

Preliminary determination on admissibility of communication concerning compliance by Portugal with its obligations under articles 6 and 7 of the Protocol by failing to submit its summary report within the second reporting exercise

(Ref. ECE.MP.WH.CC.COM.1)

17 February 2015

Background to the determination

Before considering the substantive merits of any communication, the Committee needs to decide whether to accept the communication, taking into account the admissibility criteria set out in paragraph 18 of the annex to decision I/2. According to paragraph 18, the Committee must take into account whether the communication is:

- (a) anonymous,
- (b) an abuse of the right to make such a communication,
- (c) manifestly unreasonable, or
- (d) incompatible with the provisions of decision I/2 or with the Protocol.

Furthermore, in accordance with paragraph 19 of the annex to decision I/2, the Committee ‘should at all relevant stages take into account any available domestic remedy unless the application of the remedy is unreasonably prolonged or obviously does not provide an effective and sufficient means of redress’.

Preliminary determination

1. Having considered the communication and the supporting documentation, the preliminary view of the Committee is that it does not fall under any of the four criteria listed in paragraph 18 of the annex to decision I/2. With regard to the first criterion, the communication is not anonymous and the contact information for the communicant is provided. The Committee does not find that the communication represents an abuse of the right to make communications, or that it is manifestly unreasonable. Nor does the content of the communication, or the process through which it has been submitted, appear to be incompatible with the provisions of decision I/2 or with the Protocol.

2. Accordingly, the preliminary determination of the Committee, subject to review following any comments received from the Party concerned, is that the communication is admissible.