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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

### Compliance Committee

#### Fifty-fourth meeting

Geneva, 27–30 September 2016

## Report of the Compliance Committee on its fifty-fourth meeting

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## Introduction

1. The fifty-fourth 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 27 to 30 September 2016 in Geneva, Switzerland.

### A. Attendance

2. All the Committee members were present throughout the meeting with the exception of the Chair, Jonas Ebbesson, who indicated in advance that he would not be able to attend on 27 and 30 September, though he was present for the other days of 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. The communicants of communications ACCC/C/2014/120 (Slovakia) and ACCC/C/2014/124 (Netherlands) and representatives of the Parties concerned took part in the hearings in open session on 28 and 29 September concerning those communications.

4. Representatives of the Party concerned and the communicant of communications PRE/ACCC/C/2016/139 (Ireland), PRE/ACCC/C/2016/141 (Ireland) and PRE/ACCC/C/2016/142 (United Kingdom of Great Britain and Northern Ireland) took part by audio conference in the open session on preliminary admissibility on 27 September 2016. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2016/140 (Romania) did not take part in the open session on preliminary admissibility, although they had also been invited to do so.

5. Also participating as observers during all open sessions of the meeting were representatives of the non-governmental organizations (NGOs) Earthjustice (Switzerland) and OEKOBUERO (Austria), both of whom participated on behalf of European ECO Forum. Representatives of Kazakhstan and the Mayor's Office of Almaty participated in the open session on 28 September on the review of developments with regard to communications currently under consideration.

### B. Organizational matters

6. The Vice-Chair of the Compliance Committee, Alexander Kodjabashev, opened the meeting.

7. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2016/6.

8. The Vice-Chair reported on the outcomes of the virtual meeting held in closed session on 13 September 2016, in which all Committee members had taken part. During the virtual meeting, the Committee had continued its deliberations on communications ACCC/C/2012/71 (Czechia), ACCC/C/2013/81 (Sweden), ACCC/C/2013/88 (Kazakhstan), ACCC/C/2014/99 (Spain) and ACCC/C/2014/113 (Ireland).<sup>1</sup>

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<sup>1</sup> The outcomes of the Committee's deliberations on each communication are set out in more detail in chapter II below.

## I. Submissions, referrals and requests under the Convention

9. With respect to submission ACCC/S/2015/2 (Belarus) submitted by Lithuania, the Committee noted that the Party concerned and submitting Party had provided their replies to the Committee's questions on 12 and 19 August 2016, respectively. The Committee provisionally scheduled to hold the hearing to discuss the substance of the submission at its fifty-fifth meeting (Geneva, 6–9 December 2016).

10. Regarding submissions by Parties concerning their own compliance, the Chair reported that on 5 May 2016 he had received a request from Albania for the Committee to examine that Party's compliance with respect to public participation in decision-making on Tirana Lake Park. By letter of 22 September 2016, the Party concerned had clarified that the case should be treated as a submission concerning its own compliance in accordance with paragraph 16 of the annex to decision I/7 of the Meeting of the Parties. He had thereafter instructed the secretariat to post all documentation related to the submission under the case reference ACCC/S/2016/3 (Albania) on the Committee's web page<sup>2</sup> and Committee member Mr. Kodjabashev had been appointed as curator in the case. The Chair also reported that the Party concerned had invited the Committee to undertake a mission to Tirana to gather information regarding the submission, in accordance with paragraph 25 (b) of the annex to decision I/7. In consultation with the curator and secretariat, he had proposed 14–16 November 2016 as possible dates for undertaking the mission. The Committee instructed the secretariat to liaise with the Party concerned regarding the possible mission.

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

12. With respect to ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the secretariat reported that the Party concerned had informed the Working Group of the Parties at its twentieth meeting (Geneva, 15–17 June 2016) that it planned to submit its report for the fourth reporting cycle in September 2016. Despite follow-up by the secretariat, the report had not to date been received.

13. Concerning advisory request ACCC/A/2014/1 (Belarus), the Committee continued its deliberations on its draft recommendations in closed session.

## II. Communications from members of the public

14. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its fifty-fifth meeting would be 1 November 2016.

15. Concerning communication ACCC/C/2008/32 (European Union), at the request of the Party concerned the Committee had agreed to extend the deadline for the parties' comments on the draft findings to 25 October 2016. The Committee would take into account any comments received by the extended deadline when finalizing the findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare official versions of the adopted findings as a formal pre-session document for its fifty-seventh meeting (Geneva, 27–30 June 2017), ensuring their availability in the three official languages of the United Nations Economic Commission for Europe (ECE).

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<sup>2</sup> See <http://www.unece.org/submissions.html>.

16. With respect to communication ACCC/C/2008/38 (United Kingdom), the secretariat informed the Committee that it had endeavoured to contact the communicant's representative to seek its views on the letter of the Party concerned of 10 October 2015, and had learned that the communicant's representative had changed. The Committee requested the secretariat to contact the communicant's new representative and agreed that it would decide how to proceed once the communicant's comments were received.

17. Regarding communication ACCC/C/2012/71 (Czechia), the Chair reported that the Committee had finalized its findings at its virtual meeting on 13 September 2016, taking into account the comments of the communicant, received on time (on 11 July 2016), and those of the Party concerned, received after the deadline (on 6 September 2016). The Committee had then adopted its findings and had instructed the secretariat to send them to the Party concerned and the communicant. It had also requested the secretariat to prepare official versions of the findings as a formal pre-session document for its fifty-sixth meeting, ensuring their availability in the three official languages of ECE.

18. Regarding communication ACCC/C/2013/81 (Sweden), the Chair reported that at its virtual meeting on 13 September 2016 the Committee had finalized its findings, taking into account the comments received from the communicant and the Party concerned on 9 and 17 August 2016, respectively. The Committee had agreed that the findings would be adopted through its electronic decision-making procedure and had instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant. It had also requested the secretariat to prepare official versions of the findings as a formal pre-session document for the Committee's fifty-sixth meeting, ensuring their availability in the three official languages of ECE.

19. With respect to communication ACCC/C/2013/87 (Ukraine), the Committee noted that the Party concerned and the communicant had been asked to reply to questions from the Committee and provide English translations of relevant documents by 1 November 2016. The Committee agreed that it would decide how to proceed in the light of the information received.

20. Concerning communication ACCC/C/2013/88 (Kazakhstan), the Committee welcomed the participation of representatives of the Party concerned and the Mayor's Office of Almaty in the open session on the review of developments, held on 28 September 2016. At the same time, the Committee reiterated its regret that the Party concerned had failed to take part in the hearing of the communication at its forty-seventh meeting (Geneva, 16–19 December 2014). In closed session, the Committee considered the comments on the draft findings received from the communicant on 14 July 2016 and, following a request for an extension, from the Party concerned on 3 September. The Committee agreed to continue its deliberations through its electronic decision-making procedure and, as needed, at its next virtual meeting, with a view to finalizing and adopting its findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare official versions of the adopted findings as a formal pre-session document for its fifty-seventh meeting, ensuring their availability in the three official languages of ECE.

21. With respect to communication ACCC/C/2013/89 (Slovakia), the Committee considered the comments on the draft findings received from both the Party concerned and the communicant on 25 July 2016, on time. After taking into account the comments received, the Committee revised its draft findings and agreed to complete the revised draft findings through the electronic decision-making procedure. The Committee requested the secretariat to send the revised draft findings to the Party concerned and the communicant for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments received when finalizing and adopting the findings. It instructed the secretariat to send the findings, once

adopted, to the Party concerned and the communicant and to prepare official versions of the adopted findings as a formal pre-session document for its fifty-seventh meeting, ensuring their availability in the three official languages of ECE.

22. Concerning communication ACCC/C/2013/90 (United Kingdom), the Committee noted that the communicant was to reply to the Committee's questions regarding admissibility by 1 November 2016. The Committee agreed that it would decide how to proceed at its fifty-fifth meeting in the light of the comments received.

23. With respect to communication ACCC/C/2013/91 (United Kingdom), the Committee continued its deliberations in closed session, taking into account both the reply from the Party concerned to the Committee's questions dated 12 August 2016 and the communicant's comments of 6 September 2016 on that reply. The Committee completed its draft findings, save for some minor editing points which it agreed to complete at its next virtual meeting. The Committee requested the secretariat to send the draft findings, once completed, 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 would take into account any comments received when finalizing the findings.

24. With respect to communication ACCC/C/2013/92 (Germany), the Committee had agreed its draft findings at its virtual meeting on 13 September 2016, save for some minor editing points which it had agreed to complete through its electronic decision-making procedure. It had also requested the secretariat to send the draft findings, once completed, 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 would take into account any comments received when finalizing the findings.

25. Concerning communication ACCC/C/2013/93 (Norway), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

26. Concerning communication ACCC/C/2013/96 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

27. Concerning communication ACCC/C/2013/98 (Lithuania), the Committee agreed to defer its deliberations on its draft findings until its fifty-fifth meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

28. With respect to communication ACCC/C/2014/99 (Spain), the Chair reported that, at its virtual meeting on 13 September 2016, the Committee had considered the comments on the draft findings received from the Party concerned and the communicant on time, on 22 and 25 July 2016, respectively. After taking into account the comments received, the Committee had revised its draft findings and had agreed that they would be completed through the electronic decision-making procedure. The revised draft findings would then be sent to the Party concerned and the communicant for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments received on the revised draft findings when finalizing and adopting the findings. The Committee had also instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare official

versions of the adopted findings as a formal pre-session document for its fifty-seventh meeting, ensuring their availability in the three official languages of ECE.

29. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee noted that the parties had been asked to reply to the Committee's questions by 21 October 2016. The Committee agreed to continue its deliberations at its fifty-fifth meeting, taking into account the comments received.

30. With respect to communication ACCC/C/2014/101 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

31. Regarding communication ACCC/C/2014/102 (Belarus), the Committee agreed to defer its deliberations on its draft findings until its fifty-fifth meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

32. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

33. Concerning communication ACCC/C/2014/105 (Hungary), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

34. Concerning communication ACCC/C/2014/106 (Czechia), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

35. With respect to communication ACCC/C/2013/107 (Ireland), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

36. Regarding communication ACCC/C/2014/109 (Hungary), the Committee noted that the communicant had been asked to respond to the Committee's questions by 20 October 2016. The Committee agreed that it would consider how to proceed with the communication in the light of the comments received.

37. With respect to communication ACCC/C/2014/111 (Belgium), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

38. Concerning communication ACCC/C/2014/112 (Ireland), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations.

Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

39. With respect to communication ACCC/C/2014/113 (Ireland), at its virtual meeting on 13 September 2016 the Committee had taken note of the request by the High Court of the Party concerned to the Court of Justice of the European Union for an expedited preliminary ruling on questions that seemed closely related to those raised in the communication. The Committee had agreed to seek the views of the Party concerned and the communicant as to whether, in the light of that request, they considered that the Committee's deliberations should be postponed, pending the Court of Justice's preliminary ruling, and to decide how to proceed with respect to the communication in the light of the comments received.

40. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee expressed its serious concern that the deadline for the response of the Party concerned had expired on 29 November 2015, but the Party's response had still not been received. At the Committee's request, the secretariat had followed up with the Party concerned prior to the meeting and had been informed by the Party concerned that its response to the communication was still under preparation. The Committee requested the ECE Executive Secretary to write to the Minister of Foreign Affairs of the Party concerned, conveying the Committee's serious concern at the ongoing 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 hearing to discuss the substance of the communication notwithstanding the Party's lack of response.

41. Regarding communication ACCC/C/2014/119 (Poland), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

42. The Committee held the hearing to discuss the substance of communication ACCC/C/2014/120 (Slovakia) in open session with the participation of the Party concerned and the communicant. The Party concerned confirmed that, should the Committee find non-compliance, it agreed to the Committee making recommendations to it directly in accordance with paragraph 36 of the annex to decision I/7. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to continue its deliberations at its fifty-fifth meeting.

43. Regarding communication ACCC/C/2014/121 (European Union), the Committee took note of the comments received from the Party concerned and the communicant on 31 August and 21 September 2016, respectively, in which both had indicated that they considered that the Committee might proceed to commence its deliberations on the substance of the communication without holding a hearing. Taking into account the views expressed on that point, the Committee requested the secretariat to write to the parties to inform them of the deadline by which they should submit any final written submissions. The Committee would take into account the further written submissions received by the deadline when commencing its deliberations in closed session at its fifty-fifth meeting.

44. With respect to communication ACCC/C/2014/122 (Spain), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-sixth or fifty-seventh meeting.

45. Concerning communication ACCC/C/2014/123 (European Union), the Committee commenced its deliberations in closed session, taking into account the written submissions received from the Party concerned and the communicant on 2 and 16 September 2016, respectively. The Committee agreed to continue those deliberations at its next meeting,

with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

46. The Committee held the hearing to discuss the substance of communication ACCC/C/2014/124 (Netherlands) in open session with the participation of the Party concerned and the communicant. At the end of the hearing, the parties were invited to address some additional questions in writing. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to continue its deliberations at its fifty-fifth meeting.

47. With respect to communication ACCC/C/2015/126 (Poland), the Committee noted that the Party concerned had provided its response to the communication on 11 August 2016, on time. The Committee provisionally scheduled to hold the hearing to discuss the substance of the communication at its fifty-sixth or fifty-seventh meeting.

48. Regarding communication ACCC/C/2015/128 (European Union), the Committee took note of the comments received from the communicant on 7 September 2016 commenting on the response of the Party concerned to the communication, including its submissions on admissibility. After considering the comments on admissibility received from both the Party concerned and the communicant, the Committee agreed to reconfirm its earlier determination of preliminary admissibility. The Committee also requested the secretariat to seek the views of the Party concerned and the communicant on whether, given the substance of the communication, they would consider it appropriate for the Committee to proceed to commence its deliberations on the substance of the communication without holding a hearing. The Committee agreed that it would decide how to proceed in the light of the comments received.

49. With respect to communication ACCC/C/2015/129 (Ireland), the Committee noted that the communicant had been asked to reply to the Committee's questions by 20 October 2016 and that, once the communicant's reply to the Committee's questions was received, the communication would be sent to the Party concerned for its response.

50. Concerning communication ACCC/C/2015/130 (Italy), the Committee noted that the Party concerned had provided its response to the communication, due on 5 March 2016, on 30 September 2016. The Committee provisionally scheduled to hold the hearing to discuss the substance of the communication at its fifty-sixth meeting.

51. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee noted that at its last meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response, including the extent to which her allegations regarding costs raised any issues that were not already being examined by the Committee in its review of the implementation of decision V/9n. The Committee would decide how to proceed with the communication in the light of the comments received.

52. Regarding communication ACCC/C/2015/132 (Ireland), the Committee noted that the Party concerned had provided its response to the communication on 11 August 2016, on time. The Committee took note of the submissions by the Party concerned in that response as to the admissibility of the communication and agreed to ask the communicant to comment on those submissions. The Committee would decide how to proceed with the communication in the light of the comments received.

53. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee noted that the Party concerned had provided its response to the communication on 11 August 2016, on time. The Committee took note of the submissions by the Party concerned in that response as to the admissibility of the communication, and agreed to send



both the communicant and the Party concerned further questions concerning the availability of domestic remedies. The Committee would decide how to proceed with the communication in the light of the replies received.

54. Concerning communication ACCC/C/2015/134 (Belgium), the Committee noted that the Party concerned had provided its response to the communication on 11 August 2016, on time. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at either its fifty-sixth or fifty-seventh meeting.

55. With respect to communication ACCC/C/2015/135 (France), the Committee noted that the Party concerned had provided its response to the communication on 11 August 2016, on time, and the communicant had provided comments on that response on 20 September 2016. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at either its fifty-sixth or fifty-seventh meeting.

56. Regarding communication ACCC/C/2015/137 (Germany), the Committee noted that the communication had been forwarded to the Party concerned on 3 August 2016 for its response. It further noted that the deadline of 3 January 2017 for its response had not yet expired and the Party's response had not yet been received.

57. Concerning communication ACCC/C/2016/138 (Armenia), the Committee noted that the communication had been forwarded to the Party concerned on 27 September 2016 for its response. It further noted that the deadline of 27 February 2017 for its response had not yet expired and the Party's response had not yet been received.

58. Regarding communications received since 17 May 2016 (the deadline for receipt of communications for the fifty-third meeting), the Vice-Chair reported that he and the Chair had held a telephone conference on 1 September 2016 to determine which of the communications received by the secretariat between 17 May and 23 August 2016 (the deadline for receipt of communications for the fifty-fourth meeting) should be forwarded to the Committee for consideration as to their preliminary admissibility. The Chair and the Vice-Chair had decided that communications PRE/ACCC/C/2016/140 (Romania), PRE/ACCC/C/2016/141 (Ireland) and PRE/ACCC/C/2016/142 (United Kingdom) should be forwarded to the Committee for consideration of preliminary admissibility at its fifty-fourth meeting and had requested the secretariat to post those communications on the Committee's website.

59. In accordance with the above, the Committee considered the preliminary admissibility of three new communications and one communication deferred from its fifty-third meeting (as set out below).

60. Communication ACCC/C/2016/139 (Ireland) had been submitted by an NGO, the Irish Underwater Council, on 12 May 2016. The communication alleged non-compliance with article 6, paragraph 2 (a), and article 5, paragraphs 1 and 2, of the Convention concerning a permit for dumping at sea. At its fifty-third meeting (Geneva, 21–24 June 2016), the Committee had agreed to defer its preliminary determination of admissibility in order to seek further clarification from the communicant. The communicant had provided its reply to the Committee's questions on 5 September 2016, and an observer, Environmental Pillar (Ireland), had submitted a statement on 13 September 2016. With respect to the preliminary admissibility of the communication, the Committee heard the views of the Party concerned and communicant by audio conference. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Pavel Černý was confirmed as curator for the case.

61. Communication ACCC/C/2016/140 (Romania) had been submitted by an NGO, Bankwatch Romania, on 27 July 2016. The communication alleged non-compliance with article 6 and article 9, paragraph 4, of the Convention with respect to a deforestation decision and environmental permitting procedure for lignite quarries. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Jerzy Jendrośka was confirmed as curator for the case.

62. Communication ACCC/C/2016/141 (Ireland) had been submitted by an NGO, Right to Know, on 19 August 2016. The communication alleged non-compliance with article 3, paragraph 1, article 4, paragraphs 2 and 7, and article 9, paragraphs 1 and 4, of the Convention with respect to review procedures for information requests. With respect to the preliminary admissibility of the communication, the Committee heard the views of the Party concerned and the communicant by audio conference. After considering the information received in closed session, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Ion Diaconu was confirmed as curator for the case.

63. Communication ACCC/C/2016/142 (United Kingdom) was submitted by a member of the public, John Hemming, on 23 August 2016. The communication alleged non-compliance with article 9, paragraphs 2, 3, 4 and 5, of the Convention with respect to a costs order for court proceedings brought by the communicant to enforce waste legislation. With respect to the preliminary admissibility of the communication, the Committee heard the views of the Party concerned and communicant by audio conference. During the audio conference, the communicant indicated his intention to consider the possible withdrawal of part of his allegations, and later that day he provided a written statement to that effect. After deliberating in closed session, the Committee agreed to defer its determination on preliminary admissibility to its fifty-fifth meeting in order to seek further clarification from the communicant. Committee member Aine Ryall was provisionally designated as curator for the case.

### **III. Reporting requirements**

64. The Committee noted that, at its fifth session, 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>3</sup> To date, Portugal and Turkmenistan had submitted their reports. As noted previously (see para. 12 above), a representative of the former Yugoslav Republic of Macedonia had informed the Working Group of the Parties at its twentieth meeting that it planned to submit its report for the fourth reporting cycle in September 2016; however, the report had not so far been received.

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

65. The Committee held an open session on the implementation of decisions V/9a-n of the Meeting of the Parties during which it invited those present to inform the Committee of any recent developments relevant to the implementation of those decisions. The Committee

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<sup>3</sup> See ECE/MP.PP/2014/2, para. 26.

also informed those present that, once completed, its second progress reviews on the implementation of decisions V/9b-n would be adopted through the Committee's electronic decision-making procedure. The adopted progress reviews would then be sent to the Parties concerned, the communicants and registered observers.

66. In that regard, with respect to decision V/9h (Germany), a representative of OEKOBURO informed the Committee that draft legislation proposed by the Party concerned to implement that decision was to be the subject of hearings in the German parliament in September and October 2016.

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

67. The Committee agreed to hold its fifty-fifth, fifty-sixth and fifty-seventh meetings in Geneva, from 6 to 9 December 2016, from 28 February to 3 March 2017 and from 27 to 30 June 2017, respectively.

## **VI. Other business**

### **A. Modus operandi**

68. The Chair noted that the draft revised Guide to the Compliance Committee (version of 8 December 2015) was available on the meeting web page, and invited all present to send any comments on the draft text by 1 November 2016. The Committee agreed that it would discuss the new draft text, incorporating the comments received, at its fifty-fifth meeting. The new draft would be posted on the web page for the fifty-fifth meeting in advance of that meeting.

69. Also with respect to its modus operandi, the Chair noted that, in accordance with paragraph 24 of the annex to decision I/7, the Committee had the discretion to proceed to commence its deliberations on the substance of a case without holding a hearing. In deciding in a particular case whether to proceed in such a manner, the Committee would consider, among other things, whether there was no, or very limited, disagreement between the parties on the facts of the case and whether the underlying legal issues were well defined. In addition, the Committee would invite the views of the parties to the case and observers would be free to submit their comments, though the ultimate decision as to whether to commence deliberations on the substance of a case without holding a hearing would always rest with the Committee.

### **B. Other matters**

70. The secretariat informed the Committee of a recent mission to Montenegro, where it had met with representatives of the Government in preparation for the sixth session of the Meeting of the Parties, which would be held from 11 to 16 September 2017. The secretariat has also visited venues that had been selected to host the session. The secretariat indicated that it had been proposed that the Committee's fifty-eighth meeting be held at the venue chosen from Sunday, 10 September, to Wednesday, 13 September 2017, inclusive.

71. Committee member Alistair McGlone notified the Committee of his participation in the ten-year anniversary event for the Compliance Committee of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Bonn, 8–9 September 2016).

72. Concerning the promotion of the principles of the Convention in other regions, Mr. Jendroška reported on the fourth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean, organized by the Economic Commission for Latin America and the Caribbean on 9 August 2016 in Santo Domingo, Dominican Republic.

73. Mr. Jendroška also notified the Committee of his participation and role as one of the main organizers at the Wrocław Global Forum (Wrocław, Poland, 2–3 June 2016).

74. The Chair notified the Committee of his participation in the first meeting of the Working Group on the Development of a Review Process under the Convention on Migratory Species (Bonn, 19–20 September 2016).

75. A representative of Earthjustice, speaking on behalf of the European Eco Forum, informed the Committee of a side event entitled “How can human rights contribute to the protection of the environment?”, held on 22 September 2016, during the thirty-third session of the Human Rights Council (Geneva, 13–30 September 2016). The side event took the form of a panel discussion with the United Nations Special Rapporteur on human rights on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John Knox, and the United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Baskut Tuncak.

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

76. The secretariat presented the draft report in open session. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting, taking into account the comments received on the report at the meeting. The Vice-Chair then officially closed the fifty-fourth meeting.

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