



Economic and Social Council

Distr.: General
26 November 2010

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

Thirteenth meeting

Geneva, 9–11 February 2011

Item 4 (a) of the provisional agenda

Procedures and mechanisms: compliance mechanism

Membership of the Compliance Committee

Note prepared by the secretariat

Summary

This note on membership of the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was prepared pursuant to decisions I/7 (ECE/MP.PP/2/Add.8, para. 9) and II/5 (ECE/MP.PP/2005/2/Add.6, para.12) of the Meeting of the Parties to the Convention, and further to the election of the members of the Compliance Committee at the third session of the Meeting of the Parties, which took place in Riga from 11 to 13 June 2008 (ECE/MP.PP/2008/2, para.50). It was prepared by the secretariat for the information of the Working Group of the Parties to the Convention so as to facilitate the election of the members of the Compliance Committee at the fourth session of the Meeting of the Parties (Chisinau, 15–17 June 2011).

The note is accompanied by two annexes: Annex I is a table that shows the situation of the members of the Committee; and Annex II contains all the excerpts from relevant decisions and reports of the Meeting of the Parties, the Convention Bureau and the Compliance Committee on this subject.

Situation of the members of the Compliance Committee at the fourth session the Meeting of the Parties

1. At its fourth session, scheduled to take place in Chisinau from 15 to 17 June 2011, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) will have to consider the composition of its Compliance Committee. The main rules of procedure are set out in Meeting of the Parties (MOP) decision I/7 (see especially para. 9), as amended by decision II/5. Accordingly, “[a] full term of office commences at the end of an ordinary meeting of the Parties and runs until the second ordinary meeting of the Parties” (e.g., a full term of office runs from the first session of the MOP (MOP-1) until the end of its third session (MOP-3), or from its fourth session (MOP-4) until the end of its sixth session (MOP-6), etc.) and “outgoing members may be re-elected once for a further term of office, unless in a given case the Meeting of the Parties decides otherwise”.

2. The term of office of the following members of the Committee runs until MOP: Ms. Svitlana Kravchenko (Ukraine), Mr. Jonas Ebbesson (Sweden), Mr. Alexander Kodjabashev (Bulgaria), Mr. Gerhard Loibl (Austria) and Ms. Ellen Hey (Netherlands). There is thus no need for re-election of these members.

3. Three members of the Committee, Mr. Veit Koester (Denmark), Mr. Merab Barbakadze (Georgia) and Mr. Vadim Ni (Kazakhstan) will conclude their second full term of office at MOP-4. Three new candidates should thus be considered for a full term that will run until MOP-6 in 2017. These new members will then be eligible to serve one further term, and if re-elected may serve until the eighth session (MOP-8) in 2023.

4. A full term of office commences at the end of an ordinary MOP and runs until the second MOP thereafter. However, at MOP-1 it was decided that the first full term of office for half the members of the Committee (i.e., for four out of eight members at the time),¹ would run until MOP-2, at which the three presently outgoing candidates were re-elected for a full term of office until MOP-4 (see para. 9 of decision I/7).

5. The first term of office of Mr. Jerzy Jendroska (Poland) also ends at MOP-4. Mr. Jendroska was elected according to paragraph 10 of decision I/7 to serve the remainder of the term of Ms. Kruzikova, i.e., from 21 May 2006 until MOP-4. Mr. Jendroska may be re-elected at MOP-4 for a further full term of office, i.e. until MOP-6.

New nominations for the fourth session the Meeting of the Parties²

6. Nominations for four members, one of whom may be re-elected (see paras. 4 and 6 above), may be submitted by Parties, signatories and non-governmental organizations falling within article 10, paragraph 5, of the Convention and promoting environmental protection. Nominations should be sent to the secretariat in at least one of the official languages of the Convention **not later than 23 March 2011** if the MOP-4 opens on 15 June 2011. Each nomination shall include the curriculum vitae of the candidate (not exceeding 600 words) and may include supporting material. According to rule 10 of

¹ Through decision II/5, the number of the Committee members was increased to nine with the effect from MOP-3. Ms. Hey (Netherlands) was elected to serve as the ninth member.

² See procedure for the nomination of candidates for the Committee set out in paragraph 5 of the annex to decision I/7.

decision I/1 on Rules of Procedure, the secretariat will distribute the nominations and the curricula vitae with the supporting material, if any, to the Parties (national focal points) and to the other States, organizations and bodies, referred to in rule 6 of decision I/1, at least six weeks before the opening of the meeting. The MOP elects the members by consensus or, failing consensus, by secret ballot. The Committee elects its own Chair and Vice-Chair at the following meeting after the MOP.

7. The Committee may not include more than one national of the same State, while in the election of the Committee, consideration should be given to the geographical distribution of membership and diversity of experience. The three new members should normally represent Central Asia, the Caucasus and Central Europe.³

Situation of the members of the Compliance Committee at the fifth session the Meeting of the Parties

8. By the fifth session of the MOP (MOP-5), Ms. Kravchenko will have completed her second full term of office and will be replaced. Mr. Kodjabashev and Ms. Hey will have completed their first term of office (MOP-3 to MOP-5) and may be re-elected at MOP-5 to serve until the seventh session (MOP-7) in 2020.

9. The following members will have completed a full term of office by the fifth session: Mr. Ebbesson and Mr. Loibl. Mr. Ebbesson and Mr. Loibl, who were elected at MOP-2, half way through the full term of office of Ms. France and Mr. Mermet, whose term was due to end at MOP-3, were subsequently re-elected at MOP-3 to serve until MOP-5. The provision that “outgoing members may be re-elected once for a further full term of office, unless in a given case the MOP decides otherwise” prevents the re-election of the two members, unless the MOP-5 *decides otherwise*: namely the MOP can decide to re-elect these two members for a further full term of office (until MOP-7) in the given situation that they joined half way through the term of the members they substituted.

³ The outgoing member currently representing Western Europe should be substituted by a member representing Central Europe. See also para. 52 of the MOP-3 report (ECE/MP.PP/2008/2).

Annex I

Situation of the members of the Compliance Committee

<i>MOP-1 (2002)</i>	<i>MOP-2 (2005)</i>	<i>May 2006</i>	<i>MOP-3 (2008)</i>	<i>MOP-4 (2011)</i>	<i>MOP-5 (2014)</i>	<i>MOP-6 (2017)</i>
Veit Koester (VK) elected until MOP-2	Re-elected until MOP-4			VK to be replaced (first term of new member until MOP-6)		<i>re-election of new member until MOP-8</i>
Svitlana Kravchenko (SK) elected until MOP-3			Re-elected until MOP-5		SK to be replaced (first term of new member until MOP-7)	
Merab Barbakadze (MB) elected until MOP-2	Re-elected until MOP-4			MB to be replaced (first term of new member until MOP-6)		<i>re-election of new member until MOP-8</i>
Elizabeth France (EF) elected until MOP-3	Jonas Ebbesson (JE) with effect from end of MOP-2, for remainder of the term (until MOP-3)		JE Re-elected until MOP-5		JE could be re-elected until MOP-7 on the basis of I/7 para. 9: Outgoing members may be re-elected once for a further full term of office, unless in a given case the MOP decides otherwise.	
Sandor Fulop (SF) elected until MOP-3			Alexander Kodjabashev (AK) elected until MOP-5		AK to be re-elected until MOP-7	

<i>MOP-1 (2002)</i>	<i>MOP-2 (2005)</i>	<i>May 2006</i>	<i>MOP-3 (2008)</i>	<i>MOP-4 (2011)</i>	<i>MOP-5 (2014)</i>	<i>MOP-6 (2017)</i>
Eva Kruzikova (EK) elected until MOP-2	Re-elected to MOP-4	As of 21 May 2006 Jerzy Jendroska (JJ) until MOP-4		JJ to be re-elected until MOP-6		JJ to be replaced (first term of new member until MOP-8)
Laurent Mermet (LM) elected until MOP-3	Gerhard Loibl (GL) with effect from end of MOP-2, for remainder of the term (until MOP-3)		GL Re-elected until MOP-5		GL could be re-elected until MOP-7 on the basis of I/7 para. 9: Outgoing members may be re-elected <i>once</i> for a further full term of office, <i>unless in a given case the MOP decides otherwise.</i>	
Vadim Ni (VN) elected until MOP-2	Re-elected until MOP-4			VN to be replaced (first term of new member until MOP-6)		<i>re-election of new member until MOP-8</i>
			Elle Hey elected until MOP-5 (on the basis of II/5 para 5)		EH to be re-elected until MOP-7	

Annex II

Decisions of the Meeting of the Parties and relevant reports

Decision I/7^a (2002) paras. 9–10

9. The Meeting of the Parties shall, as soon as practicable, elect four members to the Committee to serve until the end of the next ordinary meeting and four members to serve a full term of office. At each ordinary meeting thereafter, the Meeting of the Parties shall elect four members for a full term of office. Outgoing members may be re-elected once for a further full term of office, *unless in a given case the Meeting of the Parties decides otherwise* (emphasis added). A full term of office commences at the end of an ordinary meeting of the Parties and runs until the second ordinary meeting of the Parties thereafter. The Committee shall elect its own Chairperson and Vice-Chairperson.

10. If a member of the Committee can no longer perform his or her duties as member of the Committee for any reason, the Bureau of the Meeting of the Parties shall appoint another member fulfilling the criteria in this chapter to serve the remainder of the term, subject to the approval of the Committee.

Decision II/5^b (2005) para. 12

12. The MOP agrees that in light of the steady increase of the members of the Parties, the number of the members of the Committee shall be increased to nine, with effect *from the third ordinary meeting* of the Parties, where *five members shall be elected for a full term*. (emphasis added)

MOP-1 (2002) report,^c paras. 49–50

49. The consultation process was completed successfully and the Meeting elected the following candidates to the Compliance Committee by consensus to serve until the end of the next ordinary meeting: Mr. Vadim Nee (Kazakhstan), Mr. Merab Barbakadze (Georgia), Ms. Eva Kružíková (Czech Republic) and Mr. Veit Koester (Denmark). The following candidates were elected by consensus to serve on the Committee until the end of the third ordinary meeting of the Parties: Mr. Laurent Mermet (France), Ms. Elizabeth France (United Kingdom), Mr. Sándor Fülöp (Hungary) and Ms. Svitlana Kravchenko (Ukraine).

50. The Meeting considered that the geographical distribution reflected in this selection of candidates should not set a precedent for future elections.

^a ECE/MP.PP/2/Add.8.

^b ECE/MP.PP/2005/2/Add.6.

^c ECE/MP.PP/2.

Report of the ninth meeting of the Bureau of the Meeting of the Parties,^d section 2

2. Replacement of two Compliance Committee members

The Bureau discussed the composition of the Compliance Committee in light of the information that two members of the Committee, Ms. Elizabeth France (United Kingdom) and Mr. Laurent Mermet (France), elected at the first meeting of the Parties for a term of office expiring at the end of the third meeting of the Parties, had given notice that they would be resigning prematurely with effect from the end of the second meeting of the Parties. The Bureau noted that Mr. Jonas Ebbesson, a national of Sweden, and Mr. Gerhard Loibl, a national of Austria, had been nominated by the Netherlands on behalf of the European Union, and in the case of Mr Loibl, also by Austria, to replace Ms. France and Mr. Mermet for the remainder of their respective terms, i.e. until the end of the third ordinary meeting of the Parties. Exercising its powers under paragraph 10 of the annex to decision I/7, the Bureau agreed to proceed with the substitutions as proposed, subject to the approval of the Compliance Committee.^e

Second session of the Meeting of the Parties (2005) report,^f paras. 52 and 53

52. The Chairman informed the Meeting about the substitution of two Committee members who had given notice of their resignation. In accordance with the procedure stipulated in paragraph 10 of the annex to decision I/7, the Bureau, with the approval of the Compliance Committee, had appointed Mr. Jonas Ebbesson (Sweden) and Mr. Gerhard Loibl (Austria) to replace Ms. Elizabeth France (United Kingdom) and Mr. Laurent Mermet (France), with effect from the end of the second meeting of the Parties, for the remainder of their terms, i.e. until the end of the third ordinary meeting of the Parties.

53. The Meeting re-elected the following members of the Committee by consensus in accordance with the procedure set out in decision I/7 to serve until the end of the fourth meeting of the Parties: Mr. Merab Barbakadze (Georgia), Mr. Veit Koester (Denmark), Ms. Eva Kruzikova (Czech Republic) and Mr. Vadim Ni (Kazakhstan).

Eleventh meeting of the Bureau of the Parties (April 2006) report,^g section V

V. Compliance mechanism

The Bureau took note of the forthcoming vacancy in the Compliance Committee, due to the stepping down of Ms. Eva Kruzikova (Czech Republic) as a result of her appointment to a position in the Czech Environment Ministry, having regard to the requirement that members of the Committee serve in their personal capacities and should be independent.

^d <http://www.unece.org/env/pp/bureau/ACB-9%20report%20final.doc>.

^e The Committee confirmed its support for the proposed substitution at its eighth meeting (Almaty, 22–24 May 2005).

^f ECE/MP.PP/2005/2

^g <http://www.unece.org/env/pp/bureau/ACB-11%20report.doc>.

Prior to the meeting, the Bureau had agreed following e-mail consultation to invite nominations for candidates from Parties, Signatories and NGOs fitting the description in paragraph 4 of the annex to decision I/7 (ECE/MP.PP/2/Add.8). The Government of Poland had nominated Mr. Jerzy Jendroska. No other nominations had been received. The Bureau accepted the nomination of Mr. Jerzy Jendroska for the vacant position by consensus of all those present, with the understanding that the Bureau's decision would be subject to approval by the Compliance Committee itself, in accordance with paragraph 10 of the annex to decision I/7. The Bureau was informed that, should this nomination be approved by the Compliance Committee, Mr. Jendroska would step down from his position as Vice-Chairperson and member of the Bureau and would not represent the Government of Poland in any of the Convention's bodies.

Sixth meeting of the Working Group of the Parties (5–7 April 2006),ⁱ report, para. 55

55. The Chairperson recalled that the secretariat had circulated a letter to the national focal points and other contact points on 1 March 2006 notifying them that one of the members of the Compliance Committee, Ms. Eva Kruzikova, had recently accepted a position in the Ministry of Environment of the Czech Republic and, mindful of the fact that Committee members are required to serve in their personal capacities and should be independent, had given notice of her intention to stand down from the Committee. The procedure for replacing a Committee member who resigns mid-term is governed by paragraph 10 of the annex to decision I/7, which mandates the Bureau to appoint a new member for the remainder of the term of the outgoing member, subject to the approval of the Committee. The Bureau, although not strictly required to do so under paragraph 10, had invited nominations for candidates from Parties, Signatories and NGOs fitting the description in paragraph 4 of the annex to decision I/7. The nomination of Mr. Jerzy Jendroska, a national of Poland, had been received from the Government of Poland. The Bureau at its meeting on 4 April 2006 had approved Mr. Jendroska's candidature and requested the secretariat to communicate this to the Compliance Committee for approval. The Committee at its twelfth meeting (on 29–31 March 2006) had agreed to consider approval of any candidate proposed by the Bureau through its electronic decision-making procedure with a view to effecting the substitution before its next meeting. In making the nomination, the Government of Poland had indicated that, should Mr. Jendroska be appointed to the Committee, he would cease to represent Poland in any subsidiary bodies of the Convention, and a replacement for him would be provided to the Bureau.

Twelfth meeting of the Compliance Committee (June 2006) report,^j para. 2

2. The Chairperson, Mr. Veit Koester, opened the meeting. He welcomed Mr. Jerzy Jendroska, a national of Poland, to the Committee. The Bureau, with the approval of the Committee, had appointed Mr. Jendroska to fill the vacant seat left by Ms. Kruzikova, according to the procedure set out in paragraph 10 of the annex to decision I/7. The substitution had taken effect as of 21 May 2006.

^h Mr Jendroska was not present during the discussion on this agenda item.

ⁱ ECE/MP.PP/WG.1/2006/2.

^j ECE/MP.PP/C.1/2006/4.

Third session of the Meeting of the Parties (2008) report,^k paras. 50–53

50. The Meeting of the Parties then turned to the question of the election of new Compliance Committee members to replace four members whose term had expired. Taking into account decision II/5, through which it had been decided to expand the membership of the Committee to nine, the Meeting was expected to elect five members of the Committee in accordance with the procedure set out in decision I/7. Thirteen nominees had originally been proposed and delegations had been encouraged to conduct consultations with a view to reaching a consensus on five candidates in the course of the tenth meeting of the Working Group of the Parties.

51. The consultation process was completed successfully and the Meeting of the Parties re-elected Mr. Jonas Ebbesson (Sweden), Ms. Svitlana Kravchenko (Ukraine) and Mr. Gerhard Loibl (Austria) and elected Ms. Ellen Hey (Netherlands) and Mr. Alexander Kodjabashev (Bulgaria) by consensus to serve until the end of the fifth ordinary meeting.

52. *The Meeting considered that the geographical distribution reflected in this selection of candidates should not set a precedent for future elections.* (emphasis added)

53. The Meeting thanked the Compliance Committee for its work, and in particular the outgoing member of the Committee, Mr. Sandor Fülöp.

^k ECE/MP.PP/2008/2.