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

Compliance Committee

Forty-third meeting
Geneva, 17–20 December 2013

Report of the Compliance Committee on its forty-third meeting

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Introduction

1. The forty-third meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 17 to 20 December 2013 in Geneva, Switzerland.

A. Attendance

2. All the Committee members were present throughout the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Also participating as observers during the open sessions were members of the public and representatives of non-governmental organizations (NGOs), including: Oekoburo (Austria); Ecohome (Belarus); Quaker United Nations Office (Switzerland); Earthjustice (Switzerland); and Green Dossier (Ukraine). Both Earthjustice and Oekoburo also participated on behalf of the European ECO Forum.

B. Organizational matters

4. The Chair of the Compliance Committee, Mr. Jonas Ebbesson, opened the meeting.


I. New submissions and referrals under the Convention

6. The secretariat informed the Committee that no new submissions had been made by Parties concerning compliance by other Parties.

7. The secretariat informed the Committee that no submissions had been made by Parties concerning problems with their own compliance since the Committee’s last meeting.

8. No referrals had been made by the secretariat since the Committee’s last meeting.

II. Communications from members of the public

9. The Committee confirmed the adoption of the edited version of its findings and recommendations in English, as well as their translation into French and Russian, with regard to communications ACCC/C/2010/45 and ACCC/C/2011/60 (United Kingdom of Great Britain and Northern Ireland), ACCC/C/2011/61 (United Kingdom) and ACCC/C/2011/62 (Armenia), as set out in documents ECE/MP.PP/C.1/2013/12, ECE/MP.PP/C.1/2013/13 and ECE/MP.PP/C.1/2013/14, respectively.

10. At its forty-second meeting (Geneva, 24–27 September 2013), the Committee had completed its draft findings in closed session with regard to communication ACCC/C/2008/31 (Germany). The findings had then been sent for comments to the Party concerned and the communicants on 11 November 2013. The Party concerned had provided comments on 6 December 2013 and the communicant on 7 December 2013. The
Committee finalized its findings, taking into account the comments received. It adopted its findings and instructed the secretariat to prepare official versions of the adopted findings as a formal pre-session document to its forty-fifth meeting (Maastricht, the Netherlands, 27–30 June 2014 (to be confirmed)), and to ensure their availability in the three official United Nations Economic Commission for Europe (ECE) languages. The Committee requested the secretariat to send the finalized findings to the Party concerned and the communicant.

11. Concerning communication ACCC/C/2008/32 (European Union (EU), the secretariat informed the Committee that no additional information had been received regarding the pending second part of the communication (the findings with respect to the first part of the communication were adopted by the Committee at its thirty-seventh meeting (26–29 June 2012)) and that the two cases relating to the communication1 were still pending before the Court of Justice of the EU.

12. At its forty-first meeting (Geneva, 25–28 June 2013), the Committee had completed its revised draft findings in closed session with regard to communication ACCC/C/2010/51 (Romania). The findings had then been sent for comments to the Party concerned and the communicants on 16 July 2013. The communicant had provided comments on 13 August 2013; no comments had been received from the Party concerned. At its forty-second meeting, the Committee had agreed to finalize its findings at its forty-third meeting, taking into account the comments received. The Committee completed its second revised draft findings in closed session. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7 of the Meeting of the Parties to the Convention. The Committee would take into account any comments received when finalizing the findings at its forty-fourth meeting (Geneva, 25–28 March 2014).

13. With regard to communication ACCC/C/2010/55 (United Kingdom), the secretariat informed the Committee that the Court of Justice of the EU had issued its preliminary ruling on 19 December 2013. In the light of that development, the Committee asked the secretariat to write to the Party concerned to enquire when the case in the Upper Information Tribunal might be expected to be heard.

14. Concerning communication ACCC/C/2012/69 (Romania), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its forty-fourth meeting, with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

15. At its forty-second meeting, the Committee had completed its draft findings in closed session with regard to communication ACCC/C/2012/70 (Czech Republic). The findings had then been sent for comments to the Party concerned and the communicants on 11 November 2013. The Party concerned had provided comments on 4 December 2013 and the communicant had provided comments on 6 December 2013. The Committee finalized its findings, taking into account the comments received. It adopted its findings and instructed the secretariat to prepare official versions of the adopted findings as a formal pre-session document to its forty-fifth meeting, and to ensure their availability in the three official ECE languages. The Committee requested the secretariat to send the finalized findings to the Party concerned and the communicant.

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16. On communication ACCC/C/2012/71 (Czech Republic), the Committee continued its deliberations in closed session and agreed to continue its deliberations at its next meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

17. Concerning communication ACCC/C/2012/76 (Bulgaria), the Committee continued its deliberations in closed session and agreed to continue its deliberations on the matter at its next meeting with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

18. With respect to communication ACCC/C/2012/77 (United Kingdom), the Committee completed its draft findings in closed session. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments received when finalizing the findings at its forty-fourth meeting.

19. Concerning communication ACCC/C/2013/81 (Sweden), the Committee noted that the communicant had commented by its e-mail of 12 October 2013 on the Party concerned’s response of 26 September 2013, in which the Party concerned had informed the Committee about the ongoing appeal procedure before the Land and Environmental Court. In his e-mail, the communicant stated that he had been waiting for a ruling in the ongoing legal proceedings since February 2008, even though national law required that building permits should be settled promptly. In view of the correspondence received, the Committee agreed to ask the parties to clarify which aspects of the communication were within the scope of the proceedings before the national courts and, in the light of the information received, to decide at its next meeting how to proceed with the case. The Committee also agreed to remind the communicant that the Committee could only review compliance with the provisions of the Convention, not compliance with EU legislation.

20. With regard to communication ACCC/C/2013/83 (United Kingdom), the Committee noted that on 1 October 2013 the communicant had provided responses to the questions sent by Committee on 2 May 2013, due on 2 October 2013. The communicant had also sent to the secretariat video footage, photographs and a considerable quantity of non-categorized and non-indexed documentation, without an accompanying explanation of how that documentation related to the allegations made in the communication. In the light of the Party concerned’s contention in its response of 3 September 2013 that the communicant had in fact been provided with the “2010 study” (the subject of the communication) on 20 December 2012, i.e., prior to the submission of the communication, the Committee had written to the communicant on 4 December 2013 seeking clarification by return as to whether or not the 2010 study had indeed at any stage been disclosed to him. By his e-mail of 10 December 2013, the communicant confirmed that he had received the study, albeit more than one year after he had requested it. In the light of the communicant’s confirmation that he had indeed received the information that was the sole subject of the communication as submitted, the Committee considered that the communication had been resolved through domestic remedies and agreed to close the case.

21. On communication ACCC/C/2013/85 (United Kingdom), the Committee noted that the deadline of 22 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting, possibly jointly with ACCC/C/2013/86 (United Kingdom).

22. Regarding communication ACCC/C/2013/86 (United Kingdom), the Committee noted that the deadline of 22 December 2013 for the Party to respond had not elapsed and
that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting, possibly jointly with ACCC/C/2013/85 (United Kingdom).

23. With respect to communication ACCC/C/2013/87 (Ukraine), the Committee noted that the deadline of 26 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting.

24. In relation to communication ACCC/C/2013/88 (Kazakhstan), the Committee noted that the deadline of 26 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting.

25. Concerning communication ACCC/C/2013/89 (Slovakia), the Committee noted that the deadline of 26 December 2013 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fourth meeting.

26. In relation to communication ACCC/C/2013/90 (United Kingdom), the Committee noted that communication was suspended pending the outcome of the domestic court proceedings and at that stage the Committee would decide whether to continue or close the case.

27. With regard to communication ACCC/C/2013/91 (United Kingdom), the Committee noted that the deadline of 17 May 2014 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fifth meeting.

28. In relation to communication ACCC/C/2013/92 (Germany), the Committee noted that the deadline of 17 May 2014 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fifth meeting.

29. Concerning communication ACCC/C/2013/93 (Norway), the Committee noted that the deadline of 17 May 2014 for the Party to respond had not elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-fifth meeting.

30. In relation to communication ACCC/C/2013/94 (Denmark), the Committee noted that at its forty-second meeting the communication had been suspended pending the outcome of the communicant’s ongoing court proceedings and at that stage the Committee would decide whether to continue or close the case.

31. The Committee considered the preliminary admissibility of three new communications received since its forty-second meeting (as set out below).

32. Communication ACCC/C/2013/96 (EU), submitted by the NGO European Platform Against Windfarms on 28 October 2013, alleged non-compliance with articles 4 and 7 of the Convention with respect to the adoption by the European Commission on 14 October 2013 of a list of 248 “Projects of Common Interest”, including key energy infrastructure projects the majority of which were transnational electricity projects that would benefit from faster and more efficient permit granting procedures and improved regulatory treatment. The Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Ellen Hey was designated as curator for the case.

33. With respect to the other two communications received since its forty-second meeting, the Committee agreed to defer its determinations of provisional admissibility and
to send a letter to the communicants requesting further clarification on the substance of those communications.

III. Reporting requirements

34. The secretariat informed the Committee that the recommended deadline for Parties to submit their national implementation reports for the consideration of the Meeting of the Parties at its fifth session (Maastricht, the Netherlands, 30 June–2 July 2014) was 1 December 2013, with the final deadline being 31 December 2013.

35. The secretariat informed the Committee that the former Yugoslav Republic of Macedonia remained the only Party to the Convention that had not yet submitted its implementation report for the previous reporting cycle, initially due in December 2010. In the meantime, several reminders had been sent to the Party. No formal response had been received.

36. The Committee also commenced the preparation of its own report to the Meeting of the Parties at its fifth session, following the format used in its previous report, while ensuring that any progress made by the Parties concerned during the intersessional period was properly reflected in the reports and the individual sets of findings and recommendations. In open session, the Committee invited observers to give their views on any general issues of compliance or issues regarding the Committee’s modus operandi which they considered should be addressed by the Committee in its report to the Meeting of the Parties.

IV. Follow-up on specific cases of non-compliance

A. Findings adopted since the fourth session of the Meeting of the Parties

37. The Committee reviewed progress in the implementation of the findings and recommendations it had adopted since the fourth session of the Meeting of the Parties (Chisinau, 29 June–1 July 2011).

38. Concerning communication ACCC/C/2009/44 (Belarus), the Committee had adopted its findings (ECE/MP.PP/C.1/2011/6/Add.1) at its thirty-third meeting (Chisinau, 27–28 June 2011) held back-to-back with the fourth session of the Meeting of the Parties. On the first day of the present meeting, an observer (Ecohome) made an oral statement during the open session. Taking into account the information received since its last meeting, including the letter from the Party concerned of 16 December 2013, the Committee considered the implementation of the recommendations set out in its findings on ACCC/C/2009/44, together with its preparation of its report of the implementation of decision IV/9b (see paragraph 47 below).

39. With regard to communication ACCC/C/2010/48 (Austria), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/4) at its thirty-seventh meeting (Geneva, 26–29 June 2012). At its forty-second meeting, the Committee had reviewed the progress report submitted by the Party concerned on 10 September 2013 and the communicant’s comments on that response submitted on 23 September 2013. It had also prepared the draft of its report to the fifth session of the Meeting of the Parties on the progress made by the Party concerned in implementing the recommendations contained in the Committee’s findings. The draft had then been sent to the Party concerned and the communicant on 18 November 2013 for their comments by 9 December 2013. The communicant had provided its comments on 5 December 2013, indicating that it agreed with the wording of
the draft report. The Party concerned provided its comments on 9 December 2013, identifying points for clarification in the draft report. Taking into consideration the comments submitted, the Committee adopted the report and agreed to submit it to the Meeting of the Parties.

40. Regarding communication ACCC/C/2010/50 (Czech Republic), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/11) at its thirty-seventh meeting. At its forty-second meeting, the Committee had reviewed the progress report submitted by the Party concerned on 12 September 2013 and the communicant’s comments on that response submitted on 23 September 2013. Comments had also been received from an observer, Green Circle, an association of 28 Czech environmental NGOs, on that date. Also at its forty-second meeting, the Committee had prepared the draft of its report to the fifth session of the Meeting of the Parties on the progress made by the Party concerned in implementing the recommendations contained in the Committee’s findings. The draft had then sent to the Party concerned and the communicant on 18 November 2013 for their comments by 9 December 2013. By e-mail of 5 December 2013, the Party concerned indicated that it had no comments on the draft report. No comments were received from the communicant. The Committee adopted the report and agreed to submit it to the Meeting of the Parties.

41. With respect to communication ACCC/C/2010/54 (EU), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/12 and Corr.1) at its thirty-seventh meeting. At its forty-second meeting, the Committee had reviewed the progress report submitted by the Party concerned on 1 August 2013, and the comments provided by the communicant on 22 August 2013. The Committee had also prepared the draft of its report to the fifth session of the Meeting of the Parties on the progress made by the Party concerned in implementing the recommendations contained in the Committee’s findings. The draft had then been sent to the Party concerned and the communicant for their comments on 18 November 2013. On 17 October 2013, the Party concerned had forwarded copies of the letter it had sent to Croatia dated 26 July 2013 (following its accession to the EU on 1 July 2013), along with letters sent to Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Sweden and the United Kingdom, all dated 12 September 2013. The communicant had provided comments on 6 December 2013 and the Party concerned had commented on 16 December 2013. Taking into consideration the comments submitted, the Committee adopted its report and agreed to submit it to the Meeting of the Parties for consideration at its fifth session.

42. Concerning communication ACCC/C/2011/57 (Denmark), the Committee had adopted its findings (ECE/MP.PP/C.1/2012/7) at its thirty-sixth meeting (Geneva, 27–30 March 2012). At its forty-second meeting, the Committee had reviewed the progress report submitted by the Party concerned on 16 September 2013. The Committee had also prepared the draft of its report to the fifth session of the Meeting of the Parties on the progress made by the Party concerned in implementing the recommendations contained in the Committee’s findings. The draft had then been sent to the Party concerned and the communicant on 18 November 2013 for their comments by 9 December 2013. The Party concerned had provided its comments on 6 December 2013 and, by e-mail of 18 December 2013, the communicant had indicated that it had no comments on the draft report. Taking into consideration the comments submitted, the Committee adopted the report and agreed to submit it to the Meeting of the Parties for consideration at its fifth session.

43. With regard to communication ACCC/C/2011/58 (Bulgaria), the Committee had adopted its findings (ECE/MP.PP/C.1/2013/4) at its thirty-eighth meeting (Geneva, 25–28 September 2012). At its forty-second meeting, the Committee had reviewed the progress report submitted by the Party concerned on 19 September 2013 and the communicant’s comments on that response of the same date. The Committee had also prepared the draft of its report to the fifth session of the Meeting of the Parties on the
progress made by the Party concerned in implementing the recommendations contained in the Committee’s findings. The draft was then sent to the Party concerned and the communicant on 18 November 2013 for their comments by 9 December 2013. No comments were received from either party. The Committee adopted the report and agreed to submit it to the Meeting of the Parties for consideration at its fifth session.

44. Concerning communication ACCC/C/2011/59 (Kazakhstan), the Committee had adopted its findings (ECE/MP.PP/C.1/2013/9) at its fortieth meeting (Geneva, 25–28 March 2013). Taking into account the information received on 1 November 2013, the Committee considered the implementation of the recommendations set out in those findings, together with its preparation of its report on the implementation of decision IV/9c (see paragraph 48 below).

B. Implementation of decisions IV/9 and IV/9a-i on compliance

45. The Committee reviewed progress in the implementation of decisions IV/9 and IV/9a-i adopted at the fourth session of the Meeting of the Parties (see ECE/MP.PP/2011/2/Add.1).

46. With respect to decision IV/9a (Armenia), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due six months before the fifth session of the Meeting of the Parties, i.e., by 30 December 2013, and that no new information had been received from the parties since the Committee’s forty-second meeting. The Committee continued preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9a and agreed to finalize its draft report using its electronic decision-making procedure after the deadline for the Party concerned to report had passed. It would then send the draft report to the parties for their comments, and would take any comments received into account before finalizing the report.

47. With respect to decision IV/9b (Belarus), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due six months before the fifth session of the Meeting of the Parties, i.e., by 30 December 2013. The Committee noted that, on 16 December 2013, the Party concerned had provided its responses to the questions put to it by the Committee at its forty-second meeting. An observer, Ecohome (Belarus), had also made a statement on the implementation of decision IV/9b during the open session on the first day of the present meeting. Taking into account the information received, the Committee continued preparation of its draft report to the Meeting of the Parties on the implementation of that decision and agreed to finalize its draft report using its electronic decision-making procedure after the deadline for the Party concerned to report had passed. It would then send the draft report to the parties for their comments, and would take any comments received into account before finalizing the report.

48. With respect to decision IV/9c (Kazakhstan), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision had been due in November 2013 and that the Party had submitted some additional information to the Committee on 1 November 2013. The Committee agreed to ask the secretariat to confirm whether the information received should be understood to be its November 2013 progress report. The Committee continued preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9c and agreed to finalize its draft report using its electronic decision-making procedure. It would then send the draft report to the parties for their comments and take any comments received into account before finalizing the report.
49. With respect to decision IV/9d (Republic of Moldova), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision had been due in November 2013. The Committee also noted that, on 17 December 2013, the Party concerned had provided its responses to the questions put to it by the Committee at its forty-second meeting. Taking into account the information received, the Committee continued preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of that decision and agreed to finalize its draft report using its electronic decision-making procedure. It would then send the draft report to the parties for their comments, and would take any comments received into account before finalizing the report.

50. With regard to decision IV/9e (Slovakia), a representative of the communicant had made an oral statement during the open session on the first day of the meeting. Taking into account the information received, the Committee continued preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9e and agreed to finalize its draft report using its electronic decision-making procedure. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report.

51. With respect to decision IV/9f (Spain), on 20 November 2013, the Party concerned had provided a letter from the Secretary General of the Federation of Municipalities and Provinces (FEMP) to the Secretary General of the Ministry of Agriculture, Food and the Environment dated 24 October 2013, in which FEMP stated that the Environment Commission of FEMP had at its meeting of 24 October 2013 recommended the insertion on its website and its publications of information to encourage local entities to adopt measures to harmonize the fees charged by the public authorities for providing information on urban planning and on environmental matters. On 9 December 2013, the Party concerned had sent to the Committee the final study on access to justice in Spanish and, on 11 December 2013, the Party concerned had provided the Committee with an English translation of the study. The Committee expressed its appreciation to the Party concerned for providing the report several weeks before the deadline set out in decision IV/9f, i.e., 30 December 2013, in order that it might be considered by the Committee at its current meeting. On 17 December 2013, the communicant in ACCC/C/2010/36 had provided comments on the Party concerned’s response. Taking into account the information received, the Committee continued preparation of its draft report to the Meeting of the Parties at its fifth session on the implementation of decision IV/9f and agreed to finalize its draft report using its electronic decision-making procedure. It would then send the draft report to the parties for their comments, and take any comments received into account before finalizing the report.

52. With respect to decision IV/9g (Turkmenistan), the Committee noted that, at the request of the Committee, on 12 November 2013, the ECE Executive Secretary had written to the Party concerned to inform it that, as the final date for it to report on its progress had passed and no report had been submitted, at its forty-third meeting the Committee would prepare its recommendations to the fifth session of the Meeting of the Parties and propose any appropriate measures to bring about full compliance. In his letter, the Executive Secretary had strongly encouraged the Party concerned to provide the requested information as soon as possible and no later than 30 November 2013, in order that it might be taken into account in the preparation of the Committee’s recommendations to the Meeting of the Parties. On 9 December 2013, the Party concerned had provided its report on its ongoing work to bring its national legislation into accordance with the provisions of the Aarhus Convention. While expressing its regret that the Party concerned had provided its report after the deadline of 30 November 2013, and so close to the date of the meeting that it had not been possible to obtain an official translation of the report, the Committee took note of the information received and continued preparation of its draft report to the Meeting of the Parties on the implementation of decision IV/9g. It agreed to finalize its draft report using its electronic decision-making procedure. It would then send the draft
report to the Foreign Minister of Turkmenistan and the communicant for their comments, and take any comments received into account before finalizing the report.

53. With regard to decision IV/9h (Ukraine), the Committee noted that on 13 November 2013, at the request of the Committee, an official letter had been sent by the ECE Executive Secretary to the President of Ukraine noting that, pursuant to decision IV/9h, the final deadline for the Party concerned to submit detailed information to the Committee on its progress in implementing the measures referred to in decision II/5b was November 2013. The letter had encouraged Ukraine to provide the requested information as soon as possible, and by no later than 30 November 2013, in order that it could be taken into account in the preparation of the Committee’s recommendations to the Meeting of the Parties at its fifth session. It had also stressed that confirmation that the relevant legislation bringing Ukraine into compliance with the provisions of the Convention had been passed into law would be critical to the recommendations that the Committee would make in its report. The letter had indicated that the Committee was scheduled to complete its draft recommendations to the Meeting of the Parties at its forty-third meeting. On 14 November 2013, during an informal meeting between representatives of the Party concerned and the Aarhus Convention secretariat organized at the invitation of the secretariat, the representatives of the Party concerned had informed the secretariat that in a letter dated 1 August 2013 it had provided a full response to the requests made by the Committee at its fortieth meeting. Upon being informed of the letter of 1 August 2013 during that meeting, the secretariat had checked all incoming reception points for correspondence, and had informed the Party concerned that it had not been previously received by ECE. In the letter dated 1 August 2013, hand-delivered to the secretariat on 14 November 2013, the Minister of Ecology and Natural Resources had responded to the questions set out in the letter of 2 May 2013 and also enclosed the draft law currently before the Ukrainian parliament. An NGO observer, Green Dossier, had also gave a statement on the implementation of decision IV/9h during the open session. Taking into account the information received, the Committee continued preparation of its draft report to the Meeting of the Parties on the implementation of decision IV/9h, and agreed to finalize it using its electronic decision-making procedure. It would then send the draft report to the President of Ukraine and the communicant for their comments, and take any comments received into account before finalizing the report.

54. With regard to decision IV/9i (United Kingdom), the Committee noted that the progress report by the Party concerned regarding its implementation of that decision was due six months before the fifth session of the Meeting of the Parties, i.e., by 30 December 2013, and that no new information had been received from the parties since the Committee’s forty-second meeting. The Committee continued preparation of its draft report to the Meeting of the Parties on the implementation of decision IV/9h, and agreed to finalize its draft report using its electronic decision-making procedure after the deadline for the Party concerned to report had passed. It would then send the draft report to the parties for their comments, and would take any comments received into account before finalizing the report.

V. Programme of work and calendar of meetings

55. The Committee recalled that it would hold its forty-fourth meeting from 25 to 28 March 2014, i.e., the usual four days rather than the five days envisaged in the report of its forty-second meeting. The Committee’s forty-fifth meeting would be held in Maastricht, the Netherlands, back to back with the fifth session of the Meeting of the Parties, and was provisionally scheduled to be held from 27 to 30 June 2013. The Committee’s forty-sixth, forty-seventh and forty-eighth meetings would again be held in Geneva, from 23 to 26 September and from 16 to 19 December 2014, and from 24 to 27 March 2015, respectively.
VI. Other business

56. Prior to the adoption of the agenda, Earthjustice, on behalf of European ECO Forum, objected to the procedure whereby the Compliance Committee’s general report to the Meeting of the Parties was scheduled to be discussed in closed session. Having considered Earthjustice’s objection, the Committee agreed that it was not necessary for those discussions to be held in closed session, and rearranged its timeline so that the discussions could be held in open session.

57. The Chair recalled that at the forty-second meeting the Committee had mandated the Chair, with the assistance of the secretariat, and in accordance with the Chair’s note on promoting effective compliance with the Convention (AC/WGP-16/Inf.7),2 to prepare draft terms of reference on the more systematic use of experts to promote effective compliance with the Convention on the basis of paragraph 25 of the annex to decision I/7 of the Meeting of the Parties. After discussing the issue further at its present meeting, the Committee agreed that such terms of reference were not needed at present, as the Committee had, through paragraph 25 (d) of decision I/7, the mandate to seek the services of experts to assist it in its work as appropriate, including with respect to the follow-up to decisions of the Meeting of the Parties on compliance. The Committee requested the secretariat to inform the Convention’s Bureau accordingly.

58. The secretariat presented the second draft of the interactive graphics it had prepared to inform the public, in a simple visual manner, about the work of the Committee to date. The second draft had been prepared in the light of the comments received on the first draft from the Committee and observers at the forty-second meeting. The secretariat invited further comments electronically by 3 January 2013, after which the final draft would be prepared and circulated to Committee members and the observers present for any further reactions within two weeks. Once finalized, the graphics would be posted on the website and also disseminated through various media.

59. The Chair reported that he had recently sent an invitation to the chairs of the implementation/compliance mechanisms of the other ECE multilateral environmental agreements to invite them to participate in the second meeting of the informal network of the chairs of those mechanisms. The second meeting would take place on 24 March 2013, back to back with the forty-fourth meeting of the Committee.

60. The secretariat informed the Committee that, beginning with the Committee’s thirty-eighth meeting, the journal Environmental Policy and Law had been publishing short articles reporting the major outcomes of the Committee’s meetings. The articles were being prepared by a consultant to the journal, in consultation with the secretariat.

61. The Chair informed the Committee that, in consultation with the secretariat, it was proposed to henceforth post any informal documents not pertaining to specific cases that might be prepared by the secretariat or submitted by observers for the consideration of the Committee on the Convention’s webpage for the relevant meeting. In that way, interested Parties and observers would also be able to review such documents in advance of the meeting.

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2 The note was discussed at the Committee’s fortieth meeting (ECE/MP.PP/C.1/2013/2, para. 62), and subsequently presented to the Working Group of the Parties at its sixteenth meeting (Geneva, 19–21 June 2013). The Chair’s note is available from http://www.unece.org/env/pp/aarhus/wgp16.html.
VII. Adoption of the report and closure of the meeting

62. The Committee adopted the report of the meeting. The Chair then officially closed the forty-third meeting.