

**From:** ECE-Aarhus-Compliance

**Sent:** Wednesday, December 7, 2022 10:59 PM

**To:** Sowa-Janovsky Petra

**Cc:** Pm austria Generic email geneva [BMEIA.GV]

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**Subject:** RE: Decision VII/8b (Austria) - invitation to open session at Committee's 77th meeting (13-16 December 2022)

Dear Ms. Sowa-Janovsky,

Thank you for confirming that Austria will participate in the open session to discuss its plan of action on decision VII/8b to be held next Wednesday, 14 December, at the Compliance Committee's seventy-seventh meeting.

In my email of 3 December, I had indicated that the Committee would in advance of the meeting provide a brief summary outlining some of its concerns regarding the plan of action to assist the Party concerned to prepare for the open session. Please see the Committee's summary below:

### **Paragraphs 2 (a), (b) and (c) of decision VII/8b**

Through paragraph 2 (c) of decision VII/8b, the Meeting of the Parties requests that the Party concerned, "as a matter of urgency, arrange for a review of the relevant body of national law (at both the federal and the provincial levels) to identify the outstanding areas of law "relating to the environment" that require adaptation in order to comply with the requirements of paragraph 3 (a) and (b) of decision VI/8b and provide the review to the Committee as soon as possible and by no later than 1 July 2022."

To date, the Party concerned has not yet submitted its review of national law which it was requested by the Meeting of the Parties to submit by 1 July 2022.

Since the purpose of the review of national law is to identify the outstanding areas of law "relating to the environment" that the Party concerned will need to adapt in order to comply with the requirements of paragraph 3 (a) and (b) of decision VI/8b (now superseded by paragraph 2 (a) and (b) of decision VII/8b), until the Party concerned submits its review of national law, it will not be possible for the Committee to assess the extent to which the legislative amendments cited by the Party concerned in its plan of action will be sufficient to meet the requirements of paragraph 2 (a) and (b) of decision VII/8b. On this point, the Committee also takes note of the comments by Okobuero dated 24 October 2022 on the range of acts and omissions which cannot at this time be subject to review.

### **Paragraph 2 (d) of decision VII/8b**

Through, paragraph 2 (d) of decision VII/8b the Meeting of the Parties has requested the Party concerned to "develop a capacity-building programme and provide training on the implementation of the Convention for judges, prosecutors and lawyers". Regarding training, page 4 of the Committee's Information Note, [https://unece.org/sites/default/files/2022-](https://unece.org/sites/default/files/2022-02/Information_note_for_Parties_on_preparing_their_plan_of_action.pdf)

[02/Information\\_note\\_for\\_Parties\\_on\\_preparing\\_their\\_plan\\_of\\_action.pdf](https://unece.org/sites/default/files/2022-02/Information_note_for_Parties_on_preparing_their_plan_of_action.pdf), sets out a list of information to be provided in the plan of action regarding any training proposed by Parties in their plans of action. This includes, among other things, the "target number", "geographical distribution of trainees (e.g., nationwide or a specific region)" and "subjects the training will cover, and how attendance at the training be promoted or encouraged."

To enable the Committee to assess whether the trainings listed in Austria's plan of action, and any other trainings carried out during the present intersessional period, are sufficient to fulfil the recommendation in paragraph 2 (d), the Party concerned should, in its first progress report due on 1 October 2023, provide

specific information regarding each training it has by then carried out, including the details listed on page 4 of the Committee's Information Note.

We hope the above may be helpful. The link to join the open session will be sent to all registered participants this weekend, following the expiry of the deadline for registration this Friday, 9 December.

We look forward to Austria's participation in the open session on 14 December.

Kind regards,  
Fiona



**Fiona Marshall**

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