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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 procedural matters*:**

Summary

The present document was prepared by the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters pursuant to the request of the Meeting of the Parties to the Convention (see ECE/MP.PP/2017/2/Add.1, decision VI/8, para. 21) and in accordance with the Committee's mandate set out decision I/7 on the review of compliance (ECE/MP.PP/2/Add.8, annex, paras. 13 (b), 14 and 35).

The document reports on procedural matters concerning the Committee's work for the period from 19 June 2017 to 26 July 2021, being the respective deadlines for the Committee's reports to the sixth and seventh sessions of the Meeting of the Parties as set out in decision I/7.

* The present document is being issued without formal editing.

** This document was submitted late owing to additional time required for its finalization.



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Introduction

1. At its first session (Lucca, Italy, 21–23 October 2002), 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 I/7 on the review of compliance (ECE/MP.PP/2/Add.8), establishing the Convention’s Compliance Committee and its structure, functions and procedures for the review of compliance. The work of the Committee during the intersessional periods was subsequently reviewed by the Meeting of the Parties to the Convention at its second, third, fourth, fifth and sixth sessions (Almaty, Kazakhstan, 25–27 May 2005; Riga, 11–13 June 2008; Chisinau, 29 June–1 July 2011; Maastricht, the Netherlands, 30 June–2 July 2014; and Budva, Montenegro, 11–13 September 2017). At those meetings, the Parties adopted decisions II/5, III/6, IV/9, V/9 and VI/8, respectively, on general issues of compliance, as well as a number of decisions on compliance by individual Parties.

2. In accordance with decision I/7, in the present document the Committee reports on procedural matters concerning its work from 19 June 2017 to 26 July 2021 (the reporting period), being the respective deadlines for the Committee’s reports to the sixth and seventh sessions of the Meeting of the Parties as set out in that decision.

I. Issues related to the functioning of the compliance mechanism and the Committee

A. Membership

3. The current members of the Committee are Ms. Fruzsina Bögös (Hungary); Mr. Marc Clément (France); Mr. Jonas Ebbesson (Sweden), Ms. Heghine Hakhverdyan (Armenia), Mr. Jerzy Jendrośka (Poland), Mr. Alexander Kodjabashev (Bulgaria), Mr. Peter Oliver (United Kingdom of Great Britain and Northern Ireland), Ms. Àine Ryall (Ireland) and Mr. Dmytro Skrylnikov (Ukraine). In the reporting period, Mr. Ebbesson served as Chair and Mr. Kodjabashev and Ms. Ryall as Vice-Chairs.

4. With regard to its membership, the Committee notes that decision I/7 on the review of compliance states that the Aarhus Convention Compliance Committee members serve in their personal capacity. A firmly established practice demonstrates the common understanding of the Parties that Committee members must be independent in the sense that none of its members so far has been part of, or has represented, the executive branch of the Government of a Party or signatory. Furthermore, one member of the Committee stepped down because she was appointed to service the ministry of the Government of a Party, and this member was substituted by the Bureau, according to paragraph 10 of the annex to decision I/7, by an independent member (see ECE/MP.PP/WG.1/2006/2). More information on membership can be found in document ECE/MP.PP/WG.1/2020/9.

B. Meetings

5. Since its establishment, the Committee has held 71 ordinary meetings, with 1 meeting held during, and 13 held since, the sixth session of the Meeting of the Parties. The meeting reports are available on the Committee’s website.¹ In addition to its fourteen ordinary meetings during the reporting period, the Committee has held 44 virtual meetings since the sixth session of the Meeting of the Parties.

6. The seventy-second meeting of the Committee will take place from 18 to 21 October 2021, in parallel with the seventh session of the Meeting of the Parties.

¹ See <https://unece.org/environment-policy/public-participation/aarhus-convention/compliance-committee-meetings>.

7. According to paragraph 12 of the annex to decision I/7, the Committee, unless it decides otherwise, must meet at least once a year. Due to its workload, during the present intersessional period, the Committee has held three to four ordinary meetings per year, all but one of five days,² as well as a number of virtual meetings between each ordinary meeting.

8. Members having expressed a potential conflict of interest on a particular communication, submission or request did not participate in the deliberations held in closed session regarding those matters.

9. A number of observers attended the open sessions of Committee meetings, including communicants and representatives of Parties whose compliance was subject to review by the Committee.

C. Processing of reports and findings as official United Nations documents

10. The agendas, reports and findings of the Committee are processed as official United Nations documents and are subject to the rules governing such documents, including word limits. Starting with the Committee's thirty-seventh meeting (Geneva, 26–29 June 2012), after their adoption the findings of the Committee are submitted as official documents to a subsequent meeting of the Committee (generally the second meeting after the date of their adoption) for its approval of the edited versions.

D. Modus operandi

Guide to the Compliance Committee

11. At its sixty-third meeting (Geneva, 11–15 March 2019), the Committee adopted the second edition of the *Guide to the Compliance Committee*.³ The Guide explains the functions and working methods of the Committee for Parties, communicants and observers that may engage with the Committee's procedures.

12. The first edition, entitled the Guidance Document on the Aarhus Convention Compliance Mechanism, was adopted in 2009. In the decade since then, in order to respond to the needs of its evolving caseload and to improve the efficiency and effectiveness of its work, while at all times ensuring fairness and due process, the working methods of the Committee have developed considerably. The second edition of the Guide provides a clear and easy-to-follow explanation of how the Committee carries out each aspect of its work.

13. The second edition of the Guide was prepared through a thorough, transparent and participatory process between the Committee's forty-seventh meeting (16–19 December 2014) and sixty-third meeting (11–15 March 2019). During this period, six drafts were prepared, with each draft published on the Committee's website prior to the Committee meeting at which it was to be discussed. At each meeting, Parties and observers had the opportunity to comment on the text and also to send written comments to the secretariat after the meeting. The comments received on each draft were then taken into account in the preparation of the subsequent draft. Following its adoption at the Committee's sixty-third meeting, the Guide has been published as an online publication in English, Russian and French.

Virtual meetings between ordinary meetings

14. In September 2015, the Committee introduced a practice of holding at least one virtual meeting between its ordinary meetings in order to ensure the efficient management of its workload. At virtual meetings, the Committee may discuss any aspect of its work that would be discussed in closed session at its ordinary meetings, including the preparation, finalization and adoption of findings and recommendations and its reviews of decisions of the Meeting of the Parties on compliance. In the previous intersessional period, the Committee held 13

² The Committee's seventy-first meeting (Geneva online, 7–9 July 2021).

³ Available from <https://unece.org/environment-policy/publications/guide-aarhus-convention-compliance-committee>.

virtual meetings. In the present reporting period, in addition to its ordinary meetings, in order to progress its high caseload as effectively as possible, the Committee held 44 virtual meetings.

Commencing deliberations without a hearing – in practice

15. In its report to the sixth session of the Meeting of the Parties, the Committee noted that, in accordance with paragraph 24 of the annex to decision I/7, it had the discretion to proceed to commence its deliberations on the substance of a case without holding a hearing.⁴ At its fifty-fourth meeting (Geneva, 27–30 September 2016), the Committee had agreed that, in deciding in a particular case whether to proceed in such a manner, the Committee would consider, amongst other things, whether there was no, or very limited, disagreement between the parties on the facts of the case and whether the underlying legal issues were well defined. In addition, the Committee would invite the views of the parties to the case and observers would be free to submit their comments, though the ultimate decision as to whether to commence deliberations on the substance of a case without holding a hearing would always rest with the Committee.⁵

16. At the Committee's sixty-second meeting (Geneva, 5–9 November 2018), the Committee agreed that, rather than being applied in an ad hoc manner, the procedure agreed at the fifty-fourth meeting should become a routine step in the Committee's management of each case.⁶

17. During the reporting period, the Committee adopted findings in four cases in which, after seeking the views of the parties, the Committee had commenced its deliberations without holding a hearing to discuss the substance of the communication.⁷ In another case, while the Committee's preliminary view was that a hearing may not be needed, after seeking the views of the parties, the Committee agreed to hold a hearing prior to commencing its deliberations.⁸

E. Advice and assistance

Detailed written advice

18. Pursuant to paragraph 36 (a) of the annex to decision I/7, the Committee may, in consultation with the Party concerned, provide advice and facilitate assistance to individual Parties regarding the implementation of the Convention.⁹ The Committee welcomes that Parties are increasingly requesting it to provide such advice and assistance. In the reporting period, the Committee received one "stand alone" request for advice from a Party (see para. 71 below). In addition, in the context of its review of the implementation of decisions and requests of the Meeting of the Parties concerning the compliance of individual Parties, the Committee provided written advice to the Parties concerned on four occasions. This included advice to Romania concerning the implementation of decision VI/8h, to Spain concerning the implementation of decision VI/8j, and on two occasions to the European Union regarding the implementation of request ACCC/M/2017/3, first concerning the implementation of decision V/9g and second, with respect to the implementation of the Committee's findings and recommendations on communication ACCC/C/2008/32 (part II).

19. The Committee expresses its willingness to provide detailed written advice to Parties at their request in order to assist them to understand what will be required in order to fully meet their obligations under the Convention or a decision of the Meeting of the Parties concerning their compliance. Parties that may be interested to seek such advice or assistance

⁴ ECE/MP.PP/2017/31, para. 22.

⁵ ECE/MP.PP/C.1/2016/7, para. 69.

⁶ ECE/MP.PP/C.1/2018/6, para. 72.

⁷ ACCC/C/2014/121 (European Union); ACCC/C/2015/135 (France); ACCC/C/2016/138 (Armenia) and ACCC/C/2016/142 (United Kingdom).

⁸ ACCC/C/2015/131 (United Kingdom).

⁹ ECE/MP.PP/2/Add.8, para. 36 (a).

from the Committee are encouraged to do so as soon as possible in the next intersessional period.

Missions

20. To assist the Committee in the performance of its functions and subject to the availability of resources, the Committee may undertake a mission to the territory of a Party or another State with the agreement of that Party or State.¹⁰ Due in part to the ongoing pandemic, the Committee did not undertake any missions during the reporting period. The Committee however considers that, subject to resources, the opportunity for representatives of the Committee to meet with officials from Parties that have been found in non-compliance in order to “provide advice and facilitate assistance”¹¹ is a useful tool through which to increase dialogue and understanding between the Committee and the Parties concerned. Parties that have been found to be in non-compliance that may be interested to receive a mission from the Committee are encouraged to discuss this with the Committee at an early stage in the next intersessional period.

F. Dialogue with Parties and observers

Open dialogue sessions at sessions of the Meeting of the Parties

21. The Committee proposes to continue the practice established at the fifth session of the Meeting of the Parties to hold open dialogue sessions at each session of the Meeting of the Parties, during which Parties, members of the public and other stakeholders will be invited to raise questions or make proposals with respect to the Committee’s working methods.¹²

Open sessions at the Committee’s ordinary meetings

22. Prior to the adoption of the second edition of the Guide to the Committee at the Committee’s sixty-third meeting, at each of the meetings at which the text of the draft Guide was discussed, Parties and observers had the opportunity to provide their views on the Committee’s working methods and how they might be improved.

23. More recently, the Committee held open sessions on “effective case management” at its sixty-seventh and sixty-eighth meetings to discuss ways that the Committee might progress its high caseload as efficiently as possible, while at all times ensuring fairness and due process. In furtherance of that objective, the Chair presented a proposal for discussion in open session on possible ways that the Committee might more efficiently manage its caseload within its mandate as set in decision I/7.¹³ The Chair’s proposal was discussed in open session at the sixty-seventh and sixty-eighth meetings. Participants were also invited to submit further comments in writing after the meetings.

24. In addition to the above, the Committee’s ordinary meetings routinely include an open session on “relevant developments” during which Parties and observers may make suggestions regarding the Committee’s procedures.

G. COVID-19 pandemic

Statement on the application of the Convention during the COVID-19 pandemic and in the subsequent economic recovery phase

25. On 2 September 2020, the Committee adopted a statement on the application of the Convention during the COVID-19 pandemic and in the subsequent economic recovery phase. The Committee held an open session at its sixty-seventh meeting (Geneva online, 6–10 July 2020) to discuss the Committee’s preparation of the statement. During the session,

¹⁰ See Guide to the Compliance Committee, para. 54.

¹¹ Decision I/7, annex, para. 37 (a).

¹² ECE/MP.PP/C.1/2014/7, para. 40, and ECE/MP.PP/C.1/2017/31, para. 26.

¹³ https://unece.org/fileadmin/DAM/env/pp/compliance/CC-67/Note_by_the_CC_Chair_on_effective_case_management_for_CC67.pdf.

the Committee invited and heard participants' views on the possible content of the statement, who were also invited to submit further comments in writing after the meeting. The draft statement was thereafter published on the webpage of the sixty-seventh meeting with an invitation for Parties and members of the public to comment. After taking into account the comments received on the draft statement, the Committee finalized and adopted its statement. A press release regarding the statement, together with the statement itself, was published on the Convention's webpage.¹⁴ The statement was also published as an addendum to the report of the sixty-seventh meeting.¹⁵ Parties and observers are invited to consider the Committee's statement.

Implications of the pandemic on the Committee's case management and working methods

Ordinary meetings held through virtual means

26. In the light of the ongoing pandemic, the Committee's sixty-sixth (Geneva online, 9–13 March 2020) to seventy-first (Geneva online, 7–9 July 2021) meetings were held virtually. The Committee expresses its appreciation for the proactive efforts made by the secretariat both before and during these meetings to enable them to proceed smoothly despite the logistical challenges caused by the ongoing pandemic.

27. In this regard, the Committee welcomes the possibility to have held the hearings to discuss the substance of communications ACCC/C/2015/130 (Italy), ACCC/C/2015/131 (United Kingdom) and ACCC/C/2016/140 (Romania) at the Committee's sixty-seventh and sixty-eighth meetings via virtual means. The Committee however makes clear that the holding of hearings through virtual means was an exceptional measure in the light of the ongoing pandemic. It does not change the Committee's longstanding practice that, if the Committee schedules a hearing to discuss the substance of a case, the Party concerned and the communicant, as well as any observer seeking to make a statement, are expected to attend the hearing in person.

Impact on the Committee's case management

28. The ongoing pandemic has meant that more time has been needed to complete the Committee's findings and reports to be submitted to the seventh session of the Meeting of the Parties than was forecast prior to the pandemic's onset.¹⁶ This has come from several directions. In a number of cases, Parties and communicants have requested extensions due to not being able to access relevant documents or coordinate with other ministries due to restrictions in place during the pandemic. These extensions have usually been granted. The pandemic has also affected the Committee's members in their regular work outside the scope of the Committee in ways that could not have been foreseen, but which has had striking consequences for the Committee. The impact on the availability of Committee members for meetings has been marked. While this has not affected the Committee's procedures for formal decision-making (since decisions are adopted electronically unless all members are present at a meeting), it has delayed the time frame for the finalization of the Committee's findings and reports to be submitted to the seventh session of the Meeting of the Parties.

H. Other matters

Secretariat support to the Committee

29. The Committee notes with sincere appreciation the services provided by the secretariat to assist it in its work. Effective secretariat support is fundamental to the successful functioning of the compliance mechanism and the management of the Committee's caseload. Accordingly, the Committee requests the Meeting of the Parties to ensure that sufficient

¹⁴ <https://unece.org/environment/press/aarhus-convention-compliance-committee-makes-clear-covid-19-pandemic-cannot>.

¹⁵ ECE/MP.PP/C.1/2020/5/Add.1.

¹⁶ See Indicative preparatory timeline for MoP7 and MoPP4 (AC/WGP-24/Inf.19), pp. 4–5.

funding is provided to ensure adequate legal support to assist the Committee to properly carry out its mandate.

European ECO Forum “compliance contact points”

30. In previous intersessional periods, European ECO Forum had a small team of environmental lawyers who served as “compliance contact points” for members of the public seeking to engage in the Committee’s procedures. The compliance contact points provided free legal advisory support to communicants upon request. They participated in the open sessions of the Committee’s meeting, providing input from a non-governmental organization (NGO) perspective on the Committee’s procedures and working methods. They carried out trainings for civil society about the Committee’s procedures and how to properly engage therein. They also disseminated information about the Committee, its findings and procedures through the ECO Forum network.

31. Due to a lack of funding, the ECO Forum compliance contact points stepped down from these duties following the sixth session of the Meeting of the Parties. The Committee considers this to be most unfortunate. The availability of expert legal support to communicants benefitted not only communicants, but also the Committee and the Parties concerned, since unclear, poorly structured and unsubstantiated communications add considerably to the workload of the Committee and the Parties concerned. The Committee thus encourages Parties, funding providers and other stakeholders to provide funding to European ECO Forum to re-establish this legal advisory support for the next intersessional period.

II. Submissions, referrals and communications concerning non-compliance with the Convention

32. Since its establishment, the Committee has received 3 requests from the Meeting of the Parties, 2 submissions from a Party with regard to compliance by another Party, 1 submission by a Party with regard to its own compliance, 2 requests from a Party for advice or assistance, and 186 communications from the public, of which 42 were received and considered during the present reporting period. Of the latter, 11 were from individual members of the public, 30 were submitted on behalf of civil society organizations, including NGOs, and 1 was submitted jointly by individuals and civil society organizations. No referral has been made by the secretariat.

33. Of the communications considered by the Committee as to their preliminary admissibility during the reporting period, the following 15 cases were determined to be inadmissible in full: ACCC/C/2017/145 (Belgium),¹⁷ ACCC/C/2017/152 (Spain),¹⁸ ACCC/C/2017/155 (Austria),¹⁹ ACCC/C/2018/160 (Germany),²⁰ ACCC/C/2019/165 (Ireland),²¹ ACCC/C/2019/166 (Portugal),²² ACCC/C/2019/167 (Kazakhstan),²³ ACCC/C/2019/169 (Hungary),²⁴ ACCC/C/2019/170 (Kazakhstan),²⁵ ACCC/C/2019/171 (Albania),²⁶ ACCC/C/2019/172 (Belgium),²⁷ ACCC/C/2020/175 (Croatia),²⁸

¹⁷ ECE/MP.PP/C.1/2017/10, para. 45.

¹⁸ ECE/MP.PP/C.1/2018/2, para. 54.

¹⁹ *Ibid.*, para. 57.

²⁰ ECE/MP.PP/C.1/2018/6, para. 57.

²¹ ECE/MP.PP/C.1/2019/5, para. 62.

²² *Ibid.*, para. 63.

²³ ECE/MP.PP/C.1/2019/8, para. 61.

²⁴ *Ibid.*, para. 63.

²⁵ *Ibid.*, para. 64.

²⁶ *Ibid.*, para. 65.

²⁷ *Ibid.*, para. 66.

²⁸ ECE/MP.PP/C.1/2020/2, para. 63.

ACCC/C/2020/176 (United Kingdom),²⁹ ACCC/C/2020/184 (United Kingdom and European Union)³⁰ and ACCC/C/2021/185 (United Kingdom).³¹

34. One communication (ACCC/C/2020/180 (United Kingdom))³² was determined to be admissible on a preliminary basis in part, with the Committee's summary proceedings procedure to apply to that part. The rest of the communication was determined to be inadmissible.

35. In addition, one case was closed at the communicant's request due to the claim being resolved at the domestic level.³³

36. During the reporting period, the Committee considered and made findings, and in some cases recommendations, with respect to the substance of 26 communications³⁴ and one submission about the compliance of another Party.³⁵ The Committee found non-compliance in 22 cases.³⁶ These are described in more detail in paragraphs 38–64 below. All but one of the findings of the Committee during the reporting period were adopted on the basis of consensus.³⁷

37. At the time of writing, there are 31³⁸ cases currently "pending" in the sense that the Committee has yet to reach any conclusions as to whether there is non-compliance. These cases are not addressed further in this report.

²⁹ ECE/MP.PP/C.1/2020/2, para. 64.

³⁰ ECE/MP.PP/C.1/2021/2, para. 64.

³¹ ECE/MP.PP/C.1/2021/5, forthcoming.

³² ECE/MP.PP/C.1/2020/7/5, para. 66.

³³ ACCC/C/2017/157 (United Kingdom)

³⁴ ACCC/C/2013/90 (United Kingdom), ACCC/C/2013/96 (European Union), ACCC/C/2013/98 (Lithuania), ACCC/C/2014/100 (United Kingdom), ACCC/C/2014/104 (Netherlands), ACCC/C/2014/105 (Hungary), ACCC/C/2013/106 (Czechia), ACCC/C/2013/107 (Ireland), ACCC/C/2014/112 (Ireland), ACCC/C/2014/118 (Ukraine), ACCC/C/2014/120 (Slovakia), ACCC/C/2014/121 (European Union), ACCC/C/2014/122 (Spain), ACCC/C/2014/124 (Netherlands), ACCC/C/2015/128 (European Union), ACCC/C/2015/130 (Italy), ACCC/C/2015/131 (United Kingdom), ACCC/C/2015/134 (Belgium), ACCC/C/2015/135 (France), ACCC/C/2016/137 (Germany), ACCC/C/2016/138 (Armenia), ACCC/C/2016/141 (Ireland), ACCC/C/2016/142 (United Kingdom), ACCC/C/2016/143 (Czechia), ACCC/C/2016/144 (Bulgaria), ACCC/C/2017/147 (Republic of Moldova).

³⁵ ACCC/S/2015/2 (Belarus).

³⁶ ACCC/S/2015/2 (Belarus), ACCC/C/2013/90 (United Kingdom), ACCC/C/2013/96 (European Union), ACCC/C/2013/98 (Lithuania), ACCC/C/2014/104 (Netherlands), ACCC/C/2014/105 (Hungary), ACCC/C/2013/107 (Ireland), ACCC/C/2014/112 (Ireland), ACCC/C/2014/118 (Ukraine), ACCC/C/2014/121 (European Union), ACCC/C/2014/122 (Spain), ACCC/C/2014/124 (Netherlands), ACCC/C/2015/128 (European Union), ACCC/C/2015/130 (Italy), ACCC/C/2015/131 (United Kingdom), ACCC/C/2015/134 (Belgium), ACCC/C/2016/137 (Germany), ACCC/C/2016/141 (Ireland), ACCC/C/2016/142 (United Kingdom), ACCC/C/2016/143 (Czechia), ACCC/C/2016/144 (Bulgaria), ACCC/C/2017/147 (Republic of Moldova).

³⁷ The findings on communication ACCC/C/2014/120 (Slovakia) were adopted through a majority vote, with Committee members Marc Clément and Peter Oliver dissenting.

³⁸ ACCC/C/2014/113 (Ireland), ACCC/C/2014/119 (Poland), ACCC/C/2015/126 (Poland), ACCC/C/2015/132 (Ireland), ACCC/C/2015/133 (Netherlands), ACCC/C/2016/139 (Ireland), ACCC/C/2016/140 (Romania), ACCC/C/2017/146 (Poland), ACCC/C/2017/148 (Greece), ACCC/C/2017/149 (Greece), ACCC/C/2017/150 (United Kingdom), ACCC/C/2016/151 (Poland), ACCC/C/2017/153 (Spain), ACCC/C/2017/154 (Poland), ACCC/C/2017/156 (United Kingdom), ACCC/C/2017/157 (United Kingdom), ACCC/C/2018/158 (Poland), ACCC/C/2017/159 (Spain), ACCC/C/2018/161 (Bulgaria), ACCC/C/2019/162 (Denmark), ACCC/C/2019/163 (Austria), ACCC/C/2019/164 (Ireland), ACCC/C/2019/168 (Iceland), ACCC/C/2019/173 (Sweden), ACCC/C/2019/174 (Sweden), ACCC/C/2020/177 (Bosnia and Herzegovina), ACCC/C/2020/178 (Germany), ACCC/C/2020/179 (Serbia), ACCC/C/2020/181 (Netherlands), ACCC/C/2020/182 (Belarus), ACCC/C/2020/183 (Spain).

A. Armenia

38. Communication ACCC/C/2016/138 was made on 21 February 2016 by the NGO Ecological Right, with regard to compliance by Armenia with article 9 (2) in conjunction with articles 2 (2), 6 (2) and (8), as well as article 9 (3) in conjunction with articles 2 (2) and 3 (1) of the Convention. The communication concerned the alleged failure by Armenia to ensure access to justice for environmental NGOs with respect to the environmental impact assessments for the Amulsar open-pit mine. The Committee found that Armenia was not in non-compliance with the alleged provisions of the Convention. The findings were adopted by the Committee on 24 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/26).

B. Belarus

39. Submission ACCC/S/2015/2 was made on 27 March 2015 by Lithuania concerning compliance by Belarus with articles 3 (9) and 6 (2), (3), (4), (6) and (8) of the Convention in connection with the decision-making on the siting and construction of a nuclear power plant in Ostrovets, Belarus. The Committee found that Belarus failed to comply with articles 3 (9), 6 (2), (6), (8) and (9) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 23 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/13).

C. Belgium

40. Communication ACCC/C/2015/134 was made on 9 October 2015 by the NGO Avala ASBL and Mr. Francis Doutreloux, a member of the public, concerning compliance by Belgium with articles 1, 3, 4 (1) and (2) and 9 (1), (3) and (4) of the Convention in relation to three access to environmental information requests. The Committee found that Belgium failed to comply with articles 4 (2) and (7), 9 (1) and (4) of the Convention. Taking into account that no evidence had been put before the Committee to demonstrate that the non-compliance found was of a wide or systemic nature, the Committee refrained from making any recommendations. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/24).

D. Bulgaria

41. Communication ACCC/C/2016/144 was made on 14 November 2016 by the NGO Civil Control – Animal Protection with respect to compliance by Bulgaria with article 7 in conjunction with article 6 (3) and (8), as well as article 9 (2), (3) and (4), of the Convention. The communication concerned public participation in the decision-making on, and access to justice regarding, a proposed amendment to the General Spatial Plan of Plovdiv. The Committee found that Bulgaria failed to comply with article 7, article 7 in conjunction with article 6 (2), (3) and (8), and article 9 (4) in conjunction with article 9 (3) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/29).

E. Czechia

42. Communication ACCC/C/2013/106 was made on 26 November 2013 by the citizens' association "V havarijní zón jaderné elektrárny Temelín" concerning compliance by Czechia with articles 6 (3) and (8) and 9 (2)–(4) of the Convention regarding the public participation procedure for the construction of a spent nuclear fuel storage facility. The Committee found that Czechia was not in non-compliance with the alleged provisions of the Convention. The findings were adopted by the Committee on 1 November 2019 and were submitted as an official document to the Committee's sixty-sixth meeting (ECE/MP.PP/C.1/2020/3).

43. Communication ACCC/C/2016/143 was made on 31 October 2016 by the Austrian NGOs OEKOBUERO – Alliance of the Austrian Environmental Movement and GLOBAL 2000 (Friends of the Earth Austria), Czech civic associations Jihočeské matky, z. s. and Calla, and the Aarhus Konvention Initiative, a German civil society movement, concerning compliance by Czechia with articles 3 (1), 6 (1)–(10) and 9 (2) in connection with the extension of the lifetime of nuclear reactors at the Dukovany nuclear power plant. The Committee found that Czechia failed to comply with articles 6 (10) and 9 (2) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/28).

F. European Union

44. Communication ACCC/C/2013/96 was made on 28 October 2013 by the NGO European Platform Against Windfarms concerning compliance by the European Union with articles 3 (2), 4 and 7 of the Convention in connection with the adoption by the European Commission on 14 October 2013 of a list of 248 "Projects of Common Interest". The Committee found that the European Union failed to comply with articles 3 (9) and 4 (2), article 7 in conjunction with article 6 (8), and article 9 (1) of the Convention. The findings were adopted on 4 August 2020 and submitted as an official document to the Committee's sixty-ninth meeting (ECE/MP.PP/C.1/2021/3).

45. Communication ACCC/C/2014/121 was made on 12 December 2014 by the NGO International Institute for Law and the Environment concerning compliance by the European Union with articles 6 (1) (a) and (10) of the Convention in relation to the reconsideration and updating of permits issued under the Industrial Emissions Directive.³⁹ The Committee found that the European Union failed to comply with article 6 (10) of the Convention. The findings were adopted on 30 March 2020 and were submitted as an official document to the Committee's sixty-eighth meeting (ECE/MP.PP/C.1/2020/8).

46. Communication ACCC/C/2015/128 was made on 9 March 2015 by the NGOs GLOBAL 2000 and OEKOBUERO – Alliance of the Austrian Environmental Movement concerning compliance by the European Union with article 9 (3) and (4) of the Convention with respect to access to justice regarding the approval of state aid for the nuclear power plant project Hinkley Point C. The Committee found that the European Union failed to comply with article 9 (3) and (4) of the Convention. The findings were adopted on 17 March 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/21).

G. France

47. Communication ACCC/C/2015/135 was made on 4 November 2015 by Mr. Patrick Janin, a member of the public, regarding compliance by France with article 9 (2) of the

³⁹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), Official Journal of the European Union, L 334 (2010), pp. 17–119.

Convention concerning a decision of the Conseil d'État to dismiss, for lack of standing, his petition against a ministerial order authorizing the destruction of animal pests. The Committee found that France was not in non-compliance with article 9 (2) or (3) of the Convention. The findings were adopted on 10 March 2020 and submitted as an official document to the Committee's sixty-seventh meeting (ECE/MP.PP/C.1/2020/9).

H. Germany

48. Communication ACCC/C/2016/137 was made on 10 February 2016 by the NGO WWF Germany concerning compliance by Germany with articles 2 (5), 3 (4) and (6) and 9 (2) of the Convention in connection with the criteria for NGOs to have access to justice in environmental matters. The Committee found that Germany failed to comply with article 9 (2) in conjunction with article 2 (5) of the Convention. The findings were adopted by the Committee on 23 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/25).

I. Hungary

49. Communication ACCC/C/2014/105 was made on 11 June 2014 by the NGOs Hungarian Greenpeace Association and Energiaklub Climate Policy Institute and Applied Communications regarding compliance by Hungary with articles 3 (1), 4 (2) and (3) (c), 5 (7) and 7 of the Convention concerning plans to extend the Paks nuclear power plant. The Committee found that Hungary failed to comply with article 7, final sentence, in conjunction with article 5 (7) (a) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/16).

J. Ireland

50. Communication ACCC/C/2013/107 was made on 11 November 2013 by Mr. Kieran Cummins, a member of the public, concerning compliance by Ireland with articles 6 and 7 of the Convention in relation to the extension of the duration of a quarry. The Committee found that Ireland failed to comply with article 6 (10) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 19 August 2019 and submitted as an official document to its sixty-fifth meeting (ECE/MP.PP/C.1/2019/9).

51. Communication ACCC/C/2014/112 was made on 29 May 2014 by the European Platform Against Windfarms and six other NGOs concerning compliance by Ireland with articles 3 (1), 4, 5, 6 (4), (8), and (9), 7, 8 and 9 (1), (3), (4) and (5) of the Convention with regards to Ireland's National Renewable Energy Action Plan. The Committee found that Ireland failed to comply with article 4 (1) in conjunction with article 2 (3) (b), as well as with article 9 (4) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 25 July 2021 and will be presented as an official document to the Committee's seventy-second meeting (ECE/MP.PP/C.1/2021/17).

52. Communication ACCC/C/2016/141 was made on 19 August 2016 by the NGO Right to Know regarding compliance by Ireland with articles 3 (1), 4 (2) and (7) and 9 (1) and (4) of the Convention concerning requests for access to environmental information and review mechanisms therefor. The Committee found that Ireland failed to comply with article 9 (4)

of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 9 November 2020 and submitted as an official document to its seventieth meeting (ECE/MP.PP/C.1/2021/8).

K. Italy

53. Communication ACCC/C/2015/130 (Italy) was made on 12 May 2015 by NGO WWF Italia with regard to compliance by Italy with articles 3 (8), 9 (4) and (5) of the Convention with respect to the cost of access to justice. The Committee found that Italy failed to comply with article 9 (4) and (5) and article 3 (1) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 6 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/22).

L. Lithuania

54. Communication ACCC/C/2013/98 was made on 30 December 2013 by the NGO Association Rudamina Community regarding compliance by Lithuania with articles 6 (2)–(9), 7 and 9 (2) and (4) of the Convention concerning the construction of an overhead power line. The Committee found that Lithuania failed to comply with article 6 (2) (d) (ii), (4), (7), (8), (9) and article 3 (8) of the Convention. The findings were adopted by the Committee on 7 June 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/15).

M. Netherlands

55. Communication ACCC/C/2014/104 was made on 6 May 2014 by the NGO Stichting Greenpeace Netherlands regarding compliance by the Netherlands with article 6 of the Convention in relation to the extension of the design lifetime for the Borssele nuclear power plant. The Committee found that the Netherlands failed to comply with article 6 (4), in conjunction with article 6 (10), of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 4 October 2018 and were submitted as an official document to the Committee's sixty-third meeting (ECE/MP.PP/C.1/2019/3).

56. Communication ACCC/C/2014/124 was made on 22 December 2014 by the NGO Stichting Greenpeace Netherlands concerning compliance by the Netherlands with article 2 (3) in conjunction with article 4, and article 4 (3) (c) of the Convention, with respect to access to environmental information regarding the permitting of two power plants. The Committee found that the Netherlands failed to comply with article 4 (1) in conjunction with article 2 (3) of the Convention and article 4 (1) in conjunction with article 4 (3) (c) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/20).

N. Republic of Moldova

57. Communication ACCC/C/2017/147 was made on 9 July 2017 by the NGO Eco-TIRAS International Association of River Keepers regarding compliance by the Republic of

Moldova with articles 3 (1) and (2), 4 (8) and 5 (2) (b) (ii) of the Convention in connection with access to environmental information held by the State Hydrometeorological Service. The Committee found that the Republic of Moldova failed to comply with articles 4 (8) and 3 (1) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 25 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/30).

O. Slovakia

58. Communication ACCC/C/2014/120 was made on 8 December 2014 by a civic association, VIA IURIS, concerning compliance by Slovakia with articles 8 and 9 (3) of the Convention regarding the preparation of legislation on forestry. The Committee found that Slovakia was not in non-compliance with articles 3 (1), 8 or 9 of the Convention. The findings were adopted by the Committee on 24 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/19).

P. Spain

59. Communication ACCC/C/2014/122 was made on 12 December 2014 by the NGO International Institute for Law and the Environment concerning compliance by Spain with article 6 (2) and (10) of the Convention regarding transitional provisions for the updating of integrated environmental permits. The Committee found that Spain failed to comply with article 6 (10) of the Convention but, bearing in mind the circumstances outlined in paragraph 100 of the findings, refrained from making recommendations. The findings were adopted by the Committee on 17 December 2020 and were submitted as an official document to the Committee's seventieth meeting (ECE/MP.PP/C.1/2021/7).

Q. Ukraine

60. Communication ACCC/C/2014/118 was made on 18 November 2014 by the NGO Environment-People-Law concerning compliance by Ukraine with articles 3 (1), 4 (1), (3), (4) and (6), 6 (1), (2), (3), (4), (6), (7), (8) and (9), and 9 (2) of the Convention in relation to the production-sharing agreements for the Yuzivska and Oleska oil fields. The Committee found that Ukraine failed to comply with articles 4 (1), 6 (1) (a) and (4), and 9 (2) and (4) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 24 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/18).

R. United Kingdom of Great Britain and Northern Ireland

61. Communication ACCC/C/2013/90 was made on 4 June 2013 by the NGO River Faughan Anglers Ltd regarding compliance by the United Kingdom with articles 1, 3 (2) and (8), 4, 6 (2) and (3), 9 (2), (3) and (4) of the Convention in relation to settlement lagoons adjacent to the River Faughan. The Committee found that the United Kingdom failed to comply with articles 3 (2), 6, 9 (2) and (4) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/14).

62. Communication ACCC/C/2014/100 was made on 15 April 2014 by the NGO High Speed 2 Action Alliance Limited, the London Borough of Hillingdon, and Ms. Charlotte

Jones, a member of the public, concerning compliance by the United Kingdom with article 7 generally, and article 7 in conjunction with article 6 (3) and (4), of the Convention in connection with the proposed construction of the “High Speed 2” railway. The Committee found that the United Kingdom did not fail to comply with article 7 of the Convention. The findings were adopted by the Committee on 12 March 2019 and were presented as an official document to its sixty-fourth meeting (ECE/MP.PP/C.1/2019/6).

63. Communication ACCC/C/2015/131 was made on 1 September 2015 by Ms. Tracy Breakell, a member of the public, regarding compliance by the United Kingdom with articles 3 (2) and (8), 5 (1) (a) and (2), 6 (1) (b) and 9 (2), (3) and (4) of the Convention in connection with the redevelopment of a former hospital site. The Committee found that the United Kingdom failed to comply with articles 3 (2), 5 (3) and 9 (4) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 26 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/23).

64. Communication ACCC/C/2016/142 was made on 23 August 2016 by Mr. John Alexander Melvin Hemming, a member of the public, concerning compliance by the United Kingdom with article 9 (2), (3), (4), and (5) of the Convention in connection with access to justice relating to a public authority’s alleged failure to clear up litter. The Committee found that the United Kingdom failed to comply with article 9 (4) and (5) of the Convention. Noting the agreement of the Party concerned that the Committee take the measure listed in paragraph 37 (b) of the annex to decision I/7, the Committee made recommendations to the Party concerned pursuant to paragraph 36 (b) of that annex. The findings were adopted by the Committee on 25 July 2021 and will be presented as an official document to its seventy-second meeting (ECE/MP.PP/C.1/2021/27).

S. General conclusions with regard to the process of review of communications

65. During the reporting period there was a slight decrease in the number of communications received by the Committee as compared with the previous reporting period (42 in the current reporting period, 45 for the period between the fifth and sixth session of the Meeting of the Parties, 40 for the period between the fourth and fifth sessions of the Meeting of the Parties and 35 for the period between the third and fourth sessions of the Meeting of the Parties).

66. The Committee notes that in general the quality of communications considered for preliminary admissibility in this reporting period was of a satisfactory quality, owing in part to the Committee’s procedure through which only those communications that are sufficiently in the required communication format are forwarded to the Committee for a determination of preliminary admissibility. The Committee notes that in some cases communications lacked certain information which was essential for a preliminary determination of admissibility; the Committee would then defer its decision on preliminary admissibility to the next meeting and request the communicant to provide further details regarding the facts and the allegations of non-compliance.

67. The Committee also welcomes the fact that the working relationship with Parties concerned in the review of compliance triggered by communications has generally been very positive. It notes with appreciation that Parties have for the most part respected the deadlines set out in decision I/7. It is of utmost importance for the effectiveness of the compliance mechanism that the Parties comply with the procedural rules laid down in decision I/7, including time frames.

68. The Committee likewise stresses the importance for the effective functioning of the compliance mechanism of the Party concerned attending the hearing held by the Committee to discuss the substance of any communication, submission or referral concerning that Party’s compliance. Out of the 16 cases for which hearings were held during the reporting period, in only 1 case, communication ACCC/C/2016/144 (Bulgaria), did the Party concerned not

exercise its right to participate. Given the inherently consultative and participatory nature of the review mechanism, the Committee strongly encourages Parties concerned to participate in the hearings of the cases concerning their compliance.

69. In the 22 findings in which the Committee found that there was non-compliance in the reporting period, the Committee refrained from making recommendations in 2 of the findings, in one case bearing in mind the circumstances of the case⁴⁰ and in the other, due to there being no evidence that the non-compliance was of a wide or systemic nature.⁴¹ In 16 of the 20 findings in which the Committee made recommendations, the Party concerned agreed to the Committee making recommendations to it directly in accordance with paragraph 36 (b) of the annex to decision I/7. The Committee appreciates the cooperative spirit in its working relation with the Parties and would find it regrettable if Parties were to object in principle to the Committee making such recommendations.

T. Recommendations to the Meeting of the Parties with regard to compliance by individual Parties

70. The Committee, pursuant to paragraph 35 of the annex to decision I/7, recommends that the Meeting of the Parties:

(a) Take note of the main facts of the communications and welcome the consideration and evaluation by the Committee set out in the documents referred to in paragraphs 38–64 above;

(b) Welcome the acceptance by those Parties concerned of the recommendations made to them by the Committee in accordance with paragraph 36 (b) of the annex to decision I/7;

(c) Endorse the Committee's main findings with regard to compliance and adopt the Committee's recommendations, as set out in the documents referred to in paragraphs 38–64 above;

(d) Call upon those Parties found in non-compliance during the coming intersessional period to agree, with a view to addressing compliance issues without delay, that the Committee make recommendations to them directly in accordance with paragraph 36 (b) of the annex to decision I/7;

(e) Urge all Parties found in non-compliance to take measures as early as possible in the coming intersessional period to implement the recommendations made to them with a view to having the non-compliance fully addressed in due time before the eighth session of the Meeting of the Parties;

(f) Undertake to review, at its eighth session, the implementation of the recommendations adopted with respect to specific Parties on the basis of input from the Committee.

III. Requests from Parties for advice or assistance

71. On 14 May 2020, Kazakhstan requested the advice of the Committee on whether the holding of public hearings through video conference in the context of the COVID-19 pandemic would be contrary to the provisions of the Convention. In accordance with paragraph 34 of the annex to decision I/7, the Committee prepared draft recommendations to the Party concerned regarding the points of clarification sought and the Committee's draft advice was then forwarded to the Party concerned and observers for comments. After taking into account the comments received, the Committee adopted its advice on 1 July 2020. The Committee's advice was submitted as an official document to its seventieth meeting (ECE/MP.PP/C.1/2021/6).

⁴⁰ ECE/MP.PP/C.1/2021/7, paras. 100–101.

⁴¹ ECE/MP.PP/C.1/2021/24, para. 156.

IV. Implementation of decisions and requests of the Meeting of the Parties on compliance by individual Parties

72. At its sixth session, the Meeting of the Parties adopted decision VI/8 on general issues of compliance and ten decisions concerning the compliance of individual Parties: decision VI/8a (Armenia); decision VI/8b (Austria); decision VI/8c (Belarus); decision VI/8d (Bulgaria); decision VI/8e (Czechia); decision VI/8g (Kazakhstan); decision VI/8h (Romania); decision VI/8i (Slovakia); decision VI/8j (Spain) and decision VI/8k (United Kingdom) (see ECE/MP.PP/2017/2/Add.1).

73. Through paragraph 21 of decision VI/8, the Meeting of the Parties undertook to review the implementation of decisions VI/8a–e and g–k at its seventh session and, with that in mind, requested the Committee to examine those matters in advance of that meeting and to describe the progress made in its report.

74. At its sixth session, the Meeting of the Parties also requested the Committee to review the compliance with the Convention of two Parties and to report to the seventh session in that regard (see paras. 75 and 76 below).

75. Through paragraph 19 of decision VI/8, the Meeting of the Parties requested the Committee to review the compliance by Turkmenistan with articles 3 (1), (4) and (9) of the Convention in the light of the amendments to the Act of Public Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in NGOs promoting environmental protection.⁴² The Committee gave the case reference ACCC/M/2017/2 to the request by the Meeting of the Parties.

76. Through paragraph 63 of its report on the sixth session, the Meeting of the Parties requested the Committee to review the fulfilment by the European Union of decision V/9g as well as paragraph 123 of the Committee's findings on communication ACCC/C/2008/32 (part II).⁴³ The Committee gave the case reference ACCC/M/2017/3 to the request by the Meeting of the Parties.

77. In the current reporting period, to assist the Parties concerned to implement the decisions and requests of the Meeting of the Parties concerning their compliance, the Committee prepared progress reviews in early 2019 and 2020 regarding each decision and request. In its progress reviews, the Committee examined the extent to which the measures taken by the Parties concerned up until that time had fulfilled the requirements of the decision or request concerning its compliance. The Committee prepared its progress reviews taking into account the progress reports submitted by the Parties and the comments received from communicants and observers on the Parties' progress reports. Once adopted, the progress reviews were sent to the Party concerned, communicants and observers. Each progress review concluded by explaining to the Party concerned what further steps it should take in order to demonstrate to the Committee that it had fully met the requirements of the decision or request of the Meeting of the Parties.

78. In addition, the Committee held an open session regarding each decision and request at its sixty-third and sixty-sixth meetings in which the Party concerned, communicants and observers were invited to take part (either in person or by audio conference) to discuss the progress made and to ask questions of clarification. The Committee considers that both the progress reviews and the audio conferences were useful tools to assist it to examine the progress made by the Parties concerned throughout the reporting period and the Committee would propose to continue this approach during the next intersessional period.

79. In early July 2021, the Committee prepared its draft reports to the seventh session on each decision and request, taking into account the final progress reports of the Parties concerned and the comments received from communicants and observers thereon. The draft reports were then sent to the Parties concerned, communicants and observers for their comments. The Committee also held an open session on each decision and request at its seventy-first meeting in which the Parties concerned, communicants and observers were

⁴² See ECE/MP.PP/2017/2/Add.1, para. 19.

⁴³ See ECE/MP.PP/2017/2/Add.1, para. 63.

invited to take part to ask questions of clarification and to provide comments on the Committee's draft reports. Following the expiry of the deadline for written comments on the draft reports, the Committee finalized the reports taking into account the comments received and adopted them. The reports were then sent to the Parties concerned, communicants and observers.

80. The Committee's reports on the implementation of decisions VI/8a–e and g–k and requests ACCC/M/2017/2 and ACCC/M/2017/3 will be submitted as official documents to the seventh session of the Meeting of the Parties.⁴⁴

81. The Committee invites the Meeting of the Parties to take note of the Committee's reports, to endorse its conclusions and to implement the recommendations contained in those 13 documents.⁴⁵

V. Implementation of the Committee's recommendations in findings of non-compliance adopted since the sixth session

82. In three of the sixteen findings of non-compliance in which the Party concerned accepted to receive the Committee's recommendations directly in accordance with paragraph 36(b) of the annex to decision I/7, the findings were adopted sufficiently in advance of the seventh session to enable the Parties concerned to report on the progress they had made, and to have that progress reviewed by the Committee. The three findings concerned communications ACCC/C/2014/107 (Netherlands), ACCC/C/2013/107 (Ireland) and ACCC/C/2016/141 (Ireland).

83. The Committee welcomes the constructive engagement demonstrated by both Parties concerned and considers that this may serve as a model for other Parties.

84. Concerning the findings on communication ACCC/C/2014/104 (Netherlands), the Party concerned submitted two progress reports. After taking into account the progress reports and the comments received from the communicant thereon, the Committee prepared one progress review and its report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the recommendations in those findings.

85. Concerning the findings on communications ACCC/C/2013/107 (Ireland) and ACCC/C/2013/141 (Ireland), due to the later adoption of those findings, the Party concerned submitted one progress report in each case. After taking into account the progress reports and the comments received from the communicants and observers thereon, the Committee prepared its reports to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the recommendations in the two findings.

86. The Committee also held an open session regarding the findings at its seventy-first meeting in which the Parties concerned, communicants and observers were invited to ask questions of clarification and to provide comments on the Committee's draft reports. Following the expiry of the deadline for written comments on the draft reports, the Committee finalized the reports taking into account the comments received and adopted them. The reports were then sent to the Parties concerned, communicants and observers.

87. The Committee's reports on the implementation of the recommendations in its findings on communications ACCC/C/2014/104 (Netherlands),⁴⁶ ACCC/C/2013/107 (Ireland) and ACCC/C/2013/141 (Ireland)⁴⁷ will be submitted as official documents to the seventh session of the Meeting of the Parties.

⁴⁴ ECE/MP.PP/2021/46, ECE/MP.PP/2021/47, ECE/MP.PP/2021/48, ECE/MP.PP/2021/49, ECE/MP.PP/2021/50, ECE/MP.PP/2021/51, ECE/MP.PP/2021/53, ECE/MP.PP/2021/55, ECE/MP.PP/2021/56, ECE/MP.PP/2021/57, ECE/MP.PP/2021/58, ECE/MP.PP/2021/59, ECE/MP.PP/2021/60.

⁴⁵ Ibid.

⁴⁶ ECE/MP.PP/2021/54.

⁴⁷ ECE/MP.PP/2021/52.

88. The Committee invites the Meeting of the Parties to take note of the Committee's reports, to endorse its conclusions and to implement the recommendations contained in those 2 documents.⁴⁸

VI. Reporting requirements

89. In accordance with its mandate under paragraph 13 (c) of the annex to decision I/7, the Committee has monitored and assessed the implementation by Parties of their obligations under the reporting requirements of decision I/8 in the current reporting cycle. Owing to the workload related to compliance, the Committee was not able to review in detail all the national implementation reports submitted and instead has focused on whether and how the Parties prepared their national implementation reports and whether the reports were submitted in a timely manner.

A. Previous reporting cycles

90. Through paragraph 7 of decision VI/7, the Meeting of the Parties noted with regret that Armenia, Bosnia and Herzegovina, the Netherlands, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, all of which were Parties to the Convention at the time of the deadline for submission of the implementation reports, had failed to submit reports for the current reporting cycle. Through paragraph 8 of decision VI/7, the Meeting of the Parties called upon each of those Parties to submit its national implementation report to the secretariat by 1 November 2017, for subsequent consideration, inter alia, by the Compliance Committee.

91. The Committee regrets that, notwithstanding paragraph 8 of decision VI/7, none of the above-mentioned Parties submitted their national implementation reports to the secretariat by 1 November 2017.

92. However, as at the date of the present report, Armenia, Bosnia and Herzegovina, the Netherlands, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland have submitted their reports due prior to the sixth session of the Meeting of the Parties. In contrast, the Committee expresses its serious concern that, despite reminders from the secretariat, the Republic of Moldova has not yet submitted its report.

B. Current reporting cycle

93. The Committee expresses its concern that only 29 out of 47 Parties submitted their national implementation reports on time. Late submission of reports poses practical problems for the secretariat and for the Committee itself when it finalizes its recommendations to the Meeting of the Parties.

94. In this context, the Committee regrets that, by the deadline of 21 April 2021, Azerbaijan, Bosnia and Herzegovina, Croatia, Denmark, the European Union, Hungary, Iceland, Ireland, Italy, Latvia, Malta, the Netherlands, North Macedonia, Portugal, the Republic of Moldova, Serbia, Sweden, Tajikistan and Ukraine had failed to submit their reports for the current reporting cycle. The Committee further notes that at the time of completion of this report, i.e., 26 July 2021, 11 Parties⁴⁹ had still not submitted their reports, while 8 further Parties⁵⁰ had done so in the meantime.

95. The Committee recommends that the Meeting of the Parties underline the importance of complying with the reporting requirements and call upon Parties to initiate the process for the national implementation reports well in advance of the eighth session of the Meeting of the Parties, so as to ensure adequate public participation in the process. In the light of the

⁴⁸ ECE/MP.PP/2021/52 and ECE/MP.PP/2021/54.

⁴⁹ Azerbaijan, the European Union, Iceland, Italy, Malta, the Netherlands, North Macedonia, the Republic of Moldova, Sweden, Tajikistan and Ukraine.

⁵⁰ Bosnia and Herzegovina, Croatia, Denmark, Hungary, Ireland, Latvia, Portugal and Serbia.

clear obligations placed on Parties in the Convention to submit national reports on a regular basis, the Committee recommends that the Meeting of the Parties recognize that Parties having not submitted such reports are not in compliance with article 10 (2) of the Convention, as implemented by decisions I/8, II/10, III/5, IV/4, V/8 and VI/7.

96. The Committee also recommends that the Meeting of the Parties request those Parties that failed to submit their national implementation reports to submit their reports to the secretariat, *inter alia*, for forwarding to the Committee, within three months of the date of the seventh session of the Meeting of the Parties.

