



# Economic and Social Council

Distr.: General  
XX June 2023

Original: English

## Economic Commission for Europe

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

### Compliance Committee

Seventy-seventh meeting

13–16 December 2022

## Report of the Compliance Committee on its seventy-seventh meeting

### Contents

	<i>Page</i>
Introduction.....	2
A. Attendance .....	2
B. Organizational matters.....	2
I. Submissions by Parties .....	3
II. Referrals by the Special Rapporteur on environmental defenders and other relevant developments..	3
III. Referrals by the secretariat .....	3
IV. Requests from the Meeting of the Parties .....	3
V. Requests from Parties for advice or assistance .....	4
VI. Communications from members of the public.....	4
VII. Follow-up on specific cases of non-compliance .....	8
VIII. Programme of work and calendar of meetings.....	11
IX. Other business.....	11
A. Withdrawal from the Convention by Belarus .....	11
B. Reporting requirements.....	12
C. Resourcing of the Committee .....	12
X. Report and closure of the meeting .....	12

## Introduction

1. The seventy-seventh meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 13–16 December 2022 in Geneva, Switzerland.

### A. Attendance.

2. Seven of the nine Committee members were present throughout the meeting. Ms. Áine Ryall (Chair); Ms. Fruzsina Bögös; Mr. Marc Clément (Vice-Chair); Ms. Heghine Grigoryan; Mr. Thomas Schomerus; Ms. Eleanor Sharpston were each present in person while Mr. Dmytro Skrylnikov (Vice-Chair) participated virtually. Mr. Peter Oliver was unable to attend the afternoon session of 14 December 2022 but was present for the rest of the meeting, partly in person, partly through virtual means. Mr. Jerzy Jendrośka (Vice-Chair) was unable to attend the meeting on 14 December 2022 but was present in person 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. Mr. Michel Forst, the Special Rapporteur on Environmental Defenders under the Aarhus Convention, took part, through virtual means, in the open session on 13 December 2022 on relevant developments regarding his mandate.

4. A representative of the communicant of communication PRE/ACCC/C/2022/195 (Spain) took part in the open session on preliminary admissibility on 13 December 2022 through virtual means. Though invited, the Party concerned did not take part in the session.

5. Representatives of the Party concerned and the communicants of communication PRE/ACCC/C/2022/196 (United Kingdom) took part in the open session on preliminary admissibility on 13 December 2022, and a representative of the Party concerned took part in the open session on 16 December 2022, each through virtual means.

6. Representatives of the Party concerned and the communicants of communication ACCC/C/2022/197 (France) took part in the open session on preliminary admissibility on 13 December 2022, and a representative of the communicants took part in the open session on 16 December 2022, each through virtual means.

7. Participating as observers, through virtual means, in the open session on 13 December 2022 were representatives of Ireland and of the non-governmental organization ClientEarth, as well as a member of the public, Ms. Géraldine Vertaillier. Representatives of the non-governmental organization Wildfleck took part in the open session on 13 December 2022, in person.

### B. Organizational matters

8. The Chair of the Compliance Committee, Ms. Ryall, opened the meeting.

9. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2022/8.

10. The Chair reported that, since its seventy-sixth meeting (Geneva, 13–16 September 2022), the Committee had held one virtual meeting in closed session on 17 November 2022 at which it reviewed the plans of action submitted by the Parties subject to decisions VII/8a–

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b and VII/8d–s<sup>1</sup> and request ACCC/M/2021/4 (European Union)<sup>2</sup> of the Meeting of the Parties.

11. Regarding communications received before 1 November 2022 (the deadline for receipt of communications for the seventy-seventh meeting), the Chair reported that she and Vice-Chairs Mr. Clément, Mr. Jendroška and Mr. Skrylnikov had held a virtual meeting on 9 November 2022 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. At their virtual meeting, the Chair and Vice-Chairs had decided that communications PRE/ACCC/C/2022/195 (Spain), PRE/ACCC/C/2022/196 (United Kingdom), and PRE/ACCC/C/2022/197 (France) should be forwarded to the Committee for consideration of preliminary admissibility at its seventy-seventh meeting and had requested the secretariat to post these communications on the Committee’s website in advance of the meeting and to inform the communicants and the Parties concerned.

## **I. Submissions by Parties**

12. The Committee noted that it had not received any submissions from Parties, either concerning their own compliance or concerning the compliance of another Party, since its seventy-sixth meeting.

## **II. Referrals by the Special Rapporteur on environmental defenders and other relevant developments**

13. The Committee noted that it had to date received no referrals from Mr. Forst, the Special Rapporteur on environmental defenders.

14. In his update to the Committee on relevant developments concerning his mandate, Mr. Forst reported that he had received one complaint to date from a member of the public, which remained confidential.

15. Mr. Forst also reported on his meetings with Parties and other States and intergovernmental and non-governmental organizations to raise awareness of his mandate and the situation of environmental defenders. Lastly, Mr. Forst reported on his activities to date to raise further funds for his mandate.

## **III. Referrals by the secretariat**

16. The Committee noted that it had to date received no referrals from the secretariat.

## **IV. Requests from the Meeting of the Parties**

17. Regarding request ACCC/M/2021/4 (European Union), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned did not appear to be appropriate. The Committee held an open session to discuss the Party concerned’s plan of action on 15 December 2022. Representatives of the Party concerned and observers ClientEarth and Oekobuero, both non-governmental organizations, and Mr. Alistair McGlone, a member of

<sup>1</sup> ECE/MP.PP/2017/2/Add.1.

<sup>2</sup> ECE/MP.PP/2017/2, para. 58.

the public, participated in the session. The Committee invited the Party concerned to provide a progress report on its implementation of request ACCC/M/2021/4 by 1 October 2023.

18. With respect to request ACCC/M/2021/5 (Republic of Moldova), the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2022/11). Noting that the Party concerned had agreed that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7,<sup>3</sup> the Committee invited the Party concerned to provide a progress report by 1 October 2023 on its implementation of the recommendations in paragraph 26 of those findings.

## V. Requests from Parties for advice or assistance

19. Concerning request for advice ACCC/A/2022/3 (Ukraine), the Committee continued its deliberations on its draft advice and agreed to continue those deliberations at an upcoming meeting.

## VI. Communications from members of the public

20. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its seventy-eighth meeting (Geneva, 21–24 March 2023) would be 7 February 2023.

21. Regarding communication ACCC/C/2014/113 (Ireland), the Committee noted that on 10 November 2022 the Supreme Court of Ireland had delivered its judgment in *Heather Hill Management Company CLG v. An Bord Pleanála*. The Committee requested the secretariat to write to the parties to invite their views on whether, following the Supreme Court's 10 November 2022 judgment, there was any reason the Committee should not now resume its deliberations on its draft findings.

22. With respect to communication ACCC/C/2014/119, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2022/10). Noting that the Party concerned had agreed that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7,<sup>4</sup> the Committee invited the Party concerned to provide a progress report by 1 October 2023 on its implementation of the recommendations in paragraph 121 of those findings.

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

24. Concerning communication ACCC/C/2015/132 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

25. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

26. Regarding communication ACCC/C/2016/139 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

27. Concerning communication ACCC/C/2016/140 (Romania), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

28. Regarding communication ACCC/C/2017/146 (Poland), the Committee noted that it had agreed to send questions to the parties for their written reply. It agreed to defer its

<sup>3</sup> ECE/MP.PP/C.1/2022/11, para. 26.

<sup>4</sup> ECE/MP.PP/C.1/2022/10, para. 121.

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deliberations on its draft findings to an upcoming meeting, and to take into account the replies once received.

29. 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. It agreed to defer its deliberations on its draft findings to an upcoming meeting and to take into account the replies once received.

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

31. Concerning communication ACCC/C/2017/150 (United Kingdom), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

32. With respect to communication ACCC/C/2016/151 (Poland), the Committee noted that it had agreed to send questions to the parties for their written reply. It agreed to defer its deliberations on its draft findings to an upcoming meeting and to take into account the replies once received.

33. Regarding communication ACCC/C/2017/153 (Spain), the Committee held an initial discussion on how to proceed with the communication and agreed to invite the parties to a hearing to discuss the substance of the communication at its seventy-eighth meeting. It also agreed to send questions to the parties for their written reply in advance of the hearing.

34. Concerning communication ACCC/C/2017/154 (Poland), the Committee noted that it had agreed to send questions to the parties for their written reply. The Committee agreed to defer its deliberations on its draft findings to an upcoming meeting, and to take into account the replies once received.

35. With respect to communication ACCC/C/2017/156 (United Kingdom), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

36. Concerning communication ACCC/C/2018/158 (Poland), the Committee noted that it had agreed to send questions to the parties for their written reply. It agreed to defer its deliberations on its draft findings to an upcoming meeting and to take into account the replies once received.

37. 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.

38. Regarding communication ACCC/C/2018/161 (Bulgaria), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

39. Concerning communication ACCC/C/2019/162 (Denmark), the Committee noted that it had agreed to ask the Party concerned to submit the texts of relevant case law referred to in its response to the communication.

40. 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.

41. Regarding communication ACCC/C/2019/164 (Ireland), 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 22 August 2019 and to decide how to proceed with the communication at an upcoming meeting, taking into account the information received.

42. Concerning communication ACCC/C/2019/168 (Iceland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

43. 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 it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received.

44. Regarding communication ACCC/C/2019/174 (Sweden), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
45. Concerning communication ACCC/C/2020/177 (Bosnia and Herzegovina), the Committee noted that it had agreed to ask the Party concerned to expand upon its response of 23 November 2020 and also to clarify whether it challenged the admissibility of the communication. The Committee agreed that it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received.
46. 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 thereafter to decide how to proceed with the communication at an upcoming meeting taking into account the information received.
47. Regarding communication ACCC/C/2020/179 (Serbia), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
48. Concerning communication ACCC/C/2020/181 (Netherlands), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
49. With respect to communication ACCC/C/2020/182 (Belarus), the Chair informed the meeting that the Committee had decided that as of 24 October 2022, the date of withdrawal from the Convention by Belarus, this case was suspended and would be resumed only if and when Belarus re-joined the Convention. The information that was currently posted on the Committee's website regarding the case would remain available on the website. With respect to information submitted to the Committee on or after 24 October 2022, the Committee had decided to adopt the following approach:
- (a) The secretariat would acknowledge receipt of any information concerning events that occurred before 24 October 2022 and explain that the Committee could no longer review compliance with respect to Belarus, but the information would be kept on file and assessed, as appropriate, should Belarus re-join the Convention in the future.
  - (b) Any information concerning events that occurred on or after 24 October 2022 will not be dealt with.
  - (c) Should Belarus re-join the Convention at some point in the future, information submitted to the Committee concerning events that occurred on or after the date from which Belarus was again a Party to the Convention would be processed and posted on the website as has been done until the date of its withdrawal.
50. Regarding communication ACCC/C/2020/183 (Spain), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.
51. Concerning communication ACCC/C/2021/186 (Portugal), the Committee noted that it had agreed to send questions to the Party concerned for its written reply and to decide how to proceed with the communication at an upcoming meeting, taking into account the information received.
52. With respect to communication ACCC/C/2021/187 (Netherlands), the Committee agreed to decide how to proceed with the communication at an upcoming meeting.
53. Regarding communication ACCC/C/2021/189 (Bosnia and Herzegovina), the Committee noted that, to date, the Party concerned has not yet submitted its response which had been due on 21 July 2022. It agreed to write to the Party concerned regarding its outstanding response.
54. Communication PRE/ACCC/C/2022/191 (Ukraine) had been submitted on 24 December 2021 by Ecoclub, an environmental non-governmental organization. The

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communication alleged non-compliance with articles 6 (4) and (6) (e) and 7 in conjunction with article 3 (1) of the Convention in connection with the Kronospan wood processing plant. On 10 September 2022, prior to the seventy-sixth meeting (Geneva, 13–16 September 2022), the secretariat had written to the parties to inform them that, in light of the ongoing war against Ukraine, the Committee proposed to further postpone its session on preliminary admissibility of the communication until its seventy-seventh meeting. On 8 March 2023, the secretariat had written to both parties, on the instructions of the Chair, to invite their views on whether the Committee should proceed with its consideration of preliminary admissibility at the present meeting. After taking account the views of both parties received on 14 March 2023, the Committee decided to further postpone its session on preliminary admissibility of the communication to its seventy-eighth meeting.

55. With respect to communication ACCC/C/2022/192 (Belgium), the secretariat had forwarded the communication to the Party concerned on 12 December 2022. The deadline of 12 May 2023 for the response of the Party concerned had not yet expired and its response had not yet been received.

56. Regarding communication ACCC/C/2022/194 (United Kingdom), the secretariat had forwarded the communication to the Party concerned for its response on 12 December 2022. The deadline of 12 May 2023 for the response of the Party concerned had not yet expired and its response had not yet been received.

57. Communication PRE/ACCC/C/2022/195 (Spain) had been submitted on 28 July 2022 by Verdegaia, a non-governmental organization. The communication alleged non-compliance with articles 9 (3) and (4) of the Convention in connection with the San Finx mine. The Committee heard the views of the communicant on the preliminary admissibility of the communication in open session. Though invited, the Party concerned did not take part in the session. After considering in closed session the information received, the Committee decided to defer its determination on preliminary admissibility to its seventy-eighth meeting in order to send questions to the communicant for its written reply.

58. Communication PRE/ACCC/C/2022/196 (United Kingdom) had been submitted on 29 August 2022 by Environmental Rights Centre for Scotland, a non-governmental organization, and others. The communication alleged non-compliance with articles 9 (2) – (4) of the Convention with respect to access to justice regarding planning decisions. The Committee heard the views of the Party concerned and the communicants on the preliminary admissibility of the communication in open session. After considering in closed session the information received, the Committee determined that the communication was admissible on a preliminary basis and requested the secretariat to forward the communication to the Party concerned for its response.

59. Communication PRE/ACCC/C/2022/197 (France) had been submitted on 10 November 2022 by the association France Nature Environnement and others. The communication alleged non-compliance with articles 2 (5), and 9 (2), (3), and (5) of the Convention. At the open session on preliminary admissibility held on 13 December 2023, Committee member Marc Clément declared a conflict of interest in the case and the Committee agreed that Mr. Clément would henceforth participate in the proceedings on the communication as an observer only and would not participate in any deliberations on the communication in closed sessions, nor in the preparation or adoption of any findings, measures or recommendations. The Committee heard the views of the communicants on the preliminary admissibility of the communication in open session. Though present and invited by the Chair to provide its views, the Party concerned indicated that it did not wish to make a statement. Also on 13 December 2023, an observer, Earthjustice, submitted a written statement on the preliminary admissibility of the communication. After considering in closed session the information received, the Committee determined that the communication was admissible on a preliminary basis and requested the secretariat to forward the communication to the Party concerned for its response.

## VII. Follow-up on specific cases of non-compliance

60. The Committee took note of developments since its seventy-sixth meeting with respect to decisions VII/8a–s of the Meeting of the Parties.

61. With respect to decision VII/8a (Armenia), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be appropriate and reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8a.

62. Concerning decision VII/8b (Austria), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned did not appear to be appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 14 December 2022. Representatives of the Party concerned and the observer Wildfleck participated in the session. During the session, the Committee asked the Party concerned to submit, as a matter of urgency, the review of its legislation due on 1 July 2022 in accordance with paragraph 2 (c) of decision VII/8b. It also reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8b.

63. Regarding decision VII/8c (Belarus), the Chair informed the meeting that the Committee had decided that as of 24 October 2022, the date of withdrawal from the Convention by Belarus, this case was suspended and would be resumed only if and when Belarus re-joined the Convention. The information that was currently posted on the Committee's website regarding the case would remain available on the website. With respect to information submitted to the Committee on or after 24 October 2022, the Committee had decided to adopt the following approach:

- (a) The secretariat would acknowledge receipt of any information concerning events that occurred before 24 October 2022 and explain that the Committee could no longer review compliance with respect to Belarus, but the information would be kept on file and assessed, as appropriate, should Belarus re-join the Convention in the future.
- (b) Any information concerning events that occurred on or after 24 October 2022 will not be dealt with.
- (c) Should Belarus re-join the Convention at some point in the future, information submitted to the Committee concerning events that occurred on or after the date from which Belarus was again a Party to the Convention would be processed and posted on the website as has been done until the date of its withdrawal.

64. With respect to decision VII/8d (Bulgaria), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be appropriate and Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8d.

65. Concerning decision VII/8e (Czechia), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 15 December 2022. Representatives of the Party concerned and the communicant of communication ACCC/C/2016/143 (Czechia) participated in the open session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8e.



66. Regarding decision VII/8f (European Union), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 15 December 2022. Representatives of the Party concerned, the communicant of communications ACCC/C/2010/54 (European Union) and ACCC/C/2013/96 (European Union), and the observer ClientEarth participated in the session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8f.

67. With respect to decision VII/8g (Germany), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be appropriate and reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8g.

68. Concerning decision VII/8h (Hungary), the Chair informed the meeting that the Party concerned had not yet submitted its plan of action which had been due on 1 July 2022. The Committee noted that, of the fourteen Parties subject to a decision or request of the Meeting of the Parties that the Committee had invited to attend an open session at the present meeting, the Party concerned was the only Party which had declined to do so. The Committee instructed the secretariat to write to the Party concerned to request it to submit its outstanding plan of action as soon as possible and to remind the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8h.

69. Regarding decision VII/8i (Ireland), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 14 December 2022. Representatives of the Party concerned, the communicant of communication ACCC/C/2016/141 (Ireland), and observers Irish Environmental Network and Mr. Stephen Minch participated in the session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8i.

70. With respect to decision VII/8j (Italy), the Chair informed the meeting that the Party concerned had not yet submitted its plan of action which had been due on 1 July 2022. The Committee held an open session on 14 December 2022 to discuss the Party concerned's outstanding plan of action. Representatives of the Party concerned and the communicant of communication ACCC/C/2015/130 (Italy) took part in the open session. During the session, the Committee requested the Party concerned to submit its outstanding plan of action as soon as possible and reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8j.

71. Concerning decision VII/8k (Kazakhstan), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 15 December 2022. Representatives of the Party concerned participated in the session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8k.

72. Regarding decision VII/8l (Lithuania), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 16 December 2022. Representatives of the Party concerned, the communicant of ACCC/C/2013/98 (Lithuania) and observers Public Interest Advocacy Fund and Mr. Dainius Labeckis participated in the

session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8l.

73. With respect to decision VII/8m (Netherlands), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 16 December 2022. Representatives of the Party concerned and the communicant of communications ACCC/C/2014/104 (Netherlands) and ACCC/C/2014/124 (Netherlands), and the observer Irish Environmental Network participated in the session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8m. Regarding the request for advice on the implementation of paragraph 3 (a) of decision VII/8m submitted by the Party concerned on 22 April 2022, the Committee deliberated on its advice in closed session taking into account the comments received on its draft advice, and agreed to continue its deliberations at an upcoming meeting with a view to finalizing and adopting the advice.

74. Concerning decision VII/8n (Republic of Moldova), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 15 December 2022. Representatives of the Party concerned and the communicant of communication ACCC/C/2017/147 (Republic of Moldova) participated in the session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8n.

75. Regarding decision VII/8o (Romania), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 14 December 2022. Representatives of the Party concerned participated in the session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8o.

76. With respect to decision VII/8p (Spain), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be appropriate and reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8p.

77. With respect to decision VII/8q (Turkmenistan), the Chair informed the meeting that the Party concerned had not yet submitted its plan of action which had been due on 1 July 2022. The Committee held an open session on 15 December 2022 to discuss the Party concerned's outstanding plan of action. Representatives of the Party concerned and the communicant of communication ACCC/C/2004/5 (Turkmenistan) took part in the open session. During the session, the Committee requested the Party concerned to submit its outstanding plan of action as soon as possible and reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8q.

78. Regarding decision VII/8r (Ukraine), the Chair informed the meeting that the Party concerned had not yet submitted its plan of action which had been due on 1 July 2022. The Committee held an open session on 16 December 2022 to discuss the Party concerned's outstanding plan of action. Representatives of the Party concerned and the communicant of communication ACCC/C/2014/118 (Ukraine) participated in the open session. At the time of the open session, the Party concerned was under a missile attack from the Russian Federation and the Chair expressed the Committee's sincere appreciation to the Party concerned for participating in the session in such exceptional circumstances. During the session, the Committee asked the Party concerned to submit its outstanding plan of action as soon as

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possible and reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8r.

79. Concerning decision VII/8s (United Kingdom), the Chair informed the meeting that, at its virtual meeting on 17 November 2022, the Committee had concluded that the plan of action submitted by the Party concerned appeared to be only partially appropriate. The Committee held an open session to discuss the Party concerned's plan of action on 16 December 2022. Representatives of the Party concerned, the communicant of communications ACCC/C/2013/85 and ACCC/C/2013/86 (United Kingdom) and observers Royal Society for the Protection of Birds and Environmental Rights Centre for Scotland participated in the open session. During the session, the Committee reminded the Party concerned of the upcoming deadline of 1 October 2023 to submit its progress report on decision VII/8s.

## **VIII. Programme of work and calendar of meetings**

80. The Committee noted that it had agreed, subject to the availability of conference services, to hold its seventy-eighth meeting on 21–24 March 2023. The Committee also agreed to schedule at least one virtual meeting prior to that meeting in order to continue its deliberations on its draft advice on request for advice ACCC/A/2022/3 (Ukraine).

## **IX. Other business**

### **A. Withdrawal from the Convention by Belarus**

81. The Chair informed the meeting that, on 21 October 2022, she had written to Belarus to convey the Committee's great regret that Belarus would cease to be a Party to the Convention on 24 October 2022 and to express the Committee's strong wish that it may, at some point in the future, decide to re-join the Convention. With respect to the status of communication ACCC/C/2015/182 (Belarus) and decision VII/8c (Belarus) the Chair informed the meeting that the Committee had decided that, as of the date of withdrawal, 24 October 2022, these cases were suspended and would be resumed only if and when Belarus re-joined the Convention (see paras. 49 and 63 above). All information that was currently posted on the Committee's website regarding either concluded or pending cases concerning Belarus would remain available on the website. With respect to information submitted to the Committee on or after 24 October 2022, the Committee had decided to adopt the following approach:

- (a) The secretariat would acknowledge receipt of any information concerning events that occurred before 24 October 2022 and explain that the Committee could no longer review compliance with respect to Belarus, but the information would be kept on file and assessed, as appropriate, should Belarus re-join the Convention in the future.
- (b) Any information concerning events that occurred on or after 24 October 2022 will not be dealt with.
- (c) Should Belarus re-join the Convention at some point in the future, information submitted to the Committee concerning events that occurred on or after the date from which Belarus was again a Party to the Convention would be processed and posted on the website as has been done until the date of its withdrawal.

## **B. Reporting requirements**

82. The Committee noted that the Meeting of the Parties, at its seventh session (Geneva, 18–20 October 2021), had urged Parties that had not yet submitted their national implementation reports – i.e. Azerbaijan, Malta, the Netherlands, the Republic of Moldova and Tajikistan – to do so by 1 December 2021 at the latest, and in the required format. The secretariat informed the Committee that three of those five Parties had subsequently submitted their reports (i.e.: Azerbaijan, on 19 October 2021; Malta, on 11 November 2021; and Republic of Moldova, on 2 December 2021). At the time of the meeting, only the Netherlands and Tajikistan had failed to submit their national implementation reports for the 2021 reporting cycle.

## **C. Resourcing of the Committee**

83. The Chair noted that the Committee had a very significant number of communications pending before it and that in addition to its work on these communications it was also engaged in the follow-up on twenty decisions and requests of the Meeting of the Parties on compliance. The Committee was also working to complete one request received from a Party for advice and assistance outside its follow-up procedure and currently has very limited resources to support this important area of work. The Chair emphasized that, notwithstanding its limited resources, the Committee is doing its very best to carry out its work. She noted that the Committee members are volunteers, who dedicate their own private time, quite often late into the night, at weekends, and throughout holiday periods to the work of the Committee. The Committee meets, in-person, for four days four times a year and between these meetings, holds at least one virtual meeting. The Chair acknowledged the long timeframe at present for the Committee to complete its findings on pending communications but noted that without additional resources the current delays would increase. She noted that, while it was positive to see that the Committee was in very high demand, as evidenced by the three new communications that had been received for its consideration at the current meeting, the Committee did not have adequate resources to deal with the ever-increasing volume of work efficiently. The Chair highlighted the invaluable support provided by the secretariat, including Ms. Fiona Marshall, Secretary to the Committee, for her extraordinary dedication to the work and functioning of the Committee, and Ms. Anastasia Giadrossi. She urged Parties to reflect on the current situation of the Committee and provide further resources as a matter of urgency to support its important work.

## **X. Report and closure of the meeting**

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

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