

***Seventh session of the Meeting of the Parties to the Aarhus Convention***

***Statement by Switzerland***

***Draft decision VII/8f concerning compliance by the EU***

Intervention of Switzerland (18.10.21)

The Aarhus Convention is a strong and credible instrument, especially through its compliance committee which serves as an example for other Conventions. We can be **proud to be part of this Convention and its highly respected compliance committee**. Therefore, for Switzerland it is important to keep this **regime strong and credible**.

In this context the Meeting of the Parties should continue to **endorse the conclusions** of the compliance committee. Maintaining this **long-standing practice is the strength of our convention** and we should **not weaken it by creating a precedent**. It is important that all parties are obliged to respect the obligations under the Convention and the Committee's decisions. It could be seen as unfair to other parties who have complied with the Convention or who have taken the necessary steps to comply following a Committee's decision.

**Regarding the communication (EU) 32**, the EU has taken steps to reach compliance and **Switzerland welcome these efforts and the revision of the Aarhus regulation**. Its entry into force may fulfil the requirements of the Committee's findings on communication "32 (part II)" (ACCC/C/2008/32 (part II), par. 123). We suggest moreover that the reference to the Official Journal of the EU of the new Regulation is added in the text as a footnote.

**Regarding the communication (EU) 128**, CH is very concerned that the amendments proposed by the EU could weaken the role of the Committee and the efficiency of the convention. CH is very concerned that those proposals lead us to an exceptional situation similar to that of Budva.

So Switzerland supports "draft decision VII/8f concerning compliance by the European Union with its obligations under the Convention" as submitted to the Meeting of the Parties by the Bureau but without the modifications proposed by the EU with respect to communication "128".

In the spirit of compromise, Switzerland agrees to postpone the decision concerning the case ACCC/C/2015/128. However, it is of great importance to include explanatory remarks in the meeting report. We need to ensure that the postponement of the decision regarding the communication (EU) 128 is exceptional. It must not set a precedent for the future. It is a long-standing practice to endorse the conclusions of the compliance committee. This is a strength of our Convention. We should avoid introducing a new general practice that could weaken this strength. The meeting report should reflect this. Switzerland, therefore, supports additional explanations that the postponement of the decision shall in no way establish a new practice under the Convention.