



**Aarhus Convention:
22th Working Group of the Parties (WGP22)
(Geneva, 19-21 June 2018)**

Contribution by the EU and its Member States

Agenda item 4(a): Compliance mechanism

The EU and its Member States would like to thank the Compliance Committee (herein after – ‘the Committee’) for the preparation of the reports on its meetings and the hard work done after the Sixth session of the Meeting of the Parties to the Aarhus Convention (MoP).

We welcome and appreciate the Committee’s continued engagement on the use of domestic remedies and audio and video conferencing in view that the workload of both the Secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the last years and is expected to increase further. We encourage the UNECE to provide the necessary equipment which would allow further use of audio and video conferencing by the Committee.

We welcome that the fourth version of the Guide on Compliance has new provisions on applying the criterion of the *de minimis* threshold by the Committee when determining preliminary admissibility and on commencing deliberations by the Committee on a case without holding a hearing. We believe that these developments could further improve the effectiveness of the proceedings of the Committee.

With regard the further work on drafting the Guide on Compliance we reiterate our suggestions made at the Sixth session of the MoP, namely:

- The deadline for distribution of draft decisions on compliance before MoP to be extended to at least 3 months.
- Only cases concluded at least 6 months before a MoP to be included in the Committee’s report.
- Audio conferencing, web conferencing and video conferencing to be used for the hearing of a communication or submission.



Furthermore, taking into account the time needed for implementing internal formal consultation procedures with regard the compliance, we propose some of the deadlines for Parties to react in the different stages of the compliance procedure to be determined as follows:

- at least 6 weeks for informing the Party concerned that a communication concerning its compliance will be considered as to its preliminary admissibility at the next meeting of the Committee;
- at least 3 months for written comments by the Party to new submissions by the Communicant in the framework of a pending compliance case, to additional questions by the Committee or in reaction to draft findings of the Committee.

In order the procedure for election of Committee's members to be alleviated and made more transparent, we suggest the existing criteria for selecting members for the Committee to be outlined in more detail, as well as a template for nominating a candidate to be established.

Compliance cases concerning individual Parties to the Aarhus Convention have so far been grouped in a single draft decision to be submitted to the MoP. In this regard we suggest separating the compliance cases in individual decisions, upon request by a Party and by way of exception, in order to avoid any problems with the internal handling of cases that could arise.
