

## Outcome of the 27<sup>th</sup> meeting of the AARHUS CONVENTION's COMPLIANCE COMMITTEE

The twenty-seventh meeting of the Compliance Committee of the UNECE Aarhus Convention took place in Geneva from 16 to 19 March 2010. The main outcomes of the meeting were as follows:

- o The Committee discussed the substance of communications concerning:
  - a. Armenia, in connection with public participation related to decision-making on the long-term exploitation of copper and molybdenum deposits in Teghut, in the Lori region ([Communication ACCC/C/2009/43](#)). The communicant alleges that, as demonstrated in the Teghut mine case, Armenia, despite the recommendations already made by the Committee with respect to an earlier communication (ACCC/C/2004/8 and endorsed by the Meeting of the Parties by decision III/6b, continues to be in non-compliance with the provisions of the Convention on public participation. The communicant also alleges that judicial practice is still restrictive in the interpretation of the provisions allowing for *locus standi* (namely the ability of an individual or entity to show at a court that it has sufficient interest and connection to a situation that support its participation in a case before the court) to organizations in environmental cases. The Party concerned pointed to the progress made so far, in law and practice, as well as to the difficulties of bringing about change; it stressed that public participation for the Teghut mine project was exemplary for the country and the sub-region.
  - b. Slovakia, in connection with public participation in decision-making on the completion of the Mochovce nuclear power plant (NPP) in the country ([Communication ACCC/C/2009/41](#)). The communication, which was made by the non-governmental organization GLOBAL 2000 in conjunction with Friends of the Earth Austria, concerns the issuance by Slovakia of permits in 2008 to introduce safety and technological improvements and updates and thus supplement the original building permits of 1986 for the construction of the third and fourth reactors of the NPP in Mochovce. The communication alleges that Slovakia failed to comply with the public participation provisions of the Convention in the decision-making on the 2008 permits for the updates; and that the public participation process organized in the context of the environmental impact assessment for the decision-making of the operating permit is not sufficient since it does not allow for early and effective public participation when all options are open. The communication also alleges failure by the Party concerned to comply with the Convention's provisions on the access to justice. Specifically, the communicant alleges that it had been denied *locus standi* in review procedures, on the grounds that it was not "directly concerned" with the project. The Chair of Slovakia's nuclear regulatory body, the Slovak Ambassador to the United Nations in Geneva and senior officials from the Slovak Ministry of the Environment took part in the discussion, along with representatives of various Slovak and European NGOs.
  - c. United Kingdom, in connection with access to information and public participation regarding the construction of the Aberdeen Western Peripheral Route bypass ([Communication ACCC/C/2009/38](#)). The communication alleges that the United Kingdom breached the Convention in a number of ways, including that the UK failed to provide information on the state of the environment and the status of protected species which would be impacted by the proposed Aberdeen Western Peripheral Route (AWPR) and by not providing information which could enable the public to take measures to prevent or mitigate harm to those protected species. In addition,

the communicant alleges that the UK had not sought public comment on the final route proposal for the AWPR in an open way and had restricted the scope of a Public Inquiry into the AWPR in a manner contrary to the Convention. The communicant also alleges that the UK introduced a new objective for the strategic transport plan for the region without any public discussion. Finally, the communicant alleges that the Scottish public does not have access to an open and inexpensive review procedure to challenge the legality of the AWPR.

- d. United Kingdom, in connection with an opencast coal mine and adjacent coal processing plant in Merthyr Tydfil, Wales ([Communication ACCC/C/2009/40](#)). The communicant alleges that the UK failed to ensure that she was not penalized, persecuted or harassed by the local borough councils or by the mining company in her efforts to bring legal proceedings to challenge decisions relating to the mine and coal processing site.

In the discussions on all four cases, representatives of both the Government and the communicant participated. The Committee held that Communication ACCC/C/2009/40 was not admissible, on the grounds that it was manifestly unreasonable, pursuant to paragraph 20(c) of the annex to [decision I/7](#). The Committee will proceed to prepare draft findings in the other three communications and, where appropriate, recommendations in each of these cases.

- o The Committee continued its deliberations in closed session on seven communications in which discussions had taken place with the participation of the parties concerned at either the Committee's twenty-fourth, twenty-fifth or twenty-sixth meeting. Three of these communications concerned the United Kingdom, one in connection with costs associated with the discharge of an interim injunction ([Communication ACCC/C/2008/23](#)), one in connection with public participation and access to justice regarding Belfast City Airport ([Communication ACCC/C/2008/27](#)), and one in connection with the scope of judicial review, costs, timing and other issues related to access to justice ([Communication ACCC/C/2008/33](#)). The third communication concerned the European Community, in connection with access by members of the public to review procedures ([Communication ACCC/C/2008/32](#)). The fourth communication concerned Georgia, in connection with public participation in decision-making on the issuance of licenses for long-term forest use ([Communication ACCC/C/2008/35](#)); the fifth Spain, in connection with various alleged violations of the Convention in the Extremaduran community ([Communication ACCC/C/2009/36](#)); and the sixth Belarus, in connection with access to information and public participation related to decision-making on a hydro power plant on the Neman river ([Communication ACCC/C/2009/37](#)).
- o The Committee reviewed five new communications, one of which has been determined admissible and one inadmissible. The Committee deferred its decision on the preliminary admissibility of three communications to its twenty-eighth meeting, which will take place in Geneva from 15 to 18 June 2010.
- o The Committee reviewed progress reports submitted by [Albania](#), [Armenia](#), [Lithuania](#), [Turkmenistan](#) and [Ukraine](#) concerning the activities they were undertaking to implement the recommendations of the Meeting of the Parties, which had found each of them to be in non-compliance. In each case, the Committee requested further information to be submitted or for the Party concerned to promptly provide information the Committee had previously requested. It also called on the Parties concerned to provide information on the steps being taken to bring about compliance with the Convention.