

20 November 2020

Dr. Maria Carmela Giarratano  
Director-General  
Directorate-General for Innovation, Personnel and Participation Policies  
Ministry of the Environment  
Italy

Dear Dr. Giarratano,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Italy with provisions of the Convention related to the cost of judicial procedures (ACCC/C/2015/130)**

I write on the instruction of the Chair of the Compliance Committee with regard to your letter received at 16.15 this Friday afternoon, on the eve of the Committee's 68<sup>th</sup> meeting next week.

The Chair of the Compliance Committee has reviewed your letter. Noting the very late stage at which the letter was sent, the Chair considers that the letter does not provide any valid reasons to justify the postponement of the hearing scheduled for next Tuesday, 24 November, at such a late stage. The Chair has accordingly asked me to inform you that the hearing of communication ACCC/C/2015/130 will go ahead as scheduled next Tuesday, 24 November.

Italy is strongly advised to take part in the hearing next Tuesday. If it does not do so, the Committee will report its non-attendance to the seventh session of the Meeting of the Parties to be held in October 2021. Please note that it is viewed as extremely poor conduct on the part of a Party concerned not to take part in a Committee hearing concerning the Party's compliance. In fact, since the Committee received its first communication in February 2004, only four times in seventeen years has the Party concerned not participated in the hearing to discuss the substance of a case. In each of those instances the Party concerned's lack of attendance was thereafter reported to the Meeting of the Parties.

The Committee moreover expresses its concern at the lack of engagement demonstrated by the Italy throughout the course of the Committee's procedure regarding this communication to date. In this regard, Italy's response to the communication was provided more than four months after the required deadline set by the Meeting of the Parties through paragraph 23 of the annex to decision I/7. Given this background, the Committee considers it all the more important that Italy take part in next Tuesday's hearing.

Next Tuesday's hearing not only provides an important opportunity for Italy to demonstrate its willingness to engage with the Committee. It is also the only occasion for the Committee to explain to Italy's representatives, in person, the further information that the Committee will require to prepare its draft findings. In the Committee's experience, this dialogue is immensely helpful both to the Committee and the Party concerned, in order to prevent many months of written correspondence and potential misunderstanding.

The hearing next Tuesday will also be the last moment before the Committee finalizes its draft findings at which Italy will be able to ask questions of the Committee to better understand the Committee's procedures and what is expected of it. For this reason, even if Italy may most regrettably not be in a position to respond in detail on the substance of the communication during the hearing next Tuesday, it is very important that Italy is present.

The hearing of communication ACCC/C/2015/130 will commence at 10:30 CET next Tuesday. The webex link to join the hearing is:

<https://unece.webex.com/unece/j.php?MTID=mb057f714328c790fb3de9aca5905d9b0>

Please do not hesitate to contact me if you have any questions regarding the above. I will be glad to be of service. We look forward to Italy's participation in the hearing of communication ACCC/C/2015/130 next Tuesday.

Yours sincerely,



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Fiona Marshall

Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Italy to the United Nations Office and other international organizations in Geneva  
Mr. Alessando Giadrossi, representing WWF Italia, the communicant of communication ACCC/C/2015/130