



**16<sup>th</sup> Working Group of the Parties to the Aarhus Convention (WGP 16) (Geneva,  
19 – 21 June 2013)**

**Agenda item 4(a) Note by the Chair of the Compliance Committee on promoting  
effective compliance with the Convention**

Contribution by the EU and its Member States and Croatia

- (1) The EU and its Member States and Croatia wish to thank the Chair of the Compliance Committee for the preparation of the note which forms a useful starting point for a discussion of options to promote more effective compliance.
- (2) We recognise that delays of some parties in complying with the findings of the Compliance Committee are undesirable.
- (3) However, the practicalities and costs of calling an extraordinary session of the MOP to enable the earlier endorsement by the MOP of findings of non-compliance by the compliance committee must be considered. The prominent status of the MOP is recognised by all Parties; we are concerned that the hosting of frequent ex-MOPs could potentially downgrade this status.
- (4) We welcome the preparation of this paper and identification of issues by the Chair of the Compliance Committee as opening dialogue between the Chair and Parties on the functioning of the compliance mechanism. We suggest that this discussion be continued in a two-way process, providing Parties and stakeholders with the opportunity to contribute to improve the future work and the resolution of current issues, including suggestions for streamlining the work load.
- (5) Referring to the option proposed of creating a roster of experts who will assess the compliance of Parties with MOP decisions, we are not certain that this proposal is feasible. In order to help Parties to reach a conclusion, further detail on both the workings and the funding of this proposal is requested, for example:
  - the proposed status of the expert report;
  - if a Party will be afforded the opportunity to comment on the findings of the experts;
  - the role of the Compliance Committee vis-a-vis the experts' report? Is there a possibility that the Compliance Committee will be demoted to a position of

merely rubber stamping decisions? Would a group of experts of the Parties, reporting directly to the MOP, be better placed to deal with any post-finding work?

- the process by which experts would be selected, monitored and held accountable; and
- the note proposes multiple sources of funding: the Parties concerned and/or local partner organisations and/or the Convention's Trust Fund. Given the broad work programme currently being implemented and the planned Future Work Programme, it is difficult to see how this proposal will not result in the diversion of funds from other agreed work items of the Convention.

(6) Any further options such as possible synergies with other fora, for example, the PRTR Protocol Compliance Committee, should be explored.

(7) Finally, the development of a database of the findings of the Aarhus Convention Compliance Committee is welcomed as a means of improving awareness of previous rulings of the committee, thereby facilitating compliance. However, further information is requested on how this proposed database would improve upon the existing information already provided on the secretariat website.