

**From:** ECE-Aarhus-Compliance  
**Sent:** 06 February 2020  
**To:** Ana Barreira  
**Cc:** Robert Konrad; Zsuzsanna Belenyessy  
**Subject:** ACCC/C/2014/121 (EU) - regarding extension of deadline for comments on draft findings

Dear Ms. Barreira,

I write in reply to your letter of 20 January 2020 regarding the extension of the deadline for comments on the Committee's draft findings on communication ACCC/C/2014/121 (EU) from 20 January to 17 February 2020.

As the Chair made clear in his presentation to the twenty-second session of the Working Group of the Parties (19-21 June 2018), while the Committee has developed standard deadlines in order to ensure the efficient management of its caseload (for example, six weeks for parties to comment on draft findings), the Committee will, when it can, grant reasonable requests for extensions by either party.

In this regard, a request for an extension of a Committee deadline by either party is a procedural matter for the Chair to decide in his role to manage the Committee's caseload. It is not a matter for parties to engage in the exchange of comments upon.

In accordance with due process, if an extension is granted to one party, the Committee will always grant the same extension to the other party also. In this case, the Party concerned submitted its request for an extension on 17 January. That same day, IIDMA submitted its comments on the draft findings. In order to ensure due process, should IIDMA wish to augment its comments, it is welcome to do so by 17 February.

With respect to your concern that the fact that IIDMA has already sent its comments will enable the Party concerned to analyse and comment upon them, I would like to clarify for the benefit of both the communicant and the Party concerned that the purpose of commenting on draft findings is to point out any factual or legal errors in the Committee's draft findings. It is not an opportunity for either party to reiterate their earlier legal submissions, to introduce new ones or to engage in an exchange of legal arguments. The time for legal submissions has passed. In this regard, I draw your attention to paragraph 201 of the Guide to the Compliance Committee:  
[https://www.unece.org/fileadmin/DAM/env/pp/compliance/CC\\_Guidance/Guide\\_to\\_the\\_Aarhus\\_Convention\\_Compliance\\_Committee\\_2019.pdf](https://www.unece.org/fileadmin/DAM/env/pp/compliance/CC_Guidance/Guide_to_the_Aarhus_Convention_Compliance_Committee_2019.pdf)

Thus to be clear: Comments on the draft findings and recommendations should not include information that could have been provided at an earlier stage of the process; such information will not be able to be taken into account. This rule applies equally to comments submitted by the Party concerned and the communicant.

I hope the above explanation is of assistance. Should you have any questions, do not hesitate to contact the secretariat.

Kind regards,  
Fiona



Fiona Marshall  
Environmental Affairs Officer – Secretary to the Compliance Committee  
Aarhus Convention secretariat  
United Nations Economic Commission for Europe

Email: [aarhus.compliance@un.org](mailto:aarhus.compliance@un.org)  
Website: [www.unece.org/env/pp/welcome.html](http://www.unece.org/env/pp/welcome.html)  
Tel: +41 (0) 22 917 42 26  
Fax: +41 (0) 22 917 06 34  
Office: S-429-4

Palais des Nations  
8-14 avenue de la Paix  
CH - 1211 Geneva 10, Switzerland