

**Economic and Social Council**Distr.: General  
XX July 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-sixth meeting**

Geneva, 28 February–3 March 2017

**Report of the Compliance Committee on its  
fifty-sixth meeting****Contents**

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## Introduction

1. The fifty-sixth 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 28 February to 3 March 2017 in Geneva, Switzerland.

### A. Attendance

2. Seven of the nine Committee members were present throughout the entire meeting. Committee member Áine Ryall was absent for the entire meeting. Committee member Elena Fasoli was absent for the first two days of the meeting but attended the last two days 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.

3. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2016/144 (Bulgaria) took part by audio conference in the open session on preliminary admissibility on 28 February 2017. Representatives of the Party concerned of Armenia, Austria, Belarus, Bulgaria, Czechia, Germany, Kazakhstan, Romania, Spain, Ukraine, the United Kingdom and the European Union took part by audio conference, and representatives of Czechia and of Romania took also part in person, in the open sessions on the follow-up on decisions of the Meeting of the Parties concerning their compliance. In addition, the following persons participated by audio conference in the open sessions on the follow-up on decisions of the Meeting of the Parties on compliance: on decision V/9a, concerning Armenia, a representative of the NGO Ecological Right as an observer; on decision V/9f, concerning Czechia, a representative of the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70; on decision V/9g, concerning the European Union, the communicant of communication ACCC/C/2010/54; on decision V/9h, concerning Germany, the communicant of communication ACCC/C/2008/31; on decision V/9j, concerning Romania, the communicant of communication ACCC/C/2010/51; on decision V/9m, concerning the Ukraine, the communicant of communication ACCC/C/2004/3 and on decision V/9n, concerning the United Kingdom, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2011/65 and ACCC/C/2012/68 and a representative of Friends of the Earth United Kingdom, as an observer. Furthermore, a representative of the NGO “Ecohome” participated in the open session on the follow-up to decision V/9c, concerning Belarus, in person.

4. Participating as observers during all open sessions of the meeting were representatives of the NGOs Earthjustice (Switzerland) and the Resource & Analysis Center “Society and Environment” (Ukraine), both of whom participated on behalf of European ECO Forum. Furthermore, Professor Luc Lavyrson, from the European Union Forum of Judges for the Environment, and a group of students from the Geneva Academy of International Humanitarian Law and Human Rights participated in some of the open sessions.

### B. Organizational matters

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

6. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2017/1.

7. The Chair reported on the outcome of the virtual meeting held by the Committee since the fifty-fifth meeting (Geneva, 6-9 December 2016). The virtual meeting was held in closed session on 22 December 2016. All Committee members took part. During the virtual meeting, the Committee had completed and adopted its third progress review with respect to the

implementation of decision V/9a (Armenia) and its second progress reviews with respect to the implementation of decisions V/9f (Czechia), V/9g (European Union), V/9j (Romania) and V/9m (Ukraine). The Committee also continued the preparation of its recommendations on ACCC/A/2014/01 (Belarus) and its revised draft findings on communication ACCC/C/2014/99 (Spain).

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

8. The Committee continued its deliberations in closed session on submission ACCC/C/2015/2 (Belarus) and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

9. With respect to ACCC/S/2016/3 (Albania), the Chair recalled that the Committee had decided that it would not be possible to examine the communication until domestic proceedings have been completed. The Chair reported that no new information had been received on the pending domestic proceedings.

10. No referrals were made by the secretariat since the Committee's last meeting.

11. With respect to ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the secretariat reported that the Party concerned had recently informed it that it was only days away from finalizing the national implementation report for the fourth (2014) reporting cycle. The Committee instructed the secretariat to inform the Party concerned that unless its 2014 report was submitted by 15 March 2017, the Committee would proceed to complete its draft findings on the Party concerned's compliance with the reporting obligation in article 10, paragraph 2, of the Convention.

12. Concerning advisory request ACCC/A/2014/1 (Belarus), the Committee had adopted its draft recommendations at a virtual meeting and sent the draft recommendations for comments to the Party concerned on 21 February 2017. The Party concerned had been given until 21 March 2017 to provide its comments. The Committee agreed to await the reaction of the Party concerned and then finalize its recommendations, taking into account the comments received.

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

13. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its fifty-seventh meeting would be 23 May 2017.

14. Concerning communication ACCC/C/2008/32 (European Union), the Committee continued its deliberations on the findings in closed session. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare official versions of the adopted findings as a formal pre-session document for its fifty-seventh meeting, ensuring their availability in the three official languages of ECE.

15. With respect to communication ACCC/C/2008/38 (United Kingdom), the secretariat reported that at the Committee's request it had sent a letter via registered mail to inform the communicant that the case would be closed if it did not reply by the date of the Committee's fifty-sixth meeting. Since no reply to the secretariat's letter had to date been received, the Committee agreed to close the case.

16. Concerning communication ACCC/C/2013/88 (Kazakhstan), the Committee agreed to continue its deliberations through its electronic decision-making procedure with a view to

finalizing and adopting its findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant.

17. With respect to communication ACCC/C/2013/89 (Slovakia), on 27 February 2017 the communicant had submitted comments on the Party concerned's comments of 25 July 2016 on the draft findings. While noting the very late nature of the communicant's comments, given that the comments were received so close to the date of the meeting, the Committee agreed that it would review the comments received at its next virtual meeting and decide how to proceed in that regard. The Chair informed the meeting that the draft findings were currently being revised and that the Committee would complete the revised draft findings through its electronic decision-making procedure which would thereafter be sent to the Party concerned and the communicant for their comment.

18. Concerning communication ACCC/C/2013/90 (United Kingdom), the Committee took note of the communicant's reply to the Committee's questions received on 16 February 2017. After taking the communicant's replies into account, the Committee confirmed its earlier determination of preliminary admissibility with respect to the communicant's allegations concerning article 3, paragraph 2 and articles 6 and 9 of the Convention, while noting that some or all of the allegations concerning article 9 may be dealt with through the Committee's summary proceedings procedure. With respect to the communicant's other allegations, namely those concerning article 1, article 3, paragraph 8, and article 4 of the Convention, the Committee found the allegations inadmissible for being incompatible with these provisions of the Convention in accordance with paragraphs 19 and 20 of the annex to decision I/7. The Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its fifty-ninth meeting.

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

20. With respect to communication ACCC/C/2013/92 (Germany), the Committee took note of the comments on the draft findings received from the Party concerned on 20 January 2017 and the communicant's comments of 25 January 2017 on the Party concerned's comments on the draft findings. After taking into account the comments received from the parties on the draft findings, the Committee agreed to revise its draft findings in the light of the information received. The Committee continued its deliberations in closed session and agreed to complete its revised draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the revised draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

21. Concerning communication ACCC/C/2013/93 (Norway), the Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

22. Concerning communication ACCC/C/2013/96 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

23. Concerning communication ACCC/C/2013/98 (Lithuania), the Committee agreed to defer its deliberations on its draft findings until its next 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.

24. With respect to communication ACCC/C/2014/99 (Spain), the Chair informed the meeting that, at its virtual meeting on 13 September 2016, the Committee had revised its draft findings and had agreed that, once the revised draft findings were completed through the Committee's electronic decision-making procedure, they would be sent to the Party concerned and the communicant for their comments.

25. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

26. With respect to communication ACCC/C/2014/101 (European Union), the Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

27. Regarding communication ACCC/C/2014/102 (Belarus), the Committee took note of the reply to the Committee's questions received from the Party concerned on 3 February 2017. The Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

28. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

29. Concerning communication ACCC/C/2014/105 (Hungary), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

30. Concerning communication ACCC/C/2014/106 (Czechia), the Committee agreed to send questions to the Party concerned and the communicant and to defer its deliberations on its draft findings until its next meeting. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

31. With respect to communication ACCC/C/2013/107 (Ireland), in the light of the Party concerned's request in its letter of 28 November 2016 that confidential information contained in annex I to the communicant's comments of 18 November 2016 should be redacted, at the request of the Committee the secretariat had on 20 February 2017 sent a letter to the Party concerned asking the Party concerned to clarify which information contained in the communicant's comments of 28 November 2016 should in its view be redacted. In the meantime, annex I had been temporarily removed from the website pending the Party concerned's clarification. The Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

32. Regarding communication ACCC/C/2014/109 (Hungary), at the request of the Committee on 1 February 2017 the secretariat had re-sent the Committee's questions of 28 September 2016 by registered mail. The secretariat's covering letter informed the communicant that, if no reply was received by the extended deadline of 24 February 2017, the Committee would close the case in accordance with paragraphs 19 and 20 of the annex to decision I/7 for lack of corroborating information. The Committee noted that no reply had been received from the communicant. Taking this information into account, the Committee agreed to close the case.

33. With respect to communication ACCC/C/2014/111 (Belgium), the Committee took note of the parties' replies to the Committee's questions received on 13 January 2017 as well as the Party concerned's comments of 20 January 2017 on the communicant's replies. The Committee continued its deliberations in closed session and agreed to complete its draft findings and, as appropriate, recommendations through its electronic decision-making procedure after the meeting. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

34. Concerning communication ACCC/C/2014/112 (Ireland), the Committee took note of the information received from the communicant on 27 February 2017. The Committee agreed to defer its deliberations on its draft findings until its next 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. With respect to communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its next 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.

36. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee noted that at its fifty-fourth meeting, it had requested the secretariat to ask the ECE Executive Secretary to write to the Minister of Foreign Affairs of the Party concerned, conveying the Committee's serious concern at the ongoing failure to respond to the communication and to inform the Party that if no response was received by the date stated in the reminder letter, the Committee would schedule the hearing to discuss the substance of the communication notwithstanding the Party's lack of response.

37. Regarding communication ACCC/C/2014/119 (Poland), the Committee agreed to defer its deliberations on its draft findings until its next 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.

38. Concerning communication ACCC/C/2014/120 (Slovakia), the Committee agreed to defer its deliberations on its draft findings until its next 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.

39. Regarding communication ACCC/C/2014/121 (European Union), the Committee noted that by the secretariat's letter of 4 November 2016, both parties had been invited to provide any final written submissions by 30 November 2016. The communicant had provided its final written submissions on 5 December 2016 but to date no final written submissions had been received from the Party concerned. The Committee agreed to defer the commencement of its deliberations until its next meeting. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

40. With respect to communication ACCC/C/2014/122 (Spain), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth meeting.
41. Concerning communication ACCC/C/2014/123 (European Union), the Committee agreed to complete its draft findings through its electronic decision-making procedure after the meeting, and instructed the secretariat to send the draft findings, once agreed, to the Party concerned and the communicant for their comments.
42. Regarding communication ACCC/C/2014/124 (Netherlands), the Committee agreed to defer its deliberations on its draft findings until its next 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.
43. With respect to communication ACCC/C/2015/126 (Poland), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth or sixtieth meeting.
44. Regarding communication ACCC/C/2015/128 (European Union), the Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its fifty-ninth or sixtieth meeting.
45. With respect to communication ACCC/C/2015/129 (Ireland), the Committee took note of the Party concerned's letter of 7 February 2017 and the communicant's comments thereon received on 21 February 2017. Taking into account that the communicant's comments were received close to date of the meeting, the Committee agreed to consider how to proceed in the light of the comments received at its next virtual meeting.
46. Concerning communication ACCC/C/2015/130 (Italy), the Committee noted that it had agreed at its fifty-sixth meeting to send questions to the communicant and the Party concerned to obtain further information. The Committee agreed to decide how to proceed with the communication in the light of the comments received.
47. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee noted that at its fifty-third meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response, including the extent to which her allegations regarding costs raised any issues that were not already being examined by the Committee in its review of the implementation of decision V/9n. The Committee agreed to decide how to proceed with the communication in the light of the comments received from the communicant on the above.
48. Regarding communication ACCC/C/2015/132 (Ireland), the Committee noted that at its fifty-fourth meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response to the communication. The Committee agreed to decide how to proceed with the communication in the light of the comments received.
49. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee noted that at its fifty-fourth meeting it had agreed to send both the communicant and the Party concerned further questions concerning the availability of domestic remedies. The Committee agreed to decide how to proceed with the communication in the light of the replies received.
50. Concerning communication ACCC/C/2015/134 (Belgium), the Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its fifty-ninth to sixty-first meeting.

51. With respect to communication ACCC/C/2015/135 (France), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth to sixty-first meeting.
52. Regarding communication ACCC/C/2015/137 (Germany), the Party concerned's response to the communication was received on time on 3 January 2017. In its response, the Party concerned *inter alia* challenged the communication's admissibility. On 7 February 2017, the communicant provided comments on the Party concerned's response and Greenpeace, as observer, submitted a statement on 8 February 2017. After taking into account the Party concerned's submissions on admissibility, the Committee agreed to send questions to the communicant and to decide how to proceed in the light of the reply received.
53. Concerning communication ACCC/C/2016/138 (Armenia), the Committee noted that the communication had been forwarded to the Party concerned on 27 September 2016 for its response and the deadline of 27 February 2017 for its response had expired one day before the start of the meeting but the Party concerned's response had not yet been received. The Committee instructed the secretariat to send a reminder to the Party concerned if its response to the communication was not promptly received.
54. Regarding communication ACCC/C/2016/139 (Ireland), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response; the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.
55. With respect to communication ACCC/C/2016/140 (Romania), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response; the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.
56. With respect to communication ACCC/C/2016/141 (Ireland), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response; the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.
57. With regard to communication ACCC/C/2016/142 (United Kingdom), the Committee noted that the communication had been forwarded to the Party concerned on 6 February 2017 for its response; the deadline of 6 July 2017 for its response had not yet expired and the Party's response had not yet been received.
58. With regard to communication ACCC/C/2016/143 (Czechia), the Committee noted that the communication had been forwarded to the Party concerned on 6 February 2017 for its response; the deadline of 6 July 2017 for its response had not yet expired and the Party's response had not yet been received.
59. Regarding communications received between 1 November 2016 (the deadline for receipt of communications for the fifty-fifth meeting) and 24 January 2017 (the deadline for receipt of communications for the fifty-sixth meeting), the Chair reported that he and the Vice-Chair had held a telephone conference on 6 February 2017 to determine which of the submissions received during that period sufficiently met the required format to be forwarded to the Committee for consideration as to their preliminary admissibility. In that regard, the Chair and the Vice-Chair had decided that communication PRE/ACCC/C/2016/144 (Bulgaria) should be forwarded to the Committee for consideration of preliminary admissibility at its fifty-sixth meeting and had requested the secretariat to post that communication on the Committee's website.
60. In accordance with the above, the Committee considered the preliminary admissibility of one new communication, communication ACCC/C/2016/144 (Bulgaria) which had been submitted by Civil Control – Animal Protection, a non-profit association, on 14 November

2016. The communication alleged non-compliance with article 7 in conjunction with article 6, paragraph 3 and 8 and article 9, paragraph 2, 3 and 4, of the Convention in connection with a 2014 amendment of the General Spatial Plan of Plovdiv and the Party concerned's legal framework in general. With respect to the preliminary admissibility of the communication, the Committee heard the views of the Party concerned and the communicant by audio conference. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Heghine Hakhverdyan was confirmed as curator for the case.

### III. Reporting requirements

61. The Committee noted that, at its fifth session, the Meeting of the Parties had urged those Parties that had not yet submitted their 2014 national implementation reports — i.e., Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan — to do so by 1 October 2014.<sup>1</sup> To date, Portugal and Turkmenistan had submitted their reports. As noted in paragraph 10 above, the former Yugoslav Republic of Macedonia had informed the secretariat that it intended to submit its 2014 report very soon; however, the report had not so far been received.

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

62. The Committee took note of the developments since its fifty-fifth meeting with respect to decisions V/9a–k, m and n of the Meeting of the Parties, in particular the information received from each Party concerned on the measures it had taken to implement the decision concerning its compliance as well as the comments received from communicants and observers on those measures. The Chair informed the meeting that the Committee was expected to finalize its reports to the sixth Meeting of the Parties on decision V/9a–n either prior to or during the Committee's fifty-seventh meeting.

63. With respect to decision V/9a (Armenia), the Committee's third progress review had been sent to the Party concerned on 3 January 2017. The Party concerned was also informed that all measures necessary to implement decision V/9a needed to be completed by, and reported to the Committee by 31 January 2017. On 31 January 2017, the Party concerned had provided further information on the measures it had taken to implement decision V/9a. The information provided was sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 22 February 2017. No comments had been received from the communicants and observers. The Committee reviewed the implementation of decision V/9a in open session, with the participation by audio conference of the Party concerned and the observer, "Ecological Right".

64. Regarding decision V/9b (Austria), the Party concerned's third progress report had been received on 21 December 2016 on time, and had thereafter been sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 20 January 2017. Comments had been received from the communicant of communication ACCC/C/2010/48 on 19 January 2017. The Committee reviewed the implementation of decision V/9b in open session, with the participation of the Party concerned. Though invited, no communicants or observers took part in the session.

65. Concerning decision V/9c (Belarus), following the Committee's request for clarification of one point in its comments of 22 November 2016, the observer "Ecohome"

<sup>1</sup> See ECE/MP.PP/2014/2, para. 26.

had provided the requested clarification on 21 December 2016. The Committee reviewed the implementation of decision V/9c in open session, with the participation of the Party concerned by audio conference and a representative of the observer “Ecohome” in person. The Party concerned informed the Committee that, in January 2017, it had adopted new legislation relevant to the implementation of decision V/9c. In order to take into account the new legislation, the Committee agreed to delay the finalization of its second progress review in order to examine the extent to which the legislation adopted in January 2017 met the requirements of decision V/9c. It agreed to finalize its second progress review through its electronic decision-making procedure after the meeting which would then be sent to the Party concerned, communicants and observers registered to take part in the follow-up to decision V/9c.

66. With respect to decision V/9d (Bulgaria), the Committee’s second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9d would need to be completed by, and reported upon by 31 January 2017. On 23 January 2017, the Executive Secretary of the UNECE had sent a letter to the Party concerned forwarding the second progress review to the Minister of Foreign Affairs and informing him that the Committee may recommend to the sixth session of the Meeting of the Parties that a caution be issued. On 26 January 2017, the Party concerned had provided further information on the measures it had taken to implement decision V/9d, which was thereafter sent to the communicants and observers registered to take part in the follow-up on that decision for comments by 22 February 2017. Comments had been received from the communicant of communication ACCC/C/2011/58 on 12 February 2017. The Committee reviewed the implementation of decision V/9d in open session, with the participation of the Party concerned by audio conference. Though invited, the communicant did not take part in the session.

67. Concerning decision V/9e (Croatia), the Party concerned’s third progress report had been received on 28 December 2016, and had thereafter been sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 23 January 2017. No comments had been received.

68. Regarding decision V/9f (Czechia), the Committee’s second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9f would need to be completed by, and reported upon by 31 January 2017. On 31 January 2017, the Party concerned provided further information on the measures it had taken to implement decision V/9f, which had been sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 21 February 2017. Comments had been received from the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70 on 21 February 2017. The Committee reviewed the implementation of decision V/9f in open session with the participation of the Party concerned both in person and by audio conference and the participation of the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70 by audioconference.

69. With respect to decision V/9g (European Union), on 9 December 2016 the Party concerned had provided information in follow-up to the open session on decision V/9g at the Committee’s fifty-fifth meeting. The communicant of communication ACCC/C/2010/54 had provided comments on 16 January 2017. In response to a request from the Committee for further clarification, the Party concerned had provided further information on 23 January and 14 February 2017 (both originally sent on 22 December 2016 but not received due to a technical error). The Committee’s second progress review had been sent to the Party concerned on 23 February 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9g would need to be completed by, and reported upon by 1 April 2017. On 24 February 2017, the communicant of communication ACCC/C/2010/54

provided comments on the Committee's second progress review. The Committee reviewed the implementation of decision V/9g in open session, with the participation of the Party concerned and the communicant by audio conference.

70. Regarding decision V/9h (Germany), on 6 December 2016 the Party concerned had provided an update on the legislative amendments currently being undertaken. On 1 February 2017, the Committee's second progress review had been sent to the Party concerned and the Party concerned had been informed that all measures necessary to implement decision V/9h would need to be completed by, and reported upon by 15 March 2017. The Committee reviewed the implementation of decision V/9h in open session, with the participation by audio conference of the Party concerned and a representative of the communicant of communication ACCC/C/2008/31.

71. Concerning decision V/9i (Kazakhstan), the Committee's second progress review had been sent to the Party concerned 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9i needed to be completed by, and reported upon, by 31 January 2017. The Committee reviewed the implementation of decision V/9i in open session, with the participation of the Party concerned by audio conference. Though invited, no communicants took part in the session.

72. With respect to decision V/9j (Romania), the Committee's second progress review had been sent to the Party concerned on 3 January 2017 and the Party concerned had been informed that all measures necessary to implement decision V/9j needed to be completed by, and reported upon by 31 January 2017. On 31 January 2017, the Party concerned had provided further information on its implementation of decision V/9j and, on 1 February 2017, the communicant of communication ACCC/C/2010/51 had provided brief comments thereon. The Committee reviewed the implementation of decision V/9j in open session, with the participation of the Party concerned in person and by audio conference and the communicant of communication ACCC/C/2010/51 by audio conference.

73. Regarding decision V/9k (Spain), on 24 February 2017, the communicant of communication ACCC/C/2009/36 provided comments on the Party concerned's update of 5 December 2016. The Committee reviewed the implementation of decision V/9k in open session, with the Party concerned attending via audio conference. Though invited, no communicants or observers participated in the session. The Committee agreed to request the Executive Secretary of the ECE to write to the Ministry of Foreign Affairs regarding the continued lack of progress shown by the Party concerned to address the ongoing non-compliance with decision V/9k with respect to legal aid for NGOs and to request the Ministry of Foreign Affairs to forward the Executive Secretary's letter to the Ministry of Justice.

74. Concerning decision V/9m (Ukraine), on 8 December 2016 the communicant of communication ACCC/C/2004/3 had provided information on recent developments regarding the legislative process to adopt the new law on environmental impact assessment. On 23 January 2017, the Executive Secretary of the UNECE had sent a letter to the Party concerned forwarding the Committee's progress review. The progress review stated that all measures necessary to implement decision V/9m would need to be completed by, and reported upon by 20 February 2017. On 21 February 2017, the Party concerned had provided an update regarding its legislative process concerning the new law on environmental impact assessment. The Committee reviewed the implementation of decision V/9m in open session, with the participation of the Party concerned and a representative of the communicant of communication ACCC/C/2004/3 by audio conference.

75. With respect to decision V/9n (United Kingdom), on 21 February 2017 the communicant of communication ACCC/C/2008/33 had provided comments on relevant legislative developments. The Committee's second progress review had been sent to the Party concerned on 24 February 2017 and the Party concerned had been informed that all measures

necessary to implement decision V/9n would need to be completed by, and reported upon by 1 April 2017. The Committee reviewed the implementation of decision V/9n in open session, with the participation by audio conference by the Party concerned and representatives of the communicants of the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2011/65 and ACCC/C/2012/68 and a representative of Friends of the Earth United Kingdom, as an observer. Due to technological problems with the audio conference, the Committee invited the communicants and observers to provide their comments in writing after the session.

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

76. The Committee agreed to hold its fifty-seventh meeting in Geneva, from 27 to 30 June 2017 and its fifty-eighth meeting from 10 to 13 September 2017 inclusive, in parallel with, and at the venue of, the sixth session of the Meeting of the Parties to be held in Budva, Montenegro, on 11 to 13 September 2017. The Committee agreed to hold its fifty-ninth meeting from 11-15 December 2017 in Geneva.

## **VI. Other business**

### **A. Modus operandi**

77. The Chair informed the meeting that the third draft of the revised Guide to the Compliance Committee had been made available on the web page of the Committee's fifty-sixth meeting. The Committee discussed the third draft in open session with the participation of the observers present and invited any further comments on the draft text to be sent by 1 April 2017.

78. In this regard, the Committee highlighted that, in accordance with its practice, it generally does not consider new information submitted after the completion of its draft findings unless the information is of fundamental importance to those findings.

### **B. Other matters**

79. The Chair informed the Committee of his participation in a discussion event on 27 February 2017 organized by the Geneva Academy and Earthjustice entitled: "Environmental Defenders: Can Art 3.8 of the Aarhus Convention contribute to the protection of their rights in the UNECE regions?", in which the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, had also taken part.

80. The secretariat reported that the tenth meeting of the Task Force on Access to Justice was taking place from 27-28 February 2017 and that, for the first time, the meeting included a thematic session on article 3, paragraph 8, of the Convention.

81. The secretariat also reported that tenth Aarhus Convention capacity-building coordination meeting would be held on 28 February 2017.

82. Committee member, Jerzy Jendroska, informed the Committee of his participation at the Nuclear Energy Agency Workshop on Stakeholder Involvement in Nuclear Decision Making in Paris (17-19 January 2017), in which he gave a presentation in cooperation with a member of the secretariat to the Convention.

83. A representative of Earthjustice, speaking on behalf of “European Eco Forum”, informed the Committee that the Special Rapporteur on human rights and the environment, John Knox, would deliver his report on biodiversity and human rights to the thirty-fourth session of the Human Rights Council (Geneva, 27 February to 24 March 2017). He also informed the Committee that Earthjustice was convening a side event during the session in which the Special Rapporteur on human rights and the environment, John Knox, and the Special Rapporteur on the situation of human rights defenders, Michel Forst would both take part.

## **VII. Report and closure of the meeting**

84. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the fifty-sixth meeting.

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