

WGP 27

Agenda item 5 (b): Compliance mechanism

Presentation by the Chair

Good morning, Parties and observers.

I am delighted to address the twenty-seventh meeting of the Working Group of the Parties in my role as Chair of the Compliance Committee and especially so on the occasion of the 25th anniversary of the adoption of the Convention. Significant anniversaries provide a welcome opportunity to pause and take stock of what has been achieved to date, but also to look to the future and the challenges and opportunities that lie ahead.

Facts and figures

The [report on the implementation of the work programme](#)¹ sets out the Committee's activity from 1 January 2022 – 15 April 2023. I will not repeat that information here. Instead, I will focus on some significant recent developments:

- Since 15 April 2023, the Committee has held one regular meeting, its 79th meeting, which took place in person, in Geneva from 13–16 June 2023. It will hold its 80th meeting in Geneva from 19–22 September 2023.
- The Committee currently has 40 pending communications and no pending submissions. (By way of comparison, at this time last year, the Committee had 32 pending communications.)
- The Committee is also actively engaged in reviewing the implementation by the Parties concerned of 18 decisions and 1 request² made by the Meeting of the Parties at MOP7 concerning the compliance of individual Parties; and 2 findings of non-compliance regarding which the Parties concerned each agreed that the Committee take the measures requested in paragraph 36 (b) of the annex to decision I/7.³
- Finally, the Committee is increasingly providing advice to Parties, at their request, concerning the implementation of the Convention. On 9 June 2023, the Committee adopted its advice on A3 (Ukraine), in response to the Party's request for advice on whether its adoption of certain measures in connection with the military aggression of the Russian Federation against Ukraine was compatible with its obligations as a Party to the Aarhus Convention.⁴ At present, the Committee is currently preparing advice on A4 (Armenia) in response to the Party concerned's request for advice on its Law "On Environmental Impact Assessment and Expertise".⁵ In addition, in the context of its follow-up on MOP decisions and requests, the Committee is currently preparing advice to Czechia and the Netherlands at those two Parties' request.⁶ The Committee welcomes Parties requesting advice from the Committee proactively in this way, while recognizing that it adds significantly to the Committee's already large caseload.

Follow-up on MOP decisions and requests

- Each MOP decision on compliance required the Party concerned to submit to the Committee a plan of action, including a time schedule, by 1 July 2022 regarding the implementation of the recommendations contained in that decision.
- I am pleased to report that 14 of the 18 Parties subject to MOP decisions or requests have to date submitted their plans of action (with one Party being subject to both a MOP decision and a MOP request and therefore submitting two plans of action).
- The Committee expresses its concern, however, that 4 of the 18 Parties subject to MOP decisions have not yet submitted their plans of action (i.e. Hungary, Italy, Turkmenistan, and Ukraine). On this, I must underline that the deadline of 1 July 2022 was set by the Meeting of the Parties itself. The Committee calls upon Hungary, Italy and Turkmenistan to do so as a matter of urgency and, recognizing the exceptional circumstances of the ongoing war, for Ukraine to do so as soon as possible.

¹ ECE/MP.PP/WG.1/2023/5, paras. 25–31.

² ACCC/M/2021/4 (European Union).

³ Committee's findings on communication ACCC/C/2014/119 (Poland), ECE/MP.PP/C.1/2022/10; Committee's findings on request ACCC/M/2021/5 (Republic of Moldova), ECE/MP.PP/C.1/2022/10.

⁴ Committee's advice on request ACCC/A/2022/3 (Ukraine).

⁵ ACCC/A/2023/4 (Armenia).

⁶ Decision VII/8e (Czechia) and decision VII/8m (Netherlands).

- After completing its review of the 15 plans of action received at its virtual meeting on 17 November 2022, the Committee concluded that 4 of the Parties' plans of action appeared to be "appropriate", 9 appeared to be "only partially appropriate" and 2 did not appear to be "appropriate".
- The Committee invited each of the Parties concerned whose plan of action it had concluded did not appear appropriate, appeared to be only partially appropriate or that had not yet submitted its plan of action, to participate in an open session with the Committee at its 77th meeting in December 2022. Of the fourteen Parties invited to attend an open session at the 77th meeting to discuss their plan of action with the Committee, only Hungary did not participate. The Committee reminds Hungary and all other Parties concerned that, in each of the decisions on compliance adopted at the seventh session, the Meeting of the Parties had explicitly requested the Party concerned to "participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendation is to be considered." The Committee appreciates the constructive engagement of all those Parties concerned, communicants and observers that did participate in the open sessions to discuss the plans of action at the 77th meeting.
- Looking forward, the Committee reminds all Parties subject to a MOP decision or request that their progress report is due by 1 October 2023.
- I also stress that all measures to implement the recommendations must be completed, and reported to the Committee, by 1 October 2024. This date is now approaching very fast.

Practical advice on engaging with the Committee

As I aim to do on each occasion I address the Working Group of the Parties, I will next make some brief practical suggestions to Parties, communicants and observers on how to engage more effectively with the Committee. Due to time constraints, I will focus on two points:

- I remind Parties concerned that, after the Committee has determined a communication to be admissible on a preliminary basis and has forwarded the communication to the Committee for its response to the communication due five months thereafter, the Party concerned should provide its full response to the substance of the communication by that date. In at least two recent cases, the Party concerned has provided submissions only on admissibility, but did not respond to the substance of the allegations. I emphasize to all Parties concerned that the five-month deadline set out in paragraph 23 of the annex of decision I/7 is the opportunity for them to respond to the substance of the allegations in the communication.
- to protect personal data, and as stated in paragraph 24 of the Guide to the Compliance Committee, Parties, communicants and observers are each requested to redact home addresses, telephone numbers and emails of private persons from all documents submitted to the Committee as annexes prior to submitting them to the Committee.

Committee resourcing

- As I have already mentioned, the Committee has a very significant number of communications pending before it and in addition to its work on these communications it is also engaged in twenty follow-ups on decisions and requests of the Meeting of the Parties and findings of non-compliance. The Committee is also working to complete one request received from a Party for advice and assistance outside of its follow-up procedure and currently has very limited resources to support this important area of work. Notwithstanding its limited resources, the Committee is doing its very best to carry out its work in a timely and effective manner. 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. I acknowledge the long timeframe at present for the Committee to complete its findings on pending communications and how frustrating this situation is for all concerned. But without additional resources, the current delays will continue to increase. **While it is positive to see that the Committee is in very high demand, the Committee does not have adequate resources to deal with the ever-increasing volume of work efficiently. A tiny team in the secretariat, Fiona Marshall, Secretary to the Committee, and Anastasia Giadrossi, Junior Professional Officer, provide invaluable legal support to the Committee in dealing with its more than 60 pending cases. It is essential however that sufficient financial resources are provided to the secretariat in order that it can secure additional legal staff to support the compliance mechanism. I emphasize the seriousness of the current situation and the challenges posed by the lack of resources at a time when the Committee is in such high demand. I call on all Parties to reflect on the current situation of the**

Committee and provide further resources, on a long-term basis, as a matter of urgency to support its vital work.

I would like to thank Parties, communicants and observers for their constructive and committed engagement with the Compliance Committee and to particularly thank Committee members and the secretariat for their dedication, hard work and professionalism in supporting the effective functioning of the Convention's compliance mechanism.

A special word of thanks and acknowledgement is due to Fiona Marshall, Secretary to the Compliance Committee, and to Anastasia Giadrossi, Junior Professional Officer.

The amount of work this tiny team does behind the scenes to support Parties, communicants, observers and the entire Aarhus community is nothing short of phenomenal.

Finally, I recall Article 1 of the Convention. Article 1 confirms that the Aarhus rights underpin the overarching right of every person of present and future generations to live in an environment adequate to their health and well-being. As we celebrate the 25th anniversary, implementation of the Convention is more important now than ever. The climate and biodiversity crisis, the precarious position of environmental defenders and the erosion of civic space more generally, confirm the vital role of the Aarhus rights to protect environmental democracy.

I assure you that the Compliance Committee will continue to lead the way to support implementation and stands ready to meet the many challenges that lie ahead.

Thank you.

Áine Ryall, Chair

27 June 2023