

**Statement by Observer Justice and Environment concerning MOP request
ACCC/M/2021/4**

We wish to thank the Committee for its excellent progress review and for this open session at which we have the opportunity to take the floor to make a few brief comments.

At the outset, we reiterate our appreciation for the Commission's engagement with the communicants, observers, stakeholders, and the public at large.

Nonetheless, we have serious concerns. In particular, we are concerned that the field of options the Commission is considering may be broader than the three options it discusses in its Communication of 17 May 2023 alone. It might, for example, consider a hybrid option, as it mentions in the Communication. We acknowledge, however, that this may be a matter of semantics, as options 2 and 3 are fuzzy in their parameters, meaning those options leave open a number of possible avenues as to implementation. At any rate, the resulting situation entails a great deal of uncertainty at this late stage, which only heightens our grave concerns that the Party concerned is not making timely progress.

In order to help us play our role to support proper implementation of the Committee's recommendations, we call upon the Party concerned to provide a timeline of the next steps it intends to take, including for the impact assessment it announced in the Commission's Communication and the Party concerned's progress report. We stress, however, that we consider that this impact assessment is unnecessary and will cause further delays, as we already know everything needed to proceed. We know the facts, legal arguments, and implications already. The only thing that remains now is to take clear and decisive actions to fully implement the recommendations in paragraph 131 of the Committee's findings on communication ACCC/C/2015/128 and report on this by the deadline of 1 October 2024, so that the Committee can report to the next session of the Meeting of the Parties that the Party concerned has come into compliance.