“Annotated provisional agenda”

- Committee members
- Committee figures
- Committee integrity
- Nature of non-compliance
- Issues highlighted in the Committee report
  - Access to justice
  - Public participation
  - Access to justice
- Implementation of MOP decisions
- Future Committee challenges
Compliance Committee members

- Pavel Černý (Czech Republic)
- Ion Diaconu (Romania)
- Jonas Ebbesson (Sweden)
- Heghine Hakhverdyan (Armenia)
- Ellen Hey (Netherlands)
- Jerzy Jendroska (Poland)
- Alexander Kodjabashev (Bulgaria)
- Svitlana Kravchenko (– February 2012) (Ukraine)
- Gerhard Loibl (Austria)
- Dana Zhandaeva (March 2012 –) (Kazakhstan)
Compliance Committee figures

- 12 meetings since MOP4 (Chisinau); each meeting 4 days
- 40 communications during current reporting period
  (98 communications in all, 35 previous reporting period)
- 10 communications inadmissible
- 3 communications closed without findings
- 14 cases with findings of non-compliance
- No backlog of cases
- 9 follow-ups of MOP decisions (WGP: 14 coming period)
Integrity of Compliance Committee

- Non-confrontational, non-judicial and consultative
- Committee members shall “serve in their personal capacity”
- Committee members shall be persons of “high moral character and recognized competence”
- Settled practice: Committee members shall be independent; no member is part of government while in the Committee
- Settled practice: Committee members shall continuously consider possible conflicts of interest
- So far, all findings of non-compliance endorsed by MOP
- That is: a unique compliance mechanism
Nature of non-compliance

• **General failure** by a Party to take the necessary legislative, regulatory and other measures to implement the Convention

• **Failure of legislation**, regulations, other measures or jurisprudence to meet specific Convention requirements

• **Specific events, acts, omissions or situations** demonstrating a failure by public authorities or courts to comply with or enforce the Convention
Issues in Report: Access to information

- Material in the course of completion
- Raw data
- Internal communications
Issues in Report: Public participation

- Outcomes of EIA screening processes as determinations under Art 6(1b)
- Early public participation when all options are open
- The role of private actors/developers in public participation procedures
- Closed group consultations and public participation
Issues in Report: Access to justice

- Access to justice and tiered decision-making
- Access to justice regarding EIA screening decisions and determinations under Art 6(1b)
- Standing criteria under Art 9(2)
- Standing criteria under Art 9(3)
Implementation of MOP decisions

- Increasing number of Parties found in non-compliance
- How ensure *proper reviews* of implementation?
- Information gathering; cf. Decision I/7 para. 25
- Information from Party concerned, communicants and observers; in writing at meetings, via video- and audio-links
- Other means (e.g. missions)?
- How ensure *adequate implementation* between MOPs?
- ACCC and MOP should consider improvements
Future Committee challenges

- Increasing attention e.g. to:
  - Transboundary public participation
  - Private actors with public functions and responsibilities
  - Public participation and informal procedures for decision-making
- Effective review of communications
- Effective review of MOP decisions
- Adequate support from secretariat
- Positive working relation with Parties, communicants and observers (not least NGOs)
- Integrity and due process
Thanks to:

Committee members – for commitment and creativity
Secretariat – for enthusiastic and crucial support
Observers – for keeping an eye on the Committee
Parties – for keeping the Committee busy
Communicants – for keeping the Committee busy
MOP5 – for attention