



# Economic and Social Council

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## Economic Commission for Europe

Meeting of the Parties to the Convention on  
Access to Information, Public Participation  
in Decision-making and Access to Justice  
in Environmental Matters

### Compliance Committee

#### Seventy-seventh meeting

Geneva, 13–16 December 2022

Item 8 of the provisional agenda

#### Requests from the Meeting of the Parties

## Findings and recommendations with regard to request ACCC/M/2021/5 concerning compliance by the Republic of Moldova\*

Adopted by the Compliance Committee on 29 July 2022

### I. Introduction

1. Through paragraph 8 of decision VII/7 on reporting requirements,<sup>1</sup> the Meeting of the Parties at its seventh session (Geneva, 18–21 October 2021) called upon the Republic of Moldova, and the other four Parties that had not yet submitted their reports for the sixth cycle, to submit the national implementation report for the sixth cycle to the secretariat by 1 December 2021, for subsequent consideration, inter alia, by the Compliance Committee.
2. In addition, the Meeting of the Parties expressed its deep concern that the Republic of Moldova had also still not yet submitted its national implementation report for the fifth reporting cycle – the only country that had not done so – and called upon the Compliance Committee, under paragraph 13 (c) of the annex to decision I/7 on review of compliance,<sup>2</sup> to consider the ongoing failure by the Republic of Moldova to submit its reports for the fifth and sixth cycles.<sup>3</sup>
3. On 8 November 2021, the Party concerned submitted the Moldovan language version of its national implementation report for the sixth cycle to the secretariat.
4. On 2 December 2021, the Party concerned submitted the English language version of its national implementation report for the sixth cycle to the secretariat.

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\* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> ECE/MP.PP/2021/2/Add.1.

<sup>2</sup> ECE/MP.PP/2/Add.8.

<sup>3</sup> ECE/MP.PP/2021/2, para. 45.



5. At the invitation of the Committee, on 8 April 2022, the Party concerned provided an update regarding the status of its outstanding national implementation report; notably, the Party concerned informed the secretariat that all information regarding the preparation of the 2017 national implementation report had unfortunately been lost due to a change in personnel and technical reasons.

6. After taking into account the information received from the Party concerned, the Committee completed its draft findings at its seventy-fifth meeting (Geneva, 14–17 June 2022). In accordance with paragraph 34 of the annex to decision I/7, the draft findings were then forwarded to the Party concerned on 22 June 2022 for its comments by 3 August 2022.

7. On 7 July 2022, the Party concerned indicated that it had no comments on, or objections to, the draft findings.

8. At its virtual meeting on 29 July 2022, the Committee proceeded to finalize its findings in closed session. The Committee then adopted its findings and agreed that they should be published as a formal pre-session document to its seventy-seventh meeting (Geneva, 13–16 December 2022). It requested the secretariat to send the findings as adopted to the Party concerned.

## II. Summary of facts, evidence and issues<sup>4</sup>

9. Article 10 (2) of the Convention states that: “At their meetings, the Parties shall keep under continuous review the implementation of this Convention on the basis of regular reporting by the Parties”.

10. In decision I/8 on reporting requirements,<sup>5</sup> adopted at its first session (Lucca, Italy, 21–23 October 2002), the Meeting of the Parties:

Recognizing that reporting is a vital element in ensuring that it is informed about activities undertaken by Parties pursuant to the Convention,

...

Emphasizing the importance of timely submission of reports,

1. Requests each Party to submit to the secretariat, in advance of the second ordinary meeting of the Parties, or in advance of the first ordinary meeting of the Parties following the entry into force of the Convention for that Party, whichever is the later, a report on:

(a) The necessary legislative, regulatory or other measures that it has taken to implement the provisions of the Convention; and

(b) Their practical implementation,

...

2. Also requests each Party in advance of each subsequent meeting of the Parties to review the report and to prepare and submit an updated version of it to the secretariat;

3. Furthermore requests the Parties to prepare their reports through a transparent and consultative process involving the public.

11. Through paragraph 9 of decision II/10 on reporting requirements,<sup>6</sup> the Meeting of the Parties requests that “reports be submitted to the secretariat so as to arrive no later than 180 days before the meeting of the Parties for which they are submitted”.

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<sup>4</sup> This section summarizes only the main facts, evidence and issues considered to be relevant to the question of compliance, as presented to and considered by the Committee.

<sup>5</sup> ECE/MP.PP/2/Add.9.

<sup>6</sup> ECE/MP.PP/2005/2/Add.14.

### III. Consideration and evaluation by the Committee

12. The Committee recalls its findings on request ACCC/M/2014/1 (the Former Yugoslav Republic of Macedonia), in which it held that:

Article 10, paragraph 2, of the Convention requires Parties to report regularly to serve the continuous review by the Meeting of the Parties of the implementation of the Convention. Moreover, in the preamble of its decision I/8, the Meeting of the Parties recognized that reporting is a vital element in ensuring that it is informed about activities undertaken by Parties pursuant to the Convention, and emphasized the importance of the timely submission of reports.<sup>7</sup>

13. In accordance with paragraph 9 of decision II/10, the Party concerned should have submitted its 2017 national implementation report no later than 15 March 2017 and its 2021 national implementation report no later than 21 April 2021, being 180 days before the opening of the sixth (Budva, Montenegro, 11–14 September 2017) and seventh sessions of the Meeting of the Parties, respectively.

14. The Committee welcomes the submission by the Party concerned of its 2021 national implementation report on 8 November 2021, in Moldovan, and on 2 December 2021, in English. The Committee however expresses its disappointment that the Party concerned submitted that national implementation report so long after the deadline set by the Meeting of the Parties in paragraph 9 of decision II/10.

15. The Committee expresses its serious concern that, as of the date of these findings, the Party concerned has still not submitted its national implementation report for the fifth cycle, which was due no later than 15 March 2017.

16. The Committee notes that the Party concerned has explained that its national focal point for the Convention at the time of the fifth cycle left the relevant ministry in 2018 and that, following his departure, all the information regarding the preparation of the 2017 national implementation report had unfortunately been lost due to technical reasons. The Committee points out that the obligation in article 10 (2) of the Convention falls on the Party concerned and it is the responsibility of the Party concerned to ensure that its obligations under the Convention are fully met, irrespective of any changes in the personnel of its public authorities.

17. Based on the foregoing, the Committee finds that, by failing to submit its 2017 and 2021 national implementation reports in due time for the sixth and seventh sessions of the Meeting of the Parties, the Party concerned failed to comply with the requirement in article 10 (2) of the Convention for “regular reporting” by Parties.

18. Since the Party concerned has now submitted its 2021 national implementation report, the Committee finds that the Party concerned is no longer in non-compliance with article 10 (2) of the Convention with respect to the sixth reporting cycle.

19. In contrast, given that, as of the date of these findings, the Party concerned has still not submitted its 2017 national implementation report, the Committee finds that the Party concerned remains in non-compliance with article 10 (2) of the Convention with respect to the fifth reporting cycle.

20. In paragraph 3 of decision I/8, the Meeting of the Parties requested Parties “to prepare their reports through a transparent and consultative process involving the public.” Given that nearly five years have now passed since the end of the reporting period to be addressed in the 2017 national implementation report, the Committee considers that it would serve little purpose for the Party concerned to carry out a consultative process at this late stage, involving the public, on its 2017 national implementation report as required by paragraph 3 of decision I/8.

21. In the light of the considerations contained in paragraph 20 above, the Committee refrains from making a recommendation requesting the submission of the outstanding 2017 national implementation report of the Party concerned. Rather, the Committee considers that,

<sup>7</sup> ECE/MP.PP/C.1/2017/8, para. 16.

at this point, it is more important to ensure that the Party concerned takes the necessary measures to ensure the timely, transparent and consultative preparation of its national implementation report for the seventh cycle, including the submission of the national implementation no later than 180 days before the eighth session of the Meeting of the Parties to be held in 2025.

#### **IV. Conclusions and recommendations**

22. Having considered the above, the Committee adopts the findings set out in the following paragraphs.

##### **A. Main findings with regard to non-compliance**

23. The Committee finds, that by failing to submit its 2017 and 2021 national implementation reports in due time for the sixth and seventh sessions of the Meeting of the Parties, the Party concerned failed to comply with the requirement in article 10 (2) of the Convention for “regular reporting” by Parties.

24. Since the Party concerned has now submitted its 2021 national implementation report, the Committee finds that the Party concerned is no longer in non-compliance with article 10 (2) of the Convention with respect to the sixth reporting cycle.

25. In contrast, given that, as of the date of these findings, the Party concerned has still not submitted its 2017 national implementation report, the Committee finds that the Party concerned remains in non-compliance with article 10 (2) of the Convention with respect to the fifth reporting cycle.

##### **B. Recommendations**

26. The Committee, pursuant to paragraph 35 of the annex to decision I/7 of the Meeting of the Parties, and noting the agreement of the Party concerned that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7, recommends that the Party concerned:

(a) Take the necessary measures to ensure the timely, transparent and consultative preparation of its national implementation report for the seventh cycle, including the submission of the national implementation report no later than 180 days before the eighth session of the Meeting of the Parties to be held in 2025;

(b) Report to the Committee accordingly.

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