



Economic and Social Council

Distr.: General
8 February 2011

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

Compliance Committee

Twenty-fourth meeting

Geneva, 30 June–3 July 2009

Report of the Compliance Committee on its Twenty-fourth meeting

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–4	2
A. Attendance	2	2
B. Organizational matters	3–4	2
II. Relevant developments since the previous meeting of the Committee	5	2
III. Other matters arising from the previous meeting	6	2
IV. Submissions by Parties concerning other Parties	7	2
V. Submissions by Parties concerning their own compliance	8	2
VI. Referrals by the secretariat	9	3
VII. Communications from members of the public	10–48	3
VIII. Matters arising from the third meeting of the Parties	49–54	9
A. Reporting	49	9
B. Follow-up on specific cases of non-compliance	50–54	9
IX. Programme of work and calendar of meetings	55	10
X. Any other business	56–59	10
XI. Adoption of the report and closure of the meeting	60	11

I. Introduction

1. The twenty-fourth meeting of the Compliance Committee was held from 30 June to 3 July 2009 in Geneva.

A. Attendance

2. All members were present. In addition, representatives of the Governments of Germany and the United Kingdom of Great Britain and Northern Ireland attended. The following non-governmental organizations (NGOs) participated as observers: ClientEarth, Earthjustice, Eco-TIRAS (Republic of Moldova), Environmental Law Alliance Worldwide, European ECO-Forum, Oekobuero (Austria) and WWF-UK. Observers from the following universities and educational institutions also attended: Middlesex University (United Kingdom), University of Oregon (United States of America).

B. Organizational matters

3. The Chairperson of the Compliance Committee, Mr. Veit Koester, opened the meeting.

4. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2009/3.

II. Relevant developments since the previous meeting of the committee

5. Members of the Committee exchanged information on various meetings, conferences and other developments related to the Convention or compliance issues that had taken place since its previous meeting. The secretariat informed the Committee about a request from the United Nations Environment Programme to provide input to an updated version of the 2007 publication *Compliance Mechanisms under Selected Multilateral Environmental Agreements*.

III. Other matters arising from the previous meeting

6. The secretariat informed the Committee that no new matters had arisen from the previous meeting.

IV. Submissions by Parties concerning other Parties

7. 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

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

VI. Referrals by the secretariat

9. No referrals had been made by the secretariat.

VII. Communications from members of the public

10. At its twenty-fourth meeting, the Compliance Committee took note of a letter dated 29 April 2009 from the communicant in relation to communication ACCC/C/2005/15 (Romania), sent in response to a query from the Committee as to whether there was any reason not to conclude its consideration of the communication and close the case. The Committee had raised the issue in the light of its decision at its twelfth meeting not to proceed with the development of findings with respect to the Rosia Montana project until the environmental agreement procedure in question had been completed (ECE/MP.PP/C.1/2006/4, para. 19). In its letter, the communicant maintained that Romania's Ministry for the Environment had not acted on the court verdicts issued over the urban planning certificates, i.e. it had not invalidated the environmental impact assessment (EIA) procedure and returned the entire EIA documentation to the project owner, and that there were therefore no grounds for closing the case. The communicant encouraged the Committee to request from the Romanian Government further explanations on how the latter had complied with the court verdicts issued over the urban planning certificates, on the actual stage of the EIA procedure and on all acts and measures that it was taking to ensure that the EIA procedure was compliant with the relevant laws and norms. The Committee also took note of a letter from the Government of Romania dated 12 June 2009 indicating that the status of the EIA procedure for the Rosia Montana mining project was unchanged. For these reasons, the Party concerned maintained that there were no new elements that could influence the Committee or prevent it from concluding its considerations. The Committee took note of the reaction of the communicant in a letter dated 22 June 2009 encouraging the Committee to request the information in the aforementioned letter dated 29 April 2009 in the form of a written statement from the Minister for the Environment.

11. Having considered this information, the Committee agreed to conclude its considerations on communication ACCC/C/2005/15 and to close the case, on the understanding that the communicant would be free to submit a new communication if in its opinion there were new developments that constituted non-compliance with the provisions of the Convention. It mandated the secretariat to communicate this decision to the Party concerned and the communicant.

12. With regard to communication ACCC/C/2007/21 (European Community), the Committee took note of a letter from the communicant sent on 5 May 2009 urging the Committee to keep the case open and to accept further comments on the matter until its twenty-fourth meeting. The Committee did not, however, see any reason to re-visit its findings with respect to that communication, which had been adopted at its twenty-third meeting.

13. During its twenty-third meeting, the Committee had completed its work on the draft findings on communication ACCC/C/2007/22 (France) in closed session. The draft had been sent to the Party concerned and the communicant for comments in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Party concerned and the communicant had provided comments on 25 June 2009 and 17 June 2009, respectively. In addition, on 1 July 2009, the Committee received an amicus brief from the NGO Friends of the Earth-France entitled "Remarks on the French public participation framework relating to the communication ACCC/C/2007/22".

14. The Committee proceeded to finalize its findings in closed session, taking into account the comments received by the Party concerned and the communicant, and agreed that they should be published as an addendum to the report. It requested the secretariat to send the finalized findings to the Party concerned and the communicant.

15. As had been agreed at its twenty-third meeting, the Committee entered into discussions on communication ACCC/C/2008/23 (United Kingdom) submitted by Mr. Paul Stookes, solicitor of Richard Buxton Environmental & Public Law, on behalf of Mr. Morgan and Mrs. Baker, concerning compliance by the United Kingdom with article 9, paragraph 4, of the Convention. Specifically, the communication alleged that the United Kingdom authorities had failed to comply with provisions of article 9, paragraph 4, of the Convention in relation to the costs order that was issued following the discharge of an interim injunction previously obtained by them in private nuisance proceedings for an injunction to prohibit offensive odours arising from the waste composting site operated by Hinton Organics (Wessex) Ltd. The costs order originally required the communicants to pay approximately £20,000 to Hinton Organics (Wessex) Ltd and approximately £5,000 to the Environment Agency and the Bath and North East Somerset Council (together, “the authorities”).

16. The representative of the communicants indicated that the further information noted by the Committee at its twenty-third meeting did not alter their allegation that their rights under article 9, paragraph 4, of the Convention were violated. That further information had concerned a judgment of the United Kingdom Court of Appeal in *Morgan & Baker versus Hinton Organics* which inter alia dismissed the costs order in favour of Hinton Organics. The costs order in favour of the authorities remained unchanged. In addition, the communicants alleged that the local authorities’ seeking of immediate payment of the costs order penalized them within the meaning of article 3, paragraph 8, of the Convention.

17. 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 United Kingdom and the communicant and by observers.

18. The Committee confirmed that the communication was admissible. However, it considered that while many issues had been clarified during the discussion, there were several issues, inter alia related to the various enforcement actions taken by the local authorities against Hinton Organics and the various court proceedings commenced by the communicants, which required further clarification. The Committee asked the representatives of the communicant and the Party concerned to provide the required information to it by 22 July 2009. It agreed to continue its deliberations on the matter at its twenty-fifth meeting (22–25 September 2009) with a view to finalizing draft findings and, as appropriate, recommendations at or following that meeting, having taken account of any relevant issues arising in connection with its consideration of communication ACCC/C/2008/33 (United Kingdom), which would be discussed at that meeting. The draft findings would then be sent for comment to the Party concerned and the communicant in accordance with paragraph 34 of the annex to decision I/7. The Committee would take into account any comments received when finalizing and adopting the findings and recommendations.

19. The Committee proceeded to prepare the draft findings on ACCC/C/2008/24 (Spain) in closed session, taking into account, inter alia, the supplementary information provided by the communicant at the request of the Committee at its previous meeting (ECE/MP.PP/C.1/2009/2, para. 15). The Committee noted the general requirement under paragraph 23 of the annex to decision I/7, which stipulates that any Party whose compliance is the subject of a communication from a member of the public provide a written response as soon as possible and at the latest within five months of the communication being brought

to its attention. Taking this into account, the Committee noted with regret that the written response from the Party concerned, which was due by 7 January 2009, had only been received on 26 June 2009 in Spanish and on 29 June 2009 in English, one day before the meeting. The Committee briefly discussed the procedural ramifications of such a belated response but decided, having regard to the fact that the response was the first and only information provided by the Party concerned, to take it into account.

20. The Committee did not complete the task of preparing draft findings and agreed to continue its deliberations on the matter at its twenty-fifth meeting, with a view to completing the task at that meeting. The draft findings and, as appropriate, recommendations would then be sent for comment to the Party concerned and to the communicant, in accordance with paragraph 34 of the annex to decision I/7. The Committee would take into account any comments when finalizing and adopting the draft findings and, as appropriate, recommendations at its twenty-sixth meeting.

21. The Committee completed its work on the preparation of draft findings with respect to communication ACCC/C/2008/26 (Austria) in closed session. It requested the secretariat to send the draft to the Party concerned and the communicant for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments when finalizing the findings at its twenty-fifth meeting.

22. As had been agreed at its twenty-third meeting, the Committee entered into discussions on communication ACCC/C/2008/27 (United Kingdom), submitted by the Cultra Residents Association, Northern Ireland, United Kingdom, and concerning compliance by the United Kingdom with certain provisions of the Convention. Specifically, the communication alleged that the United Kingdom authorities had failed to comply with provisions of articles 3, 7 and 9 of the Convention with respect to decision-making on the expansion of the City Airport in Belfast.

23. 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 the United Kingdom and the communicant and by observers. The Committee then deliberated upon the communication in closed session.

24. The Committee confirmed in open session that the communication was admissible. However, it considered that while many issues had been clarified during the discussion, there were several issues, inter alia related to the provisions of the Convention the communicant claimed the Party concerned to have breached and to the terms of the 2008 Planning Agreement with respect to the airport, which required further clarification. The Committee asked the representatives of the Party concerned and the communicant to provide to it by 15 July 2009 the required information. It agreed to continue the deliberations on the matter at its next meeting (22-25 September 2009) with a view to finalizing draft findings and, as appropriate, recommendations at that meeting. The draft findings would then be sent for comment to the Party concerned and the communicant in accordance with paragraph 34 of the annex to decision I/7. The Committee would take into account any comments received when finalizing and adopting the findings and recommendations.

25. With regard to communication ACCC/C/2008/28 (Denmark), the Committee requested the secretariat to write to the communicant seeking clarification as to whether the communicant intended to use domestic remedies as described in the response from the Party concerned such as the Ombudsman or the national courts, and, if not, to provide reasons for not doing so. The Committee would then decide how to proceed, having regard to paragraph 21 of the annex to decision I/7.

26. The Committee entered into discussion in open session on communication ACCC/C/2008/29 (Poland), submitted by the Polish Zabianka Housing Cooperative and Maria Cholewińska, on behalf of the Protest Committee of the Zabianka Housing Project, Gdansk. It noted with regret that representatives of neither the Party concerned nor the communicant were present, despite their having been duly notified and invited. The communication alleged that by failing to ensure effective public participation in the decision-making procedure concerning the construction of a multifunctional sports hall in the city of Gdansk, Poland, and to make publicly available accurate and comprehensive information related to the environmental impact assessment of the project at issue, the Party concerned was not in compliance with articles 1 and 4, and article 6, paragraphs 2 (a), 2 (b) and 8.

27. The Committee confirmed that the communication was admissible. In the course of the discussion, the Committee noted that on 26 May 2009, the Party concerned had submitted a written response to the questions raised by the Committee in its letter of 15 January 2009. In its response, the Party concerned had comprehensively described the applicable legal framework, but had not addressed in any detail the allegations of the communicant concerning the specific project in question. The Committee requested the secretariat to make an addition to the guidance document on the compliance mechanism making it clear that the explanations or statements of the Party concerned provided pursuant to paragraph 23 of the annex to decision I/7 should explicitly comment on the allegations in the communication.

28. The Committee prepared draft findings in closed session and requested the secretariat to send them for comment to the Party concerned and to the communicant, in accordance with paragraph 34 of the annex to decision I/7. The Committee would take into account any comments when finalizing the findings at its twenty-fifth meeting. The Committee mandated the secretariat, when forwarding the draft findings, to convey the Committee's regret at the absence of any representatives of the Party concerned and the communicant from the discussion.

29. In connection with its discussion on communication ACCC/C/2008/29, the Committee agreed to note in the meeting report its understanding that the Convention does not provide for the EIA of a project to be a single document nor does it convey any requirement regarding the content of the EIA. The Committee also clarified that the requirement of article 6, paragraph 8, that public authorities take due account of the outcome of public participation, does not amount to the right of the public to veto the decision. In particular, this provision should not be read as requiring that the final say about the fate and design of the project rests with the local community living near the project, or that their acceptance is always needed.

30. The Committee entered into discussion in open session on communication ACCC/C/2008/30 (Republic of Moldova), submitted by the Moldovan NGO Eco-TIRAS. Representatives of the communicant participated in the discussion; however, no representative of the Party concerned was present, despite it having been duly notified and invited. The communication alleged that the Party concerned was not in compliance with article 3, paragraphs 1 and 2, and article 4, paragraphs 1 and 4. The communicant emphasized the difficulties that the public had encountered in its dealings with the public authorities in the Republic of Moldova due to limited capacity and lack of coordination of government agencies and bodies. The Committee had the opportunity to ask questions and to seek clarification and further information with regard to various aspects of the communication including, inter alia: (a) the applicability of the Convention in the Moldovan legal order; (b) the form of communication between the communicant and the Government; (c) the effect and enforceability of final and binding court decisions and their

execution by the public authorities within the jurisdiction of the Party concerned; and (d) the use of domestic remedies by the communicant.

31. The Committee noted that the response to the communication provided by the Party concerned pursuant to paragraph 23 of the annex to decision I/7 had focused on the questions raised by the Committee in its letter of 24 December 2008, but beyond this had not addressed the allegations in the communication *per se*. It noted with regret that no representative of the Party concerned had attended the discussion of the communication, and that the reason provided for this was a general directive preventing the participation of State employees of the Republic of Moldova in any international meetings. This had led to the cancellation of the Moldovan representative's participation not only in the Committee's twenty-fourth meeting but also in a series of other meetings under the Convention to be held the following week. The Committee mandated the Chair to write on its behalf to the Minister for the Environment of the Party concerned, informing it of the meeting's outcome and conveying the Committee's concern about the implications of the aforementioned directive for the Republic of Moldova's cooperation with the compliance mechanism, and more generally as host of the fourth session of the Meeting of the Parties, with respect to its participation in the intergovernmental processes under the Convention.

32. The Committee confirmed that the communication was admissible. It prepared draft findings in closed session and requested the secretariat to send them, in accordance with paragraph 34 of the annex to decision I/7, for comment to the Party concerned and to the communicant. Committee would take into account any comments when finalizing the findings at its twenty-fifth meeting.

33. With regard to communication ACCC/C/2008/31 (Germany), the Committee noted its decision that the deferred deadline for the Party concerned to respond to the communication would fall two months after the release of the opinion of the European Court of Justice in a similar case submitted to the Court by the Higher Administrative Court of North Rhine-Westphalia (Ref. 8 D 58/08.AK). The Committee had taken the decision to defer the deadline since the previous meeting using its electronic decision-making procedure, having regard to the support of the communicant for such a deferral conveyed in a letter of 11 May 2009. The European Court of Justice had not yet released its opinion on the case in question.

34. With regard to communication ACCC/C/2008/32 (European Community), the Party concerned, represented by the European Commission, had provided its response to the communication on 11 June 2009. In subsequent correspondence dated 2 July 2009, the Party concerned had requested the Committee to postpone examining the case, as some of the issues raised in the communication were *sub judice* before the Court of First Instance of the European Communities in the context of a similar case. In support of its request, the Party concerned had made reference to the Committee's decision to extend the deadline for the Party concerned to respond in the case of communication ACCC/C/2008/31 (Germany).

35. The Committee examined the request from the Party concerned and was *prima facie* sympathetic to the argument for postponing the discussion on the communication at issue until the release of the final court decision on the case. However, it agreed to seek the views of the communicant on this approach, and then to take a decision, using its electronic decision-making procedure, on whether it should accept the request of the Party concerned. The Committee therefore requested the secretariat to contact the communicant soliciting its views, and also the Party concerned informing it of the outcome of the Committee's preliminary discussion of the request and asking it to inform the Committee on the likely timing of a final decision by the Court of First Instance. The Committee furthermore agreed that the authors of an *amicus* brief prepared in connection with the discussion on communication ACCC/C/2008/32 should be copied on the correspondence.

36. With regard to communication ACCC/C/2008/33 (United Kingdom), the Committee confirmed that it would discuss the substance of the communication at its twenty-fifth meeting.
37. With regard to communication ACCC/C/2008/35 (Georgia), the Committee noted that the deadline of five months after the forwarding of the communication, 13 October 2009, had not elapsed, and that neither the Party concerned nor the communicant had submitted further information or responses. The Committee provisionally scheduled to discuss the substance of the communication at its twenty-sixth meeting.
38. With regard to communication ACCC/C/2009/36 (Spain), the Committee noted that similarly the deadline of five months after the forwarding of the communication, 7 October 2009, had not elapsed, and that neither the Party concerned nor the communicant had submitted further information or responses. The Committee also provisionally scheduled to discuss the substance of the communication at its twenty-sixth meeting.
39. With regard to communication ACCC/C/2009/37 (Belarus), the Committee noted that similarly the deadline of five months after the forwarding of the communication, 1 October 2009, had not elapsed, and that neither the Party concerned nor the communicant had submitted further information or responses. The Committee also provisionally scheduled to discuss the substance of the communication at its twenty-sixth meeting.
40. Four new communications had been received since the previous meeting.
41. Communication ACCC/C/2009/38 (United Kingdom) was submitted by the United Kingdom NGO Road Sense with regard to compliance by the United Kingdom with provisions of article 1, article 3, article 4, article 5, paragraph 1, article 6, paragraphs 2, 4, 5, 7 and 9, article 7, and article 9, paragraphs 2 and 3, of the Convention. The communication concerned a transport proposal, the Aberdeen Western Peripheral Route. Following receipt of the communication, Mr. Gerhard Loibl had been designated as curator for the case.
42. The Committee determined on a preliminary basis that the communication was admissible, without however drawing any conclusions regarding the compliance issues raised. It requested the secretariat to forward the communication to the Party concerned in accordance with paragraph 22 of the annex to decision I/7. It also agreed upon a set of issues to be raised with the communicant.
43. Communication ACCC/C/2009/39 (Austria) was submitted by the law firm Simonfay and Salburg on behalf of the municipality of Szentgotthard (Szentgotthard varos) represented by the mayor, Mr. Tibor Viniczay, with regard to compliance by Austria with provisions of article 2, paragraphs 5 and 6, article 6 and article 9 of the Convention. The communication concerned a decision by the Austrian authorities to permit the construction of a waste incinerator close to the Hungarian border and the municipality of Szentgotthard. Following receipt of the communication, Mr. Merab Barbakadze had been designated as curator for the case.
44. The Committee decided that it needed to clarify certain issues concerning the status of the communicant, inter alia in connection with article 2, paragraphs 2 and 4, of the Convention, before it would make a preliminary determination as to the admissibility of the communication. It requested the secretariat to write to the communicant flagging those issues and providing the opportunity for the communicant to comment.
45. Communication ACCC/C/2009/40 (United Kingdom) was submitted by Mr. Paul Stookes of Richard Buxton Environmental & Public Law, representing Ms. Elizabeth Condron, with regard to compliance by the United Kingdom with the provisions of article 3, paragraph 8, and article 9, paragraph 4, of the Convention. The communication arose out of the communicant's legal challenge against the Merthyr Tydfil County Borough Council

in which she claimed that the Council had failed to comply with the conditions of its EIA permission for a coal processing plant. The legal challenge was part of the communicant's ongoing fight against the development and operation in Merthyr Tydfil of the United Kingdom's largest opencast coal mine, situated 500 metres from her home. She alleged that the events following her legal challenge amounted to a violation of article 3, paragraph 8. Following receipt of the communication, Mr. Gerhard Loibl had been designated as curator for the case.

46. The Committee determined on a preliminary basis that the communication was admissible, without however drawing any conclusions regarding the compliance issues raised. It requested the secretariat to forward the communication to the Party concerned in accordance with paragraph 22 of the annex to decision I/7. It also agreed upon a set of issues to be raised with the communicant and the Party concerned.

47. Communication ACCC/C/2009/41 (Slovakia) was submitted by Dr. Klaus Kastenhofer, Director of GLOBAL 2000/Friends of the Earth Austria, with regard to compliance by Slovakia with provisions of article 6, paragraphs 1, 4, and 10, and annex I, paragraphs 1, 20, and 22, of the Convention. The communication concerned the lack of an EIA, involving public participation, prior to the construction of two new reactor blocks of a nuclear power plant located in Mochovce, close to the Austrian, Czech and Hungarian borders. Following receipt of the communication, Mr. Jonas Ebbesson had been designated as curator for the case.

48. The Committee determined on a preliminary basis that the communication was admissible, without however drawing any conclusions regarding the compliance issues raised. It requested the secretariat to forward the communication to the Party concerned in accordance with paragraph 22 of the annex to decision I/7. It also agreed upon a set of issues to be raised with the communicant and the Party concerned, including further information on any use made of domestic remedies.

VIII. Matters arising from the Third Meeting of the Parties

A. Reporting

49. The secretariat drew the attention of the Committee to two documents prepared by the secretariat for the eleventh meeting of the Working Group of the Parties on options for addressing issues relating to the Convention's reporting mechanism and on a draft reporting format for the Almaty amendment to the Convention (ECE/MP.PP/WG.1/2009/6 and ECE/MP.PP/WG.1/2009/L.2 respectively), earlier drafts of which had been reviewed by the Committee at its twenty-third meeting.

B. Follow-up on specific cases of non-compliance

50. With respect to III/6e (Turkmenistan), and III/6f (Ukraine), the Committee took note of the letters sent by the Executive Secretary of the United Nations Economic Commission for Europe (UNECE) to the President of Turkmenistan and the Prime Minister of Ukraine on 16 April 2009 conveying the findings agreed by the Committee at its twenty-third meeting.

51. With respect to III/6e (Turkmenistan), the Committee requested the secretariat to write to the Government of Turkmenistan following up on the offer made in paragraph 7 of that decision to consider accommodating an expert mission, with the involvement of Committee members. Such a mission could allow for the possibility to see what work might

be undertaken by the Government prior to the fourth session of the Meeting of the Parties that might enable the Committee to make a recommendation to the Parties that the caution should be lifted.

52. With respect to III/6f (Ukraine), the secretariat reported on an informal inter-agency meeting held on 23 June 2009 with various intergovernmental organizations that were working with Ukraine with respect to its Bystroe Canal project.

53. The Committee noted that Lithuania had still failed to submit the action plan for the implementation of the recommendations in decision III/6d on of the Meeting of the Parties that was due to have been submitted by 31 December 2008, despite having received a further reminder from the secretariat on behalf of the Committee by letter of 4 May 2009. The Committee requested the secretariat to send a further letter to the Party concerned seeking a response to the previous letter and asking for the action plan to be submitted to the Committee no later than 31 August 2009, for consideration at its twenty-fifth meeting.

54. The Committee also noted that the deadlines for the submission of the progress reports related to decisions III/6a (Albania), III/6b (Armenia), III/6d (Lithuania), III/6e (Turkmenistan), and III/6f (Ukraine) of the Meeting of the Parties would fall after its twenty-fifth meeting but before its twenty-sixth meeting.

IX. Programme of work and calendar of meetings

55. The Committee confirmed that it would hold its twenty-fifth meeting from 22 to 25 September 2009 and its twenty-sixth meeting from 15 to 18 December 2009. It also decided that it would hold its twenty-seventh meeting from 16 to 19 March 2010, the twenty-eighth from 15 to 18 June 2010, the twenty-ninth from 21 to 24 September 2010 and the thirtieth meeting from 14 to 17 December 2010.

X. Any other business

56. The secretariat offered its apologies for the delay in the release of the report of the Committee's twenty-third meeting and the findings with respect to compliance by the European Community which had been adopted at that meeting. This was due to the fact that the United Nations Conference Services Division had declined to comply with the Committee's decision that its findings be produced as an addendum to the meeting report, on the grounds that the combined length of the report with the addendum would exceed the length limit for individual documents. Whereas all the previous findings of the Committee had been produced as addenda to the report of the meeting at which they were adopted, with the length limits for documents being applied to each addendum separately, Conference Services Division now interpreted the rules concerning the limits on the lengths of documents in a more restrictive way. As the Committee was expected to adopt findings at each of its forthcoming meetings, it was likely that each meeting report with its addenda would exceed the length limit and thus require the Executive Secretary of UNECE to submit a waiver request every three months. This would take a considerable amount of staff time and even if the request were eventually approved, would ensure that there would always be a delay, probably of several weeks, in the release of the Committee's documents. In order to avoid this situation, the secretariat had attempted to negotiate a standing agreement with Conference Services which would avoid the need for waiver requests, thus far without success.

57. The Committee expressed its regret at the failure of the United Nations Secretariat to produce the report and findings from its previous meeting in a timely manner. It reiterated its wish to have its findings produced as addenda to the meeting report and requested the

secretariat to continue its efforts to find a practical solution. It mandated the Chairperson, in the absence of a solution being found in the near future, to discuss the issue with the Chairperson of the Meeting of the Parties, with a view to raising the matter at a high level within the United Nations Secretariat.

58. In light of the increasing number of communicants being represented at meetings of the Committee through representatives, the Committee agreed to add to its modus operandi a requirement for such communicants to confirm in writing that they had authorized the representative to represent them in connection with the communication in question.

59. The Committee noted that the fact that its draft findings are only sent to the Party concerned and the communicant for comments does not rule out the possibility for others to comment on the draft. While such comments could be useful, comments on draft findings should as a rule not include information which could have been provided at an earlier stage in the process. Furthermore, any such comments should be provided as early as possible and in any case no later than the deadlines by which the Party concerned and the communicant were requested to comment.

XI. Adoption of the report and closure of the meeting

60. The Committee adopted the report of the meeting on the basis of a draft prepared by the Chairperson and the secretariat. The Chairperson then closed the meeting.
