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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

Sixty-seventh meeting
Geneva, 6–10 July 2020

Report of the Compliance Committee on its sixty-seventh meeting

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Introduction

1. The sixty-seventh meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 6 to 10 July 2020. In the light of the exceptional situation related to the ongoing coronavirus disease (COVID-19) pandemic, both the Committee and participants participated in the meeting virtually.

A. Attendance

2. Five of the nine Committee members were present throughout the entire meeting: Mr. Jonas Ebbesson (Chair); Mr. Jerzy Jendroška; Mr. Alexander Kodjabashev (Vice-Chair); Mr. Peter Oliver; and Mr. Dmytro Skrylnikov. Mr. Marc Clément participated in all sessions except for the morning session on 8 July. Ms. Fruzsina Bögös was unable to attend the meeting on 6 and 7 July but was present for the rest of the meeting. Ms. Áine Ryall (Vice-Chair) was unable to attend the afternoon session on 6 July and part of the morning session on 7 July, but was present for the rest of the meeting. Due to illness, Ms. Heghine Grigoryan was unable to participate in the meeting apart from the afternoon of 10 July. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2020/180 (United Kingdom) took part in the open session on preliminary admissibility on 6 July 2020.

4. The communicant of communication ACCC/C/2019/173 (Sweden) took part in the open session on the review of any developments in relation to communications and submissions.

5. Representatives of the Party concerned and the communicant of communication ACCC/C/2016/140 (Romania) took part in the hearing to discuss the substance of that communication on 9 July 2020.

6. Participating as observers during the open sessions of the meeting were representatives of: the European Commission; Germany, as holder of the Presidency of the Council of the European Union; and Ireland. Additionally, a representative of the secretariat of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) participated in several of the meeting's open sessions. Representatives of the following non-governmental organizations (NGOs) participated as observers as well: Earthjustice, on behalf of the European ECO Forum; Resource and Analysis Centre "Society and Environment"; the Irish Environmental Network; ClientEarth; and Nuclear Transparency Watch. The following members of the public also participated: Ms. Noriko Date Okubo (professor, Osaka University, Japan); Ms. Žaneta Mikosa (lecturer, Riga Graduate School of Law); and Ms. Sarah Jamont (trainee, Administrative Court of Appeal of Lyon, France).

B. Organizational matters

7. The Chair of the Compliance Committee, Mr. Ebbesson, opened the meeting.

8. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2020/4.

9. The Chair reported that, since its sixty-sixth meeting (Geneva, 9–13 March 2020), the Committee had held three virtual meetings, on 13 May, and on 10 and 16 June 2020, which had been dedicated to the Committee's deliberations on request for advice ACCC/A/2020/2 (Kazakhstan) and its draft findings on communications ACCC/C/2013/98 (Lithuania), ACCC/C/2014/122 (Spain), ACCC/C/2015/134 (Belgium), ACCC/C/2015/137 (Germany) and ACCC/C/2016/141 (Ireland).

10. Regarding communications received before 25 May 2020 (the deadline for receipt of communications for the sixty-seventh meeting), the Chair reported that he and Vice-Chairs

Mr. Kodjabashev and Ms. Ryall had held a virtual meeting on 29 May 2020 to determine which of the communications received by the deadline sufficiently met the required format to be forwarded to the Committee for consideration as to their preliminary admissibility. The Chair and Vice-Chairs had decided that communication PRE/ACCC/C/2020/180 (United Kingdom) should be forwarded to the Committee for consideration of preliminary admissibility at its sixty-seventh meeting and had requested the secretariat to post that communication on the Committee's website in advance of the meeting.

I. Submissions, referrals and requests under the Convention

11. Concerning submission ACCC/S/2015/2 (Belarus), the Committee noted that, on 1 July 2020, it had received comments from observer Movement against the Astravyets Nuclear Power Plant. The Committee agreed to continue its deliberations through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.

12. Regarding request ACCC/M/2017/2 (Turkmenistan), the Committee noted that there had been no developments since the Committee's sixty-sixth meeting.

13. With respect to request ACCC/M/2017/3 (European Union), the Committee noted that there had been no developments since the Committee's sixty-sixth meeting.

14. Advisory request ACCC/A/2020/2 (Kazakhstan) had been submitted by the Party concerned on 14 May 2020. Specifically, the Party concerned had requested the Committee's advice on whether the holding of public hearings through videoconference in the context of the COVID-19 pandemic would contravene the Convention's provisions. On 27 May 2020, the secretariat had notified the European ECO Forum focal points of Kazakhstan's request for advice and invited any comments from members of the public, including environmental NGOs, by 3 June 2020. On 2 June 2020, observers EcoForum Kazakhstan and Socio-Ecological Fund had submitted comments. On 3 June 2020, comments had been received from observers the Environmental Law Office of the Irish Environmental Network and the Center for International Environmental Law. On 4 June 2020, observers Earthjustice and the European Environmental Bureau had submitted comments, and the Environmental Law Office of the Irish Environmental Network had submitted additional information. On 19 June 2020, the secretariat had forwarded the Committee's draft advice to the Party concerned and observers for comments. On 20 and 26 June 2020, respectively, observers Resource and Analysis Centre "Society and Environment", the Environmental Law Office of the Irish Environmental Network and the Center for International Environmental Law had submitted comments thereon. On 30 June 2020, the Party concerned had confirmed that it had no comments on the draft advice. On 1 July 2020, the Committee had adopted its advice and instructed the secretariat to prepare the advice as an official pre-session document, ensuring its availability in the three official languages of the United Nations Economic Commission for Europe (ECE).

II. Communications from members of the public

15. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its sixty-eighth meeting (Geneva (online), 23–27 November 2020) would be 12 October 2020.

16. With respect to communication ACCC/C/2013/90 (United Kingdom), the Committee noted that it had agreed to defer its deliberations to an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

17. Concerning communication ACCC/C/2013/96 (European Union), the Committee noted that it had completed its draft findings through its electronic decision-making procedure on 1 April 2020. In accordance with paragraph 34 of the annex to decision I/7 (ECE/MP.PP/2/Add.8), the draft findings had then been forwarded to the Party concerned and the communicant on 6 April 2020, with an invitation to provide any comments thereon by 18 May 2020. The communicant had provided comments on 17 May 2020. After seeking

an extension on 30 June 2020, the Party concerned had provided comments on 3 July 2020, and the communicant had submitted additional comments on 4 July 2020. The Committee continued its deliberations in closed session at the current meeting, taking into account the comments received, and finalized and adopted its findings. The Committee requested the secretariat to prepare the findings as an official document for the Committee's sixty-ninth meeting (Geneva (online), 25–29 January 2021), ensuring their availability in the three official languages of ECE.

18. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee continued its deliberations in closed session, and agreed to continue its deliberations on its draft findings through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.

19. With respect to communication ACCC/C/2014/105 (Hungary), the Committee noted that it was preparing questions to the Party concerned and that it would continue its deliberations on its draft findings, taking into account the replies received.

20. With respect to communication ACCC/C/2014/112 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

21. Concerning communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

22. Regarding communication ACCC/C/2014/118 (Ukraine), the Committee noted that it had requested the Executive Secretary of ECE to forward questions to the Minister for Foreign Affairs with a request that the questions also be conveyed to the Minister of Energy. The Committee agreed that it would continue its deliberations on its draft findings, taking into account the replies once received.

23. Regarding communication ACCC/C/2014/119 (Poland), the Committee noted that it was preparing questions to the Party concerned and that it would continue its deliberations, taking into account the replies received, with a view to completing its draft findings and, as appropriate, recommendations.

24. With respect to communication ACCC/C/2014/120 (Slovakia), the Committee noted that it had agreed to prepare questions to the Party concerned and the communicant, and that it would continue its deliberations on its draft findings, taking into account the replies received.

25. Concerning communication ACCC/C/2014/121 (European Union), the Committee noted that, after considering the comments received from the Party concerned and the communicant, it had finalized its findings and then adopted them through its electronic decision-making procedure on 30 March 2020. It instructed the secretariat to prepare the adopted findings as an official pre-session document for its sixty-eighth meeting, ensuring their availability in the three official languages of the ECE.

26. Regarding communication ACCC/C/2014/122 (Spain), the Committee noted that it had sent questions to the parties on 18 May 2020 and received replies from the communicant and Party concerned on 1 and 2 June 2020, respectively. On 8 June 2020, the Party concerned had submitted comments on the communicant's reply. The Committee had continued its deliberations on its draft findings in closed session at its virtual meeting on 10 June 2020 and thereafter at the current meeting, taking into account the information received. It agreed to continue its deliberations, taking into account the information received, with a view to completing its draft findings and, as appropriate, recommendations.

27. With respect to communication ACCC/C/2014/124 (Netherlands), the Committee deliberated on its draft findings in closed session and agreed to continue its deliberations through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.

28. Concerning communication ACCC/C/2015/126 (Poland), the Committee noted that, at its sixty-fourth meeting (Geneva, 1–5 July 2019), it had agreed to defer its deliberations

on its draft findings to an upcoming meeting in order to review the voluminous information received from both the Party concerned and the communicant in the case.¹

29. Regarding communication ACCC/C/2015/128 (European Union), the Committee recalled that, at its sixty-fourth meeting, it had agreed to defer its deliberations on its draft findings pending the ruling by the Court of Justice of the European Union on Case C-594/18 P - *Austria v. Commission*,² in the light of the relevance of that case to the present communication. On 12 March 2020, the communicants and observer ClientEarth had submitted a written statement expressing their concern that the Committee had not invited the parties' views prior to its decision to defer its deliberations and urging the Committee to reconsider that decision and to resume its deliberations. During the current meeting, observer ClientEarth reiterated those concerns. The Committee took note of the concerns expressed by the communicants and observer and agreed that it would decide how to proceed with the communication at an upcoming meeting.

30. With respect to communication ACCC/C/2015/130 (Italy), the Committee noted that it had proposed holding a hearing to discuss the substance of the communication via audioconference at the current meeting and had invited the views of the parties on its proposal. After considering the views of the parties, and taking into account the request of the Party concerned to postpone the hearing in the light of the ongoing pandemic, it had agreed to defer the hearing until its sixty-eighth meeting.

31. Concerning communication ACCC/C/2015/131 (United Kingdom), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

32. Regarding communication ACCC/C/2015/132 (Ireland), the Committee noted that it was preparing questions to the parties and that the Committee would decide how to proceed with the communication taking into account the information received.

33. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee noted that it was preparing questions to the parties for their written reply and that it would continue its deliberations on its draft findings, taking into account the replies once received.

34. Concerning communication ACCC/C/2015/134 (Belgium), the Committee noted that it had continued its deliberations on its draft findings at its virtual meetings on 13 May and 10 June 2020 and continued its deliberations in closed session at the current meeting. It agreed to continue its deliberations at an upcoming meeting with a view to thereafter completing its draft findings and, as appropriate, recommendations.

35. With respect to communication ACCC/C/2016/137 (Germany), the Committee noted that it had continued its deliberations on its draft findings at its virtual meeting on 13 May 2020 and continued its deliberations in closed session at the current meeting. It agreed to continue those deliberations at an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

36. Concerning communication ACCC/C/2016/138 (Armenia), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at an upcoming meeting with a view to completing its draft findings and, as appropriate, recommendations.

37. Regarding communication ACCC/C/2016/139 (Ireland), the Committee agreed to invite the views of the parties on whether they considered a hearing would be needed prior to the Committee commencing its deliberations on its draft findings. The Committee agreed to decide how to proceed at an upcoming meeting, taking into account the replies received.

38. With respect to communication ACCC/C/2016/140 (Romania), the Committee held a hearing to discuss the substance of the communication in open session with the participation by videoconference of the Party concerned and the communicant. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to send questions to

¹ See ECE/MP.PP/C.1/2019, para. 30.

² *Ibid.*, para. 31.

the parties for their written replies. The Committee agreed that it would thereafter continue its deliberations, taking into account the replies received.

39. Concerning communication ACCC/C/2016/141 (Ireland), the Committee noted that it had continued its deliberations on its draft findings at its virtual meetings on 13 May and 10 June 2020 and continued its deliberations in closed session at the current meeting. It agreed to continue its deliberations through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.

40. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.

41. With respect to communication ACCC/C/2016/143 (Czechia), the Committee noted that it was preparing questions to the Party concerned for its written reply and that it would continue its deliberations on its draft findings, taking into account the reply and any comments received thereon.

42. Concerning communication ACCC/C/2016/144 (Bulgaria), the Committee noted that, on 16 June 2020, the Executive Secretary of ECE had written to the Minister for Foreign Affairs of Bulgaria conveying the Committee's serious concern at the failure by the Party concerned to participate in the hearing to discuss the substance of the communication held at the Committee's sixty-fifth meeting (Geneva, 4–8 November 2019), and to remind the Party concerned that it was already under a caution pursuant to paragraph 5 (a) of decision VI/8d of the Meeting of the Parties (ECE/MP.PP/2017/2/Add.1). In her letter, the Executive Secretary had forwarded questions from the Committee for the reply of the Party concerned by 10 July 2020.

43. Regarding communication ACCC/C/2017/146 (Poland), the Committee noted that it had agreed to ask the Party concerned to provide translations of relevant legislation and to thereafter send questions to the parties for their written reply. The Committee agreed that it would decide how to proceed with the communication, taking into account the information received.

44. With respect to communication ACCC/C/2017/147 (Republic of Moldova), the Committee noted that, on 3 May 2020, it had received further information from the communicant. On 4 June 2020, the Committee had sent questions to the parties and, on 22 June and 6 July 2020, the communicant and the Party concerned had respectively submitted their replies, although the Party concerned had only partially answered the Committee's questions and asked for more time. The Committee continued its deliberations on its draft findings in closed session, taking into account the information received so far, and agreed to ask the Party concerned to supplement its reply. The Committee agreed that it would continue its deliberations on its draft findings, taking into account any further information received.

45. Concerning communication ACCC/C/2017/148 (Greece), the Committee noted that it had agreed to send questions to the parties for their written reply and that it would decide how to proceed with the communication taking into account the information received.

46. Regarding communication ACCC/C/2017/149 (Greece), the Committee noted that it had agreed how it would decide how to proceed with the communication at an upcoming meeting.

47. With respect to communication ACCC/C/2017/150 (United Kingdom), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.

48. Concerning communication ACCC/C/2016/151 (Poland), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.

49. Regarding communication ACCC/C/2017/153 (Spain), the Committee noted that, in the light of the voluminous information received, it had agreed to send questions to the communicants to clarify various aspects of their claims and to decide how to proceed with the communication at an upcoming meeting taking into account their reply and any comments received thereon.

50. With respect to communication ACCC/C/2017/154 (Poland), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.
51. Concerning communication ACCC/C/2017/156 (United Kingdom), the Committee noted that, on 1 June 2020, it had sent questions to the parties for their written reply and that the communicants and Party concerned had both submitted their comments on the due date of 29 June 2020. The Committee continued its deliberations on its draft findings in closed session, taking into account the replies received, and agreed to continue its deliberations at an upcoming meeting.
52. Regarding communication ACCC/C/2017/157 (United Kingdom), the Committee agreed to ask the communicant to comment on the comments received from the Party concerned on 17 December 2019 and that it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received.
53. With respect to communication ACCC/C/2018/158 (Poland), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.
54. Concerning communication ACCC/C/2017/159 (Spain), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.
55. Regarding communication ACCC/C/2018/161 (Bulgaria), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.
56. With respect to communication ACCC/C/2019/162 (Denmark), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.
57. Concerning communication ACCC/C/2019/163 (Austria), the Committee noted that it had agreed to decide how to proceed with the communication at an upcoming meeting.
58. Regarding communication ACCC/C/2019/164 (Ireland), the Committee noted that, in its response to the communication of 22 August 2019, the Party concerned had challenged the admissibility of the communication, and that the Committee had agreed to invite the communicant to comment on the submissions of the Party concerned and to decide how to proceed with the communication taking into account the information received.
59. With respect to communication ACCC/C/2019/168 (Iceland), the Committee noted that, on 7 April 2020, the Party concerned had written to request an extension until 18 May 2020 of the 15 April 2020 deadline to provide its response. On 8 April 2020, the secretariat, on the instructions of the Chair, had replied explaining that the Committee had no mandate to extend the five-month deadline set by the Meeting of the Parties in paragraph 23 of the annex to decision I/7 for the Party concerned to provide its response, but that the Committee would note the exceptional circumstances due to the pandemic in its report of its sixty-seventh meeting and in its findings on the communication. On 16 April 2020, the communicants had submitted comments on the request of the Party concerned for an extension as well as additional information. On 20 May 2020, the Party concerned had provided its response to the communication and, on 26 June 2020, the communicant had submitted comments thereon. The Committee agreed to decide how to proceed with the communication at an upcoming meeting.
60. Concerning communication ACCC/C/2019/171 (Albania), the Committee noted that, on 21 May 2020, the secretariat had written to the parties to provide the Committee's reasoning as to why it had determined the communication to be inadmissible, and that, on 24 June 2020, the communicants had submitted a request for reconsideration of that determination. On 3 July 2020, the Chair and Vice-Chairs had considered that request and decided that the request did not identify any manifest error in the Committee's determination and that therefore the Committee's determination that the communication was inadmissible would stand. The secretariat had informed the communicants by letter of 6 July 2020 that the Committee's determination of inadmissibility would stand.
61. Regarding communication ACCC/C/2019/173 (Sweden), the Committee noted that that, on 1 April 2020, the Party concerned had written to request an extension until 6 May 2020 of the 15 April 2020 deadline to provide its response. On 3 April 2020, the secretariat, on the instructions of the Chair, had replied explaining that the Committee had no mandate to extend the five-month deadline set by the Meeting of the Parties in paragraph 23 of the

annex to decision I/7 for the Party concerned to provide its response, but that the Committee would note the exceptional circumstances due to the pandemic in its report of its sixty-seventh meeting and in its findings on the communication. On 12 June 2020, the secretariat had sent a reminder to the Party concerned regarding its continued failure to provide its response to the communication. On 18 June 2020, the Party concerned had submitted its response. The Committee agreed to ask the Party concerned to specify its views on the question of non-compliance with respect to the specific request for information in that case.

62. With respect to communication ACCC/C/2019/174 (Sweden), the Committee noted that, on 1 April 2020, the Party concerned had written to request an extension until 6 May 2020 of the 15 April 2020 deadline to provide its response. On 3 April 2020, the secretariat, on the instructions of the Chair, had replied explaining that the Committee had no mandate to extend the five-month deadline set by the Meeting of the Parties in paragraph 23 of the annex to decision I/7 for the Party concerned to provide its response, but that the Committee would note the exceptional circumstances due to the pandemic in its report of its sixty-seventh meeting and in its findings on the communication. On 12 June 2020, the secretariat had sent a reminder to the Party concerned regarding its continued failure to provide its response to the communication. On 2 July 2020, the Party concerned had submitted its response.

63. Concerning communication ACCC/C/2020/175 (Croatia), the Committee noted that, on 21 May 2020, the secretariat had written to the parties to provide the Committee's reasoning as to why it had determined the communication to be inadmissible and that no request for reconsideration had been received from the communicants by the stipulated deadline of 25 June 2020.

64. Regarding communication ACCC/C/2020/176 (United Kingdom), the Committee noted that, on 27 March 2020, the secretariat had written to the parties to provide the Committee's reasoning as to why it had determined the communication to be inadmissible, and that, on 28 April 2020, the communicant had submitted a request for reconsideration of that determination. On 29 May 2020, the Chair and Vice-Chairs had considered that request and decided that the request did not identify any manifest error in the Committee's determination and that therefore the Committee's determination that the communication was inadmissible would stand. The secretariat thus informed the communicant by letter of 3 July 2020 that the Committee's determination of inadmissibility would stand.

65. With respect to communication ACCC/C/2020/177 (Bosnia and Herzegovina), the secretariat had forwarded the communication to the Party concerned on 23 March 2020. The deadline of 23 August 2020 for its response had not yet expired and the Party's response had not yet been received.

66. Concerning communication ACCC/C/2020/178 (Germany), the secretariat had forwarded the communication to the Party concerned on 23 March 2020. The deadline of 23 August 2020 for its response had not yet expired and the Party's response had not yet been received.

67. Regarding communication ACCC/C/2020/179 (Serbia), the secretariat had forwarded the communication to the Party concerned on 23 March 2020. The deadline of 23 August 2020 for its response had not yet expired and the Party's response had not yet been received.

68. Communication PRE/ACCC/C/2020/180 (United Kingdom) had been submitted by Mr. Gordon Duff, a member of the public. The communication alleged violations of article 9 (2), (4), and (5) of the Convention in connection with the rule in Northern Ireland that a private company must be represented by a solicitor in order to seek judicial review, including judicial review within the scope of article 9 of the Convention. On 29 June 2020, the Party concerned had submitted comments on preliminary admissibility, and, on 30 June, the communicant had submitted comments on the comments of the Party concerned. After considering the information received and hearing the views of the parties in open session, the Committee deliberated in closed session. It agreed to defer its determination on preliminary admissibility in order to seek further information from the communicant concerning the availability of domestic remedies.

III. Reporting requirements

69. The Committee noted that the Meeting of the Parties, at its sixth session (Budva, Montenegro, 11–13 September 2017), had urged Parties that had not yet submitted their national implementation reports — i.e. Armenia, Bosnia and Herzegovina, the Netherlands, North Macedonia, the Republic of Moldova, Ukraine and the United Kingdom of Great Britain and Northern Ireland — to do so in the required format by 1 November 2017 at the latest (ECE/MP.PP/2017/2, para. 46). Notwithstanding that fact, none of the above-mentioned Parties had submitted their national implementation reports to the secretariat by 1 November 2017. The secretariat reported that Armenia, Bosnia and Herzegovina, the Netherlands, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland had submitted their reports. The Republic of Moldova had not yet submitted its report.

IV. Follow-up on specific cases of non-compliance

70. The Committee took note of the developments since its sixty-sixth meeting with respect to decisions VI/8a–e and g–k of the Meeting of the Parties (ECE/MP.PP/2017/2/Add.1), as well as regarding the follow-up procedure concerning the Committee’s findings and recommendations on communications ACCC/C/2014/104 (Netherlands) and ACCC/C/2014/107 (Ireland).

71. With respect to decision VI/8a (Armenia), the Committee noted that there had been no developments since the Committee’s sixty-sixth meeting.

72. Regarding decision VI/8b (Austria), the Committee noted that there had been no developments since the Committee’s sixty-sixth meeting.

73. Concerning decision VI/8c (Belarus), the Committee noted that the communicant of communication ACCC/C/2014/102 had submitted additional information on 14, 20, and 23 April 2020, as well as on 14 May 2020. On 15 May 2020, the Party concerned had submitted comments thereon. Further information had been received from the Party concerned on 20 May 2020. That information was dated 31 March 2020 and 6 April 2020 but had not been received on those dates due to a technical problem in transmission. Observer Movement against the Astravyets Nuclear Power Plant had submitted comments on 1 July 2020.

74. With respect to decision VI/8d (Bulgaria), the Committee noted that there had been no developments since the Committee’s sixty-sixth meeting.

75. Concerning decision VI/8e (Czechia), the Committee noted that there had been no developments since the Committee’s sixty-sixth meeting.

76. With respect to decision VI/8g (Kazakhstan), the Committee noted that, on 9 April 2020, the Party concerned had submitted the written version of the statement it had delivered orally at the Committee’s sixty-sixth meeting, together with its comments on the Committee’s second progress review.

77. With respect to decision VI/8h (Romania), the Committee noted that, on 26 March 2020, it had received comments on its second progress review from the communicant of communications ACCC/C/2010/51 and ACCC/C/2012/69.

78. Regarding decision VI/8i (Slovakia), the Committee noted that the Party concerned had submitted a statement and then an update on legislative developments on 26 March 2020 and 11 May 2020, respectively.

79. Concerning decision VI/8j (Spain), the Committee noted that it had received a letter from the communicant of communication ACCC/C/2009/36 on 14 March 2020, and comments from the Party concerned thereon on 15 April 2020.

80. With respect to decision VI/8k (United Kingdom), the Committee noted that it had received a statement from the communicant of communication ACCC/C/2008/33 (ClientEarth) on 18 March 2020.

81. Regarding the follow-up on its findings on communication ACCC/C/2014/104 (Netherlands), the Committee noted that the Party concerned had provided an update on 11 May 2020 and the communicant had provided comments on that update on 20 May 2020.

82. With respect to the follow-up on its findings on communication ACCC/C/2013/107 (Ireland), the Committee noted that there had been no developments since the Committee's sixty-sixth meeting.

V. Programme of work and calendar of meetings

83. The Committee noted that, subject to the availability of meeting rooms and services, it had agreed to hold its sixty-eighth meeting in Geneva from 23 to 27 November 2020. It also agreed to schedule virtual meetings at an increased frequency in the coming months in order to hasten the completion of findings on pending cases in order that the findings might be transmitted to the seventh session of the Meeting of the Parties (Geneva, 18–22 October 2021) for endorsement.

VI. Other business

A. Modus operandi

84. The Chair expressed his appreciation for the secretariat's proactive efforts both before and throughout the meeting to enable the meeting to proceed smoothly despite the logistical challenges caused by the ongoing pandemic. In that regard, he made it clear that, whilst he welcomed the possibility of holding the hearing to discuss the merits of communication ACCC/C/2016/140 (Romania) via audioconferencing, that did not change the Committee's long-standing practice that, if the Committee scheduled 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, were expected to attend the hearing in person.

85. The Chair noted that the Committee was constantly working to progress its high caseload as efficiently as possible, while at all times ensuring fairness and due process. In furtherance of that objective, he presented for discussion in open session a proposal on some further ways that the Committee might more efficiently manage its caseload within its mandate as set in decision I/7.³ The Chair's proposal was discussed in open session on 10 July 2020 with the participation of representatives of: the European Commission; Germany, as the current holder of the Presidency of the Council of the European Union; Ireland; Earthjustice, representing the European ECO Forum; Resource and Analysis Centre "Society and Environment"; the Irish Environmental Network; ClientEarth; and members of the public. The participants expressed their appreciation for the opportunity to discuss the Committee's working methods in open session. The Chair invited the submission of further comments in writing after the meeting with a view to their consideration at a further open session on effective case management at the Committee's sixty-eighth meeting.

B. Statement on the application of the Aarhus Convention during both the coronavirus disease (COVID-19) pandemic and the subsequent economic recovery phase

86. The Committee held an open session on 6 July 2020 to discuss the Committee's preparation of a statement on the application of the Convention during both the pandemic and the subsequent economic recovery phase. Ireland, Earthjustice – representing the European ECO Forum, the Irish Environmental Network, ClientEarth, Nuclear Transparency Watch and members of the public participated in the session. During the session, the

³ See "Note by the Chair on possible further means for effective case management", available at <https://unece.org/environmental-policy/events/sixty-seventh-meeting-compliance-committee-aarhus-convention>.

Committee invited and heard participants' views on the possible content of the statement. The Chair invited the submission of further comments in writing by the close of the meeting and, by the close of the meeting, written comments had been received from the Environmental Law Office of the Irish Environment Network, Nuclear Transparency Watch, and Resource and Analysis Centre "Society and Environment". The Committee agreed to continue the preparation of its statement after the meeting taking into account the comments received. It agreed that its draft statement would be published on the web page of the sixty-seventh meeting with a deadline for comments and that the Committee would thereafter finalize its statement taking into account the comments received on the draft statement. Once adopted, the statement would be published as an addendum to the report of the sixty-seventh meeting. The Committee also requested the secretariat to forward the Committee's statement once adopted to all national focal points and to publish it on the Convention's website.

C. Other matters

87. The Chair reported that, on 24 June 2020, he had participated in a virtual meeting hosted by the Economic Commission for Latin America and the Caribbean on the future establishment of a compliance and implementation mechanism under the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). He had shared with participants the structure, functions and lessons learned by the Compliance Committee under the Aarhus Convention. He also reported to the current meeting on his participation in the first slot of the twenty-fourth meeting of the Working Group of the Parties to the Aarhus Convention (Geneva (online), 1–3 July 2020).

88. Ms. Ryall (Vice-Chair) reported that, on 22 and 23 June 2020, the Irish Supreme Court had held a hearing on Appeal No. 205/19 in *Friends of the Irish Environment v. Ireland*, known in the media as "Climate Case Ireland". The judgment was expected to be handed down in the coming months.

89. The secretariat reported on the twenty-fourth meeting of the Working Group of the Parties, which, due to the ongoing pandemic, was being held in two slots (1–3 July and 28 and 29 October 2020). The secretariat, among other things, reported that Guinea-Bissau had formally requested to receive approval from the Meeting of the Parties at its seventh session to accede to the Convention and that, if approved, it would become the first Party to the Convention from outside the ECE region.

90. The secretariat also reported that it had been invited to share the procedures and experiences of the Compliance Committee with the Compliance Committee of the Barcelona Convention at its sixteenth meeting (Athens (online), 16–18 June 2020). Finally, the secretariat reported that it continued to follow the consultations in the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, which had taken place most recently on 29 May and 25 June 2020.

91. The secretariat reported further that it had prepared a note in advance of the seventh session of the Meeting of the Parties with relevance for the membership of the Compliance Committee and other projects for the future. Lastly, the secretariat reported that Ms. Summer Kern, who had provided legal support to the Committee and other work areas of the Convention, would be leaving the secretariat shortly after the meeting for personal reasons. The secretariat and the Committee thanked her for her dedicated service and wished her well for the future.

VII. Report and closure of the meeting

92. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the sixty-seventh meeting.