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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

Seventy-first meeting
Geneva, 7–9 July 2021

Report of the Compliance Committee on its seventy-first meeting

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Introduction

1. The seventy-first 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 7–9 July 2021. 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. Mr. Jonas Ebbesson (Chair) was present throughout the entire meeting. Mr. Jerzy Jendrośka was unable to attend the open session on 9 July but was present for the rest of the meeting; Ms. Fruzsina Bögös and Mr. Alexander Kodjabashev (Vice-Chair) were unable to attend the sessions of 8 July but were present for the rest of the meeting; Ms. Heghine Grigoryan was unable to attend the meeting on 9 July but was present for the rest of the meeting; Mr. Marc Clément was unable to attend the open session on 7 July and the closed session on 9 July but was present for the rest of the meeting. Mr. Dmytro Skrylnikov was unable to attend the open session on 7 July and the closed session on 8 July but was present for the rest of the meeting. Mr. Peter Oliver was present at the open session of 8 July but was unable to participate in the rest of the meeting. Ms. Áine Ryall (Vice-Chair) participated in the open session on 7 July but was unable to participate in 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 the communicant of communication PRE/ACCC/C/2021/186 (Portugal), as well as several observers, took part in the open session on preliminary admissibility on 7 July. The Party concerned took part also in the final open session of the meeting on 9 July.

4. Representatives of Armenia, Austria, Belarus, Bulgaria, Czechia, the European Union, Kazakhstan, Romania, Spain, Slovakia, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland took part, through virtual means, in the open sessions on the review of the implementation of requests or decisions of the Meeting of the Parties concerning their respective compliance.

5. Representatives of Ireland and the Netherlands took part, through virtual means, in the open sessions on the review of the implementation of the Committee's findings and recommendations on, respectively, communications ACCC/C/2013/107 (Ireland), ACCC/C/2016/141 (Ireland) and ACCC/C/2014/104 (Netherlands).

6. Representatives of Slovenia, on behalf of the presidency of the Council of the European Union, participated in the open sessions on 7 and 8 July. Representatives of Belarus participated in all open sessions.

7. The following communicants and observers took part in the open sessions on the review of the implementation of requests or decisions of the Meeting of the Parties on compliance of the Parties listed in paragraph 4 above:

(a) Regarding request ACCC/M/2017/2 (Turkmenistan), the communicant of communication ACCC/C/2004/5 and the observer Earthjustice;

(b) Concerning request ACCC/M/2017/3 (European Union), representatives of the communicants of communications ACCC/C/2008/32 (ClientEarth), and ACCC/C/2010/54, representatives of the Governments of Germany, Portugal and Slovenia, the observers European Environmental Bureau, Nuclear Transparency Watch, Greenpeace and World Information Service on Energy International, Ms. Joanna Cornelius, Ms. Louise Guillot and Ms. Laura Mercier;

(c) With respect to decision VI/8b (Austria), a representative of the communicant of communication ACCC/C/2010/48 (OEKOBUERO);

(d) Regarding decision VI/8c (Belarus), a representative of the communicant of communication ACCC/C/2014/102 and observers Nuclear Transparency Watch, Greenpeace Netherlands and World Information Service on Energy International;

(e) Concerning decision VI/8d (Bulgaria), the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76;

(f) Regarding decision VI/8e (Czechia), the observer OEKOBUERO;

(g) Regarding decision VI/8i (Slovakia), a representative of the communicants of communication ACCC/C/2013/89 (OEKOBUERO and Global 2000);

(h) Concerning decision VI/8k (United Kingdom), representatives of the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33 (ClientEarth), ACCC/C/2010/53, ACCC/C/2013/85 and ACCC/C/2013/86 and observers Environmental Rights Centre for Scotland, Nuclear Transparency Watch and the Royal Society for the Protection of Birds.

8. The following communicants and observers took part in the open sessions on the review of the implementation of the Committee's findings and recommendations:

(a) Regarding communication ACCC/C/2014/104 (Netherlands), a representative of the communicant (Stichting Greenpeace Netherlands);

(b) Concerning communication ACCC/C/2013/107 (Ireland), the communicant and the observer Irish Environmental Network;

(c) With respect to communication ACCC/C/2016/141, the communicant and observers Irish Environmental Network, Mr. Kieran Cummins and Mr. Stephen Minch.

9. ClientEarth and Ms. Louise Wuchner, a member of the public, participated in the open sessions on 7 and 9 July. A representative of the Aarhus Centre of Belarus attended the open sessions on 8 and 9 July. The communicant of communication ACCC/C/2017/147 participated in the open session on 9 July. Earthjustice, which attended on behalf of the European ECO Forum, participated as observer in all open sessions.

B. Organizational matters

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

11. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2021/9.

12. The Chair reported that, since its seventieth meeting (12–16 April 2021), the Committee had held nine virtual meetings in closed session. At its virtual meetings on 7, 20, and 26 May and on 1, 7, 10 and 11 June 2021, the Committee had continued its deliberations on its draft findings on communications ACCC/C/2013/90 (United Kingdom), ACCC/C/2014/105 (Hungary), ACCC/C/2014/112 (Ireland), ACCC/C/2014/118 (Ukraine), ACCC/C/2014/120 (Slovakia), ACCC/C/2015/130 (Italy), ACCC/C/2015/131 (United Kingdom), ACCC/C/2015/132 (Ireland), ACCC/C/2015/133 (Netherlands) and ACCC/C/2016/140 (Romania). At its virtual meetings on 22 June and 1 July 2021, the Committee had prepared its draft reports to the seventh session of the Meeting of the Parties on the implementation of requests and decisions from the Meeting of the Parties. All nine virtual meetings were held in closed session.

13. Regarding communications received before 4 May 2021 (the deadline for receipt of communications for the seventy-first meeting), the Chair reported that he and Vice-Chairs Mr. Kodjabashev and Ms. Ryall had held a virtual meeting on 11 May 2021 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/2021/186 (Portugal) should be forwarded to the Committee for consideration of preliminary admissibility at its seventy-first meeting and had requested the secretariat to post that communication on the Committee's website in advance of the meeting. On 28 June 2021, the Chair and Vice-Chair had held a virtual meeting to consider a request by the communicant of communication

ACCC/C/2021/185 (United Kingdom) for the Committee to reconsider its determination that that communication was inadmissible (see para. 65 below).

I. Submissions, referrals and requests under the Convention

14. The Committee noted that it had not received any new submissions, referrals or requests since its seventieth meeting.

15. Concerning submission ACCC/S/2015/2 (Belarus), the Committee had completed its draft findings through its electronic decision-making procedure on 7 June 2021. In accordance with paragraph 34 of the annex to decision I/7,¹ the draft findings had been forwarded to the Party concerned and Lithuania on 8 June 2021, with an invitation to provide any comments thereon by 20 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings, and as appropriate recommendations.

16. Regarding request ACCC/M/2017/2 (Turkmenistan), on 21 May 2021, the Party concerned had submitted its final progress report, which had been due on 1 October 2020. On 7 June 2021, the communicant of communication ACCC/C/2004/5 had submitted its comments on the final progress report of the Party concerned. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties (Geneva, 18–21 October 2021), which had then been sent to the Party concerned, the communicant of communication ACCC/C/2004/5 and registered observers on 5 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of request ACCC/M/2017/2 in open session with the participation, through virtual means, of representatives of the Party concerned, the communicant of communication ACCC/C/2004/5 and observer Earthjustice, on behalf of the European ECO Forum.

17. With respect to request ACCC/M/2017/3 (European Union), the Party concerned had submitted an update on 25 June 2021. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties, which was then sent to the Party concerned, the communicants of communications ACCC/C/2008/32 and ACCC/C/2010/54 and the registered observers on 2 July 2021 for their comments by 16 July 2021. During the meeting, the Committee reviewed the implementation of request ACCC/M/2017/3 in open session with the participation, through virtual means, of representatives of the Party concerned and the communicants of communications ACCC/C/2008/32 and ACCC/C/2010/54. Representatives of the Governments of Slovenia, on behalf of the presidency of the Council of the European Union, Portugal and Germany, non-governmental organizations (NGOs) the European Environmental Bureau, Nuclear Transparency Watch, Greenpeace and World Information Service on Energy International and members of the public, Ms. Guillot, Ms. Cornelius, and Ms. Mercier, also participated as observers.

II. Communications from members of the public

18. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its seventy-second meeting would be 6 September 2021.

19. With respect to communication ACCC/C/2013/90 (United Kingdom), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 1, 10 and 11 June 2021 and had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

¹ ECE/MP.PP/2/Add.8.

20. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee had finalized and adopted its findings through its electronic decision-making procedure on 7 June 2021. The Committee agreed that the findings should be published as a formal pre-session document to its seventy-second meeting (Geneva, 18–21 October 2021).

21. Concerning communication ACCC/C/2014/105 (Hungary), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 20 May, 1 and 7 June 2021 and had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

22. With respect to communication ACCC/C/2014/112 (Ireland), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 7 and 20 May 2021 and had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

23. Regarding communication ACCC/C/2014/113 (Ireland), the Committee noted that the judgment by the High Court in *Heather Hill Management Company CLG v. An Bord Pleanála* [2019] IEHC 450 was currently on appeal. Given the apparent relevance of that judgment to issues raised in the communication, the Committee decided to defer its deliberations on its draft findings until the appeal had been determined.

24. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 7 and 26 May and 7 June 2021 and had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

25. With respect to communication ACCC/C/2014/119 (Poland), the Committee had sent questions to the parties on 11 March 2021 for their reply by 8 April 2021, including a request to the Party concerned to provide relevant translations. The communicant had replied on 8 April 2021 and on the same date the Party concerned had provided a partial reply. The Committee instructed the secretariat to follow-up with the Party concerned regarding the rest of its reply.

26. Regarding communication ACCC/C/2014/120 (Slovakia), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 20 and 26 May and 7, 10 and 11 June 2021 and had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

27. Concerning communication ACCC/C/2014/124 (Netherlands), the Committee had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings were forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the

expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

28. Regarding communication ACCC/C/2015/126 (Poland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

29. With respect to communication ACCC/C/2015/130 (Italy), the Committee had completed its draft findings through its electronic decision-making procedure on 14 April 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 21 April 2021 with an invitation to provide any comments thereon by 2 June 2021. On 2 and 30 June 2021, respectively, the communicant and the Party concerned had submitted their comments on the Committee's draft findings. The Committee had finalized its findings in closed session at its virtual meeting on 1 July 2021, taking into account the comments received, and adopted its findings on 6 July 2021. The Committee agreed the findings should be published as a formal pre-session document to its seventy-second meeting.

30. Regarding communication ACCC/C/2015/131 (United Kingdom), the Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 7, 20 and 26 May and 1 and 10 June 2021 and had completed its draft findings through its electronic decision-making procedure on 13 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

31. Concerning communication ACCC/C/2015/132 (Ireland), the Committee had sent questions to the parties on 19 March 2021 for their written reply. The Party concerned and the communicant had replied to the Committee's questions on 16 and 17 April 2021, respectively. The Committee had continued its deliberations on its draft findings in closed session at its virtual meeting on 20 May 2021, taking into account the information received, and agreed to continue its deliberations on its draft findings at an upcoming meeting.

32. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee had continued its deliberations on its draft findings in closed session at its virtual meeting on 7 May 2021. On 19 May 2021, the Committee had sent questions to the parties for their written reply by 9 June 2021. On 8 June 2021, the communicant had submitted its reply to the Committee's questions. On 9 June 2021, the Party concerned had provided a partial reply to the Committee's questions and requested an extension until 4 August 2021 to provide the remaining part of its reply. On 10 June 2021, the communicant had written to object to the request of the Party concerned for an extension. After taking into account the views of both parties, the Chair granted the extension. The Committee agreed to continue its deliberations on its draft findings at an upcoming meeting, taking into account the information received from both parties.

33. Regarding communication ACCC/C/2015/134 (Belgium), the Committee had completed its draft findings through its electronic decision-making procedure on 17 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 17 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

34. Concerning communication ACCC/C/2016/137 (Germany), the Committee had completed its draft findings through its electronic decision-making procedure on 8 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 8 June 2021 with an invitation to provide any comments thereon by 20 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking

into account any comments received, and adopt its findings and, as appropriate, recommendations.

35. With respect to communication ACCC/C/2016/138 (Armenia), the Committee had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

36. Regarding communication ACCC/C/2016/139 (Ireland), the Committee had sent questions to the parties on 26 March 2021 for their written reply by 16 April 2021. On 16 April 2021, the Party concerned had submitted its reply to the Committee's questions. The communicant had provided its partial reply on 20 May and an update on 23 June 2021, explaining that it would be able to fully address the Committee's questions by the end of July 2021, once the documentation it had requested from the Environmental Protection Agency had been received. The Committee agreed to continue its deliberations at an upcoming meeting, taking into account the information received from both parties.

37. Concerning communication ACCC/C/2016/140 (Romania), the Committee had sent questions to the parties on 22 February 2021 for their written reply. On 22 March 2021, the Party concerned had provided its reply to the Committee's questions. On 9 April 2021, the communicant had sent a partial reply, followed by additional information on 4 May 2021. On 5 and 13 May 2021, the Committee had sent further questions to the Party concerned and the communicant, respectively. On 19 and 27 May 2021, the Party concerned had replied to the Committee's questions. On 21 May 2021, the communicant had provided its reply. The Committee had continued its deliberations on its draft findings in closed session at its virtual meetings on 20 and 26 May 2021, taking into account the information received and agreed to continue its deliberations on its draft findings at an upcoming meeting.

38. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee had completed its draft findings through its electronic decision-making procedure on 15 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 15 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

39. Concerning communication ACCC/C/2016/143 (Czechia), the Committee had completed its draft findings through its electronic decision-making procedure on 10 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 10 June 2021 with an invitation to provide any comments thereon by 22 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

40. With respect to communication ACCC/C/2016/144 (Bulgaria), the Committee had completed its draft findings through its electronic decision-making procedure on 16 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 16 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.

41. Regarding communication ACCC/C/2017/146 (Poland), the Committee noted that there had been no developments since its seventieth meeting (Geneva, 12–16 April 2021). The Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

42. Concerning communication ACCC/C/2017/147 (Republic of Moldova), the Committee had completed its draft findings through its electronic decision-making procedure on 14 June 2021. In accordance with paragraph 34 of the annex to decision I/7, the draft findings had been forwarded to the Party concerned and the communicant on 14 June 2021 with an invitation to provide any comments thereon by 23 July 2021. The Committee agreed that, following the expiry of the deadline for comments on the draft findings, it would finalize its findings, taking into account any comments received, and adopt its findings and, as appropriate, recommendations.
43. With respect to 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 at an upcoming meeting, taking into account the information received.
44. Regarding communication ACCC/C/2017/149 (Greece), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
45. Concerning communication ACCC/C/2017/150 (United Kingdom), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
46. With respect to communication ACCC/C/2016/151 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
47. 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.
48. Concerning communication ACCC/C/2017/154 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
49. With respect to communication ACCC/C/2017/156 (United Kingdom), the Committee agreed that it would continue its deliberations on its draft findings at an upcoming meeting.
50. Concerning communication ACCC/C/2018/158 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
51. With respect to communication ACCC/C/2017/159 (Spain), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
52. Regarding communication ACCC/C/2018/161 (Bulgaria), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
53. Concerning communication ACCC/C/2019/162 (Denmark), the Committee noted that it had requested the secretariat to ask the Party concerned to submit the texts of relevant case law referred to in its response to the communication.
54. With respect to communication ACCC/C/2019/163 (Austria), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
55. Regarding communication ACCC/C/2019/164 (Ireland), the Committee noted that it had agreed to invite the communicant to comment on the submissions of the Party concerned on admissibility in its response to the communication and to decide how to proceed with the communication at an upcoming meeting, taking into account the information received from both parties.
56. Concerning communication ACCC/C/2019/168 (Iceland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
57. With respect to communication ACCC/C/2019/173 (Sweden), the Committee noted that it had agreed to send questions to the Party concerned for clarification and that it would decide how to proceed with the communication at an upcoming meeting taking into account the information received from both parties.

58. Regarding communication ACCC/C/2019/174 (Sweden), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

59. Concerning communication ACCC/C/2020/177 (Bosnia and Herzegovina), the Committee noted that it had agreed to ask the Party concerned to expand its response of 23 November 2020 and to clarify whether it challenged the admissibility of the communication and to invite the communicant to comment on the reply of the Party concerned. The Committee agreed that it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received from both parties.

60. With respect to communication ACCC/C/2020/178 (Germany), the Committee noted that it had agreed to invite the communicant to comment on the submissions on admissibility made by the Party concerned in its response to the communication dated 13 August 2020 and to decide how to proceed with the communication at an upcoming meeting, taking into account the information received from both parties.

61. Regarding communication ACCC/C/2020/179 (Serbia), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.

62. Concerning communication ACCC/C/2020/181 (Netherlands), on 30 April 2021, the Party concerned had submitted its response to the communication, on time. The Committee agreed to decide how to proceed with the communication at an upcoming meeting.

63. With respect to communication ACCC/C/2020/182 (Belarus), the Committee noted that the Party concerned had provided its response to the communication on 4 May 2021, on time. The Committee agreed to decide how to proceed with the communication at an upcoming meeting.

64. Regarding communication ACCC/C/2020/183 (Spain), the secretariat had forwarded the communication to the Party concerned on 3 December 2020 for its response by 3 May 2021. The Committee noted that the deadline of 3 May 2021 for the response of the Party concerned had expired but its response had not yet been received. The Committee requested the secretariat to follow up with the Party concerned regarding its outstanding response.

65. With respect to communication ACCC/C/2021/185 (United Kingdom), the secretariat had, by letter of 10 May 2021, informed the communicant and the Party concerned of the reasons for the Committee's determination at its seventieth meeting that the communication was inadmissible. On 21 May 2021, the communicant had requested a reconsideration of the Committee's determination of inadmissibility. On 28 June 2021, the Chair and Vice-Chairs had decided that the request for reconsideration did not identify a manifest error and that the determination of inadmissibility would stand. On 7 July 2021, the secretariat had written to the communicant to inform him of the decision of the Chair and Vice-Chairs.

66. Communication PRE/ACCC/C/2021/186 (Portugal) had been submitted on 2 May 2021 by Fundação Montescola, an environmental NGO. The communication alleged non-compliance with articles 4 (1)–(2), (3) (c) and (7) and 6 (3)–(4) of the Convention with respect to the development of the Barroso Mine expansion project. On 20 May 2021, the communicant had provided additional information. On 9 and 14 June 2021, respectively, Mr. Fernando Queiroga and Mr. Nik Völker had requested to join as observers. Mr. Völker had also provided additional information. On 6 and 7 July 2021, respectively, the communicant and the Party concerned had each submitted their statements on the preliminary admissibility of the communication. During the meeting, the Committee heard the views of the communicant and the Party concerned, as well as those of participating observers, on the preliminary admissibility of the communication. After considering in closed session the information received, the Committee agreed to defer its determination on admissibility in order to ask the Party concerned and the communicant to provide further clarification regarding the pending domestic procedures and available 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.² Notwithstanding the above, 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 since submitted their reports. The Republic of Moldova had not yet submitted its report.

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

68. The Committee took note of the developments since its seventieth meeting with respect to decisions VI/8a–e and g–k of the Meeting of the Parties,³ as well as the follow-up procedure concerning the Committee’s findings and recommendations on communications ACCC/C/2014/104 (Netherlands), ACCC/C/2014/107 (Ireland) and ACCC/C/2016/141 (Ireland).

69. Concerning decision VI/8a (Armenia), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties, which had then been sent to the Party concerned, the communicants of communications ACCC/C/2004/8, ACCC/C/2009/43 and ACCC/C/2011/62, as well as registered observers, on 1 July 2021 for their comments by 15 July 2021. On 6 July 2021, the Party concerned provided the text of relevant legislation in Armenian. During the meeting, the Committee reviewed the implementation of decision VI/8a in open session, with the participation through virtual means of a representative of the Party concerned. Though invited, no communicants or observers participated in the open session.

70. Concerning decision VI/8b (Austria), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties, which had then been sent to the Party concerned and the communicants of communications ACCC/C/2010/48 and ACCC/C/2011/63 on 2 July 2021 for their comments by 16 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8b in open session with the participation through virtual means of a representative of the Party concerned and the communicant of communication ACCC/C/2010/48.

71. Concerning decision VI/8c (Belarus), on 24 May 2021, the communicant of communication ACCC/C/2014/102 had provided additional information under paragraph 7 of decision VI/8c. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicants of communications ACCC/C/2009/37, ACCC/C/2009/44, and ACCC/C/2014/102 and registered observers on 5 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8c in open session with the participation through virtual means of representatives of the Party concerned, the communicant of communication ACCC/C/2014/102 and observers Nuclear Transparency Watch, Greenpeace Netherlands and World Information Service on Energy International.

72. Concerning decision VI/8d (Bulgaria), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76 and the registered observer on 1 July 2021 for their comments by 15 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8d in open session with the participation through virtual means of a representative of the Party

² ECE/MP.PP/2017/2, para. 46.

³ ECE/MP.PP/2017/2/Add.1.

concerned and the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76. On 8 July 2021, the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76 had provided the written version of its statement delivered at the Committee's seventieth meeting.

73. Regarding decision VI/8e (Czechia), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicants of communications ACCC/C/2010/50, ACCC/C/2012/70 and ACCC/C/2012/71 and registered observers on 1 July 2021 for their comments by 15 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8e in open session with the participation through virtual means of a representative of the Party concerned and observers Nuclear Transparency Watch and OEKOBUERO.

74. With respect to decision VI/8g (Kazakhstan), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicants of communications ACCC/C/2004/01, ACCC/C/2004/02, ACCC/C/2004/06, ACCC/C/2011/59 and ACCC/C/2013/88 and registered observers on 4 July 2021 for their comments by 19 July 2021. On 7 July 2021, the communicant of communication ACCC/C/2011/59 had submitted its comments on the Committee's draft report. During the meeting, the Committee reviewed the implementation of decision VI/8g in open session with the participation through virtual means of representatives of the Party concerned. Though invited, no communicants or observers participated in the open session.

75. Concerning decision VI/8h (Romania), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicants of communications ACCC/C/2010/51 and ACCC/C/2012/69 and the registered observer on 6 July 2021 for their comments by 20 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8h in open session with the participation through virtual means of a representative of the Party concerned and the communicant. Though invited, no communicants or observers participated in the open session.

76. Regarding decision VI/8i (Slovakia), on 16 May 2021, the Party concerned had provided an update. On 28 May 2021, Mr. Peter Mihok had submitted an observer statement. On 30 May and 2 June 2021, Mr. Michal Daniška had also submitted observer statements. On 11, 18 and 21 June 2021, the Party concerned had submitted comments on the observers' statements, as well as an English-language translation of relevant legislation. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties, which had then been sent to the Party concerned, the communicants of communication ACCC/C/2013/89 and registered observers on 4 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8i in open session with the participation through virtual means of representatives of the Party concerned and the communicants of communication ACCC/C/2013/89 (OEKOBUERO and Global 2000).

77. With respect to decision VI/8j (Spain), the Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99 and registered observers on 1 July 2021 for their comments by 15 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8j in open session with the participation through virtual means of a representative of the Party concerned. Though invited, no communicants or observers participated in the open session.

78. Concerning decision VI/8k (United Kingdom), on 15 June 2021, ClientEarth, a communicant of communication ACCC/C/2008/33, had sent an update. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties which had then been sent to the Party concerned, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/27, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2011/64, ACCC/C/2011/65, ACCC/C/2012/68, ACCC/C/2012/77,

ACCC/C/2013/85, ACCC/C/2013/86, ACCC/C/2013/91, ACCC/C/2017/157, ACCC/C/2020/180 and registered observers on 5 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of decision VI/8k in open session with the participation through virtual means of representatives of the Party concerned, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53 and ACCC/C/2013/85, as well as observers the Royal Society for the Protection of Birds and Environmental Rights Centre for Scotland.

79. Regarding communication ACCC/C/2014/104 (Netherlands), on 17 February and 29 March 2021, respectively, the communicant and the Party concerned had each submitted an update. On 14 May 2021, the secretariat, at the Committee's request, had asked the Party concerned to provide the text of relevant legislation, which the Party concerned had provided on 27 May 2021. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the Committee's findings and recommendations. The Committee's draft report had then been sent to the Party concerned and the communicant on 2 July 2021 for their comments by 16 July 2021. During the meeting, the Committee reviewed the implementation of the Committee's findings and recommendations in open session with the participation through virtual means of representatives of the Party concerned and the communicant.

80. With respect to communication ACCC/C/2013/107 (Ireland), on 29 May 2021, the observer Irish Environmental Network had submitted an observer statement. On 10 June 2021, the Party concerned had provided an update on developments that had taken place since the submission by Ireland of its progress report on 1 October 2020. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the Committee's findings and recommendations. The Committee's draft report had then been sent to the Party concerned and the communicant on 4 July 2021 for their comments by 19 July 2021. On 6 July 2021, the observer Irish Environmental Network had provided an update. During the meeting, the Committee reviewed the implementation of the Committee's findings and recommendations in open session with the participation through virtual means of representatives of the Party concerned, the communicant and the observer Irish Environmental Network.

81. Concerning communication ACCC/C/2016/141 (Ireland), on 21 May 2021, the Party concerned had provided an update on the measures it had taken to address the Committee's findings and recommendations. On 27 May 2021, the communicant had provided comments on the update of the Party concerned and then, on 10 June 2021, the communicant had provided its own update. The Committee had prepared and completed its draft report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned to implement the Committee's findings and recommendations. The Committee's draft report had then been sent to the Party concerned and the communicant on 4 July 2021 for their comments by 19 July 2021. During the meeting, the Committee reviewed the implementation of the Committee's findings and recommendations in open session with the participation through virtual means of representatives of the Party concerned, the communicant and the observer Irish Environmental Network.

V. Programme of work and calendar of meetings

82. The Committee noted that, subject to the availability of conference services, it had agreed to hold its seventy-second meeting on 18–21 October 2021, in parallel with the seventh session of the Meeting of the Parties. The Committee also agreed to schedule a number of virtual meetings between its seventy-first and seventy-second meetings in order to finalize its findings and reports to be submitted to the seventh session of the Meeting of the Parties.

VI. Other business

A. Modus operandi

83. The Chair expressed his appreciation for the proactive efforts made by the secretariat both before and throughout the meeting to enable the meeting to proceed smoothly despite the logistical challenges caused by the ongoing COVID-19 pandemic.

B. Other matters

84. The Chair reported that, on 20 April 2021, he had given a keynote speech at an international conference organized by the Agro-Environmental Tribunal of the Plurinational State of Bolivia on access to environmental justice in the framework of the entry into force of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). The presentation was entitled “The Aarhus Convention: Rules, Procedures on Compliance and Lessons Learned for the Escazú Agreement”.

85. The Chair also reported that, on 8 June 2021, he had given a presentation to the twenty-fifth meeting of the Working Group of the Parties of the Convention (Geneva (online), 3 May and (hybrid) 7–8 June 2021) on the Committee’s activities and, in particular, the preparation of its reports to the Meeting of the Parties.

86. Committee member Mr. Jendroška reported on his participation in an academic event on access to justice organized by the Special Interest Group on Environmental Law of the European University Institute.

87. Mr. Jendroška also informed the meeting that Kazakhstan had developed a new code on environmental protection, which was intended to comprehensively address all issues related to environmental law. He also reported that he and Committee member Mr. Skrylnikov had, in their private capacity, delivered eight training sessions for Kazakh officials covering, inter alia, issues related to public participation in environmental decision-making.

88. Mr. Jendroška also reported on his involvement in the development of an implementation guide for the Escazú Agreement.

89. The secretariat updated the Committee on the outcomes of the twenty-fifth meeting of the Working Group of the Parties, which had focused on preparations for the seventh session of the Meeting of the Parties. The secretariat also reminded meeting participants that the deadline for nominating members of the Compliance Committee for the next intersessional period was 26 July 2021.

90. A representative of Earthjustice reported on recent developments to establish a new special procedure on climate change under the Human Rights Council. The speaker also reported that it was hoped that the Human Rights Council might recognize the right to a healthy and sustainable environment at its forty-eighth regular session (Geneva, 13 September–11 October 2021).

VII. Report and closure of the meeting

91. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the seventy-first meeting.