

**From:** ECE-Aarhus-Compliance

**Sent:** Tuesday, June 4, 2024 2:21 PM

**To:** Magnús Óskarsson [REDACTED]; Steinunn Fjóla Sigurðardóttir  
[REDACTED]

**Cc:** icedel.genf [UTN STJR] [REDACTED]

**Subject:** ACCC/C/2019/168 (Iceland) - cancellation of hearing at Committee's 83rd meeting (Geneva, 11-14 June 2024)

**Importance:** High

Dear Mr. Óskarsson,

Dear Ms. Sigurðardóttir,

I refer to my email to the communicants of 29 May 2024, forwarded below.

In my email I had invited the communicants to confirm by 5pm CET on Friday, 31 May that they would take part in the hearing of the communication ACCC/C/2019/168 scheduled for 12 June 2024, and to provide the name of the communicants' designated representative(s) for the hearing.

Upon the instructions of the Chair of the Compliance Committee, in my email I had also informed the communicants that if, by 5pm CET on Friday, 31 May, they had not confirmed that they would take part in the hearing on 12 June and provided the name of their representative therefor, the Compliance Committee would cancel the hearing and notify the Party concerned forthwith.

The communicants did not reply to my email by 5pm CET on Friday, 31 May, nor have done so since.

In these circumstances, the Chair of the Compliance Committee has instructed me to inform the communicants and the Party concerned that the hearing of communication ACCC/C/2019/168 scheduled for 12 June 2024 is cancelled and will not be re-scheduled. The Committee will accordingly commence its deliberations on its draft findings at its upcoming 83<sup>rd</sup> meeting (Geneva, 11-14 June 2024) without holding a hearing.

The Chair of the Compliance Committee has also requested that I notify you that, since it was the communicants themselves who specifically requested the hearing be held and given the availability of financial support for the communicants' representative to attend the hearing, the Compliance Committee will report the communicants' conduct to the Meeting of the Parties to the Aarhus Convention.

Kind regards,

Fiona



**Fiona Marshall**

Legal Officer – Secretary to the Compliance Committee and  
Assistant to the Special Rapporteur on Environmental Defenders

Aarhus Convention secretariat  
Environment Division

United Nations Economic Commission for Europe

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**From:** ECE-Aarhus-Compliance

**Sent:** Wednesday, May 29, 2024 5:10 AM

**To:** Magnús Óskarsson [REDACTED]

**Cc:** Fiona Marshall <[fiona.marshall@un.org](mailto:fiona.marshall@un.org)>

**Subject:** RE: ACCC/C/2019/168 (Iceland) - hearing at Committee's 83rd meeting (Geneva, 11-14 June 2024)

**Importance:** High

Dear Magnús,

I refer to our recent email exchange and our phone call on 24 May.

In your email of 22 May, you said that your clients had decided that it is too expensive to have a lawyer at the hearing so “there will be no one there representing my clients.”

As I explained during our phone call on 24 May, if the Compliance Committee holds a hearing to discuss the substance of a communication, it is expected that both the Party concerned and the communicants attend the hearing in person. There is no requirement that the communicants be represented at the hearing by a lawyer.

This is in accordance with paragraph 189 of the [Guide to the Aarhus Convention Compliance Committee](#) which states:

*If the Committee holds a hearing in a case, it is expected that both the Party concerned and the communicant or submitting Party will participate in the hearing in person. Each party should ensure that its representative(s) taking part in the hearing have the necessary competence to answer the Committee’s questions within the scope of the case.*

In line with paragraph 189 of the Guide, while there is no requirement that either the Party concerned or the communicants be represented at the hearing by a lawyer, each party must ensure that its representative has the necessary knowledge and expertise to answer the Committee’s questions at the hearing regarding the case.

The Committee accordingly looks forward to the communicants' confirmation by **5pm CET this Friday, 31 May** that they will indeed take part in the hearing on 12 June, together with the name of the communicants' designated representative(s) for the hearing.

Upon confirmation of the name of the communicants' designated representative, my colleague Katri Veldre, copied above, will contact the representative regarding their travel and financial support for the hearing.

In contrast, if by 5pm CET this Friday, 31 May, the communicants have not confirmed that they will take part in the hearing on 12 June and provided the name of their representative therefor, the Compliance Committee will cancel the hearing and notify the Party concerned forthwith.

The Chair of the Compliance Committee has requested that I inform you that, since it was the communicants themselves who specifically requested the hearing be held and given the availability of financial support for their representative to attend the hearing, should the communicants not confirm their participation in the hearing by 5pm CET this Friday, the Compliance Committee will report the communicants' conduct to the Meeting of the Parties to the Aarhus Convention.

The Committee looks forward to the communicants' confirmation of their participation in the hearing, together with the name of their designated representative.

Kind regards,  
Fiona



**Fiona Marshall**

Legal Officer – Secretary to the Compliance Committee and  
Assistant to the Special Rapporteur on Environmental Defenders

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