



# Economic and Social Council

Distr.: General  
17 December 2015

Original: English

## 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

### Compliance Committee

**Forty-seventh meeting**

Geneva, 16–19 December 2014

## Report of the Compliance Committee on its forty-seventh meeting

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## Introduction

1. The forty-seventh meeting 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 held from 16 to 19 December 2014 in Geneva, Switzerland.

### A. Attendance

2. All the Committee members were present throughout the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Representatives of the Government of Belgium took part in the open sessions on 16 and 19 December 2014. Representatives of the Government of Norway took part in the discussion in open session of communication ACCC/C/2013/93 (Norway). Representatives of the Netherlands and Luxembourg took part in the open session on 19 December 2014. Representatives of Ireland and the United Kingdom of Great Britain and Northern Ireland took part in the open session on 19 December 2014 by audio conference.

4. The communicants of communications ACCC/C/2013/93 (Norway) and ACCC/C/2013/88 (Kazakhstan) took part in the discussions in open session on 17 and 18 December 2014, respectively, concerning those communications.

5. Also participating, as observers during the open sessions, were members of the public and representatives of a number of non-governmental organizations (NGOs), including Earthjustice (Switzerland), which participated on behalf of the European ECO Forum, Arnika Centre for Citizens Support (Czech Republic), Straatego (Belgium) and Michael Succow Foundation for the Protection of Nature (Germany). In addition, a representative of the Office of the United Nations High Commissioner for Human Rights and experts from the University of Geneva, the University of Oslo and the Salzburg University of Applied Sciences took part in the open sessions.

### B. Organizational matters

6. The Chair of the Compliance Committee, Mr. Jonas Ebbesson, opened the meeting.

7. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2014/13.<sup>1</sup>

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<sup>1</sup> Documentation for the meeting is available on the meeting web page ([http://www.unece.org/env/pp/cc/meetings/cc47.html#](http://www.unece.org/env/pp/cc/meetings/cc47.html#/)).

## **I. Submissions by Parties, referrals by the secretariat and requests from the Meeting of the Parties regarding compliance<sup>2</sup>**

8. The Chair informed the Committee that no new submissions had been made by Parties concerning compliance by other Parties.

9. The Chair informed the Committee that no submissions had been made by Parties concerning problems with their own compliance since the Committee's last meeting.

10. No referrals had been made by the secretariat since the Committee's last meeting.

11. With respect to request ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the Chair reported that the letter regarding the ongoing failure by the former Yugoslav Republic of Macedonia to submit its report for the third cycle would be sent to the Party concerned by the Executive Secretary of the United Nations Economic Commission for Europe (ECE) shortly.

## **II. Communications from members of the public**

12. Concerning communication ACCC/C/2008/32 (European Union (EU)), the Chair reported that the Party concerned had indicated that the judgement of the Court of Justice of the European Union in case C-404/12 P<sup>3</sup> was expected to be released in January 2015. The Committee agreed to seek a further update from the parties in advance of the forty-eighth meeting (Geneva, 24–27 March 2015) and provisionally scheduled to discuss the communication at its forty-ninth meeting (Geneva, 30 June–3 July 2015).

13. With regard to communication ACCC/C/2010/55 (United Kingdom), the Chair reported that the Party concerned had confirmed that the case before the Upper Information Tribunal had been heard in the week beginning 24 November 2014. The Tribunal's decision had been reserved. The Committee asked the secretariat to request a further update in advance of the forty-eighth meeting.

14. Concerning communication ACCC/C/2012/69 (Romania), the Committee completed its draft findings in closed session, save for some minor editing points which it agreed to finalize using its electronic decision-making procedure. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7 of the Meeting of the Parties. The Committee agreed to take into account any comments received when finalizing the findings at its forty-eighth meeting.

15. On communication ACCC/C/2012/71 (Czech Republic), the Committee agreed to defer its deliberations on its draft findings to its forty-eighth meeting.

16. Concerning communication ACCC/C/2012/76 (Bulgaria), the Committee completed its draft findings in closed session, save for some minor editing points which it agreed to finalize using its electronic decision-making procedure. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance

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<sup>2</sup> Information and documentation concerning individual requests, submissions, communications and referrals are made available on dedicated web pages, accessible from <http://www.unece.org/env/pp/cc.html>.

<sup>3</sup> *Council of the European Union and European Commission v. Stichting Natuur en Milieu and Pesticide Action Network Europe.*

with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments when finalizing the findings at its forty-eighth meeting.

17. Regarding communication ACCC/C/2013/81 (Sweden), the Committee noted that, on 10 December 2014, the Party concerned had provided its comments on the communicant's update of 19 September 2014 and the communicant had provided a further update on the same day. The Committee scheduled that it would discuss the substance of the communication at its forty-eighth meeting.

18. Concerning communications ACCC/C/2013/85 and ACCC/C/2013/86 (United Kingdom), the Committee completed its draft findings in closed session, save for some minor editing points which it agreed to finalize using its electronic decision-making procedure. It requested the secretariat to send the draft findings to the Party concerned and the communicants for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee agreed to take into account any comments received when finalizing the findings at its forty-eighth meeting.

19. With respect to communication ACCC/C/2013/87 (Ukraine), the Committee noted that the deadline of 26 December 2013 for the Party concerned to respond had long since elapsed and, despite several reminders, no response had yet been received. The Committee requested the ECE Executive Secretary to write to the Party concerned indicating the Committee's concern at its failure to respond to the communication and to inform the Party that if no response was received by the date stated in the reminder letter, the Committee would schedule the discussion of the communication notwithstanding the Party's lack of response.

20. The Committee entered into open discussion on communication ACCC/C/2013/88 (Kazakhstan) with the participation of the communicant. Despite repeated reminders from the secretariat, the Party concerned did not take part in the discussion. The Committee requested the ECE Executive Secretary to write to the Ministry of Foreign Affairs of Kazakhstan indicating the Committee's strong concern at the lack of engagement demonstrated by the Party concerned, despite numerous reminders and despite arrangements having been made for Kazakhstan to participate in the discussion via audio conference. The Committee agreed that it would also report the Party's non-attendance to the sixth session of the Meeting of the Parties. It confirmed that communication ACCC/C/2013/88 was admissible. At the end of the discussion, the Committee informed the communicant that it would shortly be sending additional questions to both parties to be addressed in writing.

21. With respect to communication ACCC/C/2013/89 (Slovakia), the communicant and the Party concerned had both provided their response to the Committee's questions on 1 December 2014 and their comments on one another's response on 8 December 2014. The Committee continued its deliberations in closed session and agreed to continue them at its forty-eighth meeting, with a view to completing its draft findings and, as appropriate, recommendations, which once agreed would be sent to the Party concerned and the communicant for comment.

22. In relation to communication ACCC/C/2013/90 (United Kingdom), by e-mail of 12 December 2014, the communicant had indicated that it considered it had exhausted all domestic remedies reasonably available and had asked the Committee to proceed with its consideration of the communication as submitted. The Committee agreed to forward the communication to the Party concerned for its response.

23. With respect to communication ACCC/C/2013/91 (United Kingdom), the communicant and the Party concerned had both provided their response to the Committee's

questions on 12 December 2014. The Committee agreed to defer its deliberations on its draft findings until its forty-eighth meeting.

24. With regard to communication ACCC/C/2013/92 (Germany), the Committee noted that the deadline for the parties' response to the Committee's questions had been extended to 1 February 2015 at the request of the Party concerned. The communicant had provided its response to the Committee's question on 4 December 2014. The Committee agreed to defer its deliberations on its draft findings until its forty-eighth meeting.

25. The Committee entered into open discussion on communication ACCC/C/2013/93 (Norway), with the participation of the Party concerned and the communicant. The Committee confirmed that communication ACCC/C/2013/93 was admissible. At the end of the discussion, the parties were invited to address some additional questions in writing.

26. In relation to communication ACCC/C/2013/94 (Denmark), at the Committee's forty-second meeting (Geneva, 24–27 September 2013) the communication had been suspended pending the outcome of the communicant's ongoing court proceedings, and the Committee had agreed that at that stage it would decide whether to continue or close the case. By letter of 12 December 2014, the communicant had informed the Committee that a decision in its domestic proceeding was expected in January 2015. The Committee agreed to ask the communicant to indicate, once that decision was received, whether in the light of that decision it wished to proceed with, withdraw or modify its communication. The Committee would decide how to proceed at its forty-eighth meeting.

27. Concerning communication ACCC/C/2013/96 (EU), the Committee noted that the Party concerned had provided its response to the communication on 12 December 2014. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-ninth meeting.

28. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee noted that the Party concerned had provided its response to the communication on 5 December 2014. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-eighth meeting.

29. With respect to communication ACCC/C/2014/99 (Spain), the Committee noted that the deadline of 8 February 2015 for the Party to respond had not yet elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-ninth meeting.

30. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee noted that the deadline of 9 February 2015 for the Party to respond had not yet elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-ninth meeting.

31. On communication ACCC/C/2014/101 (EU), the Committee noted that the deadline of 9 February 2015 for the Party to respond had not yet elapsed and that the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-ninth meeting.

32. With regard to communication ACCC/C/2014/102 (Belarus), the Committee noted that the communication had not previously been forwarded to the Party concerned as the secretariat had asked the communicant to clarify which aspects of the communication it requested to be kept confidential and had been waiting to hear back. The secretariat reported that the communicant had now confirmed which aspects of the communication should be kept confidential. The Committee requested the secretariat to forward the communication to the Party concerned.

33. Concerning communication ACCC/C/2014/104 (Netherlands), the Committee noted that the deadline of 3 February 2015 for the Party to provide its response to the communication had not yet elapsed and the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-ninth meeting.

34. In relation to communication ACCC/C/2014/105 (Hungary), the Committee noted that the deadline of 1 March 2015 for the Party to provide its response to the communication had not yet elapsed and the Party had not yet replied. The Committee provisionally scheduled that it would discuss the substance of the communication at its forty-ninth meeting.

35. Concerning communication ACCC/C/2013/106 (Czech Republic), the Committee noted that the communication had not yet been forwarded to the Party concerned as only hard copies of the communication and its lengthy attachments had been received. The Committee asked the secretariat to request the communicant for electronic versions of the documents and to thereafter forward the communication to the Party concerned for its response.

36. In accordance with the Committee's new procedure (see para. 58 below), the Chair and Vice-Chair reported that they had held a telephone conference on 19 November 2014 to determine which material received by the secretariat should be considered as communications to be forwarded to the Committee for consideration as to their preliminary admissibility. During the telephone conference, the Chair and the Vice-Chair decided that communication PRE/ACCC/C/2014/117 (Belgium, Luxembourg and the Netherlands) should be forwarded to the Committee for consideration of its preliminary admissibility at its forty-seventh meeting. They also requested the secretariat to put the communication on the Committee's website together with the 10 communications for which consideration of preliminary admissibility had previously been deferred.

37. The Committee considered the preliminary admissibility of eight communications deferred from its forty-sixth meeting (Geneva, 22–25 September 2014) and one communication received since that meeting (as set out below). It agreed to defer its preliminary determination of the admissibility of three communications to its forty-eighth meeting (also set out below).

38. Communication PRE/ACCC/C/2013/107 (Ireland) had been submitted on 11 November 2013 by a member of the public, Mr. Kieran Cummins. The communication alleged non-compliance with articles 6 and 7 of the Convention with respect to decision-making on the extension of a licence. Elena Fasoli had provisionally been designated as curator for the case. At its forty-sixth meeting the Committee had agreed to further defer its preliminary determination of admissibility to its forty-seventh meeting and to ask the communicant to further substantiate its communication. On 19 December 2014, the Committee received the communicant's response, which had apparently been sent before the deadline of 17 December 2014 but had not been received due to a technical issue. Given that the response had reached the Committee only on the same day it was scheduled to consider the communication's preliminary admissibility, the Committee agreed to defer its consideration to its forty-eighth meeting.

39. Communication PRE/ACCC/C/2014/108 (United Kingdom) had been submitted on 22 January 2014 by a member of the public, Mr. Alan Rundle. The communication alleged non-compliance with article 3, paragraph 8, article 4, paragraph 2, article 6, paragraphs 3 and 4, article 7 and article 9, paragraph 5, of the Convention with respect to urban development. Ion Diaconu had provisionally been designated as curator for the case. At its forty-sixth meeting, the Committee had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to request the communicant to further

substantiate his communication. The secretariat informed the Committee that the communicant had indicated that he was currently preparing a revised version of his communication. The Committee agreed to defer its preliminary determination of admissibility to its forty-eighth meeting.

40. Communication PRE/ACCC/C/2014/109 (Hungary) had been submitted on 5 February 2014 by a member of the public, Mr. Ferenc Tibor Zsák. The communication alleged non-compliance with articles 3, paragraph 8, and articles 8 and 9 of the Convention. At its forty-fifth meeting (Maastricht, the Netherlands, 29 June–2 July 2014), the Committee had agreed to defer its preliminary determination of admissibility in order to seek further clarification from the communicant. Alistair McGlone had provisionally been designated as curator for the case. At its forty-sixth meeting, the Committee agreed to defer its preliminary determination of admissibility to its forty-seventh meeting and to send a reminder to the communicant, informing him that if his response was not received on time his communication might be found inadmissible. On 9 December 2014, the communicant had submitted a revised version of his communication. The Committee agreed to defer its preliminary determination of admissibility to its forty-eighth meeting.

41. Communication ACCC/C/2014/110 (Bulgaria) had been submitted on 12 February 2014 by the NGO “Den”. The communication alleged non-compliance with article 1 and articles 3 to 9 of the Convention. At its forty-fifth meeting the Committee had agreed to defer its preliminary determination of admissibility in order to seek further clarification from the communicant. Dana Zhandayeva had provisionally been designated as curator for the case. By e-mail of 23 September 2014, the communicant had requested further time for its response. At its forty-sixth meeting, the Committee had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting. On 12 December 2014, the communicant had provided its response to the Committee’s questions. After hearing the views of the observers present, the Committee determined that the communication was inadmissible under paragraph 20 (d) of the annex to decision I/7 on the basis that it was incompatible with the provisions of the Convention.

42. Communication ACCC/C/2014/111 (Belgium) had been submitted on 12 May 2014 by the NGOs “Ardennes liégeoises” and “Terre wallonne” (Belgium). The communication alleged non-compliance with article 9, paragraph 4, of the Convention in connection with awards of legal costs. At its forty-fifth meeting the Committee had agreed to defer its preliminary determination of admissibility in order to seek further clarification from the communicants. The communicants had provided their response to the Committee’s questions on 8 September 2014 in French. The secretariat had requested external translation of the communicants’ response, and the Committee had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to consider the translation of the communicants’ response. Upon receipt of the translated response prior to the forty-seventh meeting, the Committee had agreed using its electronic decision-making procedure to seek further clarification from the communicants. On 12 December 2014, the communicants had provided their response to the Committee’s questions. After hearing the views of the Party concerned and observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Pavel Černý was confirmed as curator for the case.

43. Communication ACCC/C/2014/112 (Ireland) had been submitted on 29 May 2014 by seven NGOs: Lakelands Wind Information Group; Rethink Pylons; Wind Aware Ireland; Kingscourt Residents Against Local Windfarms; Meath Wind Turbine Information Group; Environmental Action Alliance — Ireland; and European Platform Against Wind Farms (Ireland). The communication alleged non-compliance with article 3, paragraph 1, and articles 4 to 9 of the Convention in connection with the implementation of the EU

Renewable Energy Directive<sup>4</sup> in Ireland through the Irish National Renewable Energy Action Plan. At its forty-fifth meeting, the Committee had agreed to defer its preliminary determination of admissibility in order to seek further clarification from the communicants regarding: (a) which of their allegations related to events that had taken place after the Convention had entered into force for Ireland; and (b) the extent to which domestic remedies had been used. The communicants had provided their response to the Committee's request for clarification on 3 September 2014 as well as some additional information on 19 September 2014. The Committee had reviewed all the additional information provided by the communicants and had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to request the communicants to further clarify their allegations. On 1 December 2014, the communicants had provided their response to the Committee's questions. After hearing the views of the Party concerned (by audio conference) and the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Alexander Kodzhabashev was confirmed as curator for the case.

44. Communication ACCC/C/2014/113 (Ireland) had been submitted on 5 June 2014 by a member of the public, Mr. Kieran Fitzpatrick, who had initially requested partial confidentiality. The communication alleged non-compliance with article 3, paragraphs 1, 2 and 8, and article 9, paragraph 4, of the Convention in connection with court costs. At its forty-fifth meeting, the Committee had agreed to defer its determination on preliminary admissibility and to ask the communicant to further substantiate his communication, including with reference to case law. On 5 August 2014, prior to the Committee's request to the communicant being sent, the communicant had submitted a revised version of his communication. On 24 September 2014, the communicant had submitted a further revised version of his communication, withdrawing his request for confidentiality. At its forty-sixth meeting, the Committee had reviewed the revised communication and concluded that the Committee's questions should still be sent to the communicant. The Committee had thus agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to request the communicant to further substantiate his allegations. On 17 December 2014, the communicant had provided his response to the Committee's questions. After hearing the views of the Party concerned (by audio conference) and the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Haghine Hakhverdyan was confirmed as curator for the case.

45. Communication ACCC/C/2014/114 (Greece) had been submitted on 31 July 2014 by the Archbishop of Crete and others. The communication alleged non-compliance with articles 3, 4 and 5 of the Convention with respect to the disposal of chemical weapons in international waters south of Crete. At its forty-sixth meeting, the Committee had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to request the communicants to clarify their status, their allegations and their use of domestic remedies. Ion Diaconu had provisionally been designated as curator for the case. On 16 December 2014, the communicants had provided their response to the Committee's questions and had submitted a revised version of their communication. After hearing the views of the observers present, the Committee determined that the communication was inadmissible under paragraph 20 (d) of the annex to decision I/7 on the basis that it was

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<sup>4</sup> Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC.



incompatible with the provisions of the Convention, since it had not been made clear by the communicants how any of the allegations could be duly attributed to the Party concerned.

46. Communication ACCC/C/2014/115 (United Kingdom) had been submitted on 16 July 2014 by a member of the public, Mr. Ian Miller. The communication alleged non-compliance with articles 4, 6, and 9 of the Convention in connection with the management of the Newborough Forest. At its forty-sixth meeting, the Committee had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to request the communicant to clarify and further substantiate his allegations. By letter of 5 December 2014, the communicant had provided his response to the Committee's questions and, on 11 and 12 December 2014, he had provided additional information. After hearing the views of the Party concerned (by audio conference) and the observers present, the Committee determined that the communication was admissible on a preliminary basis. It requested the secretariat to forward the communication to the Party concerned. Dana Zhandayeva was confirmed as curator for the case.

47. Communication ACCC/C/2014/116 (Belgium) had been submitted on 30 August 2014 by the NGO Straatego and two members of the public. The communication alleged non-compliance with articles 4, 6 and 9 of the Convention with respect to the proposed construction of a ring road around Antwerp. At its forty-sixth meeting, the Committee had agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to request the communicants to clarify their allegations, the chronology of the facts and their use of domestic remedies. Heghine Hakhverdyan had been provisionally designated as curator for the case. By letter of 15 December 2014, the communicants had provided their response to the Committee's questions. After hearing the views of the Party concerned, the representative of the communicant and the observers present, the Committee determined that the communication was inadmissible under paragraph 21 of the annex to decision I/7 on the basis that there were still domestic remedies available.

48. Communication PRE/ACCC/C/2014/117 (Belgium, Luxembourg and the Netherlands) had been submitted on 5 September 2014 by the NGO "Coalition Nature". The communication alleged non-compliance with article 3, paragraphs 1 and 7, of the Convention for failing to ensure that the Benelux Union complied with the provisions of the Convention. After hearing the views of the Parties concerned and the observers present, the Committee agreed to defer its preliminary determination on admissibility to its forty-eighth meeting in order to request the communicant to further substantiate its communication. Elena Fasoli was provisionally designated as curator for the case.

### **III. Reporting requirements**

49. The Committee noted that, at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014), the Meeting of the Parties had urged those Parties that had not yet submitted their national implementation reports — i.e., Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan — to do so by 1 October 2014.<sup>5</sup> To date, only Portugal had submitted its report.

### **IV. Follow-up on specific cases of non-compliance**

50. The Chair again drew the attention of the Committee to the draft road map prepared by the secretariat regarding the follow-up to decisions V/9a–n on compliance adopted by

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<sup>5</sup> See ECE/MP.PP/2014/2, para. 26.

the Meeting of the Parties at its fifth session. The Chair reminded the curators responsible for each decision to review the draft road map and to take note of those dates in the road map relating to decisions that they were responsible for.

51. The Committee reviewed any developments with respect to decisions V/9a–n since their adoption.

52. The Committee noted that the deadline for the progress reports by Ukraine on decision V/9m and by Turkmenistan on decision V/9l had been 30 November 2014. Ukraine had provided its progress report on 1 December 2014 and Turkmenistan had provided its report on 16 December 2014.

53. With respect to decisions V/9a–k and V/9n, for which the deadline for the progress report of the Parties concerned was 31 December 2014, the Committee noted that it had received the report of Germany on decision V/9h on 17 December 2014, the report of the EU on decision V/9g on 18 December 2014 and the report of Spain on decision V/9k on 19 December 2014.

54. The Committee discussed the next steps in its follow-up on decisions V/9a–n. It agreed that, upon receipt, progress reports of the Parties concerned would be forwarded to the communicants and registered observers with a three-week time frame for comments. The progress report and the comments received on the progress report would be taken into account by the curator in preparing the Committee's draft first progress review of the implementation of each decision in advance of the Committee's forty-eighth meeting. At the forty-eighth meeting, the Committee would discuss and agree on the first progress review of the implementation of each decision, and thereafter forward the first progress review to the Party concerned, the communicants and the registered observers. The Committee would take into account any comments received on the first progress review in the preparation of its second progress review, following the receipt of the Party concerned's second progress report.

## **V. Programme of work and calendar of meetings**

55. The Committee decided to hold its forty-eighth, forty-ninth, fiftieth and fifty-first meetings in Geneva, from 24 to 27 March, 30 June to 3 July, 6 to 9 October and 15 to 18 December 2015, respectively.

## **VI. Other business**

### **A. Modus operandi and the draft revised Guide to the Compliance Committee**

56. The secretariat presented the draft revised Guide to the Aarhus Convention Compliance Committee, together with a draft revised table of contents, in open session. The Committee agreed the table of contents. The Chair invited the Committee and observers to submit any comments they wished to make on the draft revised Guide to the secretariat by e-mail by 1 February 2015.

57. The Committee concluded its discussions on the draft revised format for communications and agreed the revised format. In that regard, the Committee noted that it had of late received a number of very lengthy communications, often with numerous and/or large attachments. Lengthy communications did not make for better quality communications and considerably added to the workload of the Committee. It thus agreed

to henceforth set a limit of 10 pages per communication. If, in an exceptionally complex case, more than 10 pages were required, in no circumstances should the length of the communication exceed 20 pages. A similar length limit would apply to the Party's response to the communication. With respect to attachments, henceforth, there would be a maximum of five attachments per communication, with a similar limit to apply to the Party's response to the communication, in addition to key domestic legislation and court decisions. Only attachments of essential importance to demonstrate a party's case should be provided, and each attachment should contain only a single document.

58. The Committee also continued its discussions on its procedure for communications prior to a determination of preliminary admissibility. It agreed that, upon being forwarded to the Committee for consideration as to preliminary admissibility on the Chair and Vice-Chair's instructions, each communication should be allocated a reference number, following the usual format, but with an additional prefix "PRE", indicating that it was at the preliminary admissibility stage. Pre-admissibility communications would be posted on the main web page for communications, without their reference number and Party concerned in bold font. The practice of discussing the preliminary admissibility of communications in open session would be continued, with the possibility for communicants and Parties concerned wishing to do so to participate via audio link. Following the brief discussion in open session, the Committee would prepare its findings on preliminary admissibility in closed session, in accordance with paragraph 33 of the annex to decision I/7. Once a communication was determined to be preliminarily admissible or found to be inadmissible, the prefix "PRE" would be removed from its case reference. The Committee further agreed to prepare a short memo setting out the proposed new procedure and to post it on the Committee's web page for possible comments by Parties and observers in advance of its forty-eighth meeting, when it would continue its discussions on its procedure for the preliminary determination of admissibility.

59. The Committee also discussed the current format for data sheets in open session. It was agreed that it would be more user-friendly if the key information, rather than being in a separate data sheet, was posted as a short headnote on the web page for the communication itself.

## **B. Other matters**

60. The Chair reported that on 4 to 5 November 2014 he had taken part in a meeting in Santiago, Chile, of the Latin American and Caribbean initiative to explore the feasibility of a regional instrument on principle 10 of the Rio Declaration on Environment and Development. At the meeting, he had presented two papers: one at a panel on "Principle 10: justice, equity and the environment; Current status, international debate and future prospects"; and another at a side event on "Civil society in negotiation and implementation of international agreements; the achievements and impacts of the Aarhus Convention's Compliance Committee".

61. The secretariat informed the Committee that the Task Force on Access to Information had met on 3 to 5 December 2014 and had considered a range of matters, including the scope of environmental information and access to statistical data.

62. Mr. Jendroška reported that he had recently participated in the eighth meeting of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Geneva, 3–5 December 2014), which had decided to amend that Convention with respect to public participation and access to information. The draft provisions were to be elaborated by a special working group in advance of the next session of the Conference of the Parties.

63. Mr. Jendroška and the secretariat reported on their mission to China in mid- October 2014, where they had taken part in a workshop on access to information, public participation and access to justice in environmental matters. The secretariat considered the mission to have been very positive, and looked forward to the possibility of further such exchanges.

64. The secretariat informed the Committee that the World Bank was revising its environmental safeguard policies and was currently undertaking a consultation process on its draft new environmental and social framework. The deadline for comments was 1 March 2015.

65. The secretariat also informed Committee members of two opportunities to comment policies and guidelines with respect to the United Nations Environment Programme (UNEP). The first was the draft information policy for the United Nations Environmental Assembly, which had a deadline of 28 February 2015 for comments. The second was the draft Implementation Guide on the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines), which the secretariat understood would be published on the UNEP website for comment in January 2015.

66. Ms. Hakhverdyan reported that on 26 September 2014 she had attended a national round table in Yerevan on the findings of a legislative review of the application of the Protocol on Strategic Environmental Assessment, organized by the Armenian Ministry of Nature Protection and the secretariat of the ECE Convention on Environmental Impact Assessment in a Transboundary Context. The main outcome of the round table, also supported by the Ministry, was that a new law on strategic environmental assessment (SEA) should be drafted.

67. Mr. McGlone informed the Committee that he was currently working on the World Resource Institute's Environmental Democracy Index, which would assess how well the laws of a number of States implemented the Bali Guidelines. He would also be undertaking a consultancy with UNEP to perform a mid-term review of Programme IV (2010–2020) of the 10-year Montevideo Programmes for the Development and Periodic Review of International Environmental Law.

68. Ms. Fasoli reported that she had attended a workshop on the role of legal and scientific expertise in the avoidance and settlement of water law disputes, which had taken place at Queen Mary University of London, back to back with the fourth meeting of the Implementation Committee of the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Experts at the meeting had confirmed the key role played by the public in water dispute avoidance and settlement.

69. A representative of the NGO Straatego informed the Committee that the Belgian courts had recently referred the Government's decision to increase the value added tax in Belgium to 21 per cent to the Court of Justice of the European Union to determine if that decision was in compliance with article 9 of the Convention.

## **VII. Adoption of the report and closure of the meeting**

70. The Committee adopted the report of the meeting. The Chair then officially closed the forty-seventh meeting.

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