convention and clearly did not concern compliance with it. The Committee noted that the essential defining feature of any communication to the Compliance Committee was that it should concern compliance with the Convention by one or more Parties (para. 18 of the annex to decision I/7 of the Meeting of the Parties).

27. The Committee agreed that if the secretariat received correspondence from a member of the public which purported to be a communication to the Committee but which did not refer to

and clearly did not concern compliance with the Convention, the secretariat, in consultation with the Chairperson, was mandated to inform the correspondent that the correspondence would not be treated as a communication and what the requirements for communications to the Committee are. The secretariat should inform the Committee of any such cases, at the latest at the next meeting of the Committee, and make available to it copies of any such correspondence received.

28. The Committee requested the secretariat to make the necessary addition to the *modus operandi*.

XII. PROGRAMME OF WORK AND CALENDAR OF MEETINGS

29. The Committee confirmed that it would hold its fifteenth meeting in Geneva on 21–23 March 2007. The provisional timing for the other meetings in 2007 would remain as follows: 13–15 June 2007 for the sixteenth meeting, 26–28 September 2007 for the seventeenth meeting and 28–30 November 2007 for the eighteenth meeting. The Committee provisionally agreed to hold its nineteenth meeting on 27–29 February 2008, or alternatively 20–22 February or 5–7 March 2008.

XIII. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

30. The Committee adopted the draft report prepared by the Chairperson and the secretariat. The Chairperson then closed the meeting.