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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Fourth session

Chisinau, 29 June–1 July 2011

Item 5 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Draft decision IV/9 on general issues of compliance

The Meeting of the Parties,

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

Having regard also to decision III/6 on general issues of compliance and decisions III/6a, III/6b, III/6c, III/6d, III/6e and III/6f on compliance by individual Parties,

Recalling decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i concerning compliance by Armenia, Belarus, Kazakhstan, Republic of Moldova, Slovakia, Spain, Turkmenistan, Ukraine and United Kingdom of Great Britain and Northern Ireland, adopted in parallel with this decision and containing the findings and recommendations of the Meeting concerning specific Parties found to be in non-compliance, as well as, where applicable, the outcome of the review of implementation of decisions III/6a, III/6b, III/6c, III/6d, III/6e and III/6f,

1. *Takes note* of the report of the Compliance Committee and the addenda thereto (ECE/MP.PP/2011/11 and Add.1–3, as well as the addenda to the Committee's thirty-first meeting (ECE/MP.PP/C.1/2011/2/Add.1–10);

2. *Welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2008–2011, as reflected in the reports of its meetings;

3. *Requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, make recommendations to the Parties concerned in support of the implementation of the measures referred to in decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i;

Findings and recommendations 2008–2011 and cooperation by the Parties

4. *Welcomes* the consideration and evaluation by the Committee with respect to specific cases of alleged non-compliance set out in the reports and addenda to the reports of the Committee's meetings;¹

5. *Endorses* the findings of the Committee and welcomes its recommendations made with regard to compliance by individual Parties (Armenia, Belarus, the Republic of Moldova, Slovakia, Spain and the United Kingdom) in the intersessional period of 2008–2011;

6. *Notes* the conclusions by the Committee concerning compliance by Austria, the European Union, France and Georgia with their obligations under the Convention and, in particular, that the Committee did not find that these Parties were not in compliance with their obligations under the Convention;

7. *Welcomes* the constructive approach and cooperation demonstrated by Armenia, Austria, Belarus, the European Union, France, Georgia, the United Kingdom and Spain, whose compliance was the subject of review;

8. *Also welcomes* the acceptance by most of the Parties concerned, including all those found not to be in compliance, of the Committee's recommendations made in accordance with paragraph 36 (b) of the annex to decision I/7, and the progress made by the Parties concerned in the intersessional period;

9. *Urges* each Party to cooperate in a constructive manner with the Committee in connection with any future review of its compliance;

10. *Undertakes* to review the implementation of the proposed measures with respect to specific Parties referred to in decisions IV/9a, IV/9b, IV/9c, IV/9d, IV/9e, IV/9f, IV/9g, IV/9h and IV/9i at its fifth ordinary session, 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;

Implementation of decisions on compliance by individual Parties

11. *Welcomes* Albania's and Lithuania's constructive approach and action to bringing their legislation and practice in compliance with the Convention;

12. *Also welcomes* Armenia's sustained commitment to bringing its legislation and practice in compliance with the Convention, while recognizing that further work is needed, in particular with respect public participation;

13. *Notes with concern* the failure of Kazakhstan, Turkmenistan and Ukraine to effectively engage with the process of implementation of decisions III/6c, III/6e and III/6f, respectively, and urges them therefore to implement the relevant recommendations contained in decisions IV/9c, IV/9g and IV/9h, respectively, and to engage in a constructive dialogue with the Committee with a view to drawing on the expertise of its members, where necessary;

¹ ECE/MP.PP/C.1/2009/6/Add.1 (Austria); ECE/MP.PP/C.1/2009/2/Add.1 (European Community); ECE/MP.PP/C.1/2009/4/Add.1 (France); ECE/MP.PP/C.1/2010/4/Add.1 (Georgia); ECE/MP.PP/C.1/2009/6/Add.2 (Poland); ECE/MP.PP/C.1/2009/6/Add.3 (Republic of Moldova); ECE/MP.PP/C.1/2009/8/Add.1 and ECE/MP.PP/C.1/2010/4/Add.2 (Spain); ECE/MP.PP/C.1/2010/6/Add.1–3 and ECE/MP.PP/C.1/2011/2/Add.10 (United Kingdom); ECE/MP.PP/2011/11/Add.1 (Armenia); ECE/MP.PP/2011/11/Add.2 (Belarus); and ECE/MP.PP/2011/11/Add.3 (Slovakia).

Resources

14. *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, aimed at improving implementation and compliance in such cases;

15. *Notes* that the workload of both the secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the intersessional period 2008–2011 and is expected to increase further, and request the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient resources are made available for this purpose;

16. *Reiterates* the importance that all Committee reports, findings and recommendations be processed as formal United Nations documents and made available in time in the official languages of the United Nations Economic Commission for Europe.
