



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

Sixty-fourth meeting
 Geneva, 1–5 July 2019

**Report of the Compliance Committee on its sixty-fourth
 meeting**
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Introduction

1. The sixty-fourth 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 in Geneva, from 1 to 5 July 2019.

A. Attendance

2. Eight of the nine Committee members were present throughout the entire meeting: Ms. Fruzsina Bögös; Mr. Marc Clément; Mr. Jonas Ebbesson (Chair); Ms. Heghine Grigoryan; Mr. Alexander Kodjabashev (Vice-Chair); Mr. Peter Oliver; Ms. Áine Ryall (Vice-Chair) and Mr. Dmytro Skrylnikov. Mr. Jerzy Jendrośka was unable to attend the second day of the meeting, but was present for the rest of the meeting. 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 OEKOBUERO and GLOBAL 2000, on behalf of the communicants, took part in the hearing on the substance of communication ACCC/C/2016/143 (Czechia) held in open session on 3 July 2019.

4. Representatives of the Parties concerned and the communicants of communications PRE/ACCC/C/2019/166 (Portugal) and PRE/ACCC/C/2019/169 (Hungary) took part by audioconference in the open session on preliminary admissibility on 1 July 2019. Representatives of the Parties concerned also took part by audioconference in the open session on preliminary admissibility of communications PRE/ACCC/C/2019/165 (Ireland), PRE/ACCC/C/2019/167 (Kazakhstan) and PRE/ACCC/C/2019/168 (Iceland) on that date. Though invited, the communicants of PRE/ACCC/C/2019/165 (Ireland), PRE/ACCC/C/2019/167 (Kazakhstan) and PRE/ACCC/C/2019/168 (Iceland) did not participate in the open session.

5. Representatives of Belarus participated in person in the open sessions on: relevant developments and other matters; the review of developments in relation to communications, submissions and requests; preliminary admissibility; and the review of the implementation of decisions of the Meeting of the Parties concerning compliance. All of those open sessions took place on 1 July 2019. A representative of the communicant of communication ACCC/C/2017/147 (Republic of Moldova) participated in the open session on the review of developments in relation to communications, submissions and requests.

6. Participating as an observer during a number of the open sessions of the meeting was a representative of Earthjustice, who participated on the behalf of the European ECO Forum. In addition, Mr. Jan Haverkamp and a representative of ClientEarth took part by audioconference as observers in the open sessions on 1 July 2019. Students from the Geneva Academy of International Humanitarian Law and Human Rights participated as observers during the hearing of communication ACCC/C/2016/143 (Czechia) on 3 July 2019.

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.1/2019/4.

9. The Chair reported that the Committee had held two virtual meetings since its sixty-third meeting (Geneva, 11–15 March 2019), on 9 and 31 May 2019, to continue its deliberations on its draft findings. In addition, at the virtual meeting on 9 May 2019, the Committee had continued the preparation of its advice to the Party concerned regarding the implementation of request ACCC/M/2017/3 (European Union) and, at its virtual meeting on 31 May 2019, the Committee had commenced preparation of its supplementary first progress review of the implementation of request ACCC/M/2017/2 (Turkmenistan).

10. Regarding communications received before 20 May 2019 (the deadline for receipt of communications for the sixty-fourth meeting), the Chair reported that he and Vice-Chairs

Mr. Kodjabashev and Ms. Ryall had held a telephone conference on 3 June 2019 to determine which of the communications received 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 communications PRE/ACCC/C/2019/167 (Kazakhstan), PRE/ACCC/C/2019/168 (Iceland) and PRE/ACCC/C/2019/169 (Hungary) should be forwarded to the Committee for consideration of preliminary admissibility at its sixty-fourth meeting and had requested the secretariat to post those communications 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 continued its deliberations on its draft findings in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

12. Regarding request ACCC/M/2017/2 (Turkmenistan), on 25 April 2019, the Party concerned had submitted its replies to questions 7–22 of the questions sent by the Committee on 5 September 2018. After obtaining an English translation thereof, the Party concerned's replies had been forwarded on 29 May 2019 to the communicant of communication ACCC/C/2004/5 and observers for their comments by 26 June 2019. At its virtual meeting on 31 May 2019, the Committee had commenced the preparation of a supplementary first progress review, while awaiting the receipt of any comments from the communicant or observers on the Party concerned's replies. No comments had been received. The Committee continued the preparation of its draft supplementary first progress review and agreed to finalize and adopt it through its electronic decision-making procedure and to instruct the secretariat to forward the supplementary first progress review, once adopted, to the Party concerned, the communicant and observers.

13. With respect to request ACCC/M/2017/3 (European Union), on 30 April 2019, the Party concerned had submitted a statement and, on 6 May 2019, the communicant of communication ACCC/C/2008/32 had submitted comments thereon. At its virtual meeting on 9 May 2019, after taking into account the information received, the Committee had commenced the preparation of advice to the Party concerned in accordance with paragraphs 36 (a) and 37 (a) of the annex to decision I/7,¹ with a view to assisting the Party concerned to meet the requirements of the first three sentences of paragraph 3 of decision V/9g² with respect to the adoption by European Union member States of their integrated National Energy and Climate Plans for the period 2021–2030. On 28 May 2019, the Committee had adopted the advice through its electronic decision-making procedure, which had thereafter been sent that same day to the Party concerned, the communicants of communications ACCC/C/2008/32 and ACCC/C/2010/54 and observers.

II. Communications from members of the public

14. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its sixty-fifth meeting would be 23 September 2019.

15. With respect to communication ACCC/C/2013/90 (United Kingdom), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

16. Concerning communication ACCC/C/2013/96 (European Union), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2014/2/Add.1.

17. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee had continued its deliberations on its draft findings in closed session at its virtual meeting on 31 May 2019. The Committee resumed its deliberations in closed session and agreed to continue those deliberations through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.
18. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee confirmed the edited version of its findings (ECE/MP.PP/C.1/2019/6).
19. Concerning communication ACCC/C/2014/105 (Hungary), the Committee noted that it was preparing questions to the Party concerned and it would continue its deliberations on its draft findings, taking into account the replies received.
20. Concerning communication ACCC/C/2014/106 (Czechia), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.
21. With respect to communication ACCC/C/2013/107 (Ireland), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 9 and 31 May 2019 and had completed them through its electronic decision-making procedure on 26 June 2019. The draft findings had been forwarded to the Party concerned and the communicant on 3 July 2019 for their written comments by 14 August 2019. The Committee agreed that it would finalize and adopt its findings and, as appropriate, recommendations, after taking into account any comments received by that deadline.
22. Concerning communication ACCC/C/2014/112 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
23. With respect to communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
24. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee noted that it was preparing questions to the Party concerned and the communicant. It requested the Executive Secretary of the United Nations Economic Commission for Europe (ECE) to forward the questions to the Minister of Foreign Affairs with a request that the questions 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 received.
25. Regarding communication ACCC/C/2014/119 (Poland), the Committee noted that it was preparing questions to the Party concerned and it would continue its deliberations on its draft findings, taking into account the replies received.
26. With respect to communication ACCC/C/2014/120 (Slovakia), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
27. Concerning communication ACCC/C/2014/121 (European Union), the Committee had continued its deliberations on its draft findings in closed session at its virtual meeting on 9 May 2019. The Committee resumed its deliberations on its draft findings in closed session and agreed to continue those deliberations at an upcoming virtual meeting with a view to completing its draft findings and, as appropriate, recommendations.
28. Regarding communication ACCC/C/2014/122 (Spain), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations through its electronic decision-making procedure with a view to completing its draft findings and, as appropriate, recommendations.
29. With respect to communication ACCC/C/2014/124 (Netherlands), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at an upcoming virtual meeting with a view to completing its draft findings and, as appropriate, recommendations.
30. Concerning communication ACCC/C/2015/126 (Poland), on 8 April 2019, the Party concerned had submitted comments on the communicant's comments of 17 February 2019, and, on 23 May 2019, the communicant had submitted comments thereon. On 25 June 2019, the Party concerned had submitted comments on the communicant's comments of 23 May

2019 and, on 4 July 2019, the communicant had submitted comments thereon. The Committee agreed to advise the Party concerned and the communicant to refrain from submitting additional information unless requested to do so by the Committee, as the voluminous information submitted hampered the Committee's efficient handling of the case. The Committee agreed to defer its deliberations on its draft findings to an upcoming meeting in order to review the information received.

31. Regarding communication ACCC/C/2015/128 (European Union), the Committee continued its deliberations on its draft findings in closed session. It noted that an appeal was pending before the Court of Justice of the European Union,³ in which the Court was requested to review a ruling by the General Court⁴ rejecting an application by Austria to annul Commission Decision (EU) 2015/658 of 8 October 2014,⁵ in which the Commission had authorized the State aid planned by the United Kingdom for Hinkley Point C nuclear power station. The Committee, noting the relevance of that case for the present communication, agreed to defer its deliberations on the draft findings pending the ruling by the Court of Justice of the European Union.

32. With respect to communication ACCC/C/2015/130 (Italy), the Committee noted that it had agreed to write to the parties seeking further information and that the Committee would consider how to proceed with the communication, taking into account the information received, at an upcoming meeting.

33. 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.

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

35. 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 it would continue its deliberations on its draft findings, taking into account the replies received.

36. Concerning communication ACCC/C/2015/134 (Belgium), on 28 June 2019, the Committee had sent questions to the parties for their written reply by 26 July 2019. The Committee agreed that it would continue its deliberations on its draft findings at an upcoming meeting, taking into account the replies received.

37. Regarding communication ACCC/C/2015/135 (France), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at an upcoming virtual meeting with a view to completing its draft findings and, as appropriate, recommendations.

38. With respect to communication ACCC/C/2016/137 (Germany), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at an upcoming virtual meeting with a view to completing its draft findings and, as appropriate, recommendations.

39. Concerning communication ACCC/C/2016/138 (Armenia), the Committee noted that it had agreed to proceed to commence its deliberations on the substance of the case without a hearing. To that end, it had agreed to send questions to the parties for their written reply, as well as to invite them to submit any further written submissions that they wished the Committee to consider in its deliberations on its draft findings.

³ Court of Justice of the European Union, *Austria v. Commission*, Case No. C-594/18 P, Appeal, 21 September 2018.

⁴ Court of Justice of the European Union, *Austria v. Commission*, Case No. T-356/19, Judgment of the General Court, 12 July 2018.

⁵ State aid SA.34947 (2013/C) (ex 2013/N) — Investment Contract (early Contract for Difference) for the Hinkley Point C New Nuclear Power Station Invitation to submit comments pursuant to Article 108 (2) of the Treaty on the Functioning of the European Union, *Official Journal of the European Union*, C 69 (2014), pp. 60–98.

40. Regarding communication ACCC/C/2016/139 (Ireland), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.
41. With respect to communication ACCC/C/2016/140 (Romania), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.
42. Concerning communication ACCC/C/2016/141 (Ireland), the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at an upcoming virtual meeting with a view to completing its draft findings and, as appropriate, recommendations.
43. Regarding communication ACCC/C/2016/142 (United Kingdom), on 28 June 2019, the Committee had asked the communicant to comment, by 26 July 2019, on the extent to which the allegations in his communication dealt with matters already under the Committee's review in the context of decision VI/8k, with the Party concerned having four weeks from the receipt of the communicant's comments to provide any comments thereon. On 29 June 2019, the communicant had provided his views. The Committee agreed to decide how to proceed with the communication once the deadline for comments from the Party concerned had expired, in the light of the comments received from both parties.
44. With respect to communication ACCC/C/2016/143 (Czechia), the Committee held a hearing to discuss the substance of the communication in open session with the participation of the Party concerned and OEKOBUERO and GLOBAL 2000, on behalf of the communicants. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to send questions to the parties for their written reply. The Committee agreed that it would thereafter continue its deliberations on its draft findings, taking into account the replies received.
45. Concerning communication ACCC/C/2016/144 (Bulgaria), the Committee provisionally agreed to schedule a hearing at its sixty-fifth meeting to discuss the substance of the communication.
46. Regarding communication ACCC/C/2017/146 (Poland), the Committee 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.
47. With respect to communication ACCC/C/2017/147 (Republic of Moldova), the Committee noted that no reply had been received to the letter of 13 March 2019 from the Executive Secretary of ECE to the Minister of Foreign Affairs and European Integration drawing his attention to the ongoing failure of the Party concerned to provide its response to the communication. After hearing the views of the communicant present in person regarding the failure of the Party concerned to respond to the communication, the Committee provisionally agreed to schedule a hearing at its sixty-fifth meeting to discuss the substance of the communication.
48. Concerning communication ACCC/C/2017/148 (Greece), the Committee agreed to send questions to the parties for their written reply and to decide how to proceed with the communication taking into account the information received.
49. Regarding communication ACCC/C/2017/149 (Greece), on 12 April 2019, the Party concerned had replied to the Committee's query as to whether in its response to the communication it had challenged the admissibility thereof. The Committee agreed to ask the communicant to comment on the reply of the Party concerned of 12 April 2019.
50. With respect to communication ACCC/C/2017/150 (United Kingdom), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.
51. Concerning communication ACCC/C/2016/151 (Poland), on 21 June 2019, the Committee had written to the Party concerned and the communicants of communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158 seeking their views by 21 July 2019 as to whether they saw any reason why the three cases should not be considered jointly. The Committee agreed to decide how to proceed with the communications after

taking into account the replies received from the Party concerned and communicants by that deadline.

52. Regarding communication ACCC/C/2017/153 (Spain), on 11 April 2019, an observer, Plataforma en Defensa da Ría de Arousa, had submitted a statement. The Chair reported that another observer had submitted a statement, in which a public official was criticized. The Committee instructed the secretariat to request that said observer resubmit the statement, deleting any references to individuals and instead using the term “Party concerned” to refer to persons acting on its behalf. In the light of the voluminous information received, the Committee agreed to send questions to the communicants to clarify various aspects of their claims and thereafter to decide how to proceed with the communication taking into account the communicants’ reply and any comments from the Party concerned received thereon.

53. With respect to communication ACCC/C/2017/154 (Poland), on 21 June 2019, the Committee had written to the Party concerned and the communicants of communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158 seeking their views, by 21 July 2019, as to whether they saw any reason why the three cases should not be considered jointly. The Committee agreed to decide how to proceed with the communications after taking into account the replies received from the Party concerned and communicants by that deadline.

54. Concerning communication ACCC/C/2017/156 (United Kingdom), the Committee provisionally agreed to schedule a hearing at its sixty-fifth meeting to discuss the substance of the communication.

55. Regarding communication ACCC/C/2017/157 (United Kingdom), the Committee agreed to send questions to the parties to seek their views on the extent to which the allegations made in the communication were within the scope of decision VI/8k.

56. With respect to communication ACCC/C/2018/158 (Poland), on 21 June 2019, the Committee had written to the Party concerned and the communicants of communications ACCC/C/2016/151, ACCC/C/2017/154 and ACCC/C/2018/158 seeking their views, by 21 July 2019, as to whether they saw any reason why the three cases should not be considered jointly. The Committee agreed to decide how to proceed with the communications after taking into account the replies received from the Party concerned and communicants by that deadline.

57. Concerning communication ACCC/C/2017/159 (Spain), the communication had been forwarded to the Party concerned on 22 March 2019. The deadline of 22 August 2019 for its response had not yet expired and the response of the Party concerned had not yet been received.

58. Regarding communication ACCC/C/2018/161 (Bulgaria), the Party concerned had provided its response to the communication on time, on 17 June 2019. The Committee agreed to decide how to proceed with the communication at an upcoming meeting. Ms. Ryall was appointed as the curator for the communication.

59. With respect to communication ACCC/C/2019/162 (Denmark), the communication had been forwarded to the Party concerned on 22 March 2019. The deadline of 22 August 2019 for its response had not yet expired and the response of the Party concerned had not yet been received. On 8 April 2019, the communicant had submitted additional information and, on 10 April 2019, on the instructions of the Chair, the secretariat had written to the communicant to clarify that the Committee would only consider his additional information to the extent that it was within the scope of the communication.

60. Concerning communication ACCC/C/2019/163 (Austria), the communication had been forwarded to the Party concerned on 22 March 2019. The deadline of 22 August 2019 for its response had not yet expired and the response of the Party concerned had not yet been received.

61. Regarding communication ACCC/C/2019/164 (Ireland), the communication had been forwarded to the Party concerned on 22 March 2019. The deadline of 22 August 2019 for its response had not yet expired and the response of the Party concerned had not yet been received.

62. Communication PRE/ACCC/C/2019/165 (Ireland) had been submitted on 25 January 2019 by Mr. Neil Foulkes. The communication alleged a failure to comply with articles 3 (2) and 6 (2) of the Convention with respect to notifying the public regarding forestry activities. On 18 June 2019, the Committee had sent questions to the communicant for his written reply. On 24 June 2019, the communicant had submitted his reply to the Committee's questions and, on 27 June 2019, the communicant had submitted an additional statement. On 28 June 2019, the Party concerned had requested that the Committee either disregard the additional statement or defer its determination of the preliminary admissibility of the communication until the Party concerned was given sufficient time to consider and respond to the issues raised in the additional statement. On the same day, the communicant had submitted comments on the request of the Party concerned. During the meeting, the Committee heard the views of the Party concerned by audioconference. Though invited, the communicant did not take part in the open session. After considering in closed session the information received, the Committee determined that the communication was inadmissible in accordance with paragraphs 19 and 20 of the annex to decision I/7, for failure to provide corroborating information. Specifically, the communicant did not provide corroborating information to support his claim that article 6 of the Convention applied to the forestry activities at issue in the communication or to support his allegations of a failure by the Party concerned to comply with article 3 (2) of the Convention.

63. Communication PRE/ACCC/C/2019/166 (Portugal) had been submitted on 28 January 2019 by Plataforma Algarve Livre de Petróleo. The communication alleged a failure to comply with articles 4 (2), (4) and (8) and 6 (8) of the Convention in connection with oil exploration, research, development and production contracts. On 14 June 2019, the Committee had sent questions to the Party concerned and the communicant concerning the availability of domestic remedies for their written reply. On 28 June 2019, the Party concerned and the communicant had submitted their replies and, on 3 July 2019, the communicant had submitted additional comments. After considering in closed session the information received, the Committee determined that, due to a failure to sufficiently exhaust available domestic remedies, the communication was inadmissible in accordance with paragraph 21 of the annex to decision I/7.

64. Communication PRE/ACCC/C/2019/167 (Kazakhstan) had been submitted on 26 June 2018 by Green Salvation. The communication alleged a failure to comply with articles 2 (5) and 9 (2)–(4) of the Convention in connection with the proposed construction of a road to the Kok Zhailau mountain ski resort. On 20 May 2019, the Chair and Vice-Chairs of the Committee had sent a request for clarification to the communicant, which the communicant had answered on 29 May 2019. After considering in closed session the information received, the Committee agreed to defer its determination of preliminary admissibility to its next meeting, in order to seek further information from the parties.

65. Communication PRE/ACCC/C/2019/168 (Iceland) had been submitted on 25 February 2019 by eight Icelandic NGOs. The communication alleged a failure to comply with articles 6, 8 and 9 in connection with legislation on fish farming. After considering in closed session the information received, the Committee agreed to defer its determination of preliminary admissibility to its next meeting, in order to seek further information from the parties regarding ongoing court proceedings at the domestic level.

66. Communication PRE/ACCC/C/2019/169 (Hungary) had been submitted on 20 May 2019 by two NGOs, two individuals and Greenpeace Energy e.G. The communication alleged a failure to comply with articles 3 (8), 6 and 9 of the Convention in connection with the construction of the Paks II nuclear power plant. After considering in closed session the information received, the Committee agreed to defer its determination of preliminary admissibility to its next meeting, in order to seek further information from the parties, especially with regard to domestic remedies.

III. Reporting requirements

67. 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.⁶ Notwithstanding that, none of the above-mentioned Parties had submitted their national implementation reports to the secretariat by 1 November 2017. The secretariat reported that, to date, Bosnia and Herzegovina, North Macedonia, the Netherlands, Ukraine and the United Kingdom had submitted their reports. Armenia and the Republic of Moldova had not yet submitted their reports.

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

68. The Committee took note of the developments since its sixty-third meeting with respect to decisions VI/8a–e and g–k of the Meeting of the Parties.

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

70. Regarding decision VI/8b (Austria), the Committee noted that, on 27 June 2019, the communicant of communication ACCC/C/2010/48 and observer Justice and Environment had submitted an update.

71. Concerning decision VI/8c (Belarus), on 14 April 2019, the communicant of communication ACCC/C/2014/102 had submitted further information pursuant to paragraph 7 of the decision. On 8 April 2019, the Chair of the Compliance Committee had sent a letter to the First Deputy Minister of the Ministry of Natural Resources and Environmental Protection with questions for the written reply of the Party concerned as soon as possible and by 20 May 2019 at the latest regarding the events the communicant of communication ACCC/C/2014/102 had alleged in its further information of 14 April 2019. On 25 June 2019, the Party concerned had sent a reply to the Chair's questions. In the open session on review of developments regarding decision VI/8c, a representative of the Party concerned indicated that the Party concerned would send further replies to the Chair's questions, including the relevant court decisions and translations thereof. The Chair of the Committee welcomed the engagement of the Party concerned in the Committee's review of the implementation of decision VI/8c and expressed the Committee's willingness, should the Party concerned express its interest in the Committee doing so, to consider a possible mission to meet with relevant officials in person to provide assistance with respect to the implementation of decision VI/8c.

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

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

74. With respect to decision VI/8g (Kazakhstan), the Committee noted that, on 17 April and 31 May 2019, the Party concerned had submitted draft legislation and invited the Committee's comments thereon. The Committee agreed to consider the draft legislation together with the second progress report of the Party concerned, and any comments received thereon, in the context of preparing its second progress review.

75. With respect to decision VI/8h (Romania), the Committee noted that, on 20 March 2019, the Party concerned had submitted its reply to a question posed by the Committee at the open session on that decision held at the Committee's sixty-third meeting.

76. Regarding decision VI/8i (Slovakia), the Committee noted that: on 8 April 2019, observer Mr. Jan Haverkamp had submitted comments on the statement delivered by the

⁶ ECE/MP.PP/2017/2, para. 46.

Party concerned at the open session on that decision at the Committee's sixty-third meeting; on 18 April 2019, a regional interest association of towns and municipalities had submitted a statement; and, on 19 June 2019, the communicants of communication ACCC/C/2013/89 (OEKOBUERO and GLOBAL 2000) had provided an update. Mr. Haverkamp also took part by audioconference in the session on review of developments regarding decision VI/8i. The Committee agreed to send the observer regional interest association of towns and municipalities a letter to clarify the role of observers in the Committee's review of the implementation of decisions of the Meeting of the Parties.

77. Concerning decision VI/8j (Spain), the Committee noted that, on 19 March 2019, the communicant of communication ACCC/C/2008/24 had submitted comments on the statement delivered by the Party concerned at the open session on that decision held at the Committee's sixty-third meeting.

78. With respect to decision VI/8k (United Kingdom), the Committee noted that, on 20 March 2019, one of the communicants of communication ACCC/C/2008/33 (ClientEarth) had submitted comments on the statement delivered by the Party concerned at the open session on that decision held at the Committee's sixty-third meeting, and that, on 22 March 2019, observers the Royal Society for the Protection of Birds and Friends of the Earth had also submitted a statement.

V. Programme of work and calendar of meetings

79. The Committee agreed to hold its sixty-fifth meeting in Geneva, from 4 to 8 November 2019. It also agreed to schedule two virtual meetings to continue its deliberations on draft findings in closed session prior to its sixty-fifth meeting.

VI. Other business

A. Modus operandi

80. The Chair reported that, on 26 June 2019, the English-language version of the revised *Guide to the Aarhus Convention Compliance Committee*⁷ had been posted on the Committee's website and would in due course be made available on that site in all three ECE languages.

81. The Chair noted that, as he had mentioned in his statement to the twenty-third meeting of the Working Group of the Parties to the Aarhus Convention (Geneva, 26–28 June 2019), the Committee was actively engaged in considering and putting in place measures to improve the efficiency of its case management. That would include a session during the current meeting at which the Committee would consider what further information should be requested from the parties before the Committee could commence its deliberations on the substance of those cases in which the response of the Party concerned had been received but the Committee had not yet commenced its draft findings.⁸

82. The Committee took note of the comments made by the European Union and the NGO Resource and Analysis Center "Society and Environment", on behalf of European ECO Forum,⁹ at the twenty-third meeting of the Working Group of the Parties regarding the Committee's discretion to hold hearings. The Committee noted that there appeared to be some confusion as to the legal basis in decision I/7 on which the Committee held its hearings. It accordingly agreed that it was important to clarify that the legal basis for the Committee to hold hearings was paragraph 24 of the annex to decision I/7, which stated that the Committee "may hold hearings". In contrast, paragraph 32 of the annex to decision I/7 established that the Party concerned and the submitting Party or communicant "shall be entitled to participate

⁷ United Nations Economic Commission for Europe (Geneva, 2019).

⁸ Available under "Statements and presentations" tab at www.unece.org/environmental-policy/events/twenty-third-meeting-working-group-parties-aarhus-convention.

⁹ Ibid.

in the discussions of the Committee with respect to that submission, referral or communication.” Paragraph 32 of decision I/7, by referring to “discussions” in the plural, made clear that the entitlement of the Party concerned, the submitting Party and the communicant to participate was to be ensured with respect to all open sessions in which communications, submissions, requests and decisions were discussed. That included the open sessions on preliminary admissibility, the review of developments on communications, submissions and requests and the review of the implementation of decisions and requests of the Meeting of the Parties, as well as the open sessions of the hearing, if a hearing was held. In accordance with paragraph 32 of the annex to decision I/7, the Parties concerned, submitting Parties and communicants were entitled to participate in all open sessions at which the submission, referral or communication with which they were concerned was to be discussed.

83. Earthjustice suggested that, in advance of the next session of the Meeting of the Parties, it would be useful for the Committee to hold an early and open discussion concerning its use of hearings and other matters concerning the Committee’s working methods.

B. Other matters

84. The Chair opened the meeting with a tribute to the late Mr. Laurent Mermet, who had served as a member of the Committee between 2002 and 2005.

85. The Chair reported on his participation in the International Seminar on Participatory Rights in International Environmental Law (Tehran, 13 April 2019), at which issues related to article 3 (8) of the Convention had also been highlighted, and at which representatives of academia, as well as of the Office of His Excellency Mr. Hassan Rouhani, President of the Islamic Republic of Iran, had been present. The Chair also reported on his participation in an event concerning the same issues held on 15 April 2019, in Dubai, United Arab Emirates.

86. The Chair further reported that he had given a presentation on international law on public participation in environmental matters at an event concerning the Global Pact for the Environment, which had taken place on 10 and 11 May 2019 in Paris.

87. The Chair reported that, at the invitation of the European Union, he had taken part in a video conference with representatives of the European Union and its member States to address the comments by the European Union and questions regarding the revised *Guide to the Aarhus Convention Compliance Committee*, adopted by the Committee in May 2019. He informed those present at the meeting of his willingness to take part in similar video conferences should other Parties have any queries about the Committee’s working methods at any time.

88. Finally, the Chair reported that, on 26 June 2019, he had participated via video link in the twenty-third meeting of the Working Group of the Parties to the Aarhus Convention, at which he had given presentations on issues related to article 3 (8) of the Convention in the context of public participation, as well as on the work of the Committee.

89. Ms. Ryall reported on her participation in the “Environmental Rights: Law, Science and Policy Symposium” held at King’s College London, United Kingdom of Great Britain and Northern Ireland, on 24 June 2019, at which the Special Rapporteur on human rights and the environment, Mr. David Boyd, had addressed the participants by video conference.

90. Ms. Ryall also reported on the event “21 Today: The Aarhus Convention Coming of Age?”, held at Kings College London, on 25 June 2019, for practitioners and academia. She had co-organized the event together with King’s College London and a set of barristers’ chambers. Mr. Peter Oliver and a representative of the secretariat had also attended and made presentations during the event.

91. Mr. Jendroška reported on his ongoing work with the Government of Kazakhstan to provide comments on the draft new Environmental Code of Kazakhstan.

92. The secretariat reported on its mission to Tashkent in late May 2019, during which it had met bilaterally with the State Committee on Ecology and Environmental Protection to

explain provisions of the Aarhus Convention, promote experience in its implementation and discuss the country's needs in the areas of access to information and public participation.

93. The secretariat also reported on its participation as a speaker at the following events: an expert workshop on human rights and climate change (Geneva, 3 and 4 June 2019), organized by the Center for International Environmental Law, the Office of the United Nations High Commissioner for Human Rights and the Friedrich-Ebert-Stiftung; a workshop on the long-term operation of nuclear power plants, organized by the secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context and the International Association for Impact Assessment (Lisbon, 5 June 2019); and, by videoconference, a briefing at an event on the Aarhus Convention and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean for climate negotiators, organized by the Center for International Environmental Law and Earthjustice (Bonn, Germany, 16 June 2019).

94. The secretariat further reported that the Bureau of the Meeting of the Parties had received a letter for the Chair of the Ecoforum of NGOs of Kazakhstan alleging the persecution of an environmental defender. At its forty-fourth meeting (Geneva, 28 June 2019), the Bureau had agreed to send a letter with questions to the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan concerning those allegations.¹⁰

95. The secretariat also reported on the twenty-third meeting of the Working Group of the Parties, highlighting the sessions on public participation, at which Mr. Jendroška had been the key speaker, and public participation in international forums, which had focused on promoting principles in international financial institutions as well as international aviation issues. The secretariat reported that, during the meeting, European ECO Forum had called on Parties to the Convention to put in place a rapid response mechanism for article 3 (8) of the Convention at the next session of the Meeting of the Parties. The secretariat reported that October 2021 had been preliminarily set as the date for the seventh session of the Meeting of the Parties to the Aarhus Convention and that Georgia had preliminarily expressed an interest in hosting.

96. A representative of Earthjustice also commented on the call by European ECO Forum to put in place a rapid response mechanism for article 3 (8) of the Convention, clarifying that such a mechanism should be complementary to the work of the Committee, and could focus not on establishing whether compliance with the Convention was ensured, which was the Committee's mandate, but on preventing violations of article 3 (8) of the Convention. The representative of Earthjustice further reported on negotiations in the Human Rights Council concerning a resolution on human rights and climate change, expressing its view that the proposed bi-annualization of the resolution on issues including management and budget would have negative impacts on its implementation.

VII. Report and closure of the meeting

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

¹⁰ The report of the forty-fourth meeting of the Bureau is available at www.unece.org/environmental-policy/events/bureau-aarhus-convention-44th-meeting.