Summary

The present note on the membership 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 prepared pursuant to decisions I/7 (ECE/MP.PP/2/Add.8, annex, para. 9) and II/5 (ECE/MP.PP/2005/2/Add.6, para. 12) of the Meeting of the Parties to the Convention, and further to the election of the members of the Compliance Committee at the sixth session of the Meeting of the Parties in 2017 (ECE/MP.PP/2017/2, para. 66). It was prepared by the secretariat for the information of the Working Group of the Parties so as to facilitate the election of the members of the Compliance Committee at the seventh session of the Meeting of the Parties, which is expected to take place in October 2021.

The note is accompanied by two annexes: annex I presents a table showing the situation of the members of the Committee; annex II contains excerpts from all the relevant decisions and reports of the Meeting of the Parties, the Working Group of the Parties, the Convention Bureau and the Compliance Committee on this subject.
Introduction

1. At its seventh session, expected to take place in October 2021, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) will have to consider the composition of its Compliance Committee. The main rules of procedure are set out in decision I/7 of the Meeting of the Parties (see especially, decision I/7, annex, para. 9), as amended by decision II/5. Accordingly, “a full term of office commences at the end of an ordinary meeting of the Parties and runs until the second ordinary meeting of the Parties” (for example, a full term of office runs from the first session of the Meeting of the Parties until the end of its third session, or from its fifth session until the end of its seventh session, etc.) and “outgoing members may be re-elected once for a further term of office, unless in a given case the Meeting of the Parties decides otherwise”.

2. A full term of office commences at the end of an ordinary session of the Meeting of the Parties and runs until the second session of the Meeting of the Parties thereafter. However, at the first session of the Meeting of the Parties it was decided that the first full term of office for half the members of the Committee (i.e., for four out of eight members at the time), would run until the second session of the Meeting of the Parties.

3. Attention should be drawn to the possibility for the Meeting of the Parties to elect, for a third term of office, a member who has already been re-elected once if, in a given case, the Parties so decide (see decision I/7, annex, para. 9, third sentence). The provision that “outgoing members may be re-elected once for a further full term of office, unless in a given case the Meeting of the Parties decides otherwise” prevents the re-election of a member who has already served two terms, unless the Meeting of the Parties specifically “decides otherwise”. For example, the Parties can decide to re-elect a member for a further third full term of office in view of the fact that the member joined the Committee part way through the term of the member he or she replaced. Decision I/7 does not further elaborate on any criteria that would direct the Parties on the use of this provision. Therefore, what constitutes a “given case” should not be employed in an arbitrary and excessive manner that would result in the continuous re-election of the same Committee members with no new members elected to rejuvenate the composition of the Committee. Such situations should, rather, be evaluated on a case-by-case basis.

I. Situation of the members of the Compliance Committee at the seventh session of the Meeting of the Parties

4. The first full term of office of Ms. Fruzsina Bögös (Hungary), Mr. Marc Clément (France), Mr. Peter Oliver (United Kingdom of Great Britain and Northern Ireland) and Mr. Dmytro Skrylnikov (Ukraine), who were each elected at the sixth session of the Meeting of the Parties, runs until the eighth session.

5. The second full term of office of Ms. Heghine Grigoryan, née Hakhverdyan, (Armenia) runs until the eighth session of the Meeting of the Parties.

6. Mr. Jerzy Jendrośka (Poland) was elected according to paragraph 10 of the annex to decision I/7 to serve the remainder of the second term of former member, Ms. Eva Kružíková

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1 This provision from the decision of the Meeting of the Parties, as well as excerpts of other relevant decisions and relevant provisions from reports of the subsidiary bodies on this subject, are reproduced in annex II to the present report.

2 Through decision II/5, the number of the Committee members was increased to nine with effect from the third session of the Meeting of the Parties.
(Czech Republic), i.e., from 21 May 2006 until the fourth session of the Meeting of the Parties, at which point he was re-elected for another term of office until the sixth session. Mr. Jendroška was re-elected at the sixth session to serve a second full term of office until the eighth session.

7. Ms. Áine Ryall (Ireland) was elected according to paragraph 10 of the annex to decision I/7 to serve the remainder of the term of Ms. Dana Zhandayeva (Kazakhstan), i.e., from 3 July 2015 until the seventh session of the Meeting of the Parties. She may be re-elected at the seventh session of the Meeting of the Parties for another term of office, i.e., until the ninth session of the Meeting of the Parties. Ms. Ryall should be replaced at the ninth session, unless the Meeting of the Parties decides otherwise (see para. 3 above).

8. The second full term of office of Mr. Alexander Kodjabashev (Bulgaria) ends at the seventh session of the Meeting of the Parties. Mr. Kodjabashev should be replaced at the seventh session, unless the Meeting of the Parties decides otherwise (see para. 3 above).

9. Mr. Jonas Ebbesson (Sweden) will have completed a second full term of office at the seventh session of the Meeting of the Parties. Mr. Ebbesson was elected at the second session of the Meeting of the Parties, halfway through the full term of office of Ms. Elizabeth France (United Kingdom of Great Britain and Northern Ireland), whose term was due to end at the third session; he was subsequently re-elected at the third session to serve until the fifth session. Mr. Ebbesson was re-elected at the fifth session to serve a second full term of office until the seventh session. Mr. Ebbesson should be replaced at the seventh session, unless the Meeting of the Parties decides otherwise (see para. 3 above).

II. Nominations for the election of new members at the seventh session of the Meeting of the Parties

10. Nominations for three members, all of whom may be re-elected (see paras. 7–9 above), may be submitted by Parties, signatories and non-governmental organizations falling within article 10 (5) of the Convention and promoting environmental protection. Nominations should be sent to the secretariat in at least one of the official languages of the Convention (i.e., English, French or Russian) not later than 26 July 2021 if the seventh session of the Meeting of the Parties opens on 18 October 2021. Each nomination shall include the curriculum vitae of the candidate (not exceeding 600 words) and may include supporting material. According to rule 10 of the rules of procedure (ECE/MP.PP/2/Add.2, annex), the secretariat will distribute the nominations and the curricula vitae with the supporting material, if any, to the Parties (national focal points) and to the other States, organizations and bodies, referred to in rule 6 of the rules of procedure, at least six weeks before the opening of the meeting. The Meeting of the Parties elects the members by consensus or, failing consensus, by secret ballot. The Committee elects its own Chair and Vice-Chair(s) at its next meeting following the session of the Meeting of the Parties.

11. The Committee may not include more than one national of the same State, and in the election of the Committee consideration should be given to the equitable geographical distribution of its membership and diversity of experience.

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3 I.e. the date of the adoption of the report of the Compliance Committee on its thirty-sixth meeting (Geneva, 27–30 March 2012) approving the Bureau’s appointment of Ms. Zhandayeva by the Bureau as Ms. Kravchenko passed away on 10 February 2012 (see ECE/MP.PP/C.1/2012/2 and Corr.1, paras. 6 and 7).
4 See procedure for the nomination of candidates for the Committee set out in paragraph 5 of the annex to decision I/7.
5 See also the report of the third session of the Meeting of the Parties (ECE/MP.PP/2008/2, para. 52).
III. Situation of the members of the Compliance Committee at the seventh session of the Meeting of the Parties

12. By the seventh session of the Meeting of the Parties, Ms. Ryall will have completed her first term of office, i.e., from 3 July 2015 until the seventh session, and may be re-elected at the seventh session to serve until the ninth session.

13. In addition, Mr. Kodjabashev and Mr. Ebbesson will have completed a second full term of office by the seventh session and should be replaced, unless the Meeting of the Parties decides otherwise (see para. 3 above).

14. The terms of office of the six remaining members elected or re-elected at the sixth session will end at the eighth session.
## Annex I

### Situation of the members of the Compliance Committee

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- **VK re-elected (through MOP-2)**
- **SK elected (through MOP-3)**
- **MB re-elected (through MOP-4)**
- **EF elected (through MOP-3)**
- **JE elected** with effect from end of MOP-2, for remainder of the term (through MOP-3)
- **ID elected** (through MOP-6)
- **DZ re-elected** (through MOP-7)
- **JE re-elected** (through MOP-5)
- **JE re-elected** (through MOP-7)
- **JE re-elected** (through MOP-7)
- **JE re-elected** (through MOP-7)
- **JE re-elected** (through MOP-7)
- **MC elected** (through MOP-8)
- **Possibility of re-election of MC (through MOP-10)**
- **Possibility of re-election of AR (through MOP-9)**
- **Possibility of re-election of HG (through MOP-10) on the basis of decision I/7, annex, para. 9**
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Abbreviations: AK, Alexander Kodjabashev; AM, Alistair McGlone; AR, Áine Ryall; DS, Dmytro Skrylnikov; DZ, Dana Zhandayeva; EF*, Elena Fasoli; EF, Elizabeth France; EH, Ellen Hey; EK, Eva Kružíková; FB, Fruszina Böögös; GL, Gerhard Loibl; HG, Heghine Grigoryan; ID, Ion Diaconu; JE, Jonas Ebbesson; JJ, Jerzy Jendroška; LM, Laurent Mermet; MB, Merab Barbakadze; MC, Marc Clément; MOP, Meeting of the Parties; PC, Pavel Černý; PO, Peter Oliver; SF, Sándor Fülöp; SK, Svitlana Kravchenko; VK, Veit Koester; VN, Vadim Ni.

Note: Sessions of the MOP are indicated by placing the numeral for the session after “MOP-.” For example, MOP-1 stands for the first session of the Meeting of the Parties.
Annex II

Decisions of the Meeting of the Parties and relevant reports

Decision I/7\(^a\) (2002), annex, paragraphs 9 and 10

“9. The Meeting of the Parties shall, as soon as practicable, elect four members to the Committee to serve until the end of the next ordinary meeting and four members to serve a full term of office. At each ordinary meeting thereafter, the Meeting of the Parties shall elect four members for a full term of office. Outgoing members may be re-elected once for a further full term of office, unless in a given case the Meeting of the Parties decides otherwise (emphasis added). A full term of office commences at the end of an ordinary meeting of the Parties and runs until the second ordinary meeting of the Parties thereafter. The Committee shall elect its own Chairperson and Vice-Chairperson.

10. If a member of the Committee can no longer perform his or her duties as member of the Committee for any reason, the Bureau of the Meeting of the Parties shall appoint another member fulfilling the criteria in this chapter to serve the remainder of the term, subject to the approval of the Committee.”

Decision II/5\(^b\) (2005), paragraph 12

“The Meeting,

…

12. Agrees that, in light of the steady increase of the number of Parties, the number of members of the Committee shall be increased to nine, with effect from the third ordinary meeting of the Parties, where five members shall be elected for a full term.”

Report of the first session of the Meeting of the Parties (Lucca, Italy, 21–23 October 2002),\(^c\) paragraphs 49 and 50

“49. The consultation process was completed successfully and the Meeting elected the following candidates to the Compliance Committee by consensus to serve until the end of the next ordinary meeting: Mr. Vadim Nee (Kazakhstan), Mr. Merab Barbakadze (Georgia), Ms. Eva Kružíková (Czech Republic) and Mr. Veit Koester (Denmark). The following candidates were elected by consensus to serve on the Committee until the end of the third ordinary meeting of the Parties: Mr. Laurent Mermet (France), Ms. Elizabeth France (United Kingdom), Mr. Sándor Fülöp (Hungary) and Ms. Svitlana Kravchenko (Ukraine).

50. The Meeting considered that the geographical distribution reflected in this selection of candidates should not set a precedent for future elections.”

Report of the ninth meeting of the Bureau of the Meeting of the Parties (Almaty, Kazakhstan, 22 May 2005),\(^d\) section 2

“2. Replacement of two Compliance Committee members

The Bureau discussed the composition of the Compliance Committee in light of the information that two members of the Committee, Ms. Elizabeth France (United

\(^a\) ECE/MP.PP/2/Add.8.

\(^b\) ECE/MP.PP/2005/2/Add.6.

\(^c\) ECE/MP.PP/2.

\(^d\) The report is available at www.unece.org/env/pp/bureau.html.
Kingdom) and Mr. Laurent Mermet (France), elected at the first meeting of the Parties for a term of office expiring at the end of the third meeting of the Parties, had given notice that they would be resigning prematurely with effect from the end of the second meeting of the Parties. The Bureau noted that Mr. Jonas Ebbesson, a national of Sweden, and Mr. Gerhard Loibl, a national of Austria, had been nominated by the Netherlands on behalf of the European Union, and in the case of Mr. Loibl, also by Austria, to replace Ms. France and Mr. Mermet for the remainder of their respective terms, i.e. until the end of the third ordinary meeting of the Parties. Exercising its powers under paragraph 10 of the annex to decision I/7, the Bureau agreed to proceed with the substitutions as proposed, subject to the approval of the Compliance Committee.”

Report of the second session of the Meeting of the Parties (Almaty, Kazakhstan, 25–27 May 2005), paragraphs 52 and 53

“52. The Chairman informed the Meeting about the substitution of two Committee members who had given notice of their resignation. In accordance with the procedure stipulated in paragraph 10 of the annex to decision I/7, the Bureau, with the approval of the Compliance Committee, had appointed Mr. Jonas Ebbesson (Sweden) and Mr. Gerhard Loibl (Austria) to replace Ms. Elizabeth France (United Kingdom) and Mr. Laurent Mermet (France), with effect from the end of the second meeting of the Parties, for the remainder of their terms, i.e. until the end of the third ordinary meeting of the Parties.

53. The Meeting re-elected the following members of the Committee by consensus in accordance with the procedure set out in decision I/7 to serve until the end of the fourth meeting of the Parties: Mr. Merab Barbakadze (Georgia), Mr. Veit Koester (Denmark), Ms. Eva Kruzikova (Czech Republic) and Mr. Vadim Ni (Kazakhstan).”

Report of the eleventh meeting of the Bureau of the Parties (Geneva, 4 April 2006), section V

“V. Compliance mechanism

The Bureau took note of the forthcoming vacancy in the Compliance Committee, due to the stepping down of Ms. Eva Kruzikova (Czech Republic) as a result of her appointment to a position in the Czech Environment Ministry, having regard to the requirement that members of the Committee serve in their personal capacities and should be independent. Prior to the meeting, the Bureau had agreed following email consultation to invite nominations for candidates from Parties, Signatories and NGOs fitting the description in paragraph 4 of the annex to decision I/7 (ECE/MP.PP/2/Add.8). The Government of Poland had nominated Mr. Jerzy Jendroska. No other nominations had been received. The Bureau accepted the nomination of Mr. Jerzy Jendroska for the vacant position by consensus of all those present, with the understanding that the Bureau’s decision would be subject to approval by the Compliance Committee itself, in accordance with paragraph 10 of the annex to decision I/7. The Bureau was informed that, should this nomination be approved by the Compliance Committee, Mr. Jendroska would step down from his position as Vice-Chairperson and member of the Bureau and would not represent the Government of Poland in any of the Convention’s bodies.

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The Committee confirmed its support for the proposed substitution at its eighth meeting (Almaty, Kazakhstan, 22–24 May 2005).

1 ECE/MP.PP/2005/2.

Mr. Jendroska was not present during the discussion on this agenda item.”

Report of the sixth meeting of the Working Group of the Parties (Geneva, 5–7 April 2006),\(^b\) paragraph 55

“55. The Chairperson recalled that the secretariat had circulated a letter to the national focal points and other contact points on 1 March 2006 notifying them that one of the members of the Compliance Committee, Ms. Eva Kruzikova, had recently accepted a position in the Ministry of Environment of the Czech Republic and, mindful of the fact that Committee members are required to serve in their personal capacities and should be independent, had given notice of her intention to stand down from the Committee. The procedure for replacing a Committee member who resigns mid-term is governed by paragraph 10 of the annex to decision I/7, which mandates the Bureau to appoint a new member for the remainder of the term of the outgoing member, subject to the approval of the Committee. The Bureau, although not strictly required to do so under paragraph 10, had invited nominations for candidates from Parties, Signatories and NGOs fitting the description in paragraph 4 of the annex to decision I/7. The nomination of Mr. Jerzy Jendroska, a national of Poland, had been received from the Government of Poland. The Bureau at its meeting on 4 April 2006 had approved Mr. Jendroska’s candidature and requested the secretariat to communicate this to the Compliance Committee for approval. The Committee at its twelfth meeting (on 29–31 March 2006) had agreed to consider approval of any candidate proposed by the Bureau through its electronic decision-making procedure with a view to effecting the substitution before its next meeting. In making the nomination, the Government of Poland had indicated that, should Mr. Jendroska be appointed to the Committee, he would cease to represent Poland in any subsidiary bodies of the Convention, and a replacement for him would be provided to the Bureau.”

Report of the twelfth meeting of the Compliance Committee (Geneva, 14–16 June 2006),\(^i\) paragraph 2

“2. The Chairperson, Mr. Veit Koester, opened the meeting. He welcomed Mr. Jerzy Jendroska, a national of Poland, to the Committee. The Bureau, with the approval of the Committee, had appointed Mr. Jendroska to fill the vacant seat left by Ms. Kruzikova, according to the procedure set out in paragraph 10 of the annex to decision I/7. The substitution had taken effect as of 21 May 2006.”

Report of the third session of the Meeting of the Parties (Riga, 11–13 June 2008), paragraphs 50–53

“50. The Meeting of the Parties then turned to the question of the election of new Compliance Committee members to replace four members whose term had expired. Taking into account decision II/5, through which it had been decided to expand the membership of the Committee to nine, the Meeting was expected to elect five members of the Committee in accordance with the procedure set out in decision I/7. Thirteen nominees had originally been proposed and delegations had been encouraged to conduct consultations with a view to reaching a consensus on five candidates in the course of the tenth meeting of the Working Group of the Parties.

51. The consultation process was completed successfully and the Meeting of the Parties re-elected Mr. Jonas Ebbesson (Sweden), Ms. Svitlana Kravchenko (Ukraine) and Mr. Gerhard Loibl (Austria) and elected Ms. Ellen Hey (Netherlands) and Mr.

\(^{b}\) ECE/MP.PP/WG.1/2006/2.
\(^{i}\) ECE/MP.PP/C.1/2006/4.
\(^{j}\) ECE/MP.PP/2008/2.
Alexander Kodjabashev (Bulgaria) by consensus to serve until the end of the fifth ordinary meeting.

52. The Meeting considered that the geographical distribution reflected in this selection of candidates should not set a precedent for future elections.

53. The Meeting thanked the Compliance Committee for its work, and in particular the outgoing member of the Committee, Mr. Sandor Fülöp.”

Report of the fourth session of the Meeting of the Parties (Chisinau, 29 June–1 July 2011), paragraph 28

“28. The Meeting of the Parties elected by consensus the following three new members of the Compliance Committee: Mr. Pavel Černý, nominated by the European ECO Forum; Mr. Ion Diaconu, nominated by the EU and its member States; and Ms. Heghine Hakhverdyan, nominated by the Government of Armenia. It also re-elected by consensus Mr. Jerzy Jendroska, nominated by the EU and its member States, to serve for another term of office.”

Report of the twenty-eighth meeting of the Bureau of the Parties (Geneva, 28 February 2012), section IV (a), paragraph 6

“6. In order to maintain the balanced geographic distribution of membership, the Bureau agreed to consider nominations submitted for election at the last session of the Meeting of the Parties from the subregion of Eastern Europe, Caucasus and Central Asia. In addition to criteria set out in the annex to Decision I/7 ... (e.g. person of high moral character and recognized competence in the fields to which the Convention relates), the Bureau also considered such criteria as knowledge of Russian language and gender balance. After reviewing the nominations submitted to the last session of the Meeting of the Parties the Bureau decided to appoint Ms. Dana Zhandayeva (Kazakhstan) as a new member of the Compliance Committee. In accordance with the procedure set out in the annex to Decision I/7 the Compliance Committee was expected to approve the appointment of Ms. Zhandayeva at its next meeting on 27-30 March 2012.”

Report of the thirty-sixth meeting of the Compliance Committee (Geneva, 27–30 March 2012), paragraphs 6 and 7

“6. The secretariat informed the Committee that, at its twenty-eighth meeting (Geneva, 28 February 2012), the Bureau of the Meeting of the Parties to the Convention, in accordance with the procedure set out in the annex to decision I/7 of the Meeting of the Parties, had proceeded with the appointment of a new member to serve the remainder of Ms. Kravchenko’s term. In order to maintain the balanced geographic distribution of membership, the Bureau had agreed to consider nominations submitted for election at the previous session of the Meeting of the Parties from the subregion of Eastern Europe, the Caucasus and Central Asia. In addition to the criteria set out in decision I/7 (e.g., that the candidate be a person of high moral character and have recognized competence in the fields to which the Convention related), the Bureau had also considered such criteria as knowledge of the Russian language and gender balance. After reviewing the nominations submitted to the previous session of the Meeting of the Parties, the Bureau had decided to appoint Ms. Dana Zhandayeva (Kazakhstan) as a new member of the Compliance Committee.

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k ECE/MP.PP/2011/2.


m ECE/MP.PP/C.1/2012/2.
7. According to paragraph 10 of decision I/7, the Compliance Committee considered the decision of the Bureau and agreed to approve the appointment of the new member.”

Report of the fifteenth meeting of the Working Group of the Parties (Geneva, 3–5 September 2012), paragraph 26

“26. The secretariat reported on the appointment of Ms. Dana Zhandayeva as a new member of the Compliance Committee to serve the remainder of Ms. Kravtchenko’s term. The secretariat explained that Ms. Zhandayeva would be eligible for renomination and re-election for another full term until the seventh session of the Meeting of the Parties.”

Report of the fifth session of the Meeting of the Parties (Maastricht, Netherlands, 30 June and 1 July 2014), paragraph 35

“35. The Meeting of the Parties re-elected by consensus the following members of the Compliance Committee: Mr. Jonas Ebbesson (nominated by Sweden); Mr. Alexander Kodzhabashev (nominated by the NGO BlueLink.net/Blue Link Foundation); and Ms. Dana Zhandayeva (nominated by Civil Society Development Organization (ARGO) and the European ECO Forum). It elected by consensus Ms. Elena Fasoli (nominated by Italy) and Mr. Alistair McGlone (nominated by United Kingdom and Ireland) as new members of the Compliance Committee.”

Report of the thirty-sixth meeting of the Bureau of the Parties (Geneva, 19 June 2015), paragraph 4

“4. The secretariat informed the Bureau that Ms. Dana Zhandayeva, current member of the Compliance Committee, decided to leave the Committee for private reasons. Following this unforeseen resignation and given the Committee’s high workload, the Bureau agreed that a new member should be appointed without any delay. The Bureau therefore decided to consider recent nominations submitted for election at the last session of the Meeting of the Parties. In addition to criteria set out in the annex to Decision I/7, the Bureau also considered such criteria as gender balance. After reviewing the above nominations, the Bureau, pursuant to paragraph 10 of the annex to Decision I/7, appointed Ms. Áine Ryall (Ireland), as a new member of the Committee. The Committee was expected to approve the appointment of Ms. Ryall at its forty-ninth meeting on 30 June–3 July 2015.”

Report of the forty-ninth meeting of the Compliance Committee (Geneva, 30 June–3 July 2015), paragraph 67

“67. Ms. Zhandayeva informed the Committee that on 19 May 2015 she had notified the Chair and the secretariat that she would resign her membership in the Committee at the end of the forty-ninth meeting. The secretariat informed the Committee that the Bureau had appointed Ms. Áine Ryall as the member to replace Ms. Zhandayeva for the remainder of Ms. Zhandayeva’s term. After inviting Parties and observers present and participating by audioconference in the session for their views, the Committee considered Ms. Ryall’s appointment in closed session and approved her appointment to the Committee.”

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*a* ECE/MP.PP/WG.1/2012/2.

*b* ECE/MP.PP/2014/2.


*q* ECE/MP.PP/C.1/2015/5.
Report of the sixth session of the Meeting of the Parties (Budva, Montenegro, 11–13 September, 2017), paragraph 66

“66. The Meeting of the Parties re-elected by consensus Ms. Heghine Hakhverdyan (Armenia), nominated by Armenia, and Mr. Jerzy Jendrośka (Poland), nominated by Georgia as members of the Compliance Committee. It also elected by consensus the following new members of the Compliance Committee: Ms. Fruzsina Bögös (Hungary), nominated by Hungary; Mr. Marc Clément (France), nominated by France; Mr. Peter Oliver (United Kingdom), nominated by the European Union; and Mr. Dmytro Skrylnikov (Ukraine), nominated by Ukraine.”