

WGP 26

Agenda item 4 (a): Compliance mechanism

Presentation by the Chair

Good afternoon, Parties and observers.

I am delighted to address the Twenty-sixth meeting of the Working Group of the Parties, on this the first occasion that I do so in my role as Chair of the Compliance Committee.

Facts and figures

The [report on the implementation of the work programme](#)¹ sets out the Committee's activity from 1 September 2021–1 April 2022. I will not repeat that information here. Instead, I will focus on significant recent developments:

- At MOP7, the Committee was joined by two new members: Thomas Schomerus and Eleanor Sharpston. I would like to congratulate each of the new members on their appointment and for the valuable contributions they have made already to the Committee's work. I would like to thank all of the Committee members for their ongoing, outstanding work. As Chair, I am proud to work with such a highly engaged and committed group of people.
- Since 1 April 2022, the Committee has held one virtual meeting, on 11 April, and its 75th regular meeting, last week in person in Geneva from 14 – 17 June.
- Since 1 April 2022, the Committee has adopted one set of findings² and has completed one further set of draft findings.³ It will hold its 76th meeting in Geneva on 13-16 September.
- The Committee currently has 32 pending communications, one new communication pending a determination of preliminary admissibility, and no pending submissions. (By way of comparison, at this time last year, the Committee had 46 pending communications and one pending submission. The significantly reduced number of pending communications this year is due to the extraordinary efforts made by the Committee to complete all those findings that were in a sufficiently advanced state in due time for their submission to the seventh session of the Meeting of the Parties).
- As well as its pending cases, the Committee is also actively engaged in reviewing the implementation by the Parties concerned of 19 decisions adopted, and 2 requests⁴ made, by the Meeting of the Parties at MOP7 concerning the compliance of individual Parties.

Follow-up on MOP decisions and requests

- Each MOP decision on compliance requires the Party concerned to submit to the Committee a plan of action, including a time schedule, by 1 July 2022 regarding the implementation of the recommendations contained in that decision (those plans of action are therefore due, in just over one week from today). I am pleased to report that one Party has already submitted its plan of action and the Committee looks forward to receiving the other 18 Parties' plans of actions on or before 1 July. It is important to note that, since the deadline of 1 July was set by the Meeting of the Parties itself, the Committee has no flexibility to extend this deadline.
- The Committee has devoted a considerable amount of time since MOP7 in assisting Parties subject to a MOP decision on compliance to prepare their plan of action. At its 73rd meeting in December 2021, the Committee held an open session in order to provide guidance to Parties on the required content and format of their plan of action.
- Thereafter, in early February 2022 the Committee published an information note building on its presentation at the 73rd meeting and taking into account the comments received at that meeting. Together with the information note, the Committee also sent a sample template tailored to each MOP decision to each Party concerned to assist it to prepare its plan of action. At its 74th meeting in March 2022, the Committee then held a question-and-answer session to answer any more specific questions Parties by then had regarding the format or content of their plan of action.

¹ ECE/MP.PP/WG.1/2022/4, paras. 22–25.

² Findings on communication ACCC/C/2014/119 (Poland).

³ Draft findings on request ACCC/M/2021/5 (Republic of Moldova).

⁴ ACCC/M/2021/4 (European Union) and ACCC/M/2021/5 (Republic of Moldova).

- I am glad to report that the open sessions on the plans of action at both the 73rd and 74th meetings were very well attended by Parties. The Committee hopes that Parties have found the Committee's assistance in preparing their plans of actions to be useful.
- As I mentioned, there is just over one week left now until all plans of actions must be submitted on 1 July. Following their receipt, the Committee will commence its review of Parties' plans of actions. Where needed, the Committee may hold an open session with particular Parties concerned regarding their plan of action at the Committee's 77th meeting in December.
- Looking forward, Parties' first progress reports on their progress to implement their plan of action and the recommendations in the MOP decision concerning their compliance are due on 1 October 2023. To assist Parties, in advance of that deadline, the Committee will hold an open session in March 2023 to answer any questions Parties may have regarding the format or content of their first progress reports.
- I remind Parties that all measures to implement the recommendations must be completed, and reported to the Committee by 1 October 2024. While that may seem some time away right now, from past experience, that date will come up very, very fast.

Making the compliance review process a positive experience

I would next like to make some general observations on how Parties and communicants can make the compliance review process a positive experience. I understand that going through the compliance procedure can be very time-consuming. There are several ways in which Parties and communicants can make the compliance procedure more efficient and less arduous for all involved:

- For both Parties and communicants, as clearly stated in the Guide to the Compliance Committee, the Committee can only consider documents submitted in one of the Convention's three official languages (English, French and Russian), with English being the Committee's working language. This means that the documents submitted in any other languages cannot be taken into account, unless a translation in one of the Convention's official languages, and preferably English, is also provided.
- A somewhat related point: of late, rather than providing the Committee with the relevant documents, a number of Parties and communicants have provided the Committee with only a link to where the documents are uploaded on an external website, for example the website of a public authority of the Party concerned, without actually providing the Committee with electronic versions of the documents themselves. This is problematic for several reasons. First, the websites are often in languages other than the Committee's working language of English, which makes it difficult and sometimes impossible for the Committee and secretariat to navigate the website. More importantly, however, even if external websites are in English, the content of websites frequently change over time. More than once, the Committee has found that the links cited in the communicant or Party concerned's submissions no longer work or the relevant documents have been removed. For this reason, all documents must in addition be provided in electronic form to the Committee. Free and readily available file transfer software can be used to send larger documents to the secretariat.
- For both Parties and communicants, I would like to remind you to stick to deadlines set by the Committee wherever possible. In this regard, I draw Parties particular attention to the five-month deadline for preparing their response to the communication. It is important to note that this deadline was set by the Meeting of the Parties through decision I/7 and it is not possible to extend it. With respect to other deadlines, such as those set by the Committee to reply to its questions or to comments on draft findings, if it will not be possible to meet a deadline in any particular case, ask the secretariat early in the timeframe for an extension. Whenever it can, the Committee will grant reasonable requests for extensions.
- For Parties concerned, ensure that there is a lawyer within the Ministry appointed to deal with all substantive compliance matters. Experience has shown that this can save a lot of time and prevent a great deal of confusion and frustration for both parties and the Committee.
- For both Parties and communicants, give special attention to ensure that all replies to the Committee directly answer the questions that the Committee has put to it, as concisely and clearly as possible. If you ever do not understand a question or request put to you by the Committee, please contact the secretariat for assistance.
- Given that MOP8 will not take place until 2025, to enable compliance issues to be resolved without delay it is important that Parties who may be found to be in non-compliance agree to accept recommendations from the Committee directly in accordance with paragraph 36(b) of decision I/7. To date, most Parties have indeed done so. It is to the Party's own benefit, because if the Party can fully resolve the non-compliance prior to the Committee preparing its report to MOP8, the Committee can report to the MOP

that the Party is no longer in non-compliance and there will therefore be no decision concerning that Party's compliance to be put to MOP8 for adoption.

Finally, I would like to thank the Committee and the secretariat for their dedication, hard work and professionalism in supporting the effective functioning of the Convention's compliance mechanism.

Whether Parties, communicants, observers or the Committee, we are hopefully all working with the one common aim – to ensure the successful implementation of the Aarhus Convention.

Thank you.

Áine Ryall, Chair

22 June 2022