



Economic and Social Council

Distr.: General
23 January 2013

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

Thirty-ninth meeting

Geneva, 11–14 December 2012

Report of the Compliance Committee on its thirty-ninth meeting

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Introduction

1. The thirty-ninth 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 11 to 14 December 2012 in Geneva, Switzerland.

A. Attendance

2. All members were present during 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 Azerbaijan, Croatia, the European Union (EU), Turkmenistan and the United Kingdom of Great Britain and Northern Ireland, and the Avich and Kilchrenan Community Council (United Kingdom) participated in the open sessions. Representatives of the non-governmental organizations (NGOs) Association for Nature, Environment and Sustainable Development ("Sunce") (Croatia), the Center for International Environmental Law (CIEL) (United States of America), Earthjustice (Switzerland), Coordination Centre of Austrian Environmental Organizations (OEKOBUERO) (Austria), the International Council of Environmental Law (Switzerland), the Research and Analysis Center "Society and Environment" (Ukraine) and Vent-de-Raison (Belgium), as well as representatives of the European ECO Forum, the European Platform Against Windfarms (EPAW), the Community Against Turbines Scotland, the World Council for Nature and other members of the public, also participated as observers during the open sessions. In addition, representatives of the Government of Slovakia and the NGOs Global 2000 (Austria) and Via Iuris (Slovakia) participated in relevant sessions by teleconference.

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.1/2012/9, with a change in paragraph 7 (c), because the Committee would not discuss the substance of communication ACCC/C/2012/67 (Denmark) at the meeting.

I. New submissions and referrals under the Convention

5. The secretariat informed the Committee that no new submissions had been made by Parties concerning compliance by other Parties.
6. 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.
7. No referrals had been made by the secretariat since the Committee's last meeting.

II. Communications from members of the public

8. 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 communications ACCC/C/2010/50 (Czech Republic) and ACCC/C/2010/54

(EU), as set out in documents ECE/MP.PP/C.1/2012/11 and ECE/MP.PP/C.1/2012/12 and Corr.1, respectively.

9. With regard to communication ACCC/C/2008/31 (Germany), the Committee took note of the information submitted by the communicant and the Party concerned on 29 October and 5 November 2012, respectively. It then agreed to continue its deliberations on the matter at its next meetings 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.

10. With regard to communication ACCC/C/2008/32 (EU), the secretariat informed the Committee that no additional information had been received and that the two cases relating to the communication¹ were still pending before the Court of Justice of the European Union.

11. Concerning communications ACCC/C/2010/45 and ACCC/C/2011/60 (United Kingdom), the Committee took note of the additional information that had been submitted by the communicant on 6 December 2012. It then agreed to continue its deliberations on the matter at its fortieth meeting (25–28 March 2013) 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.

12. With regard to communication ACCC/C/2010/51 (Romania), the Committee completed its draft findings in closed session, with the exception of a few minor 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 Party concerned and the communicant 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 fortieth meeting.

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

14. With regard to communication ACCC/C/2011/59 (Kazakhstan), the Committee completed its draft findings in closed session. It requested the secretariat to send the draft findings 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 fortieth meeting.

15. Concerning communication ACCC/C/2011/61 (United Kingdom), the Committee took note of the additional information submitted by the Party concerned 1 October and 12 November 2012, and by the communicant on 17 and 18 October 2012. It then agreed to continue its deliberations on the matter at its fortieth 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.

16. Concerning communication ACCC/C/2011/62 (Armenia), the Committee took note of the additional information submitted by the Party concerned and the communicant on 26 October and 29 October 2012, respectively. It then agreed to continue its deliberations on the matter at its fortieth 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.

¹ *Council v. Stichting Natuur en Milieu and Pesticide Action Network Europe*, case C-404/12 P and *Commission v. Stichting Natuur en Milieu and Pesticide Action Network Europe*, case C-405/12 P.

17. Concerning communication ACCC/C/2011/63 (Austria), the Committee took note of the additional information submitted by the Party concerned and the communicant on 5 November and 12 November 2012, respectively. It then agreed to continue its deliberations on the matter at its fortieth 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.

18. The Committee then entered into discussion in open session of communication ACCC/C/2012/66 (Croatia), with the participation of representatives of the Party concerned and the communicant. In the meantime, the Party concerned had submitted its response on 8 October 2012, and the communicant had submitted additional information on 4 October and 22 November 2012. The communication included allegations of non-compliance with article 7 of the Convention, on the grounds that several local waste management plans had been adopted without proper public participation. The Committee confirmed that communication ACCC/C/2012/66 was admissible. At the end of the discussion, parties were invited to address some additional questions in writing.

19. The Committee then deliberated upon communication ACCC/C/2012/66 in closed session. It agreed to continue its deliberations on the matter at its fortieth 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 the communicant.

20. On communication ACCC/C/2012/67 (Denmark), the Committee recalled that at its prior meeting it had decided to discuss the substance of the communication at its thirty-ninth meeting. In the meantime, by letter of 8 October 2012, the Party concerned had informed the Committee that the legal issue presented in the communication was pending before both the Danish courts and the Nature and Environment Board of Appeal; therefore, the Party concerned had requested the Committee to suspend consideration of the case and to extend by one month the deadline for its response. The Chair had considered the request of the Party in the intersessional period and had instructed the secretariat to inform the Party that the deadline for its response would be extended to 9 November 2012. The secretariat had also been asked to invite the communicant to comment on the request of the Party concerned regarding the suspension of the case by 27 November 2012, and to inform both the Party concerned and the communicant that the Committee would consider the possibility of suspension at its thirty-ninth meeting. It had also been decided that the Committee would not discuss the substance of the communication at its thirty-ninth meeting. The secretariat had communicated that decision by the Chair to the Party concerned and the communicant by e-mail on 12 October 2012.

21. Subsequently, by letter of 9 November 2012, the Party concerned, due to the pending issue at the domestic level, requested a further extension of the deadline for response. On 29 November the communicant had submitted an extensive response to the request of the Party concerned for suspension of the case.

22. On 10 December 2012, the Party concerned had informed the Committee of the recent decision of the Nature and Environment Board, which appeared to address the concerns expressed in the communication. It had requested the Committee to defer consideration on how to further deal with the communication at its next meeting.

23. The Committee took note of the above. It decided to ask the Party concerned and the communicant to comment on the recent decision of the Nature and Environmental Board of Appeal. It agreed to discuss how to proceed with the case at its next meeting, after it received the replies of the parties.

24. The Committee entered into discussion in open session of communication ACCC/C/2012/68 (United Kingdom and EU), with the participation of representatives of

the Parties concerned and the communicant. The communication had been submitted by Ms. Christine Metcalfe on behalf of the Community Council of Avich and Kilchrenan Community Council, and contained allegations of non-compliance by the United Kingdom and the EU with the provisions of the Convention on public participation and access to justice in relation to the implementation of the renewable energy programme in Scotland and two specific projects in the Avich and Kilchrenan area of Argyll related to the programme (i.e., the Carriag Gheal wind farm and the linked access West Loch Awe Timber Haul Route). It also contained allegations of non-compliance by the EU with the provisions of the Convention on public participation in relation to the communication, "Renewable Energy: a major player in the European Energy market" (COM(2012)271), which had been adopted by the European Commission on 6 June 2012.

25. The Committee confirmed that communication ACCC/C/2012/68 was admissible. At the end of the discussion, parties were invited to address some additional questions in writing.

26. The Committee then deliberated upon communication ACCC/C/2012/68 in closed session. It agreed to continue its deliberations on the matter at its fortieth 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 the communicant.

27. Regarding communication ACCC/C/2012/69 (Romania), the Committee noted that the Party concerned had submitted its response on 5 October 2012 and the communicant had submitted its answers to the Committee's questions on 8 October 2012. The Committee decided that it would invite the communicant to clarify some of the allegations as well as the exhaustion of domestic remedies. It mandated the Chair and the curator to decide on the basis of the anticipated clarification whether it would discuss the substance of the communication at its fortieth meeting.

28. On communication ACCC/C/2012/70 (Czech Republic), the Committee noted that the deadline of 16 January 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee took note of the information submitted by the communicant on 29 October 2012. It decided that it would discuss the substance of the communication at its fortieth meeting.

29. Similarly, on communication ACCC/C/2012/71 (Czech Republic), the Committee noted that the deadline of 16 January 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee took note of the information submitted by the communicant on 28 November 2012. It decided that it would discuss the substance of the communication at its fortieth meeting.

30. On communication ACCC/C/2012/76 (Bulgaria), the Committee noted that the deadline of 30 March 2013 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 forty-first meeting (25–28 June 2013).

31. Concerning communication ACCC/C/2012/77 (United Kingdom), the Committee noted that the deadline of 30 March 2013 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 fortieth meeting.

32. At its thirty-eighth meeting (25-28 September 2012), the Committee had deferred determination on the preliminary admissibility of five communications to its thirty-ninth meeting. For two of those communications, the Committee had decided to ask the communicants, through the secretariat, to clarify some of their allegations.

33. At its thirty-ninth meeting, for one of the one of the communications for which clarifications had been sought, the Committee decided the communication was admissible on a preliminary basis. Communication ACCC/C/2012/78 (Spain), submitted by Asociación Andaluza para la Defensa de los Animales, alleged non-compliance by the Party concerned with the provisions of the Convention on access to information in relation to the opening and operation of a zoo, as well as those on access to justice in relation to legal aid available to small NGOs. It requested the secretariat to forward the communication to the Party concerned. Mr. Ion Diaconu was designated as curator for the case.

34. For the other communication for which clarifications had been sought by the Committee at its thirty-eighth meeting, at the request of the communicant, the Committee decided to defer its decision on preliminary admissibility to its fortieth meeting.

35. For the three remaining communications, which had been received only shortly before the Committee's thirty-eighth meeting, the Committee decided to ask the communicants, through the secretariat, to further clarify some of their allegations and decided to defer its decision on their preliminary admissibility to its fortieth meeting.

36. The Committee had not received any other new communications.

III. Reporting requirements

37. 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. In the meantime, several reminders had been sent to the Party, also at the ministerial level. The Committee expressed its discontent and instructed the secretariat to send a letter to the Party concerned through the country mission to the United Nations, reminding it about its obligations under the Convention.

38. Moreover, in preparation for the fifth session of the Meeting of the Parties, the Committee instructed the secretariat to advise Parties that they should launch the consultation process for their national implementation reports to be submitted by the end of 2013 as soon as possible.

39. The Committee also decided that at its fortieth meeting it would agree on a timeline for the preparation of its report to the Meeting of the Parties.

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

40. 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).

41. With respect to decision IV/9a (Armenia), the Committee recalled that the Party concerned had been asked to report on the progress of the legislative process as soon as possible, but not later than November 2012. In its report, the Party was also asked to describe how the elements of paragraph 4 of decision IV/9a had been addressed in the draft law. The Committee noted with disappointment that the Party concerned had not submitted the requested information by the deadline, despite the reminders from the secretariat. It asked the secretariat to urge the Party to submit the requested information as soon as possible and agreed to review the situation at its fortieth meeting.

42. With respect to decision IV/9b (Belarus), the Committee recalled that the Party concerned had provided information on 15 September 2012 and that it was expected to

submit a report on the legislative amendments and how those addressed the specific elements of paragraph 4 of decision IV/9b by 1 February 2013. It also took note of the additional information provided by members of the public. It confirmed its decision that it would review the material at its fortieth meeting. The Committee asked the secretariat to remind the Party of its obligation to report by 1 February 2013.

43. In addition, the Committee recalled that, further to information received from observers at its thirty-eighth meeting concerning the arrest and detention of members of the public expressing their concern over the construction and operation of the Ostrovets nuclear power plant (see ECE/MP.PP/C.1/2012/8, para. 44), the Chair of the Committee had sent a letter to Belarus on 5 October 2012 inviting it to comment on those events, which, if substantiated, would amount to non-compliance with article 3, paragraph 8, of the Convention. The Committee confirmed that it would examine the matter at its next meeting along the report expected from the Party concerned in February.

44. With respect to decision IV/9c (Kazakhstan), the Committee noted that the Party concerned had submitted its report within the deadline set by the decision, including the outline of the main changes to the rules on public hearings. The Committee agreed that at its forty-first meeting it would review the material in detail and also whether the Party concerned had adopted all the necessary legislation to comply with decision III/6c of the Meeting of the Parties and whether it would recommend the Meeting of the Parties to issue a caution at its fifth session. It also asked the secretariat to remind the Party that it had to submit a list of relevant case law as well as regular updates on the progress achieved.

45. With respect to decision IV/9d (Republic of Moldova), the Committee noted that the Party concerned had submitted its report within the deadline set by the decision. The Committee recalled that the Party's action plan had been initially submitted in 2011 and had addressed implementation of the Convention in general and not the specific recommendations of the decision. With regard to the follow-up report on the action plan, the Committee observed that it included information about legislation and capacity-building activities that only related in part to specific actions targeting implementation of the plan. The Committee asked the secretariat to prompt the communicant to comment on the submissions by the Party concerned.

46. With regard to decision IV/9e (Slovakia), the Committee took note of the report submitted by the Party on 30 November 2012, within the deadline set by the decision, and of the comments submitted by Global 2000 (communicant of ACCC/C/2009/41) on 12 December 2012. The Committee then entered into discussion with representatives of the Ministry of the Environment and the Nuclear Regulatory Authority of the Party concerned, and representatives of the NGOs Global 2000 and Via Iuris (Slovakia), who participated in the session by teleconference.

47. During the discussion, the Party concerned reported that it had extensively reviewed its legal framework and had introduced amendments to its legislation that ensured broader rights of the public to participate in the decision-making processes in accordance with the Convention. It also reacted to the comments submitted by the communicant on 12 December 2012, and stressed that according to national legislation only the courts could annul the permits at issue.

48. The NGO representatives noted that there was uncertainty as to the possibility for members of the public to participate in the ongoing decision-making processes with respect to the issuance of a building permit for an operator; and a lack of clarity as to the implementation of the building, nuclear and EIA legislation and public participation rights. They also noted that recent jurisprudence had demonstrated that the Convention was not properly implemented by the Party concerned.

49. The Committee took note of the submissions from the Party concerned and the NGOs. It agreed that it would send additional questions to the Party for it to address, and which observers could comment, and that it would review the situation at its next meetings.

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. However, in view of new communication ACCC/C/2012/78, the Committee requested the secretariat to invite the Party to inform it about the steps it had already taken to address the recommendations of the decision.

51. Concerning decision IV/9g (Turkmenistan), the Committee took note of the additional information submitted by the Party concerned on 2 October 2012. It also recalled that on 29 November 2012, by using its electronic decision-making procedure, it had requested the secretariat to send additional questions to the Party concerned in order to clarify some issues on the progress of the Party concerned in following up with the recommendations of the Meeting of the Parties. The Party concerned had replied by a letter dated 11 December 2012.

52. The Committee then entered into discussion in open session with a representative of the Party concerned. The Party concerned primarily stressed that because the law on public associations was not merely an environmental law, but also involved a range of social and political issues, the Ministry of Environment had to coordinate with a number of other ministries and authorities and it had thus not been possible to proceed with the amendments as quickly as required by decision IV/9g. A huge amount of work had already taken place to reform national legislation following the recommendations of the Committee and Meeting of the Parties: an advance draft of the proposed amendments was under discussion among all the relevant authorities, and there appeared to be no disagreement on the substance of the amendments, and the draft would soon be sent to the Cabinet and then submitted to the Parliament. However, there were a number of procedural steps and that might still take some time. The Party concerned also provided an outline of other laws that were under reform. It agreed to submit a copy of the proposed amendments, and asked the Committee to consider the difficulties it had encountered when it took its decision on whether the caution should re-enter into force.

53. An observer expressed its disappointment at the very slow progress demonstrated by the Party concerned with regard to complying with the Convention since 2005.

54. The Committee then deliberated on the matter in closed session. The Committee observed that the Meeting of the Parties in its decision had been clear as to the condition to be fulfilled and the deadlines to be met. After considering the efforts undertaken and the progress achieved by the Party concerned, the Committee found that the Act on Public Associations had not yet been amended and thus the formal condition of decision IV/9g had not been met. Therefore, the caution would re-enter into effect on 1 January 2013.

55. The Committee, nevertheless, appreciated the efforts described by the Party concerned towards compliance with the decision IV/9g. It decided to urge the Party concerned to make efforts to fulfil the conditions set by the decision as soon as possible and to report to the Committee on the progress achieved on 1 June 2013 and on 1 November 2013. The Committee would then decide on what further steps to be taken and, depending on whether the Act was adopted, it would reflect that in its report to the Meeting of the Parties and consider recommending that the caution be lifted.

56. The Committee then announced its decision in public session. The Committee would ask the ECE Executive Secretary to convey the Committee's findings to the President of Turkmenistan. It also requested the Party concerned to submit a copy of the draft law and offered to review the draft, if the Party concerned would agree. It then agreed to review the situation at its forty-first meeting.

57. With regard to decision IV/9h (Ukraine), the Committee recalled that the Party had been expected to provide detailed information on the progress achieved with the legislative process, including the translation of the new law “On amending certain laws of Ukraine in connection to implementation of the Convention on Environmental Impact Assessment in a Transboundary Context” into English by 30 November 2012. The Committee noted that the Party concerned had submitted the requested information by the deadline, but that there appeared to be no significant progress, since the law was not in force yet. It confirmed that it would evaluate the situation in greater detail and would consider further steps to be taken at its fortieth meeting.

58. With respect to decision IV/9i (United Kingdom), the Committee recalled that the Party concerned was expected to submit its report in February 2013 and that the Committee had agreed to review the situation at its fortieth meeting.

V. Programme of work and calendar of meetings

59. The Committee confirmed that it would hold its fortieth meeting from 25 to 28 March 2013. It also recalled that it had confirmed that it would hold 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. In view of the upcoming fifth session of the Meeting of the Parties in June/July 2014, the Committee instructed the secretariat to explore the possibility of holding a total of five meetings in 2014, with two meetings in advance of the fifth session of the Meeting of the Parties in order to finalize any pending matters with the Committee’s present composition.

VI. Other business

60. The secretariat informed the Committee that the fifth session of the Meeting of the Parties, which had been scheduled so as to be held back to back with the second session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs), was scheduled for the week of 30 June–6 July 2014, and would be hosted by the Netherlands. The exact location and dates would be announced shortly. In addition, the secretariat informed the Committee that the first meeting of the Task Force on Access to Information would take place from 7 to 8 February 2013; the thirtieth meeting of the Bureau on 26 February 2013; and the fourth meeting of the Task Force on Public Participation in Decision-making, to be organized with the European Commission’s Directorate General for Energy and the Association Nationale des Comités et Commissions Locales d’Information, from 12 to 13 March 2013 in Luxembourg.

61. The secretariat reported on the third meeting of the Task Force on Public Participation in Decision-making, which had been held in Geneva on 29 and 30 October 2012. A representative of Mongolia, who had participated in the meeting and in bilateral discussions with the secretariat, updated the Committee on Mongolia’s progress towards accession to the Convention, and explained that the delays in the accession procedure were due to the recent parliamentary elections and the reallocation of portfolios among ministries. In any event, she reiterated the commitment of the President to the country acceding to the Convention.

62. In addition, concerning the work of the Task Force during the present inter-sessional period, the secretariat informed the Committee that the second draft of the recommendations on public participation in environmental decision-making was available for public comment until 30 November 2012, and invited Committee members to review it.

63. The secretariat also reported on its participation in the following: (a) the first meeting of the Focal Points of the signatory countries of the Declaration on the application of Principle 10 in Latin America and the Caribbean (Santiago, 6–7 November 2012), at which a road map for future steps was agreed; and (b) the training, “Strengthening Green Diplomacy — A Step Towards Enhancing Environmental Security”, organized by the Organization for Security and Cooperation in Europe in Belgrade from 29 to 30 November 2012.

64. The secretariat also updated the Committee on the progress on the revision of the implementation guide for the Convention, the final text of which was currently being edited.

65. With respect to the Protocol, the secretariat reported that, during the second meeting of the Working Group of the Parties to the Protocol on PRTRs, an expert of the Ministry of Environment of China, who had participated in the relevant session by a teleconference, had made a presentation on the situation in China, highlighting that the establishment of PRTRs was a priority for the country and appealing for assistance in that exercise. A representative of the Ministry of Environment of Chile, who had also participated in the meeting by teleconference, had reported on the advanced use of PRTRs in Latin America.

66. The secretariat also informed the Committee that the Compliance Committee to the Protocol had postponed its second meeting, which had been scheduled to take place from 10 to 11 December 2012.

67. Finally, the secretariat informed the Committee that all electronic correspondence relating to compliance issues would be carried out by a new account and the address would be aarhus.compliance@unece.org.

68. The Chair then informed Committee members that, further to his initiative to launch an informal network for the chairs of the compliance and implementation bodies of the ECE multilateral environmental agreements (MEAs), the first meeting would take place on 25 March 2013, back to back with the fortieth meeting of the Compliance Committee. Three chairs, including himself, had confirmed their participation, and it was expected that other chairs would confirm their participation shortly.

69. The Chair also briefed the Committee on the follow-up session held on 10 December 2012 to the workshop organized by the European ECO Forum in Vienna on 14 and 15 May 2012, which had aimed at evaluating the efficiency of the compliance mechanism under the Convention. Four Committee members had been present at the follow-up session, which had focused on a discussion paper summarizing the exchange of views expressed during that workshop on the strengths, the challenges and suggestions for the way ahead. There had been a general acknowledgement that more attention should be given to the matter of strengthening the implementation of the decisions of the Meeting of the Parties regarding non-compliance, and that Meeting of the Parties might wish to take a specific decision in that regard at its next session.

70. Mr Jendroška informed the Committee of two events in which he had participated, one concerning the European Commission proposal for a new environmental impact assessment (EIA) Directive, revisiting the current EU legal scheme on EIA, including public participation, and the other concerning the seventh EU Environment Action Programme, which, among others, aimed at promoting harmonization of access to justice across the EU.

71. The Committee took note of the all the information provided. It also mandated the Chair to submit a note to the Bureau at its next meeting regarding possible measures to be considered by the Meeting of the Parties at its fifth session to improve the implementation of its decisions regarding non-compliance.

VII. Adoption of the report and closure of the meeting

72. The Committee adopted the report of the meeting. The Chair then officially closed the thirty-ninth meeting.
