

OUTCOME OF AARHUS CONVENTION TWENTY-SIXTH COMPLIANCE COMMITTEE MEETING (CC-26)

The twenty-sixth meeting of the Compliance Committee took place in Geneva from 15 to 18 December 2009. The main outcomes of the meeting were as follows:

- The Committee found that Spain had failed to comply with the Convention as a result of deficiencies in the decision-making processes leading to the establishment of a residential development in the city of Murcia ([Communication ACCC/C/2008/24](#)). Specifically, the Committee found that Murcia City Council had ignored a request for environmental information for three months, then had failed to provide the information in electronic form as requested and had charged an unreasonable fee of more than 2 euro per page for photocopying. Furthermore, the Committee found that the time period of 20 days over the Christmas holiday allowed for the public to examine the documentation and submit comments on the development proposal was insufficient to allow the public to prepare and participate effectively. Finally, the Committee found that the possibilities for the public concerned to seek access to justice did not provide adequate and effective remedies. The case was brought before the Committee by the Spanish NGO Asociación para la Justicia Ambiental (AJA - Association for Environmental Justice) and a local residents' association, Senda de Granada Oeste Neighbors. The Committee has made recommendations to the Government on measures to address the problem prior to the next session of the Meeting of the Parties.
- The Committee discussed the substance of communications concerning:
 - a. Georgia, in connection with public participation in decision-making on the issuance of licenses for long-term forest use ([Communication ACCC/C/2008/35](#));
 - b. Spain, in connection with various alleged violations of the Convention in the Extremaduran community ([Communication ACCC/C/2009/36](#));
 - c. Belarus, in connection with access to information and public participation related to decision-making on a hydro power plant on the Neman river ([Communication ACCC/C/2009/37](#));In the discussions on the first two cases, representatives of both the Government and the communicant participated. In the third case, a representative of the communicant participated but the Government was not represented. The Committee will proceed to prepare draft findings and, where appropriate, recommendations in each of these cases.
- The Committee continued its deliberations in closed session on four communications in which discussions had taken place with the participation of the parties concerned at either the Committee's twenty-fourth or twenty-fifth meeting. Three of these communications concerned the United Kingdom, one in connection with costs associated with the discharge of an interim injunction ([Communication](#)

[ACCC/C/2008/23](#)), one in connection with the expansion of Belfast City Airport ([Communication ACCC/C/2008/27](#)), and one in connection with the scope of judicial review, costs, timing and other issues related to access to justice ([Communication ACCC/C/2008/33](#)). The fourth communication concerned the European Community, in connection with access by members of the public to review procedures ([Communication ACCC/C/2008/32](#)).

- The Committee reviewed a new communication concerning a proposal to build a new nuclear power plant in Belarus ([Communication ACCC/C/2009/44](#)). The communication was submitted by Oekobuero on behalf of the European ECO Forum and alleged that Belarus had failed to provide adequate access to information or sufficient opportunities for public participation in connection with the planning and authorising procedures for the proposed nuclear plant; that the legislative framework governing nuclear activities was not Aarhus-compliant; and that the pressure put on anti-nuclear activists by the State authorities amounted to persecution. One of the observers present at the meeting in connection with the hydro power plant case informed the Committee that he had recently spent one week in prison as a result of advocating against the nuclear option. The Committee determined that the case was admissible. The communication was thereafter forwarded to the Party concerned which will have five months to respond, after which the Committee will discuss the substance of the case.
- The Committee reviewed progress reports submitted by [Armenia](#), [Turkmenistan](#) and [Ukraine](#) concerning the activities they were undertaking to implement the recommendations of the Meeting of the Parties, which had found each of them to be in non-compliance. In each case, the Committee requested further information to be submitted. It also called on [Albania](#) and [Lithuania](#) to provide information on the steps being taken to bring about compliance with the Convention.
- The Committee reiterated its concern at the delays in the publication of its meeting reports and findings by the UN Conference Services and called for the matter to be raised at an extraordinary session of the Meeting of the Parties.