



Aarhus Convention
Sixty-first Compliance Committee
(Geneva, 2 - 6 July 2018)

- Statement by the EU and its Member States on the proposal by the Chair of the Aarhus Convention Compliance Committee on ensuring a fair and effective compliance mechanism with an increasing caseload

Agenda item 3: Matters arising from previous meetings

The EU and its Member States welcome and appreciate the efforts of the Chair of the Aarhus Convention Compliance Committee (hereinafter – ‘the Committee’) to explore ways and means the Committee to examine the cases more effectively while ensuring due process and timely and fair procedures.

At the same time, we recognize that hearings play a vital role within the Committee’s proceedings. Not only in general, but as an important tool for exercising the participatory right and for safeguarding the consultative nature of the compliance mechanism, hearings are essential even in practical terms: these are the sole opportunity for the Committee to bring together the Communicant and the Party concerned. Moreover, the interactive discussion is the best means for clarifying if there is disagreement between the parties on the facts of the case.

In this context, we note the text of decision V/9 which highlights the ‘need for the Committee to ensure transparency and due process for both communicants and the Parties concerned in respect of communications received from members of the public’ and reiterate once again, our proposals for audio conferencing, webinars and video conferencing to be used also for the hearing, instead of attendance in person, when the parties prefer such approach.

The Chair of the Committee suggests a procedure for requesting and considering by the Committee an explanation with reason(s) why a hearing should be held, to be provided by the party/observer before the Committee decides about the hearing. This procedure appears to be burdensome, complicated and time-consuming both for the Committee and the parties.

Against that background, the EU and its Member States suggest a simple and effective counter-proposal: when the Committee considers that a hearing is not needed, it should consult with the parties, and if one of the parties (the Communicant or the Party concerned) or both consider however that a hearing is necessary (even without providing any explanation), the hearing should be held.



We believe that any decision not to hold a hearing should only be taken with the prior consent by the Party concerned and the Communicant, with respect for the general principles of the environmental democracy and the rule of law and in view of the important practical relevance of the hearings.

In conclusion, the EU and its Member States express their willingness to work in close cooperation with the Committee for further increasing the effectiveness and timeliness of the compliance mechanism, while keeping its consultative, interactive, fair and nonconfrontational nature.
