

## 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

#### Sixth session

Budva, Montenegro, 11–13 September 2017

Item 7 (b) of the provisional agenda

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

### **Draft decision VI/8 on general issues of compliance<sup>1</sup>**

#### [As adopted by the Meeting of the Parties]

*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 V/9 on general issues of compliance and decisions V/9a, V/9b, V/9c, V/9d, V/9e, V/9f, V/9g, V/9h, V/9i, V/9j, V/9k, V/9l, V/9m and V/9n on compliance by individual Parties with their obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

*Noting with appreciation* the reports by the Committee to the sixth session of the Meeting of the Parties and taking note of the Committee's reports on its meetings during the intersessional period,

*Noting with appreciation also* the findings and recommendations adopted by the Committee during the intersessional period;

*Recalling* decisions VI/8a, VI/8b, VI/8c, VI/8d, VI/8e, ~~VI/8f~~, VI/8g, VI/8h, VI/8i, VI/8j and VI/8k, concerning compliance by Armenia, Austria, Belarus, Bulgaria, Czechia, ~~the European Union~~, Kazakhstan, Romania, Slovakia, Spain and the United Kingdom of Great Britain and Northern Ireland, adopted in parallel with this decision,

1. *Welcomes* the reports of the Aarhus Convention Compliance Committee to the Meeting of the Parties at its sixth session on procedural matters and general issues of compliance;<sup>2</sup>
2. *Also welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2014–2017 within the framework of decision I/7, as reflected in the reports of its meetings;
3. *Urges* those Parties found to be in non-compliance to take measures to bring their legislation or practice into compliance with the Convention as soon as possible once specific problems with compliance have been identified, with a view to already bringing about full compliance with the relevant provisions in the intersessional period, where possible and

<sup>1</sup> [The document was not formally edited.](#)

<sup>2</sup> ECE/MP.PP/2017/31 and ECE/MP.PP/2017/32.

where the Party concerned has agreed that the Committee makes recommendations to them directly;

4. *Appreciates* that recommendations, advice and expert assistance from the Committee to the Parties concerned in the intersessional period represents an effective means to facilitate Parties' compliance;
5. *Urges* each Party to cooperate in a constructive manner with the Committee in connection with any review of its compliance;

#### **Findings and recommendations on compliance in the period 2014–2017 and cooperation by the Parties**

6. *Welcomes* the constructive approach and cooperation demonstrated by Belarus, Belgium, Bulgaria, Czechia, the European Union, Germany, Kazakhstan, Norway, Romania, Spain, Slovakia, Sweden, the former Yugoslav Republic of Macedonia and the United Kingdom, whose compliance was the subject of review in the intersessional period 2014–2017;
7. *Also welcomes* the consideration and evaluation by the Committee with respect to the specific cases of alleged non-compliance set out in the findings and recommendations adopted by the Committee during the intersessional period;<sup>3</sup>
8. *Endorses* the main findings with regard to compliance contained in the findings and recommendations adopted by the Committee during the intersessional period;<sup>4</sup>
9. *Notes* the Committee's conclusions in its findings on communication ACCC/C/2014/111<sup>5</sup> that Belgium had not failed to comply with the provisions of the Convention in that case; its findings on communications ACCC/C/2014/101<sup>6</sup> and ACCC/C/2014/123<sup>7</sup> that the European Union had not failed to comply with the provisions of the Convention in those cases; its findings on communication ACCC/C/2013/92<sup>8</sup> that Germany had not failed to comply with the provisions of the Convention in that case; and its

<sup>3</sup> ECE/MP.PP/C.1/2015/3 (United Kingdom), ECE/MP.PP/C.1/2015/10 (Romania), ECE/MP.PP/C.1/2016/3 (Bulgaria), ECE/MP.PP/C.1/2016/10 (United Kingdom), ECE/MP.PP/C.1/2017/3 (Czechia), ECE/MP.PP/C.1/2017/4 (Sweden), ECE/MP.PP/C.1/2017/7 (European Union), ECE/MP.PP/C.1/2017/8 (the former Yugoslav Republic of Macedonia), ECE/MP.PP/C.1/2017/12 (Kazakhstan), ECE/MP.PP/C.1/2017/13 (Slovakia), ECE/MP.PP/C.1/2017/14 (United Kingdom), ECE/MP.PP/C.1/2017/15 (Germany), ECE/MP.PP/C.1/2017/16 (Norway), ECE/MP.PP/C.1/2017/17 (Spain), ECE/MP.PP/C.1/2017/18 (European Union), ECE/MP.PP/C.1/2017/19 (Belarus), ECE/MP.PP/C.1/2017/20 (Belgium) and ECE/MP.PP/C.1/2017/21 (European Union).

<sup>4</sup> [ECE/MP.PP/C.1/2015/3 \(United Kingdom\)](#), [ECE/MP.PP/C.1/2015/10 \(Romania\)](#), [ECE/MP.PP/C.1/2016/3 \(Bulgaria\)](#), [ECE/MP.PP/C.1/2016/10 \(United Kingdom\)](#), [ECE/MP.PP/C.1/2017/3 \(Czechia\)](#), [ECE/MP.PP/C.1/2017/4 \(Sweden\)](#), [ECE/MP.PP/C.1/2017/8 \(the former Yugoslav Republic of Macedonia\)](#), [ECE/MP.PP/C.1/2017/12 \(Kazakhstan\)](#), [ECE/MP.PP/C.1/2017/13 \(Slovakia\)](#), [ECE/MP.PP/C.1/2017/14 \(United Kingdom\)](#), [ECE/MP.PP/C.1/2017/15 \(Germany\)](#), [ECE/MP.PP/C.1/2017/16 \(Norway\)](#), [ECE/MP.PP/C.1/2017/17 \(Spain\)](#), [ECE/MP.PP/C.1/2017/18 \(European Union\)](#), [ECE/MP.PP/C.1/2017/19 \(Belarus\)](#), [ECE/MP.PP/C.1/2017/20 \(Belgium\)](#) and [ECE/MP.PP/C.1/2017/21 \(European Union\)](#). ~~Ibid.~~

<sup>5</sup> ECE/MP.PP/C.1/2017/20.

<sup>6</sup> ECE/MP.PP/C.1/2017/18.

<sup>7</sup> ECE/MP.PP/C.1/2017/21.

<sup>8</sup> ECE/MP.PP/C.1/2017/15.

findings on communication ACCC/C/2013/81<sup>9</sup> that Sweden had not failed to comply with the provisions of the Convention in that case;

10. *Notes also* the conclusions of the Committee in its finding on request from the Meeting of the Parties ACCC/M/2014/1<sup>10</sup> that the former Yugoslav Republic of Macedonia had failed to comply with article 10, paragraph 2, of the Convention but that, since the Party concerned had subsequently provided its national implementation reports for the third and fourth cycle, it was no longer in non-compliance and that the Committee refrained from making recommendations in that case;

11. *Further notes* the conclusions of the Committee in its findings on communication ACCC/C/2013/93<sup>11</sup> that Norway had failed to comply with article 9, paragraphs 1 and 4, of the Convention but that, taking into consideration that no evidence had been presented to substantiate that the non-compliance was owing to a systemic error, the Committee refrained from making recommendations in that case;

12. *Welcomes* the recommendations made by the Committee during the intersessional period 2014–2017 with regard to compliance by individual Parties, in accordance with paragraph 36 (b) of the annex to decision I/7, and the acceptance by most of the Parties found not to be in compliance of the Committee making such recommendations to them;

#### **Recommendations on requests for advice or assistance**

13. *Also welcomes* the recommendations by the Committee during the intersessional period 2014–2017 with regard to request ACCC/A/2014/1<sup>12</sup> by Belarus for advice and assistance, in accordance with paragraphs 13 (b) and 14 of the annex to decision I/7 and paragraph 53 of the report of the fifth session of the Meeting of the Parties;<sup>13</sup>

#### **Implementation of decisions on compliance by individual Parties**

14. *Takes note* of the reports of the Committee on the implementation of decisions V/9a,<sup>14</sup> V/9b,<sup>15</sup> V/9c,<sup>16</sup> V/9d,<sup>17</sup> V/9e,<sup>18</sup> V/9f,<sup>19</sup> V/9g,<sup>20</sup> V/9h,<sup>21</sup> V/9i,<sup>22</sup> V/9j,<sup>23</sup> V/9k,<sup>24</sup> V/9l,<sup>25</sup> V/9m,<sup>26</sup> and V/9n;<sup>27</sup>

15. *Welcomes* the committed action of Croatia, Germany, ~~Turkmenistan~~ and Ukraine to fully address the recommendations made by the Meeting of the Parties through decisions

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<sup>9</sup> ECE/MP.PP/C.1/2017/4.

<sup>10</sup> ECE/MP.PP/C.1/2017/8.

<sup>11</sup> ECE/MP.PP/C.1/2017/16.

<sup>12</sup> ECE/MP.PP/C.1/2017/11.

<sup>13</sup> ECE/MP.PP/2014/2, para. 53.

<sup>14</sup> ECE/MP.PP/2017/33 (Armenia).

<sup>15</sup> ECE/MP.PP/2017/34 (Austria).

<sup>16</sup> ECE/MP.PP/2017/35 (Belarus).

<sup>17</sup> ECE/MP.PP/2017/36 (Bulgaria).

<sup>18</sup> ECE/MP.PP/2017/37 (Croatia).

<sup>19</sup> ECE/MP.PP/2017/38 (Czechia).

<sup>20</sup> ECE/MP.PP/2017/39 (European Union).

<sup>21</sup> ECE/MP.PP/2017/40 (Germany).

<sup>22</sup> ECE/MP.PP/2017/41 (Kazakhstan).

<sup>23</sup> ECE/MP.PP/2017/42 (Romania).

<sup>24</sup> ECE/MP.PP/2017/43 (Spain).

<sup>25</sup> ECE/MP.PP/2017/44 (Turkmenistan).

<sup>26</sup> ECE/MP.PP/2017/45 (Ukraine).

<sup>27</sup> ECE/MP.PP/2017/46 (United Kingdom).

V/9e, V/9h, ~~V/9l~~ and V/m, respectively, and to bring their legislation and practice into compliance with the Convention;

16. *Also welcomes* the constructive efforts made by Armenia, Austria, Belarus, Czechia, the European Union, Kazakhstan, Romania, Spain and the United Kingdom to address the recommendations made by the Meeting of the Parties through decisions V/9a, V/9b, V/9c, V/9f, V/9g, V/9i, V/9j, V/9k and V/9n, respectively, to bring their legislation and practice into compliance with the Convention, while recognizing that further work is needed by these Parties to fully address the outstanding points of non-compliance;

17. *Further welcomes* the constructive engagement by Bulgaria with the Committee during the intersessional period, but expresses its deep concern that the Party concerned continues to maintain the position that implementing the recommendations in decision V/9d is not required for its full compliance with article 9, paragraphs 2 and 3, of the Convention and recalls that it had already expressed its concern at the position of Bulgaria in paragraph 5 of decision V/9d;

~~17bis~~18. *Also welcomes the constructive efforts made by Turkmenistan to address the recommendations made by the Meeting of the Parties through decision V/9l, while expressing its concern that the Party concerned failed to inform the Committee of the amendments to its Act of Public Associations adopted on 4 February 2017;*

~~17ter~~19. *Requests the Committee, pursuant to paragraph 13(b) of the annex to decision I/7, to review the compliance of Turkmenistan with articles 3, paragraphs 1, 4 and 9 of the Convention in the light of the amendments to the Act of Public Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection;*

~~18~~20. *Requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, to make recommendations to the Parties concerned to support the implementation of decisions VI/8a–k concerning their compliance;

~~19~~21. *Undertakes* to review the implementation of decisions VI/8a–k at its seventh ordinary session, and also 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 submit reports on the implementation of those decisions and recommendations to it for consideration at its seventh session;

## Resources

~~20~~22. *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 of, and compliance with, the Convention;

~~21~~23. *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 2014–2017 and is expected to increase further, and requests the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient human and financial resources are made available for this purpose;

~~22~~24. *Requests* the secretariat to continue to produce the agendas, reports, findings and other documents prepared by the Compliance Committee as official documents and to make them available in time for consideration at the relevant meetings in the three official languages of the United Nations Economic Commission for Europe, without recourse to additional extrabudgetary resources.