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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

Seventy-first meeting

7–9 July 2021

## Report of the Compliance Committee on its seventy-first meeting

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## Introduction

1. The seventy-first 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 7–9 July 2021. In the light of the exceptional situation related to the ongoing coronavirus disease (COVID-19) pandemic, both the Committee and participants participated in the meeting virtually.

### A. Attendance

2. Mr. Jonas Ebbesson (Chair) was present throughout the entire meeting. Mr. Jerzy Jendroska was unable to attend the open session on 9 July but was present for the rest of the meeting; Ms. Fruzsina Bögös and Mr. Alexander Kodjabashev (Vice-Chair) were unable to attend the sessions of 8 July but were present for the rest of the meeting; Ms. Heghine Grigoryan was unable to attend the meeting on 9 July but was present for the rest of the meeting; Mr. Marc Clement was unable to attend the open session on 7 July and the closed session on 9 July but was present for the rest of the meeting. Mr. Dmytro Skrylnikov was unable to attend the open session on 7 July and the closed session on 8 July but was present for the rest of the meeting. Mr. Peter Oliver was present at the open session of 8 May. Ms. Áine Ryall (Vice-Chair) participated in the open session on 7 July but was unable to participate in the rest 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. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2020/186 (Portugal), as well as several observers, took part in the open session on preliminary admissibility on 7 July 2021. The Party concerned took part also in the final open session of the meeting on 9 July 2021.

4. Representatives of Armenia, Austria, Belarus, Bulgaria, Czechia, the European Union, Kazakhstan, Romania, Spain, Slovakia and the United Kingdom of Great Britain and Northern Ireland took part, through virtual means, in the open sessions on the review of the implementation of the requests or decisions of the Meeting of the Parties concerning their respective compliance.

5. Representatives of Ireland and the Netherlands took part, through virtual means, in the open sessions on the review of the implementation of the Committee's findings and recommendations on, respectively, communications ACCC/C/2013/107 and ACCC/C/2016/141 (Ireland) and ACCC/C/2014/104 (Netherlands).

6. Representatives of Slovenia, on behalf of the Presidency of the Council of the European Union, participated in the open session of 7 and 8 July 2021. Representatives of Belarus participated in all open sessions.

7. The following communicants and observers took part in the open sessions on the review of the implementation of the requests or decisions of the Meeting of the Parties on compliance of the Parties listed in paragraph 4 above:

(a) Regarding request ACCC/M/2017/2 (Turkmenistan), the communicant of communication ACCC/C/2004/05 and the observer Earthjustice;

(b) Concerning request ACCC/M/2017/3 (European Union), representatives of the communicants of communications ACCC/C/2008/32 (ClientEarth), and ACCC/C/2010/54, representatives of the governments of Germany, Portugal and Slovenia, the observers European Environmental Bureau, Nuclear Transparency Watch, Greenpeace and WISE, Ms. Joanna Cornelius, Ms. Louise Guillot and Ms. Laura Mercier;

(c) With respect to decision VI/8b (Austria), a representative of the communicant of communication ACCC/C/2010/48 (OEKOBUEURO);

(d) Regarding decision VI/8c (Belarus), a representative of the communicant of communication ACCC/C/2014/102, the observers Nuclear Transparency Watch, Greenpeace Netherlands and WISE International;

(e) Concerning decision VI/8d (Bulgaria), the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76;

(f) Regarding decision VI/8e (Czechia), the observer OEKOBUEURO;

(g) Regarding decision VI/8i (Slovakia) a representative of the communicants of communication ACCC/C/2013/89 (OEKOBUEURO and Global 2000).

(h) Concerning decision VI/8k (United Kingdom), representatives of the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33 (ClientEarth), ACCC/C/2010/53, ACCC/C/2013/85 and ACCC/C/2013/86, Environmental Rights Centre for Scotland, Nuclear Transparency Watch and RSPB.

8. The following communicants and observers took part in the open sessions on the review of the implementation of the Committee's findings and recommendations:

(a) Regarding communication ACCC/C/2014/104 (Netherlands), a representative of the communicant (Greenpeace Netherlands);

(b) Concerning communication ACCC/C/2013/107 (Ireland), the communicant and the observer Irish Environmental Network;

(c) With respect to communication ACCC/C/2016/141, the communicant and observers Irish Environmental Network, Mr. Stephen Minch and Mr. Kieran Cummins.

9. ClientEarth and Ms. Louise Wuchner, a member of the public, participated in the open sessions on 7 and 9 July 2021. A representative of the Aarhus Center of Belarus attended the open sessions of 8 and 9 July 2021. The communicant of communication ACCC/C/2017/147 participated in the open session on 9 July 2021. Earthjustice, which attended on behalf of the European ECOForum, participated as observer in all open sessions.

## **B. Organizational matters**

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

11. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2021/9.

12. The Chair reported that, since its seventieth meeting (12–16 April 2021), the Committee had held nine virtual meetings in closed session. At its virtual meetings on 7, 20, and 26 May 2021, on 1, 7, 10 and 11 June 2021, the Committee had continued its deliberations on its draft findings on communications ACCC/C/2013/90 (United Kingdom), ACCC/C/2014/105 (Hungary), ACCC/C/2014/112 (Ireland), ACCC/C/2014/118 (Ukraine), ACCC/C/2014/120 (Slovakia), ACCC/C/2015/130 (Italy), ACCC/C/2015/131 (United Kingdom), ACCC/C/2015/132 (Ireland), ACCC/C/2015/133 (Netherlands) and ACCC/C/2016/140 (Romania). At its virtual meetings on 22 June and 1 July 2021, the Committee had prepared its draft reports to the seventh session of the Meeting of the Parties on the implementation of requests and decisions from the Meeting of the Parties. All nine virtual meetings were held in closed session.

13. Regarding communications received before 4 May 2021 (the deadline for receipt of communications for the seventy-first meeting), the Chair reported that he and Vice-Chairs Mr. Kodjabashev and Ms. Ryall had held a virtual meeting on 11 May 2021 to determine which of the communications received by the deadline sufficiently met the required format to be forwarded to the Committee for consideration as to their preliminary admissibility. The Chair and Vice-Chairs had decided that communication PRE/ACCC/C/2021/186 (Portugal) should be forwarded to the Committee for consideration of preliminary admissibility at its

seventy-first meeting and had requested the secretariat to post that communication on the Committee's website in advance of the meeting. On 28 June 2021, the Chair and Vice-Chair held a virtual meeting to consider a request by the communicant of communication ACCC/C/2021/185 (United Kingdom) for the Committee to reconsider its determination that that communication was inadmissible (see para. 65 below).

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

14. The Committee noted that it had not received any new submissions, referrals or requests since its last meeting.

15. Concerning submission ACCC/S/2015/2 (Belarus), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 7 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and Lithuania on 8 June 2021, with an invitation to provide any comments thereon by 20 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings, and as appropriate recommendations.

16. Regarding request ACCC/M/2017/2 (Turkmenistan), the Committee noted that on 21 May 2021, the Party concerned had submitted its final progress report, due on 1 October 2020 and that, on 7 June 2021, the communicant of communication ACCC/C/2004/5 had submitted its comments on the Party concerned's final progress report. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicant of communication ACCC/C/2004/5 and registered observers on 5 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of request ACCC/M/2017/2 in open session with the participation through virtual means of representatives of the Party concerned, the communicant of communication ACCC/C/2004/5 and observer Earthjustice, on behalf of the European ECOForum.

17. With respect to request ACCC/M/2017/3 (European Union), the Committee noted that the Party concerned had submitted an update on 25 June 2021. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2008/32 and ACCC/C/2010/54 and the registered observers on 2 July 2021 for their comments by 16 July 2021. During the meeting, the Committee reviewed the implementation of request ACCC/M/2017/3 in open session with the participation, through virtual means, of representatives of the Party concerned and the communicants of communications ACCC/C/2008/32 and ACCC/C/2010/54. Representatives of the governments of Slovenia, on behalf of the Presidency of the Council of the European Union, Portugal and Germany, non-governmental organizations European Environmental Bureau, Nuclear Transparency Watch, Greenpeace and WISE and members of the public, Ms. Guillot, Ms. Cornelius, and Ms. Mercier, also participated as observers.

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

18. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its seventy-second meeting would be 6 September 2021.

19. With respect to communication ACCC/C/2013/90 (United Kingdom), the Committee reported that it had continued its deliberations on its draft findings in closed session at its virtual meetings on 1, 10 and 11 June 2021 and had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the

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communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

20. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee reported that it had finalized and adopted its findings through its electronic decision-making procedure on 7 June 2021. The Committee agreed that the findings should be published as a formal pre-session document to its seventy-second meeting.

21. Concerning communication ACCC/C/2014/105 (Hungary), the Committee reported that it had continued its deliberations on its draft findings in closed session at its virtual meetings on 20 May, 1 and 7 June 2021 and had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

22. With respect to communication ACCC/C/2014/112 (Ireland), the Committee reported that it had continued its deliberations on its draft findings in closed session at its virtual meetings on 7 and 20 May 2021 and had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

23. Regarding communication ACCC/C/2014/113 (Ireland), the Committee noted that the judgment by the High Court in *Heather Hill Management Company CLG v. An Bord Pleanála* [2019] IEHC 450 was currently on appeal. Given the apparent relevance of this judgment to issues raised in the communication, the Committee decided to defer its deliberations on its draft findings until the appeal had been determined.

24. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee reported that it had continued its deliberations on its draft findings in closed session at its virtual meetings on 7 and 26 May and 7 June 2021 and had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

25. With respect to communication ACCC/C/2014/119 (Poland), the Committee noted that it had sent questions to the parties on 11 March 2021 for their reply, including a request to the Party concerned to provide relevant translations. The communicant had replied on 8 April 2021 and on the same date the Party concerned had provided a partial reply. The Committee instructed the secretariat to follow-up with the Party concerned to request it to provide the rest of its reply.

26. Regarding communication ACCC/C/2014/120 (Slovakia), the Committee reported that it had continued its deliberations on its draft findings in closed session at its virtual meetings on 20 and 26 May and 7, 10 and 11 June 2021 and had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments

thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

27. Concerning communication ACCC/C/2014/124 (Netherlands), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

28. Regarding communication ACCC/C/2015/126 (Poland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

29. With respect to communication ACCC/C/2015/130 (Italy), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 14 April 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 21 April 2021 with an invitation to provide any comments thereon by 2 June 2021. On 2 and 30 June 2021, respectively, the communicant and the Party concerned had submitted their comments on the Committee's draft findings. The Committee finalized its findings in closed session at its virtual meeting on 1 July 2021, taking into account the comments received, and adopted its findings on 6 July 2021. The Committee agreed the findings should be published as a formal pre-session document to its seventy-second meeting.

30. Regarding communication ACCC/C/2015/131 (United Kingdom), the Committee reported that it had continued its deliberations on its draft findings in closed session at its virtual meetings on 7, 20 and 26 May and 1 and 10 June 2021 and had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

31. Concerning communication ACCC/C/2015/132 (Ireland), the Committee noted that it had sent questions to the parties on 19 March 2021 for their written reply and the Party concerned and the communicant had replied to the Committee's questions on 16 and 17 April 2021, respectively. The Committee had continued its deliberations on its draft findings in closed session at its virtual meeting on 20 May 2021, taking into account the information received, and agreed to continue its deliberations on its draft findings at an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

32. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee noted that it had continued its deliberations on its draft findings in closed session at its virtual meeting on 7 May 2021 and that, on 19 May 2021, it had sent questions to the parties for their written reply by 9 June 2021. On 8 June 2021, the communicant submitted its reply to the Committee's questions. On 9 June 2021, the Party concerned provided a partial reply to the Committee's questions and requested an extension until 4 August 2021 to provide the remaining part of its reply. On 10 June 2021, the communicant wrote to object to the Party concerned's request for an extension. After taking into account that the views of both parties, the Chair granted the extension. The Committee agreed to continue its deliberations on its draft findings at an upcoming meeting, taking into account the information received from both parties.

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33. Regarding communication ACCC/C/2015/134 (Belgium), the Committee noted that it had completed its draft findings through its electronic decision-making procedure on 17 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 17 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

34. Concerning communication ACCC/C/2016/137 (Germany), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 8 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 9 June 2021 with an invitation to provide any comments thereon by 20 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

35. With respect to communication ACCC/C/2016/138 (Armenia), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 15 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

36. Regarding communication ACCC/C/2016/139 (Ireland), the Committee noted that it had sent questions to the parties on 26 March 2021 for their reply by 16 April 2021. On 16 April 2021, the Party concerned submitted its reply to the Committee's questions. The communicant provided its partial reply on 20 May and an update on 23 June 2021, explaining that it will be able to fully address the Committee's questions by the end of July 2021, once the documentation it had requested from the Environmental Protection Agency had been received. The Committee agreed to continue its deliberations at an upcoming meeting, taking into account the information received from both parties.

37. Concerning communication ACCC/C/2016/140 (Romania), the Committee noted that on 22 February 2021 questions had been sent to the parties for their written reply. On 22 March 2021, the Party concerned had provided its reply to the Committee's questions. On 9 April 2021, the communicant had sent a partial reply which was followed by additional information on 4 May 2021. On 5 and 13 May 2021, the Committee sent further questions to the Party concerned and the communicant, respectively. On 19 and 27 May 2021, the Party concerned replied to the Committee's questions. On 21 May 2021, the communicant provided its reply. The Committee continued its deliberations on its draft findings in closed session at its virtual meetings on 20 and 26 May 2021, taking into account the information received and agreed to continue its deliberations on its draft findings at an upcoming meeting, with a view to completing its draft findings and, as appropriate, recommendations.

38. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 15 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 16 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

39. Concerning communication ACCC/C/2016/143 (Czechia), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 10 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 11 June 2021 with an invitation to provide any comments thereon by 22 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.
40. With respect to communication ACCC/C/2016/144 (Bulgaria), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 16 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 17 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.
41. Regarding communication ACCC/C/2017/146 (Poland), the Committee noted that there had been no developments since its seventieth meeting. The Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
42. Concerning communication ACCC/C/2017/147 (Republic of Moldova), the Committee reported that it had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 15 June 2021 with an invitation to provide any comments thereon by 23 July 2021. Following the expiry of the deadline for comments on the draft findings, the Committee would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.
43. With respect to communication ACCC/C/2017/148 (Greece), the Committee noted that it had agreed to send questions to the parties for their written reply and that it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received.
44. Regarding communication ACCC/C/2017/149 (Greece), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
45. Concerning communication ACCC/C/2017/150 (United Kingdom), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
46. With respect to communication ACCC/C/2016/151 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
47. Regarding communication ACCC/C/2017/153 (Spain), the Committee noted that, in the light of the voluminous information received, it had agreed to send questions to the communicants to clarify various aspects of their claims and to decide how to proceed with the communication at an upcoming meeting taking into account their reply and any comments received thereon.
48. Concerning communication ACCC/C/2017/154 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
49. With respect to communication ACCC/C/2017/156 (United Kingdom), the Committee agreed that it would continue its deliberations on its draft findings at an upcoming meeting, with a view to completing its draft findings and, as appropriate, recommendations.
50. Concerning communication ACCC/C/2018/158 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

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51. With respect to communication ACCC/C/2017/159 (Spain), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
52. Regarding communication ACCC/C/2018/161 (Bulgaria), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
53. Concerning communication ACCC/C/2019/162 (Denmark), the Committee noted that it had requested the secretariat to ask the Party concerned to submit the texts of relevant case law referred to in its response to the communication.
54. With respect to communication ACCC/C/2019/163 (Austria), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
55. Regarding communication ACCC/C/2019/164 (Ireland), the Committee noted that it had agreed to invite the communicant to comment on the submissions of the Party concerned on admissibility in its response to the communication and to decide how to proceed with the communication at an upcoming meeting, taking into account the information received from both parties.
56. Concerning communication ACCC/C/2019/168 (Iceland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
57. With respect to communication ACCC/C/2019/173 (Sweden), the Committee noted that it had agreed to send questions to the Party concerned for clarification and that it would decide how to proceed with the communication at an upcoming meeting taking into account the information received from both parties.
58. Regarding communication ACCC/C/2019/174 (Sweden), the Committee noted that there had been no developments since its seventieth meeting. It agreed that it would decide how to proceed with the communication at an upcoming meeting.
59. Concerning communication ACCC/C/2020/177 (Bosnia and Herzegovina), the Committee noted that it had agreed to ask the Party concerned to expand its response of 23 November 2020 and to clarify whether it challenged the admissibility of the communication and to invite the communicant to comment on the reply of the Party concerned. The Committee agreed that it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received from both parties.
60. With respect to communication ACCC/C/2020/178 (Germany), the Committee noted that the Party concerned had submitted its response to the communication on 13 August 2020 and that in its response it had challenged the communication's admissibility. The Committee agreed to invite the communicant to comment on the submissions made by the Party concerned on that issue and to decide how to proceed in the light of the information received.
61. Regarding communication ACCC/C/2020/179 (Serbia), the Committee noted that the Party concerned had submitted its response to the communication on 10 November 2020 and there had been no developments since the Committee's seventieth meeting. The Committee agreed to decide how to proceed with the communication at an upcoming meeting.
62. Concerning communication ACCC/C/2020/181 (Netherlands), the Committee reported that on 30 April 2021 the Party concerned had submitted its response to the communication. The Committee agreed to decide how to proceed with the communication at an upcoming meeting.
63. With respect to communication ACCC/C/2020/182 (Belarus), the Committee noted that the Party concerned had provided its response to the communication on 4 May 2021. The Committee agreed to decide how to proceed with the communication at an upcoming meeting.
64. Regarding communication ACCC/C/2020/183 (Spain), the secretariat had forwarded the communication to the Party concerned on 3 December 2020 for its response by 3 May 2021. The Committee noted that the deadline of 3 May 2021 for the Party concerned's

response had expired but its response had not yet been received. The Committee requested the secretariat to follow up with the Party concerned regarding its outstanding response.

65. With respect to communication ACCC/C/2020/185 (United Kingdom), the secretariat had by letter of 10 May 2021 informed the communicant and the Party concerned of the reasons for the Committee's determination at its seventieth meeting that the communication was inadmissible. On 21 May 2021, the communicant requested a reconsideration of the Committee's determination of inadmissibility. On 28 June 2021, the Chair and Vice-Chairs decided that the request for reconsideration did not identify a manifest error and that the determination of inadmissibility would stand. On 7 July 2021, the secretariat wrote to the communicant to inform him of the Chair and Vice-Chairs' decision.

66. Communication PRE/ACCC/C/2021/186 (Portugal) had been submitted on 2 May 2021 by Fundação Montescola, an environmental non-governmental organization. The communication alleges the violation of articles 4 (1), (2), (3) (c), (7) and 6 (3) and (4) of the Convention with respect to the development of the Barroso Mine expansion project. On 20 May 2021, the communicant provided additional information. On 9 and 14 June 2021, respectively, Mr. Fernando Queiroga and Mr. Nik Völker requested to join as observers. Mr. Völker also provided additional information. On 6 and 7 July 2021, respectively, the communicant and the Party concerned each submitted their statements on the preliminary admissibility of the communication. During the meeting, the Committee heard the views of the communicant and the Party concerned, as well as participating observers, on the preliminary admissibility of the communication. After considering in closed session the information received, the Committee agreed to defer its determination on admissibility in order to ask the Party concerned and the communicant to provide further clarification regarding available domestic remedies and the pending domestic procedures.

### **III. Reporting requirements**

67. The Committee noted that the Meeting of the Parties, at its sixth session (Budva, Montenegro, 11–14 September 2017), had urged Parties that had not yet submitted their national implementation reports — i.e., Armenia, Bosnia and Herzegovina, the Netherlands, North Macedonia, the Republic of Moldova, Ukraine and the United Kingdom of Great Britain and Northern Ireland— to do so in the required format by 1 November 2017 at the latest (ECE/MP.PP/2017/2, para. 46). Notwithstanding that, none of the above-mentioned Parties had submitted their national implementation reports to the secretariat by 1 November 2017. The secretariat reported that Armenia, Bosnia and Herzegovina, the Netherlands, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland had submitted their reports. The Republic of Moldova had not yet submitted its report.

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

68. The Committee took note of the developments since its seventieth meeting with respect to decisions VI/8a–e and g–k of the Meeting of the Parties, as well as the follow-up procedure concerning the Committee's findings and recommendations on communications ACCC/C/2014/104 (Netherlands), ACCC/C/2014/107 (Ireland) and ACCC/C/2016/141 (Ireland).

69. Concerning decision VI/8a (Armenia), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43, and ACCC/C/2011/62 as well as registered observers on 1 July 2021 for their comments by 15 July 2021. On 6 July 2021, the Party concerned provided the text of relevant legislation in Armenian. During the meeting, the Committee reviewed the implementation of decision VI/8a in open session with the participation through virtual means of a representative of the

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Party concerned. Though invited, no communicants or observers participated in the open session.

70. Concerning decision VI/8b (Austria), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned and the communicants of communications ACCC/C/2010/48 and ACCC/C/2011/63 on 2 July 2021 for their comments by 16 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8b in open session with the participation through virtual means of a representative of the Party concerned and the communicant of communication ACCC/C/2010/48.

71. Concerning decision VI/8c (Belarus), the Committee noted that, on 24 May 2021, the communicant of communication ACCC/C/2014/102 had provided additional information under paragraph 7 of decision VI/8c. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2009/37, ACCC/C/2009/44, and ACCC/C/2014/102 and registered observers on 5 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8c in open session with the participation through virtual means of representatives of the Party concerned, the communicant of communication ACCC/C/2014/102 and observers Nuclear Transparency Watch, Greenpeace Netherlands and WISE International.

72. Concerning decision VI/8d (Bulgaria), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76 and registered observer on 1 July 2021 for their comments by 15 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8d in open session with the participation through virtual means of a representative of the Party concerned and the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76. On 8 July 2021, the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76 provided the written version of its statement delivered at the Committee's seventieth meeting.

73. Regarding decision VI/8e (Czechia), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2010/50, ACCC/C/2012/70 and ACCC/C/2012/71 and registered observers on 1 July 2021 for their comments by 15 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8e in open session with the participation through virtual means of a representative of the Party concerned and observers Nuclear Transparency Watch and OEKOBUERO.

74. With respect to decision VI/8g (Kazakhstan), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2004/01, ACCC/C/2004/02, ACCC/C/2004/06, ACCC/C/2011/59 and ACCC/C/2013/88 and registered observers on 4 July 2021 for their comments by 19 July 2021. On 7 July 2021, the communicant of communication ACCC/C/2011/59 submitted its comments on the Committee's draft report. During the meeting, the Committee reviewed the implementation of decision VI/8g in open session with the participation through virtual means of representatives of the Party concerned. Though invited, no communicants or observers participated in the open session.

75. Concerning decision VI/8h (Romania), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2010/51 and ACCC/C/2012/69 and the registered observer on 6 July 2021 for their comments by 20 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8h in open session with the participation through virtual means of a representative of the Party

concerned and the communicant. Though invited, no communicants or observers participated in the open session.

76. Regarding decision VI/8i (Slovakia), the Committee noted that, on 16 May 2021, the Party concerned had provided an update. On 28 May 2021, Mr. Peter Mihok submitted an observer statement. On 30 May and 2 June 2021, Mr. Michal Daniška also submitted observer statements. On 11, 18 and 21 June 2021, the Party concerned submitted comments on the observers' statements as well as an English translation of relevant legislation. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communication ACCC/C/2013/89 and registered observers on 4 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8i in open session with the participation through virtual means of representatives of the Party concerned and a representative of the communicants OEKOBUERO and Global 2000.

77. With respect to decision VI/8j (Spain), the Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99 and registered observers on 1 July 2021 for their comments by 15 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8j in open session with the participation through virtual means of a representative of the Party concerned. Though invited, no communicants or observers participated in the open session.

78. Concerning decision VI/8k (United Kingdom), the Committee noted that, on 15 June 2021, ClientEarth, the communicant of communication ACCC/C/2008/33 had sent an update. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties which was then sent to the Party concerned, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/27, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2011/65, ACCC/C/2012/68, ACCC/C/2012/77, ACCC/C/2013/85, ACCC/C/2013/86, ACCC/C/2013/91, ACCC/C/2017/157, ACCC/C/2020/180 and registered observers on 5 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8k in open session with the participation through virtual means of representatives of the Party concerned, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2013/85, and observers RSPB and Environmental Rights Centre for Scotland.

79. Regarding communication ACCC/C/2014/104 (Netherlands), the Committee noted that, on 17 February and 29 March 2021, respectively, the communicant and the Party concerned had each submitted an update. On 14 May 2021, the secretariat, at the Committee's request, had asked the Party concerned to provide the text of relevant legislation, which the Party concerned provided on 27 May 2021. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the Committee's findings and recommendations. The Committee's draft report was then sent to the Party concerned and the communicant on 2 July 2021 for their comments by 16 July 2021. During the meeting, the Committee reviewed the implementation of the Committee's findings in open session with the participation through virtual means of representatives of the Party concerned and the communicant.

80. With respect to communication ACCC/C/2013/107 (Ireland), on 29 May 2021, the observer Irish Environmental Network had submitted an observer statement. On 10 June 2021, the Party concerned had provided an update on the developments taken place since Ireland's submission of its progress report on 1 October 2020. The Committee prepared and completed its draft report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the Committee's findings and recommendations. The Committee's draft report was then sent to the Party concerned and the communicant on 4 July 2021 for their comments by 19 July 2021. On 6 July 2021, the observer Irish

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Environmental Network provided an update. During the meeting, the Committee reviewed the implementation of the Committee's findings in open session with the participation through virtual means of representatives of the Party concerned, the communicant and the observer Irish Environmental Network.

81. Concerning communication ACCC/C/2016/141 (Ireland), on 21 May 2021, the Party concerned had provided an update on the measures it had adopted to address the Committee's findings and, on 27 May 2021, the communicant provided comments on the Party concerned's update. On 10 June 2021, the communicant provided its own update. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the Committee's findings and recommendations. The Committee's draft report was then sent to the Party concerned and the communicant on 4 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of the Committee's findings in open session with the participation through virtual means of representatives of the Party concerned, the communicant and the observer Irish Environmental Network.

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

82. The Committee noted that, subject to the availability of conference services, it had agreed to hold its seventy-second meeting on 18–21 October 2021 in parallel with the seventh session of the Meeting of the Parties. The Committee also agreed to schedule a number of virtual meetings between its seventy-first and seventy-second meetings in order to finalize its findings and reports to be submitted to the seventh session of the Meeting of the Parties.

## **VI. Other business**

### **A. Modus operandi**

83. The Chair expressed his appreciation for the proactive efforts made by the secretariat both before and throughout the meeting to enable the meeting to proceed smoothly despite the logistical challenges caused by the on-going COVID-19 pandemic.

### **B. Other matters**

84. The Chair reported that, on 20 April 2021, he gave a keynote speech at an international conference organized by the Agri-Environmental Court in Bolivia on access to environmental justice in the framework of the entry into force of the Escazu Agreement. The presentation was entitled "The Aarhus Convention: Rules, Procedures on Compliance and Lessons Learned for the Escazu Agreement".

85. The Chair also reported that, on 8 June 2021, he had given a presentation to the twenty-fifth meeting of the Working Group of the Parties of the Convention on the Committee's activities and, in particular, the preparation of its reports to the Meeting of the Parties.

86. Committee member Mr. Jerzy Jendroska reported on his participation in an academic event on access to justice organized by the Special Interest Group of Environmental Law of the European University Institute. Mr. Jendroska also informed the meeting that Kazakhstan had developed a new code on environmental protection which was intended to comprehensively address all issues related to environmental law. He also reported that he and Committee member Mr. Dmytro Skrylnikov had in their private capacity carried out eight trainings for Kazakh officials covering, inter alia, issues related to public participation in

environmental decision-making. Mr. Jendroska also reported on his involvement in the development of an implementation guide for the Escazu Agreement.

87. The secretariat updated the Committee on the outcomes of the twenty-fifth meeting of the Working Group of the Parties held on 3 May and 7–8 June 2021 which was focused on preparations for the seventh session of the Meeting of the Parties. The secretariat also reminded meeting participants that the deadline for nominating members of the Compliance Committee for the next inter-sessional period was 26 July 2021.

88. Earthjustice reported on recent developments under the Human Rights Council to establish a new special procedure on climate change. Earthjustice also reported that it was hoped that the Human Rights Council might recognize the right to a healthy and sustainable environment at its 48<sup>th</sup> regular session on 13 September – 11 October 2021.

## **VII. Report and closure of the meeting**

89. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the seventy-first meeting.

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