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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-second meeting
Geneva, 18–21 October 2021

Report of the Compliance Committee on its seventy-second meeting*

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* The present document is being issued without formal editing.

Introduction

1. The seventy-second 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 18–21 October 2021. In the light of the exceptional situation related to the ongoing coronavirus disease (COVID-19) pandemic, the meeting was held in hybrid format.

A. Attendance

2. Seven of the nine Committee members were present throughout the entire meeting: Mr. Jonas Ebbesson (Chair); Mr. Marc Clément; Ms. Heghine Grigoryan; Mr. Jerzy Jendrośka; Mr. Peter Oliver; Mr. Dmytro Skrylnikov and Ms. Áine Ryall (Vice-Chair). Ms. Fruzsina Bögös was unable to attend the meeting on 20 October 2021 but was present for the rest of the meeting. Mr. Alexander Kodjabashev (Vice-Chair) was unable to attend the morning session of 19 October 2021 and the morning and afternoon sessions on 20 October 2021 but was present for the rest of the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Representatives of the Party concerned and 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 19 October 2021.

4. Representatives of the Party concerned and the communicants of communication PRE/ACCC/C/2021/187 (Netherlands) took part in the open sessions on preliminary admissibility on 19 and 21 October 2021.

5. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2021/188 (United Kingdom) took part in the open session on preliminary admissibility on 19 October 2021. The communicant also took part in the open session on 21 October 2021.

6. Representatives of Denmark, Finland and the Netherlands participated in the open session on 19 October 2021. Representatives of Ireland, the Netherlands and Spain participated in the open session on 21 October 2021.

7. A representative of the United Nations Environment Programme, representatives of the non-governmental organizations (NGOs): Earthjustice, Eco-TIRAS, Environment-People-Law and the European Environmental Bureau and the following members of the public: Ms. Winnie Koester, Mr. Joachim Koester, Ms. Miriam Machell, Mr. Alistair McGlone, Mr. Vadim Nee and Ms. Laure Singla, participated in the open session on 19 October 2021.

8. Representatives of Ireland, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, together with representatives of the NGOs: Eco-TIRAS, Environment-People-Law, OEKOBUERO, Justice and Environment, and Greenpeace Nederland, and Joanna Cornelius of Lund University participated in the open dialogue session on 20 October 2021.

9. A representative of the NGO ClientEarth, which attended on behalf of the European ECO Forum, participated in all open sessions.

B. Organizational matters

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

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

12. The Chair reported that, since its seventy-first meeting (Geneva online, 7–9 July 2021), the Committee had held three virtual meetings, on 22 and 26 July and 27 September 2021, in closed session. At its virtual meetings on 22 and 26 July 2021, the Committee had

continued its deliberations on its draft reports to the seventh session of the Meeting of the Parties on the implementation of decisions and requests of the Meeting of the Parties concerning the compliance of individual Parties. It had also continued its deliberations on its findings on communications ACCC/C/2013/90 (United Kingdom), ACCC/C/2015/131 (United Kingdom), ACCC/C/2016/137 (Germany) and ACCC/C/2016/143 (Czechia). At its virtual meeting on 27 September 2021, the Committee had prepared its draft supplementary report to the seventh session of the Meeting of the Parties on decision VI/8c concerning Belarus.

13. Regarding communications received before 6 September 2021 (the deadline for receipt of communications for the seventy-second meeting), the Chair reported that he and the Vice-Chairs, Mr. Kodjabashev and Ms. Ryall, had held a virtual meeting on 20 September 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 communications PRE/ACCC/C/2021/187 (Netherlands) and PRE/ACCC/C/2021/188 (United Kingdom) should be forwarded to the Committee for consideration of preliminary admissibility at its seventy-second meeting and had requested the secretariat to post those communications on the Committee's website in advance of the meeting.

I. Submissions by Parties

14. 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-first meeting.

15. Concerning submission ACCC/S/2015/2 (Belarus), the Committee noted that it had finalized its findings, taking into account the comments received, and had adopted its findings through its electronic decision-making procedure on 23 July 2021. The Committee had agreed the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/13).

II. Referrals by the secretariat

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

III. Requests from the Meeting of the Parties

17. Regarding request ACCC/M/2017/2 (Turkmenistan), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 20 July 2021 (ECE/MP.PP/2021/58).

18. With respect to request ACCC/M/2017/3 (European Union), the Committee noted that at its virtual meeting on 26 July 2021, it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and had adopted the report on the same date (ECE/MP.PP/2021/51).

IV. Communications from members of the public

19. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its seventy-third meeting (Geneva (online), 13–16 December 2021) would be 1 November 2021.

20. Concerning communication ACCC/C/2013/90 (United Kingdom), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal

pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/14).

21. Regarding communication ACCC/C/2013/98 (Lithuania), at the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/15).

22. With respect to communication ACCC/C/2014/105 (Hungary), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/16).

23. With respect to communication ACCC/C/2014/112 (Ireland), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 25 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/17).

24. 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 this judgment to issues raised in the communication, the Committee agreed to defer its deliberations on its draft findings until the appeal had been determined.

25. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 24 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/18).

26. With respect to communication ACCC/C/2014/119 (Poland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.

27. Regarding communication ACCC/C/2014/120 (Slovakia), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 24 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/19).

28. Concerning communication ACCC/C/2014/124 (Netherlands), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/20).

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

30. Concerning communication ACCC/C/2015/128 (European Union), at the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/21).

31. With respect to communication ACCC/C/2015/130 (Italy), at the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/22).

32. Regarding communication ACCC/C/2015/131 (United Kingdom), the Committee noted that it had finalized and adopted its findings on the communication through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/23).

33. Concerning communication ACCC/C/2015/132 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
34. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
35. Regarding communication ACCC/C/2015/134 (Belgium), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings (ECE/MP.PP/C.1/2021/24).
36. Concerning communication ACCC/C/2016/137 (Germany), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 23 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/25).
37. With respect to communication ACCC/C/2016/138 (Armenia), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 24 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings (ECE/MP.PP/C.1/2021/26).
38. Regarding communication ACCC/C/2016/139 (Ireland), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
39. Concerning communication ACCC/C/2016/140 (Romania), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
40. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 25 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/27).
41. Concerning communication ACCC/C/2016/143 (Czechia), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/28).
42. With respect to communication ACCC/C/2016/144 (Bulgaria), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 26 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/29).
43. Regarding communication ACCC/C/2017/146 (Poland), the Committee noted that it had agreed to request the Party concerned to provide translations of relevant legislation and to send questions to the parties for their written reply. It agreed that it would decide how to proceed with the communication at an upcoming meeting, taking into account the information received.
44. Concerning communication ACCC/C/2017/147 (Republic of Moldova), the Committee noted that it had finalized and adopted its findings through its electronic decision-making procedure on 25 July 2021 and had agreed that the findings should be published as a formal pre-session document to its seventy-second meeting. At the current meeting, the Committee confirmed the edited version of its findings and recommendations (ECE/MP.PP/C.1/2021/30).
45. With respect to communication ACCC/C/2017/148 (Greece), the Committee agreed to schedule a hearing to discuss the substance of the communication in open session at its seventy-third meeting.

46. Regarding communication ACCC/C/2017/149 (Greece), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
47. 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.
48. 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.
49. 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 the information received.
50. Concerning communication ACCC/C/2017/154 (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/2017/156 (United Kingdom), the Committee agreed to defer its deliberations on its draft findings to an upcoming meeting.
52. Concerning communication ACCC/C/2018/158 (Poland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
53. 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.
54. Regarding communication ACCC/C/2018/161 (Bulgaria), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
55. 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.
56. 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.
57. 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.
58. Concerning communication ACCC/C/2019/168 (Iceland), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
59. 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.
60. Regarding communication ACCC/C/2019/174 (Sweden), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.
61. 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 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.
62. 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.
63. Regarding communication ACCC/C/2020/179 (Serbia), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

64. Concerning communication ACCC/C/2020/181 (Netherlands), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

65. With respect to communication ACCC/C/2020/182 (Belarus), the Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

66. 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. On 6 September 2021, the Party concerned submitted its response, more than four months after the deadline. The Committee agreed that it would decide how to proceed with the communication at an upcoming meeting.

67. Communication 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), (7) and 6 (3) and (4) of the Convention regarding the Mina do Barroso open-pit mine. At its seventy-first meeting, the Committee had decided to defer its determination of preliminary admissibility to its seventy-second meeting and to send questions to the communicant and Party concerned for their written reply in advance of that meeting. At the current meeting, the Committee heard the views of the communicant and the Party concerned 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.

68. Communication ACCC/C/2021/187 (Netherlands) had been submitted on 2 September 2021 by the NGOs Greenpeace Netherlands, WISE and LAKA. The communication alleged non-compliance with article 6 (10), in conjunction with article 6 (1) (a) and Annex I, paragraphs (1) and (22); article 6 (6) and (8); and article 6 (4), in conjunction with article 9 (2) and (4), of the Convention in connection with the alleged failure to provide for public participation in decision-making on various changes to the license for the Borssele nuclear power plant. At the current meeting, the Committee heard the views of the communicants and the Party concerned 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.

69. Communication ACCC/C/2021/188 (United Kingdom) had been submitted on 14 September 2021 by Mr. Robert Latimer, a member of the public. The communication alleged non-compliance with article 9 (1) and (2) of the Convention in connection with access to environmental information regarding the sewage system in the village of Whitburn. At the current meeting, the Committee heard the views of the communicant and the Party concerned on the preliminary admissibility of the communication in open session. After considering in closed session the information received, the Committee determined the communication to be inadmissible in accordance with paragraphs 19 and 20 (d) of the annex to decision I/7 of the Meeting of the Parties to the Convention on the ground that the communication was not supported by corroborating information and was thus incompatible with the provisions of decision I/7.

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

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

71. Concerning decision VI/8a (Armenia), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/46).

72. With respect to decision VI/8b (Austria), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 23 July 2021 (ECE/MP.PP/2021/47).

73. Regarding decision VI/8c (Belarus), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and had adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/48). Thereafter, on 2 August 2021, the communicant of communication ACCC/C/2014/102 had informed the Committee that the Ministry of Justice of the Party concerned had filed proceedings before the Supreme Court seeking its liquidation. On 20 August 2021, the Chair of the Committee had written to the Minister of Natural Resources and Environmental Protection of the Party concerned (Minister of Natural Resources) requesting the Party concerned to explain, as a matter of urgency and by no later than 10 September 2021, why liquidation proceedings had been commenced against the communicant and to immediately reconsider any steps intended to silence a communicant exercising its rights in conformity with the Convention. He had also informed the Party concerned that the Committee would report these events and any subsequent developments to the Meeting of the Parties at its seventh session. On 10 September 2021, the Party concerned had provided its reply to the Chair's letter of 20 August 2021. On 14 September 2021, the communicant of communication ACCC/C/2014/102 had informed the Committee that, on 31 August 2021, the Supreme Court had issued a decision liquidating the communicant with immediate effect. After taking into account the information received, the Committee had decided to prepare a supplementary report to the seventh session of the Meeting of the Parties on the implementation of decision VI/8c. The Committee had completed its draft supplementary report on decision VI/8c through its electronic decision-making procedure on 28 September 2021, which was then forwarded on 29 September 2021 to the Party concerned, the communicants of communications ACCC/C/2009/37, ACCC/C/2009/44, ACCC/C/2014/102 and the registered observers for their comments by 8 October 2021. On 7 October 2021, the Minister for Natural Resources had requested an extension of the timeframe for the Party concerned to comment on the Committee's draft supplementary report. On 8 October 2021, the representatives of the communicant of communication ACCC/C/2014/102 had provided comments on the Committee's draft supplementary report. On 10 October 2021, the Chair of the Committee had written to the Minister of Natural Resources extending the timeframe for the Party concerned to comment on the draft supplementary report until 13 October 2021. On 13 October 2021, the Party concerned had requested a further three-week extension to comment. On 14 October 2021, the Chair of the Committee had informed the Party concerned that, for the reasons set out in his letter of 10 October 2021, its request for a further three-week extension could not be granted. After taking into account the information received, the Committee had finalized and adopted its supplementary report to the seventh session of the Meeting of the Parties on the implementation of decision VI/8c through its electronic decision-making procedure on 14 October 2021 (ECE/MP.PP/2021/61).

74. Concerning decision VI/8d (Bulgaria), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/49).

75. Regarding decision VI/8e (Czechia), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 20 July 2021 (ECE/MP.PP/2021/50).

76. With respect to decision VI/8g (Kazakhstan), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/53).

77. Concerning decision VI/8h (Romania), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments

received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/55).

78. Regarding decision VI/8i (Slovakia), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 20 July 2021 (ECE/MP.PP/2021/56).

79. With respect to decision VI/8j (Spain), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/57).

80. Concerning decision VI/8k (United Kingdom), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties, taking into account the comments received, and had adopted the report at its virtual meeting on 26 July 2021. The Committee's report on the implementation of paragraphs 2, 4 and 6 of decision VI/8k is contained in Part I of the report (ECE/MP.PP/2021/59). The Committee's report on the implementation of paragraph 8 of decision VI/8k is contained in Part II of the report (ECE/MP.PP/2021/60).

81. Regarding communication ACCC/C/2014/104 (Netherlands), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned in implementing the Committee's findings and recommendations on the communication, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/54).

82. With respect to communication ACCC/C/2013/107 (Ireland), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned in implementing the Committee's findings and recommendations on the communication, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/52, Part I).

83. Concerning communication ACCC/C/2016/141 (Ireland), the Committee noted that it had finalized its report to the seventh session of the Meeting of the Parties on the progress made by the Party concerned in implementing the Committee's findings and recommendations on the communication, taking into account the comments received, and adopted the report through its electronic decision-making procedure on 26 July 2021 (ECE/MP.PP/2021/52, Part II).

VI. Programme of work and calendar of meetings

84. The Committee noted that it had agreed, subject to the availability of conference services, to hold its seventy-third meeting on 13–16 December 2021.

VII. Other business

A. In memoriam: Veit Koester, first Chair of the Compliance Committee

85. The Committee held a special open session on 19 October 2021, in memory of Mr. Veit Koester, the first Chair of the Compliance Committee (2002–2011), who passed away in October 2021.

B. Reporting requirements

86. The Committee noted that the Meeting of the Parties, at its sixth session (Budva, Montenegro, 11–14 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 (ECE/MP.PP/2017/2, para. 46). Notwithstanding that, none of the above-mentioned Parties had submitted their national implementation reports to the secretariat by 1 November 2017. The secretariat reported that Armenia, Bosnia and Herzegovina, the Netherlands, North Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland had subsequently submitted their reports. The Republic of Moldova had not yet submitted its report.

C. Open dialogue session with Parties and stakeholders

87. The Committee held an open dialogue session with Parties and stakeholders on 20 October 2021. To facilitate attendance by Parties and stakeholders, the open dialogue was held during the lunch break of the seventh session of the Meeting of the Parties. Prior to the meeting, the secretariat had written to Parties, NGOs and observers at the request of the Chair inviting them to submit any issues that they would like to discuss with the Committee during the session. Based on the inputs received, the open dialogue session focused on the following issues: (a) the Committee’s advisory role; (b) the inter-ministerial challenges faced by Parties in addressing the Committee’s findings and recommendations; (c) the prioritization of the Committee’s cases; and (d) opportunities for exchange with other implementation and compliance mechanisms.

1. Committee’s advisory role

88. A representative of the Netherlands asked whether, in addition to the Committee’s progress reviews on the progress made by Parties to implement the decision of the Meeting of the Parties concerning their compliance, it would be possible for the Party concerned to request further guidance from the Committee on the measures that would be needed to address the recommendations in the decision. In particular, the Netherlands asked whether it would be possible for the Committee to engage in a dialogue, in an open and transparent manner, with relevant officials at an expert level to discuss what would be needed to fulfil the recommendations in the decision. A representative of European ECO forum welcomed the Netherlands’ suggestion, while emphasizing that any such dialogue must be open to the participation of communicants and observers also.

89. A representative of Greenpeace Netherlands suggested that the Committee consider introducing a procedure through which national courts could request advice from the Committee along the lines of the reference for a preliminary ruling procedure of the Court of Justice of the European Union.

90. The Chair welcomed the suggestions by the Netherlands and Greenpeace Netherlands. With respect to the suggestion by the Netherlands, the Chair highlighted the possibility for a Party to request advice from the Committee within the frame of the Committee’s follow-up procedure, as the European Union had indeed done during the Committee’s follow-up on request ACCC/M/2017/3 (European Union).¹ Regarding the suggestion by Greenpeace Netherlands, the Chair noted that the Committee did not currently have such a procedure but its suggestion could be considered when the Committee reviewed its working methods in the future.

2. Addressing non-compliance when competence is held by other Ministries

91. Another issue raised was the challenges faced by Parties’ national focal points, who usually work for Parties’ Ministries for the Environment, when the measures needed to address the Party’s non-compliance fell under the competence of another Ministry, for example the Ministry of Justice. The Chair pointed out that the fact that competence was held by another Ministry did not in any way excuse a Party from failing to implement the decision

¹ See the request by the European Union for advice dated 5 November 2020, available at https://unece.org/env/pp/cc/accc.m.2017.3_european-union.

of the Meeting of the Parties concerning its non-compliance. Representatives of European ECO Forum welcomed the discussion of this issue and expressed their appreciation for the Committee's existing practice of addressing other Ministries, such as the Ministry of Foreign Affairs or the Ministry of Justice, through letters transmitted by the UNECE Executive Secretary.

3. Prioritization of pending cases before the Committee

92. A representative of European ECO Forum suggested that the Committee consider introducing criteria for prioritizing its deliberations on cases pending before it. European ECO Forum proposed the following possible criteria for the Committee's consideration: (a) egregious cases, for instance, those in which non-compliance with article 3 (8) of the Convention was alleged; (b) cases which allege systemic non-compliance in the Party concerned; (c) cases in which similar points of non-compliance are alleged but concerning different Parties; and (d) simple cases which could be solved relatively quickly.

93. The Chair noted that the Committee's usual practice was to consider cases in the order in which they were received, though on occasion the Committee had taken a different approach, for example, when a very similar allegation of non-compliance was made in more than one case concerning the same Party concerned.

4. Exchange with other implementation and compliance mechanisms

94. Joanna Cornelius of Lund University asked whether the Committee engaged in exchange with other international implementation and compliance mechanisms. The Chair noted that, between 2013–2016, he had convened an annual meeting of the Chairs of the implementation and compliance mechanisms of the UNECE multilateral environmental agreements to share experiences and good practices. The Chair also noted that, in 2014, he and two other Committee members had met with judges and officials from the Court of Justice of the European Union to inform one another of relevant findings and caselaw. He also noted that there was ongoing exchange between experts under the Aarhus Convention and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)² regarding the possible working methods of the latter's new implementation and compliance mechanism.

D. Modus operandi

95. 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 on-going COVID-19 pandemic.

VIII. Report and closure of the meeting

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

² See <https://www.cepal.org/en/escazuagreement>.