



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/14
9 March 2005

Original: ENGLISH

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

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (b) of the provisional agenda)

**DRAFT DECISION II/5
REVIEW OF COMPLIANCE**

The Meeting,

Having regard to decision I/7 on the review of compliance and in particular to paragraph 37 of the annex,

Welcoming the progress made by the Compliance Committee in establishing its procedures as well as in addressing specific issues of compliance,

Recognizing that national implementation reports submitted under decision I/8 can provide valuable background information in the course of the review of compliance, in particular with regard to practical measures taken to implement the provisions of the Convention, and recalling the mandate of the Compliance Committee set out in paragraph 13 (c) of the annex to decision I/7,

1. Takes note of the report of the Committee (ECE/MP.PP/2005/13);
2. Endorses the way in which the Committee has been working and the procedures that it has developed, as reflected in the reports of its meetings;

3. Recognizes the need for clear information for the public on the compliance mechanism and therefore welcomes the Committee's intention to prepare a publication on its modus operandi;
4. Recommends, on the basis of the information derived from the reporting by Parties on their implementation of the Convention and the findings and recommendations of the Committee, that Parties should keep under review their legal and institutional frameworks as well as their practical experience with implementing various provisions of the Convention, taking into account their obligations under article 3, paragraph 1;
5. Urges the Parties to refrain from taking any measures which would reduce existing rights of access to information, public participation in decision-making and access to justice in environmental matters, even where such measures would not necessarily involve any breach of the Convention;
6. Requests the Working Group of the Parties to develop for adoption at the third meeting of the Parties:
 - (a) Guidance on implementing the public participation provisions of the Convention with respect to decision-making on projects in border areas that affect the public in other countries but do not require transboundary environmental impact assessment under the Espoo Convention; and
 - (b) Guidance on the scope of the permitting processes in which the public participation procedures set out in article 6 should apply;
7. Takes note of the information contained in the national implementation reports and the conclusions of the Compliance Committee (ECE/MP.PP/2005/13, para. 42) indicating that a lack of resources sometimes affects the implementation of and compliance with the Convention's requirements, and invites all Parties and other interested States and organizations in a position to do so to provide the countries with economies in transition with financial and technical assistance in the form of capacity-building aimed at improving implementation and compliance in such cases;
8. Also takes note of the Committee's observations with regard to the need to raise awareness of the judiciary and public authorities other than environment ministries of the relevant obligations under the Convention and encourages the Parties to take the necessary measures to that effect;
9. Notes with concern the failure by some Parties to submit their reports, or to submit them within the deadlines indicated in decision I/8, and urges the Parties to comply with decision I/8 and other stipulations developed under the reporting mechanism;
10. Calls on all States that were Parties at the time of the deadline for submission of the implementation reports and that failed to submit such reports to the secretariat to do so by 15 September 2005, for subsequent consideration, inter alia, by the Committee;

11. Invites Parties, in subsequent reporting cycles, to provide more information with regard to the practical implementation of each of the Convention's provisions, pursuant to paragraph 1 (b) of decision I/8, and to indicate any major difference of opinion emerging from the consultation process;
12. Takes note of the main facts and information with regard to the communications considered by the Committee as well as the considerations and evaluation presented in the addenda to the report of its 7th meeting (ECE/MP.PP/C.1/2005/2, addenda 1 to 5);
13. Endorses the main findings of the Committee set out in the addenda to its report to the Meeting (ECE/MP.PP/2005/13) and the addenda to the report of its 7th meeting;
14. Adopts the recommendations put forward by the Committee in the addenda to these two reports and calls upon the Parties concerned to take all necessary steps to bring about full compliance with their obligations under the Convention;
15. Notes with regret that none of the Parties whose compliance was the subject of a communication or a submission provided comments or feedback to the Committee within the deadlines set out in the relevant provisions of decision I/7 and that some even failed to enter into any substantive engagement with the process at all;
16. Urges consequently all Parties to respect the agreed process and observe these deadlines in the future;
17. Undertakes to review the implementation of the recommendations with respect to specific Parties referred to in paragraph 14 at its third meeting, as well as the more general recommendations contained in the preceding paragraphs, and with this in mind, requests the Committee to examine these matters in advance of the meeting and to describe the progress made in its report to the Meeting of the Parties;
18. Notes the significant workload for both the secretariat and the Committee associated with servicing the compliance mechanism and in particular the processing of communications from the public, and urges that sufficient resources should be made available to enable the mechanism to function effectively;
19. Agrees that, in the light of the steady increase in the number of Parties, the number of members of the Committee shall be increased to nine, with effect from the third meeting of the Parties, where five members shall be elected for a full term.