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Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Compliance Committee

Sixtieth meeting

Geneva, 12 – 15 March 2018

Report of the Compliance Committee on its sixtieth meeting

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Introduction

1. The sixtieth 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 12 – 15 March 2018 in Geneva, Switzerland.
2. Due to the expected disruption of meeting services on 16 March 2018 following the announcement by the United Nations Staff Council late afternoon on 15 March 2018 that the staff of the United Nations Office in Geneva would exceptionally be on strike the following day in protest of the recent deterioration of conditions of staff services, including salary cuts, the Committee closed its meeting on Thursday, 15 March 2018, one day earlier than scheduled.

A. Attendance

3. Seven of the nine Committee members were present throughout the entire meeting. Committee member Dmytro Skrylnikov was unable to attend the first day of the meeting and part of the second day. Committee member Alexander Kodjabashev was unable to attend part of the first and second 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.
4. The communicants of communications ACCC/C/2015/126 (Poland) and ACCC/C/2015/128 (European Union) and representatives of the respective Parties concerned took part in the hearings of those communications held in open session on 13 and 14 March 2018 respectively.
5. Representatives of the Parties concerned and the communicants of communications PRE/ACCC/C/2017/153 (Spain), PRE/ACCC/C/2017/156 (United Kingdom of Great Britain and Northern Ireland) and PRE/ACCC/C/2017/157 (United Kingdom) took part by audio conference in the open session on preliminary admissibility on 12 March 2018. Representatives of the communicants took part in the open session on preliminary admissibility of communications PRE/ACCC/C/2017/151 and PRE/ACCC/C/2017/154 (both Poland). Though invited, the Party concerned did not take part in either case. Representatives of the Parties concerned took part in the open session on preliminary admissibility concerning communications PRE/ACCC/C/2017/152 (Spain) and PRE/ACCC/C/2017/155 (Austria). Though invited, the communicants in each case did not take part in the session. Due to the meeting closing one day earlier than scheduled (see para. 2 above), the open session scheduled for the final session of the meeting did not take place and the Committee therefore requested the secretariat to inform the communicants and Parties concerned by email of the outcome of its determinations of preliminary admissibility and to post the outcome on the Committee's website.
6. Participating as observers during the open sessions of the meeting were representatives of the non-governmental organizations "Earthjustice" (Switzerland), the Centre for International Environmental Law and the "Oekobuero". In addition, four members of the public observed the hearing of communication ACCC/C/2015/126 (Poland) on 13 March 2018 and two members of the public observed the hearing on communication ACCC/C/2015/128 (European Union) on 14 March 2018.

B. Organizational matters

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

8. The Committee adopted its agenda as set out in document ECE/MPP/C.1/2018/1.
9. To fulfil the requirements of paragraph 11 of the annex to decision I/7 of the Meeting of the Parties (ECE/MPP/2/Add.8), Committee member Dmytro Skrylnikov signed a declaration in open session in which he undertook to perform his duties as a member of the Committee impartially and conscientiously. The Chair informed the meeting that Mr Skrylnikov had in fact already signed the declaration electronically on 22 January 2018 but that Mr Skrylnikov was signing its hardcopy at the meeting in keeping with the Committee's practice that the declaration be signed in open session. Mr. Skrylnikov was elected at the sixth session of the Meeting of the Parties but had not been able to be present at the Committee's fifty-ninth meeting (Geneva, 11—15 December 2017) when the other members of the Committee elected at the sixth session had signed the declaration.

I. Submissions, referrals and requests under the Convention

10. With regard to submission ACCC/S/2015/2 (Belarus), the Committee agreed to defer its deliberations on its draft findings until one of its two upcoming virtual meetings, with a view to completing its draft findings and, as appropriate, recommendations.

11. With respect to submission ACCC/S/2016/3 (Albania), the Chair recalled that, following the secretariat's request to the Party concerned for an update on the status of its submission, including any pending domestic proceedings, the Committee had received an email on 8 September 2017, though it was not clear whether the reply was the official reply of the Party concerned. At the request of the Committee, on 8 November 2017 the secretariat had written to the Party concerned seeking clarification on this point. On 5 March 2018, the national focal point of the Party concerned had informed the Committee that the case could be closed in light of the absence of any further comment from the Office of the President. After taking into account the information received, the Committee closed the case and requested the secretariat to inform the Party concerned.

12. Regarding request ACCC/M/2017/2 (Turkmenistan), the Committee reviewed the implementation of the request by the Meeting of the Parties in open session with the participation of representatives of the Party concerned in person. Though invited, no communicants or registered observers took part in the session. The Chair informed the Party concerned that following the meeting a letter would be sent with questions for its reply by 1 October 2018.

13. With respect to request ACCC/M/2017/3 (European Union), on 26 February 2018, the communicant of communication ACCC/C/2010/54 had submitted a written statement. The Committee reviewed the implementation of the request by the Meeting of the Parties in open session with the participation by audio conference of representatives of the Party concerned, the communicants of communication ACCC/C/2008/32 and communication ACCC/C/2010/54 and representatives of Italy, Norway, the Netherlands and Switzerland as observers. The Chair informed the Party concerned that the Committee would invite the Party concerned to provide a progress report by 1 October 2018 on the measures by then taken to implement request ACCC/M/2017/3.

II. Communications from members of the public

14. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its sixty-first meeting would be 28 May 2018.

15. With respect to communication ACCC/C/2013/90 (United Kingdom), on 16 January 2018, the Committee had sent questions to the communicant and Party concerned. On 2

February 2018, the Party concerned had requested more time to reply to the Committee's questions and on 8 February 2018 the secretariat had informed the communicant and the Party concerned of the decision by the Committee Chair to agree to extend the deadline for the reply of both parties from 13 to 26 February 2018. On 25 February 2018, the communicant had provided its reply to the Committee's questions. On 1 March 2018, the Party concerned had provided its reply to the questions and informed the Committee that it was encountering technical problems with sending the attachments due to their file size. On 6 March 2018, the communicant had provided comments on the Party's reply to the Committee's questions. On 12 March 2018, the Party concerned submitted the annexes to its reply to the Committee's questions and its comments on the communicant's reply to the questions. On 13 March 2018, the communicant provided comments on the annexes from the Party concerned. In light of the amount of the information received and the fact that the replies of the Party concerned had been received just prior and partially during the meeting, the Committee agreed to defer its deliberations until its sixty-first meeting taking into account the information received.

16. Concerning communication ACCC/C/2013/96 (European Union), the Committee had continued its deliberations in closed session at its virtual meeting on 16 February 2018. 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.

17. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

18. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee agreed to defer its deliberations on its draft findings to one of its two upcoming virtual meetings, with a view to completing its draft findings and, as appropriate, recommendations.

19. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee had continued its deliberations in closed session at its virtual meetings on 25 January and 16 February 2018. 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.

20. Concerning communication ACCC/C/2014/105 (Hungary), the Committee continued its deliberations in closed session and agreed to send further questions to the Party concerned and to continue its deliberations taking into account the replies received, with a view to completing its draft findings and, as appropriate, recommendations.

21. Concerning communication ACCC/C/2014/106 (Czechia), 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.

22. With respect to communication ACCC/C/2013/107 (Ireland), the Committee agreed to defer its deliberations on its draft findings until one of its two upcoming virtual meetings, with a view to completing its draft findings and, as appropriate, recommendations.

23. Concerning communication ACCC/C/2014/112 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

24. With respect to communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

25. Concerning communication ACCC/C/2014/118 (Ukraine), at the request of the Committee, the ECE Executive Secretary had on 9 March 2018 written to the Minister of Foreign Affairs of the Party concerned, conveying the Committee's serious concern at the Party's ongoing failure to provide its response to the communication and informing the Party that if its response had not been received by 1 May 2018, the Committee would schedule a hearing at the Committee's sixty-first meeting to discuss the substance of the communication notwithstanding the Party's lack of response.

26. Regarding communication ACCC/C/2014/119 (Poland), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

27. Concerning communication ACCC/C/2014/120 (Slovakia), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

28. Regarding communication ACCC/C/2014/121 (European Union), the Committee commenced its deliberations in closed session. It agreed to send further questions to the Party concerned and to continue its deliberations taking into account the replies received.

29. Concerning communication ACCC/C/2014/122 (Spain), following the hearing at its fifty-ninth meeting the Committee had on 12 January 2018 requested the Party concerned to provide an English translation of relevant legislation. The Party concerned had done so on 8 February 2018, although due to a technical problem related to the United Nations email system this information did not reach the secretariat until 7 March 2018. After taking into account the information received, 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.

30. Regarding communication ACCC/C/2014/124 (Netherlands), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

31. With respect to communication ACCC/C/2015/126 (Poland), the Committee held a hearing to discuss the substance of the communication in open session with the participation of the Party concerned and the communicant. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to send questions to the Party concerned and the communicant for their written reply and to thereafter continue its deliberations taking into account the replies received.

32. Regarding communication ACCC/C/2015/128 (European Union), the Committee held a hearing to discuss the substance of the communication in open session with the participation of the Party concerned and the communicant. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to send questions to the Party concerned for its written reply and to thereafter continue its deliberations taking into account the replies received.

33. Concerning communication ACCC/C/2015/130 (Italy), on 30 January 2018 the Committee had sent questions to the communicant and the Party concerned as it considered that the latter's response to the communication contained insufficient information. On 6 March 2018, the Party concerned had requested an extension to reply to the Committee's questions. On 7 March 2018, the communicant had provided its reply to the Committee's questions. On 9 March 2018, the secretariat had informed the Party concerned of the Committee Chair's decision to exceptionally grant an extension for the submission of the reply of the Party concerned until 9 April 2018. The Committee agreed to decide how to proceed with the communication in the light of the replies received and provisionally

scheduled to hold a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting.

34. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee recalled 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. The Committee agreed to decide how to proceed with the communication once the questions had been sent and the communicant's reply received.

35. Regarding communication ACCC/C/2015/132 (Ireland), the Committee recalled 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 once the questions had been sent and replies received.

36. With respect to communication ACCC/C/2015/133 (Netherlands), on 12 March 2018 the Committee had sent questions to the communicant and the Party concerned with a deadline for the reply of 3 April 2018. The Committee agreed to decide how to proceed with the communication in the light of the replies received.

37. Concerning communication ACCC/C/2015/134 (Belgium), the Committee had scheduled to hold a hearing to discuss the substance of the communication on 16 March 2018. However, in the light of the announcement by the United Nations Staff Council late afternoon on 15 March 2018 that there would be a general strike by the staff of the United Nations Office in Geneva on 16 March and disruptions in meeting services were to be expected, the Committee requested the secretariat to inform the Party concerned and the communicant that the hearing would need to be cancelled at short notice. The Committee provisionally scheduled to hold the re-scheduled hearing at its sixty-first meeting instead.

38. With respect to communication ACCC/C/2015/135 (France), the Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting. The Chair informed the meeting that the Committee would consider whether to request the secretariat to seek the views of the Party concerned and the communicant on whether, given the substance of the communication, they would consider it appropriate for the Committee to proceed to commence its deliberations on the substance of the communication without holding a hearing. The Committee would take into account the comments received from the parties on that procedural point when deciding how to proceed.

39. Regarding communication ACCC/C/2015/137 (Germany), on 12 March 2018 the Committee sent questions to the communicant with a deadline for its reply of 3 April 2018. The Committee agreed to decide how to proceed with the communication in the light of the information received.

40. Concerning communication ACCC/C/2016/138 (Armenia), the Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting. The Chair informed the meeting that the Committee would consider whether to request the secretariat to seek the views of the Party concerned and the communicant on whether, given the substance of the communication, they would consider it appropriate for the Committee to proceed to commence its deliberations on the substance of the communication without holding a hearing. The Committee would take into account the comments received from the parties on that procedural point when deciding how to proceed.

41. Regarding communication ACCC/C/2016/139 (Ireland), on 12 March 2018 the Committee sent questions to the communicant with a deadline for its reply of 3 April 2018.

The Committee agreed to decide how to proceed with the communication in the light of the information received.

42. With respect to communication ACCC/C/2016/140 (Romania), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

43. With respect to communication ACCC/C/2016/141 (Ireland), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

44. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

45. Concerning communication ACCC/C/2016/143 (Czechia), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

46. With respect to communication ACCC/C/2016/144 (Bulgaria), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

47. With respect to communication ACCC/C/2017/146 (Poland), the Committee noted that the response by the Party concerned to the communication had been received on time on 19 February 2018. In its response to the communication, the Party concerned had challenged the admissibility of the communication.

48. Concerning communication ACCC/C/2017/147 (Republic of Moldova), the Committee noted that the deadline of 19 February 2018 for the response of the Party concerned had expired but that the response had not yet been received. The Committee instructed the secretariat to send a reminder to the Party concerned.

49. With respect to communication ACCC/C/2017/148 (Greece), the Committee noted that the response by the Party concerned to the communication had been received on time on 16 February 2018. The Committee further took note of the additional information received from the communicant on 7 March 2018.

50. Concerning communication ACCC/C/2017/149 (Greece), the Committee noted that the communication had been forwarded to the Party concerned on 29 December 2017 for its response. It further noted that the deadline of 29 May 2018 for its response had not yet expired and the Party's response had not yet been received.

51. Regarding communication ACCC/C/2017/150 (United Kingdom), the Committee noted that the communication had been forwarded to the Party concerned on 5 January 2018 for its response. It further noted that the deadline of 5 June 2018 for its response had not yet expired and the Party's response had not yet been received.

52. Regarding communications received between 7 November 2017 (the deadline for receipt of communications for the fifty-ninth meeting) and 5 February 2018 (the deadline for receipt of communications for the sixtieth meeting), the Chair reported that he and the Vice-Chairs Mr. Kodjabashev and Ms. Ryall had held a telephone conference on 19 February 2018 to determine which of the communications 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-Chairs had decided that communications PRE/ACCC/C/2017/151 (Poland), PRE/ACCC/C/2017/152 (Spain), PRE/ACCC/C/2017/153 (Spain), PRE/ACCC/C/2017/154 (Poland), PRE/ACCC/C/2017/155 (Austria), PRE/ACCC/C/2017/156 (United Kingdom) and PRE/ACCC/C/2017/157 (United Kingdom) should be forwarded to the Committee for consideration of preliminary admissibility at its sixtieth meeting and had requested the secretariat to post these communications on the Committee's website.

53. Communication PRE/ACCC/C/2016/151 (Poland) had been submitted by the non-governmental organization ClientEarth on 27 October 2016. The communication alleged

non-compliance with article 9, paragraph 3, of the Convention in relation to access to justice to challenge local laws that contravene national law relating to the environment. At their telephone conference on new communications prior to the Committee's fifty-fifth meeting (Geneva, 6-9 December 2016), the Chair and Vice-Chair had agreed to ask the secretariat to request the communicant to provide further caselaw to substantiate its allegations along with additional information concerning the availability of domestic remedies. The communicant had duly provided the requested information on 26 January 2018 together with further information on 5 March 2018. During the meeting, the Committee heard the views of the communicant by audio conference on the preliminary admissibility of the communication. Despite being invited, the Party concerned did not take part in the session. Committee member Jerzy Jendroska declared a conflict of interest in the case. 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.

54. Communication PRE/ACCC/C/2017/152 (Spain) had been submitted by the Portuguese political party Pessoas – Animais – Natureza (PAN) on 27 January 2017. The communication alleged non-compliance with article 6 of the Convention in connection with the extension of the operating life time of Almaraz nuclear power plant in Spain and the associated construction of an individual temporary storage facility for radioactive waste. On 17 August 2017, PAN had submitted a separate communication concerning the Santa María de Garoña nuclear power plant, also in Spain. At their telephone conference on new communications prior to the Committee's fifty-eighth meeting, the Chair and Vice-Chair had agreed to ask the secretariat to request the communicant to resubmit its communication in the required format and when doing so, clarify a number of factual and legal matters. The Chair and Vice-Chair also agreed to invite the communicant to combine the two communications into one communication. On 15 January 2018, the communicant provided a resubmitted version of its communication, *inter alia*, combining its communications of 27 January and 17 August 2017 into one. During the meeting, the Committee heard the views of the Party concerned by audioconference on the preliminary admissibility of the resubmitted communication. After the open session, the Party concerned also provided its statement on the admissibility of the communication in writing. Despite being invited, the communicant did not take part in the session. After considering in closed session the information received, the Committee determined that the communication was inadmissible under paragraph 21 of the annex to decision I/7 for a failure to exhaust domestic remedies. Specifically, the Committee considered that the communicant had failed to provide information on any administrative or judicial procedure that it had initiated with regard to the matters within the scope of its communication. The Committee moreover considered that the communicant had provided no evidence to demonstrate that it would have been effectively barred from initiating such procedures in Spain.

55. Communication PRE/ACCC/C/2017/153 (Spain) had been submitted by the non-governmental organizations Asociación Autonómica e Ambiental Petón do Lobo and Asociación Amigos y Amigas de los Bosques “O Ouriel do Anllóns” on 24 July 2017. The communication alleged non-compliance with articles 4 and 6 of the Convention in relation to certain mining concessions in Galicia. At their telephone conference on new communications prior to the Committee's fifty-eighth meeting, the Chair and Vice-Chair had agreed to ask the secretariat to request the communicant to provide additional information on the availability of domestic remedies and to clarify whether its allegations were of a systemic nature. The communicant provided the requested information on 12 February 2018. During the meeting, the Committee heard the views of the communicant and the Party concerned on the preliminary admissibility of the communication by audio conference. After the open session, the communicant and the Party concerned provided their statements on admissibility in writing and the communicant provided an additional statement on 13 March 2018. After

considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

56. Communication PRE/ACCC/C/2017/154 (Poland) had been submitted by the non-governmental organization ClientEarth together with six non-governmental organizations as supporting communicants on 14 November 2017. The communication alleged non-compliance with article 9, paragraph 3, of the Convention in relation to access to justice to challenge forest management plans. During the meeting, the Committee heard the views of the communicant as to the preliminary admissibility of the communication by audio conference. Despite being invited, the Party concerned did not take part in the session. Committee member Jerzy Jendroska declared a conflict of interest in the case. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

57. Communication PRE/ACCC/C/2017/155 (Austria) had been submitted by Mr. Norbert Milletich, a member of the public, on 2 December 2017. The communication alleged non-compliance with article 1, article 5, paragraph 1, and article 6 of the Convention in the context of decision-making procedures associated with lighting at a railway station. During the meeting, the Committee heard the views of the Party concerned on the preliminary admissibility of the communication by audio conference. Despite being invited, the communicant did not take part in the session. After the open session, the Party concerned provided its statement on the admissibility of the communication in writing and on 13 March 2018 the communicant provided comments thereon. After considering in closed session the information received, the Committee determined that the communication was inadmissible under paragraph 21 of the annex to decision I/7 for a failure to exhaust domestic remedies. Specifically, the Committee considered that the communicant had failed to provide information on any administrative or judicial challenges that he had initiated with regard to the matter concerned.

58. Communication PRE/ACCC/C/2017/156 (United Kingdom) had been submitted by three non-governmental organizations, namely Royal Society for the Protection of Birds, Friends of the Earth (England, Wales and Northern Ireland), Friends of the Earth Scotland and a law firm, Leigh Day Solicitors, on 7 December 2017. The communication alleged non-compliance with article 3, paragraph 1, and article 9, paragraphs 2, 3 and 4, of the Convention in relation to the standard of review of the “substantive legality” of certain decisions, acts and omissions. On 9 March 2018, the Party concerned had provided a statement concerning the admissibility of the communication and on 12 March 2018, the communicants had provided comments thereon. During the meeting, the Committee heard the views of the communicants and the Party concerned on the preliminary admissibility of the communication by audio conference. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

59. Communication PRE/ACCC/C/2017/157 (United Kingdom) had been submitted by Mr. Andrew Dean Hardwick, a member of the public, on 20 December 2017. The communication alleged non-compliance with article 9, paragraph 3, of the Convention in connection with the costs regime for appeals under section 288 of the Town and Country Planning Act 1990. On 9 March 2018, the Party concerned had provided a statement concerning the admissibility of the communication. During the meeting, the Committee heard the views of the communicant in person and the Party concerned by audio conference on the preliminary admissibility of the communication. During the session, the Chair asked the Party concerned to provide a written note summarizing its statement, in particular concerning the

relationship between the communication and decision VI/8k, and the Party concerned did so by email of 13 March 2018. On 14 March 2018, the communicant provided comments thereon. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

60. Marc Clément was appointed as the curator for communications ACCC/C/2017/146 (Poland), ACCC/C/2017/150 (United Kingdom) and ACCC/C/2017/151 (Poland), Fruzsina Bögös as curator for communications ACCC/C/2017/148 (Greece) and ACCC/C/2017/154 (Poland), Dmytro Skrylnikov as curator for communication ACCC/C/2017/149 (Greece), Haghine Grigoryan as the curator for communication ACCC/C/2017/147 (Moldova), Jerzy Jendroska as the curator for ACCC/C/2017/153 (Spain) and Aine Ryall as the curator for communications ACCC/C/2017/156 (United Kingdom) and ACCC/C/2017/157 (United Kingdom).

III. Reporting requirements

61. The Committee noted that the Meeting of the Parties, at its sixth session, had urged Parties that had not yet submitted their national implementation reports — i.e., Armenia, Bosnia and Herzegovina, the Netherlands, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom — to do so in the required format by 1 November 2017 at the latest.¹ Notwithstanding this, none of the aforementioned Parties had submitted their national implementation reports to the secretariat either by 1 November 2017 or since that date.

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

62. The Committee took note of the developments since its fifty-ninth meeting with respect to decisions VI/8a–e and g–k of the Meeting of the Parties, in particular the information received from the Parties concerned on the measures they had taken to implement the decisions concerning their compliance and the comments received from the communicants and observers on those measures. During the open sessions held on each decision during the meeting, the Committee Chair reminded the respective Parties concerned that their first progress report on the progress that they had by that time made to implement the decision concerning their compliance was due on 1 October 2018.

63. With respect to decision VI/8a (Armenia), the Committee noted that the Party concerned had provided an update on legislative developments on 12 February 2018. The Committee reviewed the implementation of decision VI/8a in open session with the participation by audio conference of a representative of the Party concerned. Though invited, no communicants or registered observers took part in the open session. An observer “Ecological Right” provided a written statement on 12 March 2018, and an updated version on 14 March 2018, and the communicant of communications ACCC/C/2004/8 and ACCC/C/2009/43 provided a written statement on 15 March 2018.

64. Regarding decision VI/8b (Austria), on 9 March 2018, the Committee had received written statements from the communicant of communication ACCC/C/2010/48 and from the communicant of communication ACCC/C/2011/63. The Committee reviewed the implementation of decision VI/8b in open session with the participation by audio conference

¹ Report of the sixth session of the Meeting of the Parties, ECE/MPP/2017/2, para. 46.

of a representative of the Party concerned and the communicant of communication ACCC/C/2010/48.

65. Concerning decision VI/8c (Belarus), the Committee reviewed the implementation of the decision in open session with the participation in person of two representatives of the Party concerned and a representative of the communication of communication ACCC/C/2014/102 by audio conference. The communicant of communication ACCC/C/2014/102 provided a written version of the statement it had made during the open session on 13 March 2018.

66. With respect to decision VI/8d (Bulgaria), the Committee reviewed the implementation of decision VI/8d in open session, with the participation by audio conference of representatives of the Party concerned and the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76.

67. Concerning decision VI/8e (Czechia), the Committee reviewed the implementation of decision VI/8e in open session with the participation by audio conference of representatives of the Party concerned and the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70. The communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70 also provided a written statement on 15 March 2018.

68. With respect to decision VI/8g (Kazakhstan), the Committee reviewed the implementation of decision VI/8g in open session with the participation of representatives of the Party concerned by audio conference. Though invited, no communicants took part in the session. The Chair requested the Party concerned to provide a written version of the information it provided during the session.

69. With respect to decision VI/8h (Romania), on 2 February 2018, the Party concerned had written to seek advice from the Committee regarding the types of measures it should take to implement the recommendations contained in the decision. The Committee reviewed the implementation of decision VI/8h in open session with the participation of representatives of the Party concerned both in person and by audio conference. Though invited, no communicants took part in the session. The Committee informed the Party concerned that it would provide it with some written advice on ways in which it might fulfil the recommendations of decision VI/8h after the meeting.

70. Regarding decision VI/8i (Slovakia), the Committee reviewed the implementation of the decision in open session, with the participation by audio conference of representatives of the Party concerned and the communicant of communication ACCC/C/2013/89.

71. Concerning decision VI/8j (Spain), the Committee reviewed the implementation of the decision in open session, with the participation by audio conference of representatives of the Party concerned, the communicant of communication ACCC/C/2008/24 and the communicant of communication ACCC/C/2014/99. During the session, the Party concerned sought the Committee's view on whether certain proposed measures would fulfil paragraph 7 of decision VI/8j. The Chair requested the Party concerned to provide its query in writing and the Party concerned duly did so directly after the session.

72. With respect to decision VI/8k (United Kingdom), on 5 March 2018, an observer, Environment Links UK, had submitted a written statement that it had in parallel submitted to the 11th meeting of the Task Force on Access to Justice (Geneva, 27-28 February 2018). Written statements were also received on 6 March 2018, from the communicant of communication ACCC/C/2013/91, on 13 March 2018 from the communicants of communications ACCC/C/2013/85 and ACCC/C/2013/86 and on 15 March 2018, from observers RSPB, Friends of the Earth UK and Friends of the Earth Scotland. The Committee reviewed the implementation of decision VI/8k in open session during the meeting, with the participation by audio conference of representatives of the Party concerned, the

communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2012/68, ACCC/C/2013/85 and ACCC/C/2013/86 and the RSPB as an observer.

V. Programme of work and calendar of meetings

73. The Committee agreed to hold its sixty-first meeting in Geneva from 2 to 6 July 2018. It also agreed to schedule two virtual meetings to continue its deliberations on draft findings in closed session prior to its sixty-first meeting. Subject to the availability of meeting rooms and services, the Committee further agreed to hold its sixty-second meeting from 5 to 9 November 2018, its sixty-third meeting from 4 to 8 March 2019 and its sixty-fourth meeting from 1 to 5 July 2019, all in Geneva.

VI. Other business

A. Modus operandi

74. The Chair noted that the fourth draft of the revised Guide to the Compliance Committee was available on the web page of the Compliance Committee. The Committee held an open session to discuss the fourth draft of the revised Guide with interested observers and the Committee agreed to certain small changes of the Guide on that basis. The Chair stated that it was the Committee's intention to finalize and adopt the Guide at or shortly after the sixty-first meeting.

75. The Chair informed the meeting that he planned to prepare a proposal for the further development of the Committee's modus operandi with respect to hearings, which would be discussed in open session at the sixty-first meeting of the Compliance Committee, and posted on the Committee's website in due time before the meeting.

B. Other matters

76. The Chair reported on his involvement in an event entitled "Strengthening the implementation of Multilateral Environmental Agreements: can NGOs make a difference through compliance mechanisms?" jointly organized by the Implementation Committee under the UNECE Convention for the Protection and Use of Transboundary Watercourses and International Lakes and the Compliance Committee under the UNECE-WHO Regional Office for Europe Protocol on Water and Health which took place in Geneva on 7 March 2018.

77. The Chair also reported that during on the evening of 15 March 2018 he would participate in a roundtable discussion on "The Rights to Water and Sanitation" at the Graduate Institute Geneva.

78. Committee member Jerzy Jendrośka reported on his participation at the ninth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean, which was held in San José, Costa Rica, from 28 February to 4 March 2018. At that meeting, representatives of 24 Latin American and Caribbean countries had adopted a binding agreement which will be serviced by the Economic Commission for Latin America and the Caribbean. A representative of Earthjustice also commented on the content of the new agreement.

79. Committee member Peter Oliver informed the Committee of case C-441/17 *Commission v Poland (Forêt de Białowieża)* which was currently pending before the Court of Justice of the European Union. The Court had ordered interim measures on 20 November 2017 and the Advocate General Bot had issued his opinion on 20 February 2018.

80. The secretariat reported on the forty-first meeting of the Bureau of the Meeting of the Parties which had taken place on 22 February 2018 in Geneva. The Bureau had received a letter sent on behalf of several NGOs expressing their concerns about the restrictions on public participation contained in a new law adopted by Poland in the lead-up to the 24th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change. The Bureau had agreed to send a letter to Poland in that regard. At its forty-first meeting, the Bureau had also decided that one day of the upcoming twenty-second meeting of the Working Group of the Parties (Geneva, 19—21 June 2018) would be dedicated to the celebration of the 20 year anniversary of the Convention.

81. The secretariat further reported on the eleventh meeting of the Task Force on Access to Justice which had taken place from 27—28 February 2018 in Geneva. The main focus of the meeting had been on promoting effective access to justice in cases concerning the right to environmental information.

82. The secretariat also reported on its participation in five events held during the thirty-seventh session of the Human Rights Council (Geneva, 26 February to 23 March 2018), namely (a) on 2 March 2018, a side event regarding children's rights and the environment arranged by the Special Rapporteur on human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; (b) on 5 March 2018, the plenary discussion on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; (c) also on 5 March 2018, a side event organized by the NGOs Earthjustice and the Center for International Environmental Law on the protection of environmental human rights defenders; (d) the launch event of the United Nation Environmental Rights Initiative on 6 March 2018; and (e) also on 6 March 2018, a side event on the Framework Principles on Human Rights and the Environment arranged by the Special Rapporteur on human rights and the environment.

83. The secretariat further reported on its participation in the first meeting of the Sustainable Fisheries Team of Specialists organized by the United Nations Centre for Trade Facilitation and Electronic Business which took place from 29—30 January 2018 in Geneva.

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 sixtieth meeting.