**Draft procedure for processing new communications**

**Upon receipt of a new communication**

1. Following receipt of a new communication, the secretariat checks it for completeness and determines whether it is sufficiently in the form of a communication to be brought to the attention of the Chair and Vice-Chair of the Compliance Committee. If not, the secretariat informs the communicant accordingly and invites the communicant to re-submit its communication in the recommended format <http://www.unece.org/fileadmin/DAM/env/pp/compliance/Format_for_communications_v13.02.2015.docx>

**Decisionby Chair and Vice Chair to forward communication to Committee for review**

1. Approximately *five months* before each Committee meeting, the secretariat forwards all communications received since the last meeting that are sufficiently in the form of a communication to the Chair and Vice-Chair of the Committee for their review. Only communications submitted to the secretariat at least five weeks before the next Committee meeting will be considered for preliminary admissibility at that meeting. The Committee agrees at each meeting the cut-off date by which the Committee will receive communications to be considered for the next meeting. This date will be recorded in the meeting report and then posted on the communications webpage.
2. The Chair and the Vice-Chair, with the assistance of the secretariat, decide whether the forwarded communications are sufficiently well-prepared to be considered by the Committee at its next meeting for a preliminary determination on admissibility. If not, the secretariat informs the communicant accordingly and invites the communicant to re-submit the communication in the recommended format for communications.
3. The decision by the Chair and Vice-chair that a new communication should be forwarded to the Committee for consideration of preliminary admissibility does not in any way prejudice the Committee’s finding on whether the communication in question is preliminarily admissible. Moreover, the decision to forward a communication to the Committee does not prevent the Committee from deciding to request further clarification by the communicant before deciding on the question on preliminary admissibility.
4. Each communication forwarded to the Committee for consideration of preliminary admissibility will be allocated a case reference, in the format “PRE/ACCC/C/[Year]/[Number of communication]”. The prefix “PRE” indicates that the Committee’s determination of the preliminary admissibility of that communication has not yet been made.

**New communications published on the website and Party concerned notified**

1. Not later than *three weeks* before each Compliance Committee meeting, the communications to be considered for preliminary admissibility by the Committee at that meeting will be posted, together with any attachments, on the webpage for communications, <http://www.unece.org/env/pp/pubcom.html>
2. Also no later than *three weeks* before the meeting, the secretariat informs the Party concerned that a communication concerning its compliance will be considered as to its preliminary admissibility at the next meeting and provides a link to the communication on the Compliance Committee website. The Party concerned is informed that the preliminary admissibility will be briefly discussed in open session at the upcoming meeting and, though there is no requirement that it do so, a representative of the Party concerned may participate either by audio-conference or in person in that session.
3. At the same time, the secretariat also informs the communicants whose communications will be considered as to their preliminary admissibility at the upcoming meeting of that fact and refers to the information to be posted on the Compliance Committee website. The communicant is informed that the preliminary admissibility will be discussed in open session at the upcoming meeting and, though there is no requirement that it do so, the communicant may participate either by audio-conference or in person in that session.
4. Also at this time, the secretariat also informs the Committee that the communications to be considered for preliminary admissibility at its next meeting have been posted.

**Determination of preliminary of admissibility**

1. The Committee’s procedure for determining preliminary admissibility during a meeting follows the sequence of the Committee’s procedure for discussing the substance of a communication. This means that the Committee first discusses the communications in open session, and then deliberates in closed session.
2. During the open session, after inviting the curator of the communication to provide a brief introduction to the communication, the Chair gives the floor to any representatives of the Party concerned and communicant present either in person or via audio-conference that wish to briefly state their view regarding the admissibility of the communication. This is without prejudice to the Party concerned’s right to make further submissions on the admissibility of the communication at any point prior to the Committee’s final determination on admissibility (see para. 23 below). The absence of a statement by the Party at the meeting to discuss preliminary admissibility does not preclude it making submissions on admissibility later.
3. Observers may also be given a short opportunity to state their views on the admissibility of the communication.
4. All statements should be concise and strictly limited to the issue of admissibility, leaving aside the substance of the communication. Statements should be no more than 2-3 minutes in length.
5. Following the short statements, the Committee may put questions to representatives of the Party concerned or communicant or to observers participating in the session.
6. The Committee then deliberates upon each communication in closed session. During that session, it may proceed to prepare its preliminary determination of admissibility or adopt a finding that the communication is not admissible. Alternately, it may agree to defer its determination of preliminary admissibility in order to request the communicant to clarify, further substantiate or re-structure its communication prior to the next meeting or to seek clarification from the Party concerned, e.g. regarding the availability of further domestic remedies.
7. Once a communication is determined to be preliminarily admissible or found to be inadmissible, the prefix “PRE” is removed from its case reference.
8. The Committee’s determination of preliminary admissibility, its finding that the communication is inadmissible or its decision to defer its determination to request further clarification or information is recorded in the meeting report and also announced in open session during the reading and adoption of the meeting report.
9. If the Committee finds the communication to be inadmissible under paragraphs 19, 20 or 21 of the annex to decision I/7, the reasoning on which the Committee’s finding is based is recorded in the meeting report.

**Party concerned and communicant notified of outcome**

1. No later than *two weeks* after the meeting, the secretariat informs the Party concerned and communicant whether the communication was determined to be preliminarily admissible or found to be inadmissible, or that the Committee decided to defer its determination of preliminary admissibility to its next meeting. If the communication was found to be inadmissible, the communicant and the Party concerned will also be informed of the reason why.
2. If the communication was determined to be preliminarily admissible, the communication is thereafter formally forwarded by the secretariat to the Party concerned which will have five months from the date the communication is so forwarded to provide its response.
3. If the communication is found inadmissible, the case is considered to be closed. The communication and all related correspondence will remain available on the website.

**Request for reconsideration for manifest error of fact**

1. If the communicant considers that the Committee’s determination that the communication is inadmissible was based on a manifest error of fact, the communicant may request a reconsideration of the Committee’s determination of inadmissibility. Any such request must be submitted to the secretariat, with a reasoning of no more than 2 A4 pages, no later than *six weeks* after the meeting at which the communication was determined to be inadmissible. The communicant’s request for reconsideration will thereafter be forwarded by the secretariat to the Party concerned which will then have two weeks to comment on the request. The request, together with any comments received from the Party concerned, will first be considered by the Chair and Vice-Chair. The Chair and Vice Chair will then make a recommendation to the Committee regarding the communicant’s request and the Committee will take a decision on that request at its next meeting.

**Final determination of admissibility**

1. The Committee’s final determination of admissibility will not be made until its deliberations in closed session following the first open session in which the substance of the communication is discussed.
2. The Committee’s final determination of admissibility or alternately, its finding that the communication is inadmissible in full or in part, will be conveyed to the Party concerned and communicant at the start of the second open session of the discussion of the substance of the communication.

**Following a finding of inadmissibility**

1. The Committee’s finding that a communication is inadmissible is final and not subject to appeal or review.
2. If the communicant elects to submit a new communication, it will be treated as a communication *de novo* (see para. 1 above).

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