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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

Third meeting

Riga, 11–13 June 2008

Item 6 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention:

Compliance mechanism

**DRAFT DECISION III/6**

**GENERAL ISSUES OF COMPLIANCE**

**Draft decision prepared by the Bureau\***

*The Meeting of the Parties,*

*Having regard to decision I/7 on the review of compliance and in particular to paragraph 37 of the annex thereto,*

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\* This document was submitted on the above date because it could only be prepared by the Bureau following the finalization of the corresponding findings of the Compliance Committee at its nineteenth meeting (5-7 March 2008)

*Having regard also* to decision II/5 on general issues of compliance and decisions II/5a, II/5b and II/5c on compliance by individual Parties,

*Noting with appreciation* the report of the Compliance Committee and the addenda thereto (ECE/MP.PP/2008/5 and Adds.1–10),

*Recalling* decisions III/6a, b, c, d, e and f concerning compliance by Albania, Armenia, Kazakhstan, Lithuania, Turkmenistan and Ukraine, adopted in parallel with this decision and containing the findings and recommendations of the Meeting concerning specific Parties found to be in non-compliance, as well as, where applicable, the outcome of the review of implementation of decisions II/5a, b and c,

1. *Endorses* the findings of the Committee and welcomes its recommendations made with regard to compliance by individual Parties in the intersessional period of 2005–2008;
2. *Welcomes* the consideration and evaluation by the Committee with respect to specific cases of alleged non-compliance set out in the reports and addenda to the reports of the Committee's meetings;
3. *Notes* the conclusions by the Committee concerning compliance by Belgium, Denmark, Hungary, Romania and the European Community with their obligations under the Convention (ECE/MP.PP/2008/5) and, in particular, that the Committee did not find that these Parties were not in compliance with their obligations under the Convention;
4. *Undertakes* to review the implementation of the proposed measures with respect to specific Parties referred to in decisions III/6a, b, c, d, e and f at its fourth ordinary meeting, as well as the more general recommendations contained in the following paragraphs, and with this in mind, requests the Committee to examine these matters in advance of that meeting and to describe the progress made in its report;
5. *Requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, make recommendations to the Parties concerned in support of the implementation of the measures referred to in decisions III/6a, b, c, d, e and f;
6. *Invites* relevant international and regional organizations and financial institutions, to provide support to the Parties concerned to assist them in implementing the measures referred to in decisions III/6a, b, c, d, e and f;

### **Working methods of the Committee**

7. *Welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2005–2008, as reflected in the reports of its meetings;

### **Implementation of decisions on compliance by individual Parties**

8. *Welcomes* Kazakhstan's sustained commitment to bringing its legislation and practice into compliance with the Convention, in particular in connection with implementation of decision II/5a, and its collaboration with the Compliance Committee throughout this process, while recognizing that further work is needed in particular with respect to access to justice;

9. *Notes with concern* the failure of Turkmenistan and Ukraine to sufficiently engage with the process of implementation of decisions II/5c and II/5b, respectively;

10. *Urges* Turkmenistan and Ukraine therefore to implement the relevant recommendations contained in decisions III/6e and III/6f, respectively, and to engage in a constructive dialogue with the Committee with a view to drawing on the expertise of its members, where necessary;

### **Cooperation of Parties in the process of review of compliance**

11. *Welcomes* the constructive approach and cooperation demonstrated by Albania, Armenia, Belgium, Denmark, Hungary, Kazakhstan, Lithuania, Romania and the European Community whose compliance was the subject of review;

12. *Also welcomes* the acceptance by most of the Parties concerned, including all those found not to be in compliance, of the Committee's recommendations made in accordance with paragraph 36 (b) of the annex to decision I/7, and the progress made by the Parties concerned in the intersessional period;

13. *Urges* each Party to cooperate constructively with the Committee in connection with any future review of its compliance;

### **Intersessional measures to promote compliance**

14. *Considers* that the implementation of measures to bring legislation or practice of a Party into compliance with the Convention should commence as soon as possible once specific problems with compliance have been established, with a view to already bringing about full compliance with the relevant provisions in the intersessional period, where possible;

15. *Also considers* that recommendations, advice and expert assistance from the Committee to the Parties concerned in the intersessional period would contribute to the effectiveness of facilitating their compliance;

16. *Agrees* therefore that, with a view to addressing compliance issues without delay, the Committee may, in consultation with the Party concerned, take the measures listed in paragraphs 37 (b) to (d);

## **Resources**

17. *Invites* all Parties and other interested States and organizations in a position to do so to provide countries with economies in transition with financial and technical assistance, aimed at improving implementation and compliance in such cases;

18. *Notes* that the workload of both the secretariat and the Committee related to the functioning of the compliance mechanism remains significant, and requests the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient resources are made available for this purpose.

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