



# Economic and Social Council

Distr.: General  
16 August 2017

Original: English

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## 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

#### Fifty-first meeting

Geneva, 15–18 December 2015

## Report of the Compliance Committee on its fifty-first meeting


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## Introduction

1. The fifty-first 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 15 to 18 December 2015 in Geneva, Switzerland.<sup>1</sup>

### A. Attendance

2. All the Committee members were present throughout the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Representatives of the Governments of Belarus, Belgium and the Netherlands took part in the open session on 15 December 2015 on the review of developments regarding communications concerning those countries.

4. The communicants of communications ACCC/C/2013/96 (European Union), ACCC/C/2013/106 (Czech Republic) and ACCC/C/2014/113 (Ireland) and representatives of the respective Parties concerned took part in the discussions in open sessions on 16, 17 and 18 December 2015 concerning those communications.

5. Representatives of the respective Parties concerned for communications PRE/ACCC/C/2015/127 (Belgium), PRE/ACCC/C/2015/133 (Netherlands), PRE/ACCC/C/2015/134 (Belgium) and PRE/ACCC/2015/135 (France) and the communicant of communication PRE/ACCC/C/2015/133 (Netherlands) took part in the open session on preliminary admissibility on 15 December 2015. The communicants of communications PRE/ACCC/C/2015/132 (Ireland) and PRE/ACCC/2015/135 (France) took part in that session by audio conference.

6. Representatives of the Government of Belarus attempted to take part by audio conference in the open session on advisory request ACCC/A/2014/1 (Belarus). The Committee expressed its strong concern that the inadequate audio-conferencing facilities in the meeting room had prevented the scheduled session from proceeding.

7. Also participating as observers during all open sessions of the meeting were members of the public and representatives of the non-governmental organizations (NGOs) Earthjustice (Switzerland) and Oekobuero (Austria), which each participated on behalf of the European ECO Forum.

### B. Organizational matters

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

9. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2015/8.

10. The Chair reported on the outcomes of the Committee's virtual meeting, held in closed session via Skype on 24 November 2015. All Committee members had taken part in the virtual meeting. During the virtual meeting the Committee had continued its deliberations on communications ACCC/C/2012/71 (Czech Republic), ACCC/C/2013/92

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<sup>1</sup> Documents for the meeting and other related information are available from <http://www.unece.org/index.php?id=39047#/>.

(Germany), ACCC/C/2013/93 (Norway) and ACCC/C/2014/99 (Spain) and had agreed to continue its deliberations on those draft findings at its fifty-first meeting.

## **I. Submissions, referrals and requests under the Convention**

11. With respect to submission ACCC/S/2015/2 (Belarus) submitted by Lithuania, the Committee noted that the response of the Government of Belarus to the submission had been received on time, on 8 October 2015. The Committee provisionally scheduled to hold the hearing on the submission at its fifty-third meeting (Geneva, 21–24 June 2016).

12. The Chair informed the Committee that no submissions had been made by Parties concerning problems with their own compliance since the Committee's previous meeting.

13. No referrals had been made by the secretariat since the Committee's previous meeting.

14. With respect to Meeting of the Parties request ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the Committee noted that the Minister of Environment and Physical Planning of the Party concerned had responded in a letter dated 26 June 2015 (received by e-mail on 20 July 2015) that the reports for 2012–2013 and 2014–2015 would be forwarded to the Convention secretariat by the end of July 2015 and the end of November 2015, respectively. The secretariat reported that neither report had been received so far.

15. Concerning advisory request ACCC/A/2014/1 (Belarus), representatives of the Party concerned attempted to take part in the discussion in open session on the draft response prepared by the secretariat, in accordance with the procedure agreed by the Meeting of the Parties (ECE/MP.PP/2014/2, para. 53) at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014). However, owing to a failure of the conferencing equipment provided in Geneva, the Party concerned had been unable to join the audio conference. In the light of the failure of the audio-conferencing equipment, the Committee agreed to defer its discussion of the secretariat's draft to its fifty-second meeting (Geneva, 8–11 March 2016) and to then discuss the draft in open session, taking into account comments received from observers and the Party concerned. It would thereafter prepare its recommendations in closed session in accordance with paragraph 33 of the annex to decision I/7 of the Meeting of the Parties.

## **II. Communications from members of the public**

16. The Committee agreed that the deadline for receipt of new communications to be considered for preliminary admissibility at its fifty-second meeting would be 2 February 2016.

17. Concerning communication ACCC/C/2008/32 (European Union), the Committee continued its draft findings in closed session, save for some minor points which it agreed to finalize at its next virtual meeting. It requested the secretariat to send the draft findings, once agreed, to the Party 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.

18. Regarding communication ACCC/C/2012/71 (Czech Republic), the Committee completed its draft findings in closed session, save for some minor points which it agreed to finalize using its electronic decision-making procedure. It requested the secretariat to send the draft findings, once agreed, to the Party 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.

19. Regarding communication ACCC/C/2013/81 (Sweden), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next virtual meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

20. With respect to communication ACCC/C/2013/87 (Ukraine), on 12 October 2005 the communicant had provided replies to questions sent by the Committee to the Party concerned for the Party's reply by 25 November 2015. The Party concerned had provided its replies to the Committee's questions on 16 December 2015, after the deadline. On 18 December, the communicant had sent comments on the reply by the Party concerned. The Committee agreed that it would discuss how to proceed at its next meeting.

21. Concerning communication ACCC/C/2013/88 (Kazakhstan), the communicants had provided their replies to the Committee's factual questions on time, on 25 November 2015, but the Party concerned had not yet provided its replies to the questions, which had been due on the same date. The Committee agreed to defer its deliberations to its next virtual meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

22. With respect to communication ACCC/C/2013/89 (Slovakia), the Committee completed its draft findings in closed session, save for some minor editing points which it agreed to finalize at its next virtual meeting. It requested the secretariat to send the draft findings, once agreed, to the Party 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 received when finalizing the findings.

23. Concerning communication ACCC/C/2013/90 (United Kingdom of Great Britain and Northern Ireland), the Party concerned had provided its response to the communication on time, on 27 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.

24. With respect to communication ACCC/C/2013/91 (United Kingdom), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its fifty-second meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

25. With respect to communication ACCC/C/2013/92 (Germany), the Committee completed its draft findings in closed session, save for some minor editing points which it agreed to finalize using its electronic decision-making procedure. It requested the secretariat to send the draft findings, once agreed, to the Party 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 received when finalizing the findings.

26. Concerning communication ACCC/C/2013/93 (Norway), the Committee continued its deliberations in closed session and agreed to continue those deliberations through its electronic decision-making procedure, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant 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 received when finalizing the findings.

27. The Committee held the hearing to discuss the substance of communication ACCC/C/2013/96 (European Union) in open session with the participation of the Party concerned and the communicant. Following the hearing, the Committee commenced deliberations on its draft findings and agreed to continue its deliberations at its fifty-second meeting with a view to their finalization. At the end of the hearing, the parties were invited to address some additional questions in writing.

28. Concerning communication ACCC/C/2013/98 (Lithuania), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its fifty-second meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

29. With respect to communication ACCC/C/2014/99 (Spain), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its fifty-second meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

30. Regarding communication ACCC/C/2014/100 (United Kingdom), the Committee scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-second meeting.

31. Concerning communication ACCC/C/2014/101 (European Union), bearing in mind that the communicants were the same as for communication ACCC/C/2014/100 (United Kingdom) and given the related subject matter, the Committee scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-second meeting.

32. Regarding communication ACCC/C/2014/102 (Belarus), the Committee agreed to defer its deliberations until its fifty-second meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

33. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee agreed to defer its deliberations until its fifty-second meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

34. Concerning communication ACCC/C/2014/105 (Hungary), the Committee agreed to defer its deliberations until its fifty-second meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

35. The Committee held the hearing to discuss the substance of communication ACCC/C/2014/106 (Czech Republic) in open session with the participation of the Party concerned and the communicant. Committee member Pavel Černý informed the parties of his work as a practicing environmental lawyer in the Czech Republic, which included bringing cases before the courts of the Party concerned. The Chair invited the parties to express their views as to whether they considered that Mr. Černý had a conflict of interest. Both parties stated that they did not consider that Mr. Černý had a conflict of interest. On the invitation of the Chair, the Party concerned agreed that, should the Committee find non-compliance with respect to the communication, the Committee could make recommendations to it directly, in accordance with paragraph 36 of the annex to decision I/7. Following the discussion, the Committee commenced deliberations on its draft findings and agreed to continue its deliberations at its fifty-second meeting with a view to their finalization. At the end of the discussion, the parties were invited to address some additional questions in writing.

36. Concerning communication ACCC/C/2013/107 (Ireland), the Party concerned had provided its response to the communication on time, on 27 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-second meeting.
37. Regarding communication ACCC/C/2014/109 (Hungary), the Party concerned had provided its response to the communication on time, on 27 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
38. Concerning communication ACCC/C/2014/111 (Belgium), the Party concerned had provided its response to the communication on time, on 4 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
39. With respect to communication ACCC/C/2014/112 (Ireland), the Party concerned had provided its response to the communication on time, on 30 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
40. The Committee held the hearing to discuss the substance of communication ACCC/C/2014/113 (Ireland) in open session with the participation of the Party concerned and the communicant. Committee member Áine Ryall informed the parties of her work as a lecturer in Ireland and her publications on matters related to the Convention. The Chair invited the parties to express their views as to whether they considered that Ms. Ryall had a conflict of interest. Both parties stated that they did not consider that Ms. Ryall had a conflict of interest. Following the discussion, the Committee commenced deliberations on its draft findings and agreed to continue its deliberations at its fifty-second meeting with a view to their finalization. At the end of the discussion, the parties were invited to address some additional questions in writing.
41. Concerning communication ACCC/C/2014/115 (United Kingdom), the Party concerned had provided its response to the communication on time, on 26 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
42. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee noted that the deadline of 29 November 2015 for the response of the Party concerned had expired, but the Party's response had not yet been received. The Committee requested the secretariat to follow up with the Party concerned regarding its outstanding response.
43. Concerning communication ACCC/C/2014/119 (Poland), the Committee noted that the communication had been forwarded to the Party concerned on 5 October 2015 for its response. It further noted that the deadline of 5 March 2016 for the Party's response had not yet expired and a response had not yet been received.
44. Concerning communication ACCC/C/2014/120 (Slovakia), the Party concerned had provided its response to the communication on time, on 27 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
45. Regarding communication ACCC/C/2014/121 (European Union), the Party concerned informed the Committee that it had sent its response to the communication on time, on 27 November 2015, though the secretariat reported that it had not received the response on that date or since then. The Committee asked the Party concerned to resend its response and provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.

46. With respect to communication ACCC/C/2014/122 (Spain), the Party concerned had provided its response to the communication on time, on 27 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
47. Concerning communication ACCC/C/2014/123 (European Union), the Party concerned had provided its response to the communication on time, on 26 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
48. With respect to communication ACCC/C/2014/124 (Netherlands), the Party concerned had provided its response to the communication on time, on 27 November 2015. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-third meeting.
49. Regarding communication ACCC/C/2015/128 (European Union), the Party concerned informed the Committee that due to a technical problem it had not received the letter from the secretariat sent on 5 October 2015 forwarding the communication for its response. The Committee agreed that the letter forwarding the communication should be resent with a new five-month deadline.
50. With respect to communication ACCC/C/2015/129 (Ireland), the Committee noted that the further questions the Committee proposed to send to the communicants prior to forwarding the communication to the Party concerned for its response had not yet been sent, but that they would be sent prior to the Committee's fifty-second meeting. Once the communicants' reply to the Committee's questions was received, the communication would be sent to the Party concerned for its response.
51. Concerning communication ACCC/C/2015/130 (Italy), the Committee noted that the communication had been forwarded to the Party concerned on 5 October 2015 for its response. It further noted that the deadline of 5 March 2016 for the Party's response had not yet expired and the response had not yet been received.
52. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee noted that the communication had been forwarded to the Party concerned on 14 December 2015 for its response. It further noted that the deadline of 14 May 2016 for the Party's response had not yet expired and the response had not yet been received.
53. With respect to communications received since 10 September 2015 (the deadline for receipt of communications for consideration at the Committee's fiftieth meeting), the Chair reported that he and the Vice-Chair had held a telephone conference on 10 September 2015 to determine which of the material received by the secretariat between 10 September 2015 and 10 November 2015 (the deadline for receipt of communications for consideration at the fifty-first meeting) should be forwarded to the Committee for consideration as to preliminary admissibility. During the telephone conference, the Chair and the Vice-Chair had decided that communications PRE/ACCC/C/2015/132 (Ireland), PRE/ACCC/C/2015/133 (Netherlands), PRE/ACCC/C/2015/134 (Belgium) and PRE/ACCC/C/2015/135 (France) should be forwarded to the Committee for consideration of their preliminary admissibility at the fifty-first meeting. They also requested the secretariat to post those communications on the Committee's website together with the communications.
54. In accordance with the above, the Committee considered the preliminary admissibility of two communications deferred from its fiftieth meeting (Geneva, 6–9 October 2015) and four communications received since that meeting (as set out below).
55. Communication ACCC/C/2015/126 (Poland) had been submitted on 26 January 2015 by an NGO, Healthy Municipality Association. The communication alleged

non-compliance with article 6 of the Convention with respect to the construction of overhead power lines. After hearing the views of observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Committee member Ion Diaconu was confirmed as curator for the case.

56. Communication ACCC/C/2015/127 (Belgium) had been submitted on 6 February 2015 by members of the public, Henry Maquoi and Clare Dalemans. The communication alleged non-compliance with respect to article 9, paragraphs 3 and 4, of the Convention with respect to the cost of access to justice. The Committee noted that, according to the information provided by the communicants on 9 November 2015, the communication concerned the legal situation in the Party concerned prior to 2 April 2014, which was the date when the Royal Decree of 28 March 2014 entered into force. According to the communicant, by that Decree, the systemic error which formed the main part of the communication had been remedied. Yet the communicant asked the Committee to consider alleged non-compliance with article 9, paragraph 4, of the Convention with respect to two judgments issued before the Decree of 28 March 2014 was promulgated. In the light of the fact that the systemic error that was the subject of the communication had been addressed and the situation had been remedied by the Decree of 28 March 2014, the Committee found the communication to be inadmissible in accordance with paragraph 20 (d) in conjunction with paragraph 21 of the annex to decision I/7.

57. Communication ACCC/C/2015/132 (Ireland) had been submitted on 10 November 2015 by RTS Substation Action Group. After hearing the views of the Party concerned and the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Committee member Heghine Hakhverdyan was confirmed as curator for the case.

58. Communication ACCC/C/2015/133 (Netherlands) had been submitted on 30 June 2015 by the NGO, Nederlandse Vereniging van Omwonenden Windturbines. After hearing the views of the communicant, as well as the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Committee member Elena Fasoli was confirmed as curator for the case.

59. Communication ACCC/C/2015/134 (Belgium) had been submitted on 9 October 2015 by a member of the public, Francis Doutreloux, and an NGO, Avala ASBL. After hearing the views of the Party concerned as well as the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Ms. Ryall was confirmed as curator for the case.

60. Communication ACCC/C/2015/135 (France) had been submitted on 4 November 2015 by a member of the public, Patrick Janin. It alleged non-compliance with article 9, paragraph 2, of the Convention with respect to standing. After hearing the views of the Party concerned and the communicant, the latter by audio conference, as well as the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Committee member Alexander Kodjabashev was confirmed as curator for the case.



### III. Reporting requirements

61. The Committee recalled that, at its fifth session, the Meeting of the Parties had urged those Parties that had not yet submitted their national implementation reports — i.e., Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan — to do so by 1 October 2014 (ECE/MP.PP/2014/2, para. 26). Since then, Portugal and Turkmenistan had submitted their reports. As noted previously (para. 14 above), the former Yugoslav Republic of Macedonia had notified the secretariat that it was working to finalize its report by the end of November 2015, but the report had not yet been received.

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

62. The Committee took note of the developments since its fiftieth meeting with respect to decisions V/9a–n of the Meeting of the Parties, in particular the second progress reports on the implementation of those decisions received from the Parties concerned and comments on those reports received from communicants and observers.

63. With respect to decision V/9a (Armenia), the Committee's first progress review had been sent to the Party concerned on 20 October 2015. On 6 November 2015, the Party concerned had indicated that its second progress report would be provided by 31 December 2015.

64. With respect to decision V/9b (Austria), the Committee's first progress review had been sent to the Party concerned on 20 October 2015. On 2 November 2015, the Party concerned had indicated that its second progress report would be provided by 31 December 2015.

65. Regarding decision V/9c (Belarus), the Committee's first progress review had been sent to the Party concerned on 13 October 2015 and the Party concerned had submitted its second progress report on time, on 28 October 2015. On 6 November 2015, the report had been forwarded to the communicants of communications ACCC/C/2009/37 and ACCC/C/2009/44 for comment by 27 November 2015 and an observer, the NGO Ecohome, had provided comments on that date.

66. With respect to decision V/9d (Bulgaria), the Committee's first progress review had been sent to the Party concerned on 20 October 2015 and the Party concerned had submitted its second progress report on time, on 28 October 2015. On 6 November 2015, the report had been forwarded to the communicant of communication ACCC/C/2011/58 for comment by 27 November 2015 and the communicant had provided comments on that date.

67. Regarding decision V/9e (Croatia), the Committee's first progress review had been sent to the Party concerned on 13 October 2015 and the Party concerned had submitted its second progress report on time, on 10 November 2015. On 27 November 2015, the report had been forwarded to the communicant of communication ACCC/C/2012/66 for comment by 18 December 2015. No comments had been received.

68. Regarding decision V/9f (Czech Republic), the Committee's first progress review had been sent to the Party concerned on 20 October 2015. The Party concerned had provided its second progress report on time, on 30 October 2015. The Party concerned stated that a further progress update would be provided by 31 December 2015. The communicants of communications ACCC/C/2010/50 and ACCC/C/2012/70 had been sent the second progress report on 6 November 2015. The communicant of communication ACCC/C/2012/70, Frank Bold Society, had provided its comments on 27 November 2015. No other comments had been received.

69. With respect to decision V/9g (European Union), the Committee's first progress review had been sent to the Party concerned on 13 October 2015. The Party concerned had provided its second progress report on time, on 29 October 2015. On 6 November 2015, the report had been forwarded to the communicant of communication ACCC/C/2010/54 for comment by 27 November 2015. The communicant had provided its comments on 22 November 2015.

70. With respect to decision V/9h (Germany), the Committee's first progress review had been sent to the Party concerned on 20 October 2015 and the Party concerned had submitted its second progress report on time, on 27 October 2015. On 6 November 2015, the report had been forwarded to the communicants of communication ACCC/C/2008/31 for comment by 27 November 2015. One of the communicants (Client Earth) had provided comments on 17 December 2015.

71. Regarding decision V/9i (Kazakhstan), the Committee's first progress review had been sent to the Party concerned on 20 October 2015 and the Party concerned had submitted its second progress report on 4 November 2015. On 6 November 2015, the report had been forwarded to the communicants of communications ACCC/C/2004/1, ACCC/C/2004/2, ACCC/C/2004/6 and ACCC/C/2011/59 for comment by 27 November 2015. The communicant of communication ACCC/C/2004/6 had provided its comments on 24 November 2015. The communicants of the communications ACCC/C/2004/1 and ACCC/C/2004/1 had provided their comments on 1 December 2015.

72. With respect to decision V/9j (Romania), the Committee's first progress review had been sent to the Party concerned on 20 October 2015. On 9 November 2015, the Party concerned had indicated that its second progress report would be provided by 31 December 2015.

73. With respect to decision V/9k (Spain), the Committee's first progress review had been sent to the Party concerned on 13 October 2015 and the Party concerned had submitted its second progress report on time, on 21 October 2015. On 6 November 2015, the report had been forwarded to the communicants of communications ACCC/C/2008/24 and ACCC/C/2009/36 for comment by 27 January 2015. The communicant of communication ACCC/C/2009/36 had provided comments on 12 December 2015. No other comments had been received.

74. Regarding decision V/9l (Turkmenistan), at the request of the Committee, on 20 November 2015 the Executive Secretary of the United Nations Economic Commission for Europe (ECE) had written to the Minister of Foreign Affairs of the Party concerned to inform him that the Government might wish to proceed with submitting its draft statement dated 27 June 2015 in the form of an official statement by the Minister. The Executive Secretary had also reminded the Party concerned that it had been expected to submit its report on the meetings it had organized in accordance with paragraph 7 of decision V/9l by 30 November 2015. So far neither the official statement nor the report expected by 30 November 2015 had been received.

75. With respect to decision V/9m (Ukraine), no new information had been received from the Party concerned since the English translations of its draft laws on environmental impact assessment and strategic impact assessment had been provided on 2 October 2015. The curator for the case, Committee member Jerzy Jendrośka, informed the Committee that the draft laws had been rejected by the parliament. The Committee noted that paragraph 6 (b) of decision V/9m provided for the caution adopted by the Meeting of the Parties at its fourth session to be lifted if the Party concerned adopted the necessary measures to bring its legislation into full compliance with the provisions of the Convention, in particular fully satisfying the conditions set out in paragraph 5 of that decision, and notified the secretariat of that fact by 31 December 2015. The Committee requested the

ECE Executive Secretary to write to the President of Ukraine and the Chair of the Verkhovna Rada (parliament) of Ukraine, copying the chairs of the relevant parliamentary committees, to draw their attention to paragraph 6 (b) of the decision.

76. Regarding decision V/9n (United Kingdom), the Committee's first progress review had been sent to the Party concerned on 20 October 2015 and the Party concerned had submitted its second progress report on 13 November 2015. On 27 November 2015, the report had been forwarded to the communicants of communications ACCC/C/2008/23, ACCC/C/2008/27, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2012/65 and ACCC/C/2012/68, as well as to the observers that had participated in the follow-up on decision V/9n for comments by 18 December 2015. Comments had been received from the communicant of communication ACCC/C/2010/53 on 8 December 2015. Further comments had been received from an observer (Coalition for Access to Justice regarding the Environment) and one of the communicants (Robert Latimer) of communication ACCC/C/2008/33 on 17 and 18 December 2015, respectively.

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

77. The Committee confirmed that it would hold its fifty-second, fifty-third, fifty-fourth and fifty-fifth meetings in Geneva, from 8 to 11 March, 21 to 24 June, 26 to 29 September and 6 to 9 December 2016, respectively.

## **VI. Other business**

### **A. Modus operandi**

78. The Committee discussed the draft revised guide to the Compliance Committee<sup>2</sup> in open session with the participation of observers. Comments were also invited to be sent in electronic form to the secretariat before 1 February 2016.

79. In the context of discussing the draft revised guide, the Committee agreed its procedure on new communications and instructed the secretariat to post that section already on the web page for communications, for the reference of Parties and members of the public.

80. The Committee also discussed the use of electronic tools in its working methods, and in particular the possibilities for increasing its use of audio and web conferencing to facilitate the efficient management of its caseload. It agreed to expand its use of audio and web conferencing with respect to its preparation of draft findings in closed session and to continue to offer Parties and observers the possibility to take part in its open sessions on preliminary admissibility of communications and the follow-up to decisions of the Meeting of the Parties on compliance. It agreed, however, that audio conferencing, web conferencing and videoconferencing were not appropriate for the hearing of a communication or submission, and representatives of the Party concerned and the communicant(s) were therefore expected to attend the hearing of each communication or submission in person.

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<sup>2</sup> Available online from <http://www.unece.org/index.php?id=39047>.

## **B. Other matters**

81. The secretariat informed the Committee that, at its fourth meeting (Geneva, 8–10 December 2015), the Task Force on Access to Information under the Aarhus Convention had discussed, among other matters, the application of the Convention’s exemptions to the disclosure of information. One example presented to the Task Force had been that, in Switzerland, e-mails between employees on official topics were not considered to be internal correspondence. The presentations from the meeting were available on the web page for that meeting.<sup>3</sup>

82. The secretariat also informed the Committee that members of the secretariat had made a presentation on the Aarhus Convention to the international financial institutions’ Working Group on Stakeholder Engagement and Transparency (Luxembourg, 29–30 October 2015).

83. The secretariat reported that a representative of the secretariat had, upon the request of the secretariat of the United Nations Framework Convention on Climate Change, participated in the twenty-first session of the Conference of the Parties to that Convention (Paris, 30 November–11 December 2015).

84. The Chair reported on his participation in the Annual Conference of the French Society for Environmental Law (Toulouse, 5–6 November 2015), at which he had given a presentation on “Access to justice in environmental matters in international law: why and how?”.

85. Mr. Jendroška informed the Committee that he had participated in the sixth meeting of the Working Group on Development of the Convention under the Convention on the Transboundary Effects of Industrial Accidents (Geneva, 30 November–2 December 2015). The Working Group had discussed the proposed amendment to that Convention, which was intended to further elaborate the Convention’s requirements regarding, inter alia, access to information and public participation in order to bring it into line with the Aarhus Convention.

86. Committee member Alistair McGlone informed the Committee of his participation in the international “PRTR week” (Madrid, 23–27 November 2015) in his capacity as Chair of the Compliance Committee under the Protocol on Pollutant Release and Transfer Registers. Mr. McGlone reported that the Protocol’s Compliance Committee had presented two pieces of work related to reporting and to systemic issues that arose under the Protocol.

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

87. The Committee presented the draft report in open session and agreed to adopt its report through its electronic decision-making procedure after the meeting, taking into account the comments received on the report at the meeting. The Chair then officially closed the fifty-first meeting.

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<sup>3</sup> See <http://www.unece.org/env/pp/aarhus/tfai4.html#/>.