

This is the second draft of the revised Guide to the Aarhus Convention Compliance Committee. This draft has been prepared for discussion in open session at the 51st meeting of the Compliance Committee (Geneva, 15-18 December 2015).

The first draft of the revised Guide was prepared for the Compliance Committee's forty-seventh meeting (Geneva, 16-19 December 2014).

Written comments on the draft Guide are also welcome and should be sent, in track changes form, to aarhus.compliance@unece.org before **1 February 2016**. All comments received by that deadline will be taken into account in the preparation of the final draft of the revised Guide which will be discussed in open session at the 53rd meeting of the Compliance Committee (Geneva, 20-24 June 2016).

Guide to the Aarhus Convention Compliance Committee

2.6 Exhaustion of domestic remedies

The Committee will take into account, at all relevant stages, any available domestic remedy unless the application of the remedy is unreasonably prolonged or obviously does not provide an effective and sufficient means of redress. It is at the discretion of the Committee to decide not to examine the substance of a communication if in its view the communicant has not sufficiently explored the domestic administrative or judicial procedures.

Upon learning of the existence of a pending domestic procedure, the Committee will ask the communicant to promptly provide it with clear reasons as to why, notwithstanding the pending domestic procedure, the Committee should provisionally admit or uphold its earlier determination of provisional admissibility (depending on the stage of the communication). The Committee will thereafter consider any reasons provided by the communicant and the Party concerned in the light of paragraphs 20 and 21 of the annex to decision I/7 and, if it considers the reasons provided do not meet the thresholds set out in those paragraphs, might determine the communication to be inadmissible.

2.7 Summary proceedings

Bearing in mind that according to the Convention the compliance review mechanism is not a redress mechanism, and on the basis of paragraph 20 of the annex to decision I/7, in cases which have been determined to be preliminarily admissible, but where the legal issues raised by the communication have already been tackled by the Committee, the Committee may decide to apply its summary proceedings procedure. In such cases:

- a) The Committee will send a letter to the communicant informing it about the process;
- b) The Committee will notify the Party concerned, reminding it of the previous findings and recommendations and requesting it to provide information on the progress achieved on the previous recommendations;
- c) The Committee will record the outcome of the process and its consideration in the report, focusing on the progress, if any, in the law and implementation of the Convention by the Party concerned.²⁸

A communicant whose communication is subject to summary proceedings will be included in any follow-up on the earlier case in which non-compliance on those issues were found, and given the opportunity to comment, together with the communicants of the earlier case.

2.8 Response by the Party concerned

When the Party receives a letter from the secretariat forwarding a communication for its response, it should as soon as possible, but in any case no later than five months from the date of the secretariat's letter, submit written explanations or statements clarifying the matter and responding to the allegations.²⁹ In its response the Party concerned should explicitly

²⁸ ECE/MP.PP/C.1/2010/4, para. 45.

²⁹ Annex to decision I/7, para. 23.