

From: Pat Swords
To: Aarhus Compliance
Cc: delegation-geneva-un, Robert Konrad, Angelika Wiedner
Date: 09/11/2016 23:29
Subject: Re: Decision V/9g (European Union) - Party concerned's third progress report

Dear Fiona

Thank you for this opportunity. In addition to what I raised on the 27th October after receiving the Progress Report, I would just like once again to draw your attention, as to how post the March 2016 Compliance Committee meeting, at which Decision V/9g was discussed, I replied to yourselves on the 9th April and the 26th April. Note: This documentation I later resent to yourselves on the 26th June. In this correspondence I was pointing out that these NREAP progress reports had been available to the EU Commission since the start of the year. As a result, I therefore fail to understand, as to why the information on the Member States' NREAP progress reports, now contained in the Party's Progress Report of the 27th October, could not have been provided in advance of the teleconference at the March Compliance Committee meeting, other than a deliberate attempt was being made to slow down and drag out these compliance proceedings.

Furthermore, I would also take this opportunity to remind, as to how both correspondences this April contained an analysis of the Member State NREAP Progress Reports, as they became publicly available in a translated form on the EU Commission's website. This analysis demonstrates the major failures, which occurred in respect to public participation on the NREAPs prior to their adoption by the EU. Not least as there was an absence of the 'necessary information' (see reference to Section 5.3 of the NREAP template), the public were neither identified and informed nor provided with an opportunity for effective public participation when all options are open. This was common to all Member States. Finally, the Party has ignored in this second Progress Report the clear position articulated last October in the Compliance Committee's First Progress Review of Decision V/96:

- *13. The Committee expresses its concern that the activities described in the Party concerned's report are not sufficient to address any of the recommendations set out in paragraph 3 of decision V/9g nor does the report provide any plan of action, list of proposed activities or explanation as to how the Party concerned proposes to fully implement those recommendations prior to its final progress report due on 31 October 2016. The Committee therefore finds that the Party concerned has not yet fulfilled the requirements of decision V/9g nor has taken any significant steps in that direction.*
- *14. The Committee invited the Party concerned, in its second progress report due on 31 October 2015, to provide a detailed plan of action, including a timeline, as to how it proposes to address each of the recommendations set out in paragraph 3 of decision V/9g. The Committee reminds the Party concerned that the fifth session of the Meeting of the Parties considered that Party has failed to comply with the Convention; it follows that the second progress report should describe the relevant actions taken or planned by the Party since that session to comply with the Convention.*

I hope this clarifies matters and will be considered by the Compliance Committee going forward.

Regards

Pat