

From: Bouman, N.W.M. (Nicolette) - DGMI [REDACTED]

Sent: jeudi, 12 septembre 2024 13:50

To: ECE-Aarhus-Compliance <aarhus.compliance@un.org>

Cc: Ella Behlyarova <ella.behlyarova@un.org>

Subject: RE: Opportunity for Parties and stakeholders to comment on Compliance Committee's draft advice on decision VII/8e (Czechia) - deadline 12 September 2024

Dear Ella,

Thank you for the opportunity to provide comments on the ACCC's draft advice concerning paragraph 2(b) of decision VII/8a concerning Czechia. We have the following comments:

1. We would like to ask attention for what can be reasonably asked from the party in notifying the public concerned abroad (*necessary efforts*), and whether in this matter also some efforts may be expected from the affected party (*minimum means of notification required*), in any case if the latter country is also a party to the Aarhus Convention (and /or to the Espoo Convention).
2. Furthermore, we would like to point out that the Maastricht recommendations mention that the methods chosen should be tailored to reach as many of the public concerned as possible". In our opinion "as many of the public" may not always cover 100% of the public.
3. The Maastricht recommendation mention: "As a good practice, the plan for notification of the public should take into account the size and complexity of the project, the cultural context in which the project or activity is located or may affect and the needs of any more vulnerable groups." In our opinion this does not coincide completely with the wording in the ACCC's draft advice stating: "As a minimum, the Committee expects the means set out in paragraph 64 (a), (b), (e), and (c) or (d) of the Maastricht Recommendations to be used in every case that notification under article 6 (2) of the Convention is required." E.g., in the Netherlands publishing information on the noticeboard in the town hall is generally not an effective means to reach the public. We think that a party should have discretionary powers to fulfill its obligation to ensure the effective notification of the public concerned.
4. The draft advice states that "the Party concerned will need to impose an explicit requirement that public authorities, after identifying the public concerned by the proposed activity, are required to select such means of notification as will ensure the effective notification of the public concerned under article 6 (2) of the Convention, bearing in mind the nature of the proposed activity and including, in the case of proposed activities with potential transboundary impacts, the public concerned outside the territory of the Party concerned." We think that this could be a requirement for the implementing legislation, but not necessarily a prerequisite that should be implemented in the legislation.

Best regards,

Nicolette

mr. drs. N.W.M. Bouman

*Ministry of Infrastructure and Water Management
Directorate-General for the Environment and International Affairs*

P.O.Box 20901 | 2500 EX | The Hague | The Netherlands

T [REDACTED]
E [REDACTED]

Ministry of Infrastructure and Water Management | Government.nl
