

28 March 2022

Mr. Jarosław Mielnik
Ministry of Climate
Poland

Dr. Marcin Stoczkiewicz
ClientEarth
Poland

Ms. Agata Szafraniuk
ClientEarth
Poland

Mr. Radosław Ślusarczyk
Stowarzyszenie Pracownia na rzecz Wszystkich Istot
Poland

Dear Mr. Mielnik,
Dear Dr. Stoczkiewicz, Ms. Szafraniuk and Mr. Ślusarczyk,

Re: Communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158 to the Aarhus Convention Compliance Committee concerning compliance by Poland in connection with plans relating to the environment

On 21 June 2019, I wrote to the Party concerned and the communicants of communication ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158 on the instructions of the Compliance Committee to seek the parties' views on whether they saw any reasons why the Committee should not consider those three communications jointly.

By letters of 21 June and 18 and 21 July 2019, respectively, the communicants of communications ACCC/C/2018/158, ACCC/C/2016/151 and ACCC/C/2017/154 each indicated that they did not object to the three communications being considered jointly.

By letter of 18 July 2019, the Party concerned asked the Committee to explain the reasons that it believed that the abovementioned communications should be considered jointly and also to clarify the manner in which the Committee proposed to join the proceedings, for example, by holding a single hearing and/or through adopting joint findings.

In the lead-up to the seventh session of the Meeting of the Parties (Geneva, 18–21 October 2022), the Committee focused its work on completing its findings in those cases in which it had already commenced its deliberations on its draft findings. It accordingly deferred its work on cases in which it had not yet commenced its deliberations on its draft findings, including communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158.

Following the seventh session of the Meeting of the Parties, the Committee held a closed session at its seventy-fourth meeting (Geneva (online), 15–18 March 2022), to discuss how it should proceed with communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158. To that end, the Committee has instructed me to write to the parties to explain how it proposes to proceed with respect to the three communications, and the reasons for doing so.

First, in answer to the Party concerned's question as to why the Committee considers that the three communications should be considered jointly, the Committee has asked me to point out that the allegations in communications ACCC/C/2016/151 and ACCC/C/2017/154 are both also made in communication ACCC/C/2018/158, which has a wider scope. Specifically, communication ACCC/C/2016/151 alleges that Poland fails to provide for access to justice under article 9 (3) for NGOs to challenge air quality plans. This allegation is also made in communication ACCC/C/2018/158. Communication ACCC/C/2017/154 alleges that Poland fails to provide for access to justice under article 9 (3) for NGOs to challenge forest management plans. This allegation is likewise also made in communication ACCC/C/2018/158.

The Committee has not identified any allegations in either communications ACCC/C/2016/151 or ACCC/C/2017/154 that are not also covered in communication ACCC/C/2018/158.

Moreover, the communicant in both communications ACCC/C/2016/151 and ACCC/C/2017/154 is ClientEarth Poland.

Accordingly, in order to ensure the efficient and effective management of its caseload and to reduce expense on both the Party concerned (which will otherwise need to travel to Geneva for three separate hearings) and the communicants, the Committee proposes to hold one joint hearing for the three cases.

Since, however, communication ACCC/C/2018/158 has a much wider scope than the other two communications, the Committee will, in due course, adopt separate findings on each communication.

I would like to take the opportunity to explain that the above way of proceeding is in line with the procedure followed by the Committee regarding communications ACCC/C/2013/91 (United Kingdom) and ACCC/C/2013/92 (Germany). The Committee held a joint hearing on the substance of those two communications at its 46th meeting (22–25 September 2014) and, in due course thereafter, adopted separate findings in each case. As you may be aware, it is within the Committee's mandate to decide how to most efficiently and effectively manage its caseload.

In line with the above, in the coming days I will be writing on the Committee's instructions to invite the Party concerned and communicants to participate in the joint hearing of communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158 at the Committee's 75th meeting (Geneva, 14–17 June 2022). In that letter, I will also outline the order of proceedings at the hearing together with approximate timings for each stage.

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Republic of Poland to the United Nations Office and other international organizations in Geneva