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Item 7 (b) of the provisional agenda

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

Report of the Compliance Committee on compliance by Armenia*

Summary

This document is prepared by the Compliance Committee pursuant to the request set out in paragraph 21 of decision VI/8 of the Meeting of the Parties (ECE/MP.PP/2017/2/Add.1) and in accordance with the Committee's mandate set out in paragraph 35 of the annex to decision I/7 of the Meeting of the Parties on review of compliance (ECE/MP.PP/2/Add.8).

* The present document is being issued without formal editing.



I. Introduction

1. At its sixth session (Budva, Montenegro, 11–13 September 2017), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision VI/8a on compliance by Armenia with its obligations under the Convention (see ECE/MP.PP/2017/2/Add.1).

II. Summary of follow-up

2. On 12 February 2018, the Party concerned provided an update on recent legislative developments.

3. At its sixtieth meeting (Geneva, 12–15 March 2018), the Committee reviewed the implementation of decision VI/8a in open session with the participation by audio conference of a representative of the Party concerned. Though invited, no communicants or registered observers took part in the open session.

4. On 12 March 2018, Ecological Right, a non-governmental organization (NGO), submitted a statement as an observer. It submitted an updated version of its statement on 14 March 2018.

5. On 15 March 2018, the communicant of communications ACCC/C/2004/8 and ACCC/C/2009/43 submitted a written statement.

6. On 1 October 2018, the Party concerned submitted its first progress report on decision VI/8a on time.

7. On 5 October 2018, the secretariat forwarded the first progress report to the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43 and ACCC/C/2011/62 and observers, inviting their comments by 1 November 2018. No comments were received.

8. After taking into account the information received, the Committee prepared its first progress review and adopted it through its electronic decision-making procedure on 18 February 2019. On 25 February 2019, the secretariat sent the Committee's first progress review to the Party concerned, the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43 and ACCC/C/2011/62 and registered observers.

9. At its sixty-third meeting (Geneva, 11–15 March 2019), the Committee reviewed the implementation of decision VI/8a in open session, with the participation by audio conference of a representative of the Party concerned. Though invited, no communicants or registered observers took part in the open session.

10. On 25 July 2019, the secretariat wrote to the Party concerned to remind it of the deadline of 1 October 2019 set out in paragraph 4 (a) of decision VI/8a to provide its second progress report.

11. The Party concerned failed to provide its second progress report on 1 October 2019.

12. On 15 October 2019 and again on 15 November 2019, the secretariat wrote to the Party concerned to request it to provide its overdue second progress report as soon as possible.

13. On 21 November 2019, the Party concerned provided its second progress report.

14. On 29 November 2019, the secretariat forwarded the first progress report to the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43 and ACCC/C/2011/62 and registered observers, inviting their comments by 27 December 2019. No comments were received.

15. On 19 December 2019, the Committee sent questions to the Party concerned, with a deadline for its reply of 16 January 2020.

16. On 23 January 2020, the Party concerned provided its answers to the Committee's questions.
17. On 24 January 2020, the secretariat forwarded the second progress report of the Party concerned and its replies of 23 January 2020 to the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43 and ACCC/C/2011/62 and registered observers, inviting their comments by 3 February 2020. No comments were received.
18. After taking into account the information received, the Committee prepared its second progress review and adopted it through its electronic decision-making procedure on 26 February 2020. On the same date, the secretariat sent the Committee's second progress review to the Party concerned, the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43 and ACCC/C/2011/62 and registered observers.
19. At its sixty-sixth meeting (Geneva, 9–13 March 2020) the Committee reviewed the implementation of decision VI/8a in open session with the participation by audio conference of a representative of the Party concerned. Though invited, no communicants or registered observers took part in the open session.
20. The Party concerned failed to provide its final progress report on 1 October 2020.
21. On 5 October 2020, the secretariat, on the Committee's instructions, sent an email to the Party concerned to request it provide its overdue final progress report as a matter of urgency.
22. On 18 November 2020, the Party concerned submitted its final progress report.
23. The Committee completed its draft report to the seventh session of the Meeting of the Parties on the implementation of decision VI/8a through its electronic decision-making procedure on 30 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft report was forwarded on 1 July 2021 to the Party concerned, communicants and registered observers with an invitation to provide comments by 15 July 2021.
24. On 6 July 2021, the Party concerned provided the text of the law "On environmental impact assessment and expertise" as currently in force, along with the latest draft version of the new law "On environmental impact assessment and expertise", both in Armenian.
25. At its seventy-first meeting (Geneva online, 7–9 July 2021), the Committee reviewed the implementation of decision VI/8a in open session with the participation via virtual means of a representative of the Party concerned. Though invited, no communicants or registered observers took part in the open session.
26. On 20 July 2021, the Party concerned provided comments on the Committee's draft report.
27. After taking into account the information received, the Committee finalized and adopted its report to the seventh session of the Meeting of the Parties on the implementation of decision VI/8a through its electronic decision-making procedure on 26 July 2021 and thereafter requested the secretariat to send it to the Party concerned, the communicants and the registered observers.

III. Considerations and evaluation by the Committee

28. In order to fulfil the requirements of paragraph 3 of decision VI/8a, the Party concerned would need to provide the Committee with evidence that it had taken the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:
- (a) Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;
 - (b) Reasonable time-frames that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation;

(c) Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9 (2) of the Convention with regard to standing;

(d) It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention.

General observations

Failure to meet deadlines and quality of reporting

29. The Committee expresses its disappointment that the Party concerned did not engage more actively in the follow-up procedure on decision VI/8a from the start of the intersessional period. The Committee considers that such earlier engagement could have greatly increased the Party's chances of moving closer to fulfilling all the requirements of paragraph 3 of decision VI/8a.

30. Both the second and final progress reports were submitted to the Committee considerably after the deadlines set out in paragraph 4 (a) of decision VI/8a. The second report was received on 21 November 2019, more than seven weeks after the deadline of 1 October 2019, despite written reminders from the secretariat on 24 July, 15 October and 15 November 2019. The final progress report was received on 18 November 2020, more than six weeks after the deadline of 1 October 2020 and after a written reminder from the secretariat on 5 October 2020.

31. Regarding the latter report, the Committee recognizes that the Party concerned was involved in an armed conflict between September and November 2020 and that this may have somewhat contributed to the delay.

32. The Committee however expresses its strong concern at the poor quality of the second and final progress reports of the Party concerned, and particularly of the latter. In this regard, the failure by the Party concerned to provide the text of the draft law "On environmental impact assessment and expertise" in due time has significantly hampered the Committee's ability to review the Party concerned's progress in meeting the requirements of decision VI/8a. The Party concerned only provided the text of the latest version of the draft law, in Armenian only, after the Committee had already sent the draft of the present report to the Party concerned, communicants and observers for their comments.

33. Similarly, the Committee notes that the draft legislation and other documentation annexed to the second progress report were provided only in Armenian. The Committee reminds the Party concerned that in order to be considered by the Committee, all documentation must be provided in one of the official languages of the Convention (English, French and Russian). English, being the working language of the Committee, is to be preferred.

34. The Committee points out that the above failures have impacted upon the Committee's task of reviewing the Party concerned's progress to implement the recommendations in decision VI/8a throughout the full intersessional period. A more constructive and consistent engagement by the Party concerned throughout the intersessional period could have greatly increased its chances of fulfilling the requirements of decision VI/8a.

Paragraph 3 (a) of decision VI/8a

35. In its second progress review, the Committee requested the Party concerned to inform it of the final adoption and entry into force of the law "On environmental impact assessment and expertise".¹ It also requested the Party concerned to provide, along with its final progress report, a table in which it would set out, for each activity listed in annex I of the Convention, the corresponding provisions of that law together with a professional English translation of those provisions.²

¹ Committee's second progress review, 26 February 2020, para. 33.

² Ibid.

36. In its final progress report, the Party concerned states that the draft law “On environmental impact assessment and expertise”, which was drafted in 2019, was then circulated among the competent ministries and institutions to collect official opinions and recommendations.³ The Party concerned reports that, unfortunately no deadline was established by the law for its submission by the Government to the National Assembly. Since the draft law was criticized by many NGOs, a new working group was established by the new Minister of Environment appointed on 30 August 2020.⁴ During the war against Azerbaijan from 27 September to 10 November 2020, the National Assembly was focused on the military situation.⁵ However, the working group was expected to restart its work on the draft law again soon.⁶

37. In its comments on the Committee’s draft report, the Party concerned states that the working group has now finished its works on preparing the new law “on environmental impact assessment and expertise” and the draft law is at the internal circulation stage. The draft law was discussed on 7 July 2021 during the conference of the Public Council under the Minister of Environment and the Public Council was expected to present its written opinion within 10 days. Its written opinion will be discussed in accordance with the applicable procedure and any resulting revisions will be included in the draft law. The Party concerned reports that the Public Council did not make any comments on the draft law of pertinence to paragraph 3 (a) of decision VI/8a.⁷

38. With respect to the requirements of paragraph 3 (a) of decision VI/8a, the Party concerned reports that the provision on the thresholds for activities subject to an environmental impact assessment procedure contained in the draft law have been “approximated” to annex I of the Convention.⁸ It further states that at all the “actions” set out in Annex I of the Convention are included in article 13 of the draft law.⁹

39. The Party concerned stated that, following the draft law’s official circulation, a table will be prepared comparing Annex I of the Convention and the list of activities covered in article 13 of the draft law.¹⁰

40. The Committee takes note of the information provided by the Party concerned on the recent progress in the preparation of the new law “on environmental impact assessment and expertise”. However, until the relevant provisions of the draft law are provided to the Committee in one of the official languages of the Convention (English, French and Russian), the Committee is not able to assess whether those provisions, if adopted, would meet the requirements of paragraph 3 (a) of decision VI/8a.

41. The Committee invites the Party concerned to provide its table comparing Annex I of the Convention and the activities and thresholds in the draft law (see para. 39 above) as soon as possible after the draft law’s official circulation.

42. Based on the foregoing, the Committee finds that the Party concerned has not yet met the requirements of paragraph 3 (a) of decision VI/8a.

Paragraph 3 (b) of decision VI/8a

43. The Party concerned reports that the time-frames for public participation are currently still regulated by Government Decision N1325, as amended by Government Decision N357 of 9 March 2017.¹¹

44. Paragraph 15 of Decision N1325, as amended by Decision 357, provides the public with 12 working days to submit comments at the preliminary stage of expertise, and at each

³ Party’s final progress report, 18 November 2020, p. 1.

⁴ Ibid.

⁵ Ibid., p. 2.

⁶ Ibid.

⁷ Party’s comments on the Committee’s draft report, 20 July 2021, p. 1.

⁸ Party’s final progress report, 18 November 2020, p. 2.

⁹ Party’s comments on the Committee’s draft report, 20 July 2021, p. 1.

¹⁰ Ibid.

¹¹ Party’s reply to the Committee’s questions, 23 January 2020, p. 8.

of the stages of preliminary assessment, basic assessment and basic expertise, 18 working days to submit comments on category A activities and 13 working days for category B activities, both calculated from the date of notification.¹²

45. In the context of its report on decision V/9a to the sixth session of the Meeting of the Parties, the Committee had examined the timeframes of Decision N1325, as amended by Decision N357, and concluded that:

while it may be appropriate to provide for different time-frames for different kinds of activities, the current time frames are not reasonable and should in fact be significantly longer with respect to larger or more complex projects within each category.¹³

46. In its second progress report, the Party concerned had reported that the timeframes set out in article 30 (4) of the draft law “On environmental impact assessment and expertise” would provide that comments be submitted in writing or electronically:

1. In the cases prescribed by article 17 of this law – within 10 working days following the notification;

2. In the phase of expert examination of EIA report – for background documents and types of activities of category A – within 18 working days following the notification;

3. In the phase of expert examination of EIA report – for background documents and types of activities of category B – within 12 working days following the notification.”¹⁴

47. In its second progress review, the Committee held that:

the timeframes proposed in article 30 (4) of the draft law “On environmental impact assessment and expertise” appear to be the same as those currently in force under Decision N1325 ... and, in the case of category B activities, appear to be even shorter.

As the Committee already made clear in its report on decision V/9a to the sixth session, the fact that these timeframes will apply to all projects within each category, with no possibility for longer timeframes to be set for larger or more complex projects within each category, means that the proposed timeframes are not reasonable, as is required by article 6 (3) of the Convention.¹⁵

48. In its second progress review, the Committee invited the Party concerned to provide together with its final progress report “evidence of the measures it has by then taken to ensure reasonable time-frames, that are *significantly longer* than those currently provided for, for the public to consult and comment on project-related documentation.”¹⁶

49. In its final progress report, the Party concerned states that the draft law “On environmental impact assessment and expertise” has been approximated with the Convention’s relevant provisions and that as a result, it fully meets the requirements of the Convention.¹⁷

50. In its comments on the Committee’s draft report, the Party concerned states that Government Decision N1325 and the draft law will be reviewed and discussed within the working group on the new law.¹⁸

51. The Committee takes note of the information provided by the Party concerned on the current status of the preparation of the new law “on environmental impact assessment and expertise” (see paras. 36 and 37 above). However, until the Committee is provided with the text of the relevant provisions of the draft law in one of the official languages of the

¹² Committee’s second progress review, 26 February 2020, para. 36.

¹³ Ibid., para. 37.

¹⁴ Party’s second progress report, 21 November 2019, p. 5.

¹⁵ Committee’s second progress review, 26 February 2020, para. 42.

¹⁶ Ibid., para. 43.

¹⁷ Party’s final progress report, 18 November 2020, p. 2.

¹⁸ Party’s comments on the Committee’s draft report, 20 July 2021, p. 2.

Convention (English, French and Russian), it is not able to assess whether those provisions, if adopted, would meet the requirements of paragraph 3 (b) of decision VI/8a.

52. In the light of the foregoing, the Committee finds that the Party concerned has not yet met the requirements of paragraph 3 (b) of decision VI/8a.

Paragraph 3 (c) of decision VI/8a

53. In its final progress report, the Party concerned states that in 2019 the Ministry of the Environment had addressed this issue to the Ministry of Justice, since the matter falls under its competence.¹⁹ In its response, the Ministry of Justice had stated that, in its view, it was not necessary to amend the relevant article of the law. The Ministry of Environment thereafter initiated public hearings on this issue, but to date no consensus has been reached among environmental NGOs. The Party concerned reports that the Ministry of the Environment will organize a further public hearing before the end of 2020. It confirmed the commitment of the Ministry of the Environment to continue working with both NGOs and the Ministry of Justice on this issue.²⁰

54. In its comments on the Committee' draft report, the Party concerned submits that neither the Administrative Procedure Code nor any other legislation set a precondition of participation in administrative proceedings for the right to a fair trial.

55. In the light of the above comment, the Committee considers it important to once again set out the specific legislative provisions of concern, namely article 16 (3) (2) of the Law on NGOs and article 216.6, paragraph 2, point 2, of the Administrative Procedure Code. According to the texts provided by the Party concerned, article 16 (3) (2) of the Law on NGOs states:²¹

An organization may file a suit on matters stemming from the field prescribed by ... this Article if:

- (1) The complaint stems from the statutory goals and objectives of the organization and is directed at the protection of the collective interests related to the statutory goals of the organization;
- (2) In the framework of the RA Law on the "Environmental Impact Assessment and Expert Examination" *[it] has participated in public consultations related to basic documents or foreseen activities or has not been given a chance to participate in public consultations;*²² and
- (3) In the period preceding the filing of the complaint has been active in the area specified by ... this Article for at least 2 years.

56. Similarly, article 216.6, paragraph 2, of the Administrative Procedure Code states:

The organization can initiate a suit concerning the domain stipulated in...this Article provided:

- (1) The suit follows from the statutory purposes and tasks of the organization and is aimed at the protection of the collective interests of its beneficiaries concerned with the statutory purposes of the organization;
- (2) Under RA "Law on environmental impact assessment and examination", *[it] participated in public discussion of fundamental documents or planned activities, or was denied the opportunity to participate in public discussion,*²³ and
- (3) At the moment of initiation of the suit, at least for the previous 2 years, carried out activities in the domain stipulated in ... this Article.

¹⁹ Party's final progress report, 18 November 2020, p. 2.

²⁰ Party's final progress report, 18 November 2020, p. 2; Party's comments on the Committee's draft report, 20 July 2021, p. 2.

²¹ Email from the Party concerned, 18 November 2016.

²² Emphasis added.

²³ Emphasis added.

57. The Party concerned has not provided any subsequent version of the above provisions to demonstrate that the italicized text above has been revised or deleted.

58. As the Committee has already made clear on multiple occasions,²⁴ including in its report on decision V/9a to the sixth Meeting of the Parties,²⁵ article 16 (3) (2) of the Law on NGOs, and the similar requirement found in article 216.6, paragraph 2, point 2, of the Administrative Procedure Code, do not comply with article 9 (2) of the Convention. In its report on decision V/9a to the sixth Meeting of the Parties the Committee explained that:

The Convention does not make participation in the administrative procedure a precondition for access to justice to challenge the decision taken as a result of that procedure and introducing such a general requirement for standing would not be in line with the Convention.²⁶

59. The Committee expresses its disappointment that, at such a late stage in the intersessional period, the Party concerned still appears not to be aware of the specific legislative provisions it will need to amend in order to fulfil paragraph 3 (c) of decision VI/8a. On this point, the Committee draws the attention of the Party concerned to paragraphs 71 - 73 below.

60. The Committee takes note that the Ministry of the Environment has organized public hearings to seek the views of environmental NGOs. The Committee regrets however that, based on the information provided, no concrete measures have yet been taken by the Party concerned to ensure that its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9 (2) of the Convention with regard to standing.

61. In the light of the above, the Committee finds that the Party concerned has not yet met the requirements of paragraph 3 (c) of decision VI/8a, nor made any concrete progress in that direction.

Paragraph 3 (d) of decision VI/8a

62. In its second progress report, the Party concerned reported that, in 2019, 26 judges were trained on environmental law.²⁷ In reply to the Committee's further questions, the Party concerned stated that a six-hour judicial training had been held by the Academy of Justice. The topics covered during the training included environmental legislation of the Party concerned, modern issues of environmental law, ratified international treaties, the Convention and its three pillars, some decisions of the Compliance Committee, the presentation of new draft laws, the submission of applications to the European Court of Human Rights, domestic judicial protection of environmental rights, penal code regulations, administrative code regulations, and judicial practice. The Party concerned further reported that the training was organized by the Academy's unit on training for judicial trainees and the trainer was a lecturer on civil and environmental law at Yerevan State University and a doctoral candidate in law.²⁸

63. The Party concerned reported also that all 26 judges trained during 2019 were administrative judges, consisting of twenty judges from Yerevan administrative court, one judge from each of the Sevan, Gyumri, Vanadzor and Kapan administrative courts, one judge from the Court of Administrative Appeal and one judge of the Court of Cassation on criminal and administrative cases.²⁹

64. In its second progress review, the Committee welcomed the 2019 judicial training as a significant positive step by the Party concerned towards meeting the requirements of paragraph 3 (d) of decision VI/8a. The Committee noted however that very limited detail had been provided in the second progress report regarding the content of the training. The

²⁴ See, for example, Committee's second progress review, 26 February 2020, para. 46.

²⁵ ECE/MP.PP/2017/33, paras. 58–59.

²⁶ Ibid.

²⁷ Committee's second progress review, 26 February 2020, para. 49.

²⁸ Ibid.

²⁹ Ibid., para. 50.

Committee therefore reminded the Party concerned that the recommendation in paragraph 3 (d) of decision VI/8a stems from the Committee's findings on communication ACCC/C/2011/62 (Armenia), in which the Committee had found that, while the legislation of the Party concerned did not run counter to article 9 (2) of the Convention, the decision of the Court of Cassation, by denying standing to environmental NGOs, failed to meet the requirements of the Convention. In its second progress review, the Committee stressed that in order to demonstrate it had met such requirements, the Party concerned should provide, together with its final progress report, the detailed content of those parts of the judicial trainings concerning its domestic legislation implementing article 9 of the Convention.³⁰

65. In its final progress report, however, the Party concerned merely provides the following statistics on the judicial training concerning environmental law and the Convention conducted in 2020:

- (a) Environmental Law – 24 Judges;
- (b) Environmental Crimes/Aarhus Convention – 16 Judges.³¹

66. In its comments on the Committee's draft report, the Party concerned states that the judges who have received the above judicial trainings sit in the following courts:

- (a) Yerevan Residence of the Administrative Court;
- (b) Sevan Residence of the Administrative Court;
- (c) Gyumri Residence of the Administrative Court;
- (d) Vanadzor Residence of the Administrative Court;
- (e) Kapan Residence of the Administrative Court.³²

67. The Party concerned also states that the Committee's report will be presented to the Academy of Justice with a proposal to review the lesson hours and the range of issues to be discussed.³³

68. The Committee takes note of the efforts made by the Academy of Justice to organize trainings on the Convention in both 2019 and 2020. However, based on the very limited information provided by the Party concerned on the actual content of these trainings, the Committee is not in a position to assess whether the Party concerned has fulfilled the requirements set in paragraph 3 (d) of decision VI/8a.

69. Moreover, the Committee points out that, in order to fulfil paragraph 3(d) of decision VI/8a, a significant proportion of its judiciary dealing with matters within the scope of the Convention will need to undergo such a training.

70. In the light of the above, the Committee finds that, while welcoming the efforts made in that direction, the Party concerned has not yet met the requirements set in paragraph 3 (d) of decision VI/8a.

Advisory assistance to the Party concerned

71. As the Party concerned may be aware, the Committee's role in reviewing the implementation of decisions of the Meeting of the Parties on the compliance of individual Parties includes paragraph 36 (a) on providing advice and assistance to individual Parties regarding the implementation of the Convention.

72. In addition to the advice provided in the present report, and previously in its first and second progress reviews, the Committee stands ready to answer any questions that the Party concerned may have regarding the measures to be taken to fulfil the requirements of decision VI/8a, or any decision that supersedes it, at any open sessions to be held with the participation

³⁰ Committee's second progress review, 26 February 2020, para. 51.

³¹ Party's final progress report, 18 November 2020, p. 2.

³² Party's comments on the Committee's draft report, 20 July 2021, p. 2.

³³ Ibid.

of the Party concerned during the intersessional period following the seventh Meeting of the Parties.

73. Moreover, should the Party concerned ask it to do so, the Committee expresses its willingness to provide further detailed written advice or to undertake a mission to the Party concerned to meet with senior officials in order to assist them to better understand what will be required in order to fully meet the requirements of decision VI/8a or any decision that supersedes it. If the Party concerned may be interested to seek such advice or assistance from the Committee, it is encouraged to do so as soon as possible in the next intersessional period.

IV. Conclusions

74. Based on the above considerations, the Committee finds that the Party concerned has not yet fulfilled the requirements of paragraph 3 (a), (b), (c), (d) of decision VI/8a.

75. The Committee recommends to the Meeting of the Parties that it reaffirms decision VI/8a, and in that regard, requests the Party concerned, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:

(a) Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;

(b) Reasonable time frames that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation;

(c) Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9 (2) of the Convention with regard to standing;

(d) It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention.

76. The Committee further recommends to the Meeting of the Parties that it call upon all relevant ministries of the Party concerned, including the Ministry of Justice, to work together to ensure the successful fulfilment of the above recommendations, in particular those concerning letter (c).

77. The Committee also recommends that the Meeting of the Parties request the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such additional information as the Committee may request in between the above reporting dates in order to assist the Committee to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered.

78. Finally, the Committee recommends that, in light of the lack of engagement and concrete action of the Party concerned during the intersessional period, the Meeting of the Parties issue a caution to the Party concerned to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out in paragraph 75 (a) to (c) above and has notified the secretariat of this fact by 1 October 2023.

79. The Committee recommends that the Meeting of the Parties request the Committee to establish the successful fulfilment of paragraph 75 (a) to (c) for the purposes of paragraph 78 above.
