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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

**Thirty-seventh meeting**  
Geneva, 26–29 June 2012

## Report of the Compliance Committee on its thirty-seventh meeting

### Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–6	2
A. Attendance.....	2	2
B. Organizational matters.....	3–6	2
I. New submissions and referrals under the Convention.....	7–9	3
II. Communications from members of the public.....	10–40	3
III. Reporting requirements.....	41	7
IV. Follow-up on specific cases of non-compliance.....	42–57	7
V. Programme of work and calendar of meetings.....	58	10
VI. Other business.....	59–67	10
VII. Adoption of the report and closure of the meeting.....	68	12

## **Introduction**

1. The thirty-seventh meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 26 to 29 June 2012 in Geneva, Switzerland.

### **A. Attendance**

2. All members were present during the meeting, except Mr. Gerhard Loibl, who was present only for part of the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases. Representatives of the Governments of Romania and the United Kingdom of Great Britain and Northern Ireland, as well as representatives of the non-governmental organizations (NGOs) Ecohome (Belarus), European ECO Forum, Kent Environment and Community Network (United Kingdom) and individual members of the public, participated as observers during the open sessions. Representatives from the University of Bordeaux (France) also participated. In addition, representatives of the Governments of Kazakhstan and Ukraine, as well as of the NGO Green Salvation participated in the relevant sessions by videoconference.

### **B. Organizational matters**

3. The Chair of the Compliance Committee, Mr. Jonas Ebbesson, opened the meeting.

4. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2012/3.

5. The Committee welcomed Ms. Dana Zhandayeva (Kazakhstan), the new member of the Committee appointed by the Bureau of the Meeting of the Parties to the Convention at its twenty-eighth meeting (Geneva, 28 February 2012) and subsequently approved by the Compliance Committee at its thirty-sixth meeting (Geneva, 27–30 March 2012) (ECE/MP.PP/C.1/2012/2, para. 6). Ms. Zhandayeva signed a declaration in which she undertook to perform her duties as member of the Committee impartially and conscientiously.

6. The Chair took the occasion of welcoming Ms. Zhandayeva to remind the Committee that Committee members served in their personal capacity, that any matters which might give rise to a conflict of interest, either actual or perceived, should be avoided, and, if unavoidable, should be disclosed to the Committee, which would decide whether the members would be asked to absent themselves from the deliberations on the case because of the real or apparent conflict. Being a citizen of a Party subject to a case before the Committee did not necessarily mean that the member had a conflict of interest in that case. Curators had a particular responsibility to follow a case, but the whole Committee was responsible for each case. Moreover, members were not to seek assistance from outside with their Committee work, including from research assistants or graduate students, unless there was a specific decision by the Committee concerning the use of external assistance on a particular matter.

## I. New submissions and referrals under the Convention

7. The secretariat informed the Committee that no new submissions had been made by Parties concerning compliance by other Parties.
8. The secretariat informed the Committee that no submissions had been made by Parties concerning problems with their own compliance since the Committee's last meeting.
9. No referrals had been made by the secretariat since the Committee's last meeting.

## II. Communications from members of the public

10. The Committee confirmed the adoption of the edited version of its findings and recommendations in English, as well as their translation into French and Russian, with regard to communication ACCC/C/2010/48 (Austria), as set out in document ECE/MP.PP/C.1/2012/4.

11. With regard to communication ACCC/C/2008/28 (Denmark), the Committee at its thirty-sixth meeting had asked the secretariat to seek the views of the parties on how to proceed with the communication, given the fact that the latest decision of the Ministry of Science had granted access for the communicant to any information in Vetstat and, by that, the requests for access to the database had been fully met. The Committee took note of the letter of the communicant of 22 May 2012, as well as of the informal exchange of e-mails between the secretariat and the parties.

12. The Committee expressed its concern that the practice in the Danish system might not comply with the requirements of article 9, paragraph 4, of the Convention, that the remedies be adequate and effective, and the procedures be fair and timely. However, since the communicant had finally, after far too long a wait, obtained access to the requested information, and since in a telephone conversation with the Committee Secretary he had made it clear he would now actually prefer if the Committee concluded the case without a hearing (making, however, a note in its report about the seven years it took for him to eventually access environmental information), the Committee decided to close the case without making a formal finding of non-compliance. Nevertheless, the Committee stressed that the time it had taken for the communicant in the present case to get access to the requested information was way beyond the time limit required by the Convention, and the handling by the Danish authorities was not compatible with the Convention.

13. The Committee requested the secretariat to inform the parties about the outcome of its consideration.

14. With regard to communication ACCC/C/2008/31 (Germany), at the instruction of the Committee, the secretariat had sought the views of the communicant and the Party concerned with respect to the impact of Trianel's challenge of the regional government's decision not to appeal the decision of the regional court, Oberverwaltungsgericht für das Land Nordrhein-Westfalen, on the communication pending before the Committee. The Committee recalled that the communicant and the Party concerned had provided their views on 23 and 26 April 2012, respectively. Taking note of the request of the Party concerned and the agreement expressed by the communicant, the Committee, using its electronic decision-making procedure, had decided to hold the discussion with the parties at its thirty-eighth meeting (25–28 September 2012). The Committee confirmed that it would discuss the communication at its thirty-eighth meeting. The Committee also decided that the curator of the case would be Mr. Černý.

15. With regard to communication ACCC/C/2008/32 (European Union (EU)), the Committee noted that on 14 May 2012, the General Court had issued its judgment on the *Stichting Milieu* case.<sup>1</sup> The Committee decided that it would consider how to proceed with the case at its thirty-eighth meeting, depending also on whether the European Commission appealed the Court's judgment.

16. The Committee then entered into a discussion in open session of communications ACCC/C/2010/45 and ACCC/C/2011/60 (United Kingdom), with the participation of representatives of the Party concerned and the communicants. Communication ACCC/C/2010/45 had been submitted by the Kent Environment and Community Network and contained allegations of non-compliance by the United Kingdom with the public participation and access to justice provisions of the Convention with respect to planning application procedures, and in particular with respect to the planning permission for the demolition of existing buildings and the construction of a food retail store in Hythe, Kent. Communication ACCC/C/2011/60 had been submitted by a member of the public, Mr. Terence Ewing, and contained allegations of non-compliance by the United Kingdom with the public participation and access to justice provisions of the Convention with respect to planning procedures at the local councils. At its thirty-sixth meeting, the Committee had confirmed that it would discuss the two communications jointly and had decided to frame the discussion on specific issues which had been communicated to the communicants and the Party concerned (ECE/MP.PP/C.1/2012/2, paras. 20–24 and 34).

17. The Committee confirmed that communications ACCC/C/2010/45 and ACCC/C/2011/60 were admissible. The Committee then deliberated upon the communications in closed session. It requested the parties to submit some additional information, *inter alia*, in order to clarify some aspects of the system with respect to the planning system in England and Wales. It agreed to continue its deliberations on the matter at its thirty-eighth meeting with a view to finalizing the draft findings and, if appropriate, recommendations, at that meeting. The draft findings would then be sent for comment to the Party concerned and to the communicant.

18. At its thirty-sixth meeting, the Committee had completed its draft findings on communication ACCC/C/2010/50 (Czech Republic), in closed session, with the exception of a few minor points, which had been finalized by using the electronic decision-making procedure. The findings had then been sent for comments to the Party concerned and the communicant on 4 May 2012. The communicant and the Party concerned had provided comments on 30 May and 22 June, respectively. The Committee then proceeded to finalize its findings, taking into account the comments received, adopted its findings and instructed the secretariat to prepare official versions of its adopted findings on ACCC/C/2010/50 as a formal pre-session document to its thirty-ninth meeting (11–14 December 2012) and to ensure its availability in the three official ECE languages. It requested the secretariat to send the finalized findings to the Party concerned and the communicant.

19. Concerning communication ACCC/C/2010/51 (Romania), the Committee agreed to continue its deliberations on the matter at its thirty-eighth meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

20. With respect to communication ACCC/C/2010/53 (United Kingdom), the Committee took note of the information submitted by the communicant on 25 June 2012. It then completed its draft findings in closed session, with the exception of a few minor

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<sup>1</sup> *Stichting Natuur en Milieu and Pesticides Action Network Europe v. Commission*, case T-338/08, action brought on 11 August 2008.

points, which would be finalized by using the electronic decision-making procedure. It requested the secretariat, after the conclusion of that procedure, to send the draft findings to the Parties concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7 of the Meeting of the Parties. The Committee would take into account any comments when finalizing the findings at its thirty-eighth meeting.

21. Concerning communication ACCC/C/2010/54 (EU), at its thirty-sixth meeting, the Committee had completed its draft findings in closed session, with the exception of a few minor points, which had been finalized by using the electronic decision-making procedure. The findings had then been sent for comments to the Party concerned and the communicant on 4 May 2012. The communicant and the Party concerned had provided comments on 27 and 29 May, respectively. The communicant had also sent additional comments on 5 June 2012. The Committee then proceeded to finalize its findings, taking into account the comments received, adopted its findings and instructed the secretariat to prepare official versions of its adopted findings on ACCC/C/2010/54 as a formal pre-session document to its thirty-ninth meeting and to ensure its availability in the three official ECE languages. It requested the secretariat to send the finalized findings to the Party concerned and the communicant.

22. With regard to communication ACCC/C/2010/55 (United Kingdom), the secretariat informed the Committee that no additional information had been received.

23. Concerning communication ACCC/C/2011/58 (Bulgaria), the Committee completed its draft findings in closed session. It requested the secretariat to send the draft findings to the Parties concerned and the communicants 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 thirty-eighth meeting.

24. Regarding communication ACCC/C/2011/59 (Kazakhstan), the Committee agreed to continue its deliberations on the matter at its thirty-eighth meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

25. Communication ACCC/C/2011/60 (United Kingdom) was discussed jointly with communication ACCC/C/2010/45 (see paras.16–17 above).

26. The Committee then entered into the discussion in open session of communication ACCC/C/2011/61 (United Kingdom), with the participation of representatives of the Party concerned and the communicant. The communication had been submitted by a member of the public, Mr Terence Ewing, and contained allegations of non-compliance by the United Kingdom with the public participation and access to justice provisions of the Convention in relation to the planning of the Crossrail project in the metropolitan London area.

27. The Committee confirmed that communication ACCC/C/2011/61 was admissible. The Committee then deliberated upon the communications in closed session. It agreed to continue its deliberations on the matter at its thirty-eighth meeting with a view to finalizing the draft findings and, if appropriate, recommendations, at that meeting. The draft findings would then be sent for comment to the Party concerned and to the communicant.

28. On communication ACCC/C/2011/62 (Armenia), the Committee noted that the Party concerned had provided its response on 4 April 2012 and that the communicant had submitted additional comments on 25 June 2012. The Committee then confirmed that it would discuss the substance of communication at its thirty-eighth meeting.

29. Regarding communication ACCC/C/2011/63 (Austria), the Committee noted that the Party concerned had provided its response on 22 May 2012. It then confirmed that it would discuss the substance of the communication at its thirty-eighth meeting.

30. On communication ACCC/C/2012/66 (Croatia), the Committee noted that the deadline of 8 October 2012 for the Party to respond had not elapsed and that the Party had not yet replied. It provisionally scheduled to discuss the substance of the communication at its thirty-ninth meeting.

31. Regarding communication ACCC/C/2012/67 (Denmark), the Committee noted that the deadline of 8 October 2012 for the Party to respond had not elapsed and that the Party had not yet replied. It provisionally scheduled to discuss the substance of the communication at its thirty-ninth meeting.

32. Regarding communication ACCC/C/2012/68 (EU and United Kingdom), the Committee noted that the deadline of 8 October 2012 for the Parties to respond had not elapsed and that the Parties had not yet replied. It provisionally scheduled to discuss the substance of the communication at its fortieth meeting (25–28 March 2013).

33. Regarding communication ACCC/C/2012/69 (Romania), the Committee noted that the deadline of 8 October 2012 for the Parties to respond had not elapsed and that the Parties had not yet replied. It provisionally scheduled to discuss the substance of the communication at its fortieth meeting.

34. The Committee had received four new communications since its previous meeting.

35. Communication ACCC/C/2012/70 (Czech Republic), submitted by Environmental Law Service, alleged non-compliance by the Party concerned with the provisions of the Convention on public participation in relation to the adoption of the national investment plan under the EU emissions trading system. The Committee determined on a preliminary basis that the communication was admissible. It requested the secretariat to forward the communication to the Party concerned. It was also agreed that questions would be sent to the parties. Mr. Loibl was designated as curator for the case.

36. In that context, Mr. Černý declared a potential conflict of interest with respect to the case, due to his professional relationship with the communicant, which could reasonably be considered as leading to a conflict of interest or which might reasonably be perceived by the Parties or members of the public as giving rise to such a conflict. The Committee agreed that Mr. Černý would not participate in any deliberations on the communication in closed sessions, but was welcome to participate in the proceedings of the communication as observer.

37. Communication ACCC/C/2012/71 (Czech Republic), submitted by members of the public in Germany represented by Ms. Brigitte Artmann, alleged non-compliance by the Party concerned with the provision of the Convention on non-discrimination with respect to participation in decision-making by members of the public in relation to the construction of reactors 3 and 4 of the Temelin nuclear power station in the Czech Republic. The Committee determined on a preliminary basis that the communication was admissible. It requested the secretariat to forward the communication to the Party concerned. It was also agreed that questions would be sent to the parties. Ms. Zhandayeva was designated as curator for the case.

38. Communication ACCC/C/2012/72 (EU), submitted by Percy Podger and Associates, alleged non-compliance by the Party concerned with various provisions of the Convention, and in particular those on access to justice, in relation to the failure of the Party concerned to ensure that the Convention was duly applicable in one of its member States, Ireland, which, at the time the communication was submitted, had not yet ratified the Convention. The Committee found that the information submitted was not sufficient, as the information submitted demonstrated rather that Ireland had failed to comply with the Convention, rather than the Party concerned. The Committee determined the communication inadmissible, as manifestly unreasonable (para. 20 (c) of the annex to decision I/7).

39. At its thirty-sixth meeting, the Committee had decided to defer the determination on the preliminary admissibility of two communications to its thirty-seventh meeting and had sent questions to the communicants to clarify some aspects of their communications. The Committee decided to defer the determination on the preliminary admissibility of both communications to its thirty-eighth meeting: one at the request of the communicant, to allow her to collect additional information; and the second in order to clarify further with one communicant some additional aspects of the communication.

40. The Committee had also received one further communication alleging non-compliance by a Party with provisions of the Convention on public participation and access to justice. The Committee decided to ask the communicant, through the secretariat, to further clarify some of his allegations and to defer its decision on preliminary admissibility to its thirty-eighth meeting.

### **III. Reporting requirements**

41. The secretariat informed the Committee that the former Yugoslav Republic of Macedonia was the only Party to the Convention that had still failed to submit its implementation report, initially due in December 2010. The Committee took note of that information and reiterated its concern that the former Yugoslav Republic of Macedonia had not yet submitted its report. The Committee requested the secretariat to keep it informed about the Party's compliance with its obligation.

### **IV. Follow-up on specific cases of non-compliance**

42. The Committee reviewed progress in the implementation of decisions IV/9 and IV/9a-i adopted at the fourth session of the Meeting of the Parties (see ECE/MP.PP/2011/2/Add.1).

43. With respect to decision IV/9a (Armenia), the Committee took note of the action plan submitted by the Party concerned on 12 April 2012. It also recalled that it had requested the Party concerned to submit an English or at least a Russian translation of the draft environmental impact assessment law. On 22 May and 18 June 2012, the Party concerned had informed the Committee that, since the draft law "On changes and addendums to the Law of the Republic of Armenia on environmental impact expertize" had been rejected by the President of Armenia, a new draft was being prepared by the Working Group established by the Minister of Nature Protection and led by the first Deputy Minister of Nature Protection. Once finalized, the new draft would be forwarded to the Interagency Commission on Implementing the Aarhus Convention and then circulated to other stakeholders. Due to that early stage of the process, the Party concerned was not able to provide a translation of the draft in the English or Russian language. It reassured the Committee that it would keep it informed about the process. The Committee requested the Party concerned to report to the Committee on the progress of the legislative process as soon as possible, but not later than November 2012. It also requested the Party concerned to report on how the elements of paragraph 4 of decision IV/9a were addressed in the draft law. It agreed that it would review the materials received in greater detail at its thirty-ninth meeting.

44. With respect to decision IV/9b (Belarus), the Committee welcomed the action plan submitted by the Party concerned on 30 March 2012, within the deadline set by the decision at issue. No comments had been received from the communicant. The Committee also noted the concept note on amendments to legislation, submitted by the Party concerned on 15 June 2012. Observers drew the attention of the Committee to the translation of

“responsibility” in the Russian text of the decision, which could be interpreted as “liability” by the Party concerned and could lead to measures which would not be suitable to address the recommendations of the Meeting of the Parties; to the concerns of the civil society that it had not been properly consulted in the preparation of the action plan; and that further steps had been taken for the construction of the nuclear power station in Ostrovets. The Committee took note of the information provided and asked the observers to provide their statements in writing. It instructed the secretariat to write a letter to the Party concerned clarifying the meaning of “responsibility” in decision IV/9b and inviting the Party to comment on the statements made by the observers and to provide information on how members of the public were involved in the preparation of the action plan and whether all documents were publicly available. The Party concerned should provide the requested information by 15 September 2012. The Committee would then consider the matter at its thirty-eighth meeting. The Committee also requested the secretariat to request the Party to inform the Committee about the progress on the legislative amendments and how those addressed the specific elements of paragraph 4 of decision IV/9b by 1 February 2013. It agreed that it would review those materials received in greater detail at its fortieth meeting.

45. With respect to decision IV/9c (Kazakhstan), the Committee recalled that, according to that decision, the Meeting of the Parties had issued a caution which was to become effective on 1 May 2012, unless the Party concerned had “thoroughly examined, with appropriate involvement of the public, the relevant environmental and procedural legislation, as well as the relevant case law, to identify whether it sufficiently provides judicial and other review authorities with the possibility to provide adequate and effective remedies in the course of judicial review” (ECE/MP.PP/2011/2/Add.1, decision IV/9c, para. 4). Further to the Committee’s request to the Party to clarify how members of the public had been involved in the process, the Party concerned had submitted additional information on 15 June 2012. Additional information had also been received from the Zhaik Caspian Aarhus Centre on 25 June 2012.

46. The Committee then entered into discussion with a representative of the Government of Kazakhstan and a representative of the NGO Green Salvation, both of whom participated in the session by videoconference. During the discussion, the Party concerned pointed to the continuous efforts undertaken by the Party to achieve compliance with the Convention, including the finalization of the study requested by decision IV/9c and the ongoing amendments to the draft rules on public participation. The NGO representative commented on the very slow progress demonstrated by the Party concerned in reaching compliance with decisions II/5a, III/6c and IV/9c of the Meeting of the Parties.

47. The Committee took note of the submissions from the Party concerned and from the observer. It requested them to provide their statements in writing and put additional questions to be addressed by August 2012. The Committee then determined that it would decide at its thirty-eighth meeting whether the conditions set out in the decision had been fulfilled. It reminded the Party concerned of its obligation to also provide a report by November 2012 on the progress achieved.

48. With respect to decision IV/9d (Republic of Moldova), the secretariat informed the Committee that no comments had been received from the communicant. The Committee agreed that it would review the situation, after it had received the progress report due by the Party concerned in November 2012.

49. With regard to decision IV/9e (Slovakia), the Committee welcomed the additional information submitted by the Party concerned on 3 and 22 May 2012, and noted that the communicant had not commented on the Party’s report. It agreed that it would review the situation, after it had received the implementation report due by the Party concerned on 1 December 2012.

50. With respect to decision IV/9f (Spain), the Committee recalled that the Party concerned would have to report six months before the fifth session of the Meeting of the Parties.

51. With respect to decision IV/9g (Turkmenistan), the Committee recalled that the Meeting of the Parties had decided to suspend the caution which had been issued to the Party concerned through decision III/6e and had entered into effect on 1 May 2009; and that the caution would re-enter into effect on 1 January 2013 unless the Party concerned had amended the Act of Public Associations with a view to bringing all of its provisions into compliance with the Convention, as requested by the Meeting of the Parties through paragraph 2 of decision II/5c. The Committee requested the secretariat to remind the Party concerned of its obligation to inform the secretariat about the successful fulfilment of that condition on 1 October 2012. The Committee agreed that at its thirty-ninth meeting it would consider the material expected by the Party and would establish whether the caution should re-enter into effect on 1 January 2013.

52. With respect to decision IV/9h (Ukraine), the Committee recalled that the Party concerned had submitted its report on 1 May 2012 and the NGO Environment-People-Law had provided its comments on 30 May 2012. On 5 June 2012, the Committee sent a letter to the Party through the secretariat, in which it noted with concern the late submission of the report. The Committee, however, was even more concerned at the fact that the report had not provided evidence on full implementation by Ukraine of the measures requested by the Meeting of the Parties. Instead, it provided mainly information of draft legal acts under preparation. In the same letter, the Committee had also urged the Party concerned to submit to the Committee any additional information evidencing that Ukraine had actually fulfilled the measures requested in a successful manner. By letter of 26 June 2012, the Party concerned informed the Committee that the draft law "On amending certain laws of Ukraine in connection to implementation of the Convention on Environmental Impact Assessment in a Transboundary Context" had been registered with the Verkhovna Rada (Parliament) and was expected to be considered in July 2012.

53. The Committee then entered into discussion with a representative of the Government of Ukraine, who participated in the session by videoconference, and with the observers. During the discussion, the Party underscored the efforts undertaken by Ukraine to bring it into compliance with the Aarhus Convention, as well as with the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). The draft law at issue was being processed simultaneously with the draft law on urban development. The Government of Ukraine commended the role of the Committee in assisting the Parties to reach compliance with the Convention and, considering the current positive dynamic in the country, asked for the consideration of the issue to be postponed to the Committee's next meeting.

54. A representative of the Government of Romania expressed Romania's concerns, saying a number of the changes undertaken by Ukraine did not properly reflect the recommendations of the decision. Observers noted that even if the draft law in question were adopted, there would still be difficulties in implementing the Convention in practice.

55. The Committee took note of the statements made and asked the Party and the observers to provide their statements in writing. It expressed its appreciation at the steps taken by Ukraine, but noted that the condition of decision IV/9h required that the Party concerned had "fully" implemented the conditions of decision II/5b by the set deadline. In the view of the Committee, the Party concerned had not fully satisfied those conditions and therefore the caution could not be lifted. The Committee expressed the expectation that Ukraine would continue its efforts, as described during the meeting. It reminded the Party of its obligation to submit its report no later than 30 November 2012. It asked the Party to provide detailed information on the progress achieved with the legislative process,

including the translation of the law into English. The report should be sent to the secretariat in an electronic version to ensure that the report was received by 30 November 2012. The Committee instructed the secretariat to send a letter to the President of Ukraine informing him about the decision. The Committee agreed that it would evaluate the progress undertaken and consider further steps to be taken at its thirty-ninth meeting.

56. With respect to decision IV/9i (United Kingdom), the Party concerned had submitted its report informing the Committee about the follow-up to its findings in communication ACCC/C/2008/33 on 15 June 2012. The report had been preceded by a letter, dated 22 March 2012, indicating that the Party concerned required additional time to submit its report to the Committee. An NGO observer in that case, Coalition for Access to Justice for the Environment (CAJE), had submitted information to the Committee on 3 and 19 June 2012. In addition, on 25 June 2012, the Committee had received information from one of the communicants of ACCC/C/2008/33 with respect to the decision at issue. The Committee, however, considered the submitted information irrelevant in the context of the decision.

57. The information submitted by the Party concerned addressed planned changes in the regime for Protective Cost Orders (PCOs). Those plans had been the subject of public consultation and were the subject of further consideration, given the outcome of those consultations. The information submitted by the Party concerned also referred to ongoing considerations regarding time frames. CAJE expressed its concern regarding the proposed changes to the PCO regime. The Committee welcomed the information received. The Committee was concerned how changes in the amounts that were to be part of the revised PCO regime were determined (e.g., how the proposed amounts related to the requirement that the procedures must not be prohibitively expensive and how the amounts were calculated) and whether those PCOs would apply to all stages of procedures for judicial review (first instance and appeals). The Committee also noted that, in the information submitted, the Party concerned did not appear to take into account some of the concerns expressed by the Committee in the findings on communication ACCC/C/2008/33, such as those concerning substantive review. The Committee instructed the secretariat to send a letter to the Party concerned communicating the Committee's views and inviting it to submit further information on time frames as well as background information regarding the proposed changes. The Committee would then review the material submitted at its thirty-eighth meeting.

## **V. Programme of work and calendar of meetings**

58. The Committee confirmed that it would hold its thirty-eighth meeting from 25 to 28 September and its thirty-ninth meeting from 11 to 14 December 2012. It also confirmed that it would hold its fortieth meeting from 25 to 28 March, its forty-first meeting from 25 to 28 June, its forty-second meeting from 24 to 27 September and its forty-third meeting from 17 to 20 December 2013.

## **VI. Other business**

59. The Committee noted that Ireland had ratified the Convention on 20 June 2012. The Convention would enter into force for Ireland on 18 September 2012.

60. The secretariat informed the Committee of the outcomes of the mission to Mongolia on 25 and 26 April 2012. The mission had been organized by the secretariat, with the assistance of the United Nations Development Programme in the country, and led by the Chair of the Meeting of the Parties, at the invitation of the Office of the President. Meetings

and lively discussions had taken place with high-level officials representing various government authorities and with civil society representatives. Given the country's rich natural resources, strong concerns were expressed about the possible negative impact on the environment and the health of citizens of activities relating to the exploitation of those resources, and the need to improve public participation opportunities in the decision-making for permitting such activities was recognized. In that respect, the Aarhus Convention would offer valuable guidance. There were indications that the Government would proceed with accession before the fifth Meeting of the Parties.

61. The secretariat then informed the Committee about two side events organized at the United Nations Conference on Sustainable Development (Rio+20 Conference) (Rio de Janeiro, 20–22 June 2012), featuring the Aarhus Convention. The first was organized by the World Resources Institute in cooperation with ECE and other partners and aimed at promoting transparency, public participation and accountability with a view to improving national, regional and global governance for sustainable development. The second event was organized by ECE together with other regional commissions and sought to promote Principle 10 of the Rio Declaration on Environment and Development in the context of green economy. Both events had been successful and had attracted a lot of attention from various stakeholders. The Chair of the Committee, who was part of the ECE delegation, shared his personal experience attending the Conference and side events, as a speaker and as a participant. He mentioned that the NGO community had made a strong statement concerning the zero-draft document and had commented on several excerpts of the final document.

62. The secretariat reported on the outcomes of a workshop organized by the European ECO Forum in Vienna on 14 and 15 May 2012, which had evaluated the efficiency of the compliance mechanism under the Convention. The workshop had been attended by representatives of Governments and civil society, as well as by academics and present and former members of the Committee. The mechanism was discussed in the context of its relationship with the Espoo Convention and international human rights instruments. Some of the proposals discussed included the possibility of strengthening the mandate of the Committee with regard to following up on decisions of the Meeting of the Parties on compliance by individual Parties; promoting capacity-building and raising awareness activities; and ensuring better outreach of the findings and implementation of the recommendations of the Committee at the national level.

63. The secretariat had been invited twice during the past three months to address different sections of the European Economic and Social Committee, a consultative body of the EU, based Brussels, that facilitated the involvement of civil society organizations from EU member States in EU policy and decision-making. The European Economic and Social Committee had indicated strong interest in the Convention.

64. The secretariat also reported on:

(a) The subregional Central Asian meeting “Implementing the Aarhus Convention today: Paving the way to a better environment and governance tomorrow” (Almaty, Kazakhstan 22–23 May 2012), jointly organized with the Organization for Security and Cooperation in Europe;

(b) The second meeting of the Task Force on Public Participation in Decision-making (Geneva, 6–8 June 2012), featuring joint sessions with the Meeting of the Parties to the Protocol on Water and Health to the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, and organized also in cooperation with the Ministry of Environment and Forests of Romania and Women in Europe for a Common Future. It was highlighted that the Task Force was developing draft

recommendations on public participation and Committee members were invited to comment;

(c) The fifth meeting of the Task Force on Access to Justice (Geneva, 14–15 June 2012).

65. The secretariat also informed the Committee that the thirteenth meeting of the Working Group of the Parties would take place from 3 to 5 September 2012 in Geneva, including a thematic session on public participation in international forums; and that the third meeting of the Task Force on Public Participation would take place on 29 and 30 October 2012, in Geneva, and would feature a joint session with the Protocol on Strategic Environmental Assessment to the Espoo Convention.

66. Finally, the secretariat updated the Committee on the progress on the revision of the implementation guide for the Convention,<sup>2</sup> a final draft of which would be submitted for a final round of comments by Parties and stakeholders shortly. The Committee took note of the information.

67. Further to his initiative to launch an informal network for the chairs of the compliance and implementation bodies of the ECE multilateral environmental agreements, the Chair informed Committee members that almost all the chairs had responded with enthusiasm to his proposal. He asked the secretariat to explore the possibility of organizing such an informal meeting back to back with the Committee's fortieth meeting in March 2013.

## **VII. Adoption of the report and closure of the meeting**

68. The Committee adopted the report of the meeting. The Chair then officially closed the thirty-seventh meeting.

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<sup>2</sup> *The Aarhus Convention: An Implementation Guide*, United Nations publication, Sales No. E.00.II.E.3.