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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

REPORT OF THE SECOND MEETING OF THE PARTIES

Addendum

DECISION II/5

GENERAL ISSUES OF COMPLIANCE

adopted at the second meeting of the Parties
held in Almaty, Kazakhstan, on 25-27 May 2005

The Meeting,

Having regard to decision I/7 on the review of compliance and in particular to paragraph 37 of the annex thereto,

Welcoming the progress made by the Compliance Committee in establishing its procedures as well as in addressing specific issues of compliance,

Taking note with appreciation of the report of the Committee (ECE/MP.PP/2005/13) and the addenda thereof,

Noting that findings concerning specific Parties found to be in non-compliance are dealt with in decisions II/5a, b and c;

1. Undertakes to review the implementation of the measures with respect to specific Parties referred to in decisions II/5a, b and c at its third ordinary meeting, as well as the more general recommendations contained in the following paragraphs, and with this in mind, requests

the Committee to examine these matters in advance of that meeting and to describe the progress made in its report;

2. Requests the secretariat or, as appropriate, the Compliance Committee, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Parties concerned as necessary in the implementation of the measures referred to in decisions II/5a, b and c;

3. Takes note of the conclusions by the Committee concerning compliance by Hungary with its obligations under the Convention (ECE/MP.PP/2005/13/Add.4) and, in particular, that Hungary was in compliance with its obligations under articles 6 and 9 of the Convention;

4. Recommends, on the basis of the information derived from the reporting by Parties on their implementation of the Convention and the findings and recommendations of the Committee (ECE/MP.PP/2005/13, paras. 36-38), that Parties should keep under review their legal and institutional frameworks as well as their practical experience with implementing various provisions of the Convention, taking into account their obligations under article 3, paragraph 1;

Working methods of the Committee

5. Welcomes the way in which the Committee has been working and the procedures that it has developed, as reflected in the reports of its meetings;

6. Recognizes the need for clear information for the public on the compliance mechanism and therefore welcomes the Committee's intention to prepare a publication on its modus operandi;

Cooperation of Parties

7. Notes with regret that none of the Parties whose compliance was the subject of a communication or a submission provided comments or feedback to the Committee within the deadlines set out in the relevant provisions of decision I/7 and that some even failed to enter into any substantive engagement with the process at all;

8. Urges consequently all Parties to respect the agreed process and observe these deadlines in the future;

Awareness-raising

9. Takes note of the Committee's observations with regard to the need to raise awareness among the judiciary and public authorities other than environment ministries of the relevant obligations under the Convention and encourages Parties to take the necessary measures to that effect;

Resources

10. Also takes note of the information contained in the national implementation reports and the conclusions of the Compliance Committee (ECE/MP.PP/2005/13, para. 42) indicating that a lack of resources sometimes affects the implementation of and compliance with the Convention's requirements, and invites all Parties and other interested States and organizations in a position to do so to provide countries with economies in transition with financial and technical assistance in the form of capacity-building aimed at improving implementation and compliance in such cases;

11. Notes the significant workload for both the secretariat and the Committee associated with servicing the compliance mechanism and in particular the processing of communications from the public, and urges that sufficient resources should be made available to enable the mechanism to function effectively; and

12. Agrees that, in the light of the steady increase in 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.