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

Sixth session
Budva, Montenegro, 11–13 September 2017

Excerpt from the addendum to the report of the sixth session of the Meeting of the Parties (ECE/MP.PP/2017/2/Add.1)*

Decision VI/8b
Compliance by Austria with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[1]

Mindful of the conclusions and recommendations set out in its decision V/9b[2] with regard to compliance by Austria,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9b concerning compliance by Austria with its obligations under the Convention,[3]

Encouraged by the willingness of Austria to discuss in a constructive manner with the Committee the compliance issues in question,

1.   *Endorses* the finding of the Committee that the Party concerned has not yet fulfilled the requirements of decision V/9b;

2.   *Welcomes* the steps taken by the Party concerned to date to address the recommendations set out in paragraphs 3 (a) (i) and (ii) of decision V/9b, but expresses its concern at the slow progress by the Party concerned in addressing the recommendations set out in paragraphs 3 (a) (iii) and 6 of decision V/9b, in particular given the time that has passed since those recommendations were adopted by the Committee with the agreement of the Party concerned;

3.   *Reaffirms* its decision V/9b and requests that the Party concerned:

(a)   As a matter of urgency, take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that criteria for non-

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governmental organization (NGO) standing to challenge acts or omissions by private persons or public authorities that contravene national law relating to the environment under article 9, paragraph 3, of the Convention are revised and specifically laid down in sectorial environmental laws, in addition to any existing criteria for NGO standing in the environmental impact assessment, integrated pollution prevention and control, waste management or environmental liability laws;

(b)   Also ensure that, when addressing subparagraph (a) above, members of the public, including NGOs, have access to adequate and effective administrative or judicial procedures and remedies in order to challenge acts and omissions of private persons and public authorities that contravene national laws, including administrative penal laws and criminal laws, relating to the environment;

(c)   Provide the Committee as soon as possible and no later than 1 October 2018 with a detailed plan of action on how it will implement the above recommendations;

(d)   Develop a capacity-building programme and provide training on the implementation of the Convention for judges, prosecutors and lawyers;

(e)   Provide detailed progress reports to the Committee by 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(f)   Provide such additional information as the Committee may request in between the above reporting dates in order to assist the Committee to review the progress by the Party concerned in implementing the above recommendations;

(g)   Participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

4.   *Undertakes* to review the situation at its seventh session.

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