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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

Sixtieth meeting  
Geneva, 12–15 March 2018

## Report of the Compliance Committee on its sixtieth meeting

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## Introduction

1. The sixtieth 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 12 to 15 March 2018 in Geneva.
2. Due to the expected disruption of meeting services on 16 March 2018, following the announcement by the United Nations Staff Council that the staff of the United Nations Office at Geneva would be on strike that day to protest the deterioration of conditions for staff, including salary cuts, the Committee closed its meeting on Thursday, 15 March 2018, one day earlier than scheduled.

### A. Attendance

3. Seven of the nine Committee members were present throughout the entire meeting: Fruzsina Bögös; Marc Clément; Jonas Ebbesson (Chair); Heghine Grigoryan; Jerzy Jendrośka; Peter Oliver; and Áine Ryall (Vice-Chair). Dmytro Skrylnikov was unable to attend the first day of the meeting and part of the second day. Alexander Kodjabashev (Vice-Chair) was unable to attend part of the first and second days 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.
4. The communicants of communications ACCC/C/2015/126 (Poland) and ACCC/C/2015/128 (European Union) and representatives of the respective Parties concerned took part in the hearings on those communications, held in open session on 13 and 14 March 2018 respectively.
5. Representatives of the Parties concerned and the communicants of communications PRE/ACCC/C/2017/153 (Spain), PRE/ACCC/C/2017/156 (United Kingdom) and PRE/ACCC/C/2017/157 (United Kingdom) took part by audio conference in the open session on preliminary admissibility on 12 March 2018. Representatives of the communicants of communications PRE/ACCC/C/2016/151 (Poland) and PRE/ACCC/C/2017/154 (Poland) took part in the open session on preliminary admissibility; though invited, the Party concerned did not take part in either case. Representatives of the Parties concerned for communications PRE/ACCC/C/2017/152 (Spain) and PRE/ACCC/C/2017/155 (Austria) took part in the open session on preliminary admissibility; though invited, the communicants in each case did not take part in the session. Due to the meeting closing one day earlier than scheduled (see para. 2 above), the open session scheduled for the final day of the meeting did not take place and the Committee therefore requested the secretariat to inform the communicants and Parties concerned by email of the outcome of its determinations of the preliminary admissibility of their cases and to post the outcome on the Committee's website.
6. Participating as observers during the open sessions of the meeting were representatives of the non-governmental organizations (NGOs) the Center for International Environmental Law, Earthjustice and Oekobuero. In addition, four members of the public observed the hearing on communication ACCC/C/2015/126 (Poland) on 13 March 2018 and two members of the public observed the hearing on communication ACCC/C/2015/128 (European Union) on 14 March 2018.

### B. Organizational matters

7. The Chair of the Compliance Committee opened the meeting.
8. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2018/1.
9. To fulfil the requirements of paragraph 11 of the annex to decision I/7 of the Meeting of the Parties (ECE/MP.PP/2/Add.8), Mr. Skrylnikov signed a declaration in open session in which he undertook to perform his duties as a member of the Committee impartially and conscientiously. The Chair informed the meeting that Mr. Skrylnikov had in fact already signed the declaration electronically on 22 January 2018, but that Mr. Skrylnikov was signing a hard copy at the meeting in keeping with the Committee's practice that the declaration be

signed in open session. Mr. Skrylnikov had not been able to attend the Committee's fifty-ninth meeting (11–15 December 2017) at which the other members of the Committee that had been elected at the sixth session of the Meeting of the Parties had signed the declaration.

## **I. Submissions, referrals and requests under the Convention**

10. With regard to submission ACCC/S/2015/2 (Belarus), the Committee agreed to defer its deliberations on its draft findings until one of its two upcoming virtual meetings, with a view to completing its draft findings and, as appropriate, recommendations.

11. With respect to submission ACCC/S/2016/3 (Albania), the Chair recalled that, following the secretariat's request to the Party concerned for an update on the status of its submission, including any pending domestic proceedings, the Committee had received an email on 8 September 2017, though it was not clear whether the reply was the official reply of the Party concerned. At the request of the Committee, on 8 November 2017 the secretariat had written to the Party concerned seeking clarification on that point. On 5 March 2018, the national focal point of the Party concerned had informed the Committee that the case could be closed in the light of the absence of any further comment from the Office of the President. Taking into account the information received, the Committee closed the case and requested the secretariat to inform the Party concerned.

12. Regarding request ACCC/M/2017/2 (Turkmenistan), the Committee reviewed the implementation of the request by the Meeting of the Parties in open session with the participation of representatives of the Party concerned. Though invited, neither the communicant of communication ACCC/C/2004/5 nor registered observers took part in the session. The Chair informed the Party concerned that following the meeting a letter would be sent with questions for its reply by 1 October 2018.

13. With respect to request ACCC/M/2017/3 (European Union), on 26 February 2018, the Committee noted that the communicant of communication ACCC/C/2010/54 had submitted a written statement. The Committee reviewed the implementation of the request by the Meeting of the Parties in open session with the participation by audio conference of representatives of the Party concerned, the communicants of communication ACCC/C/2008/32 and communication ACCC/C/2010/54 and representatives of Italy, Norway, the Netherlands and Switzerland, as observers. The Chair informed the Party concerned that the Committee would invite it to provide a progress report by 1 October 2018 on the measures taken to implement request ACCC/M/2017/3.

## **II. Communications from members of the public**

14. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its sixty-first meeting (2–6 July 2018) would be 28 May 2018.

15. With respect to communication ACCC/C/2013/90 (United Kingdom), on 16 January 2018, the Committee recalled that it had sent questions to the communicant and the Party concerned. On 2 February 2018, the Party concerned had requested more time to reply to the Committee's questions and on 8 February 2018 the secretariat had informed the communicant and the Party concerned that the Committee Chair had agreed to extend the deadline for the reply of both parties from 13 to 26 February 2018. On 25 February 2018, the communicant had provided its reply to the Committee's questions. On 1 March 2018, the Party concerned had provided its reply to the questions and informed the Committee that it was encountering technical problems in sending the attachments due to the size of the files. On 6 March 2018, the communicant had provided comments on the reply of the Party concerned to the Committee's questions. On 12 March 2018, the Party concerned had submitted the annexes to its reply to the Committee's questions and its comments on the communicant's reply to the questions. On 13 March 2018, the communicant had provided comments on the annexes from the Party concerned. In the light of the amount of the information received and the fact that the replies of the Party concerned had been received just prior and partially during the

meeting, the Committee agreed to defer its deliberations until its sixty-first meeting, taking into account the information received.

16. Concerning communication ACCC/C/2013/96 (European Union), the Committee recalled that it had continued its deliberations in closed session at its virtual meeting on 16 February 2018. The Committee resumed its deliberations in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

17. Regarding communication ACCC/C/2013/98 (Lithuania), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

18. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee agreed to defer its deliberations on its draft findings to one of its two upcoming virtual meetings, with a view to completing its draft findings and, as appropriate, recommendations.

19. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee recalled that it had continued its deliberations in closed session at its virtual meetings on 25 January and 16 February 2018. The Committee resumed its deliberations in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

20. Concerning communication ACCC/C/2014/105 (Hungary), the Committee resumed its deliberations in closed session and agreed to send further questions to the Party concerned and to continue its deliberations taking into account the replies received, with a view to completing its draft findings and, as appropriate, recommendations.

21. Concerning communication ACCC/C/2013/106 (Czechia), the Committee resumed its deliberations in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

22. With respect to communication ACCC/C/2013/107 (Ireland), the Committee agreed to defer its deliberations on its draft findings until one of its two upcoming virtual meetings, with a view to completing its draft findings and, as appropriate, recommendations.

23. Concerning communication ACCC/C/2014/112 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

24. With respect to communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

25. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee recalled that, at its request, the Executive Secretary of the United Nations Economic Commission for Europe (ECE) had written to the Minister of Foreign Affairs of the Party concerned on 9 March 2018, conveying the Committee's serious concern at the Party's ongoing failure to provide a response to the communication and informing the Party that if a response had not been received by 1 May 2018, the Committee would schedule a hearing at the Committee's sixty-first meeting to discuss the substance of the communication notwithstanding the Party's lack of response.

26. Regarding communication ACCC/C/2014/119 (Poland), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

27. Concerning communication ACCC/C/2014/120 (Slovakia), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

28. Regarding communication ACCC/C/2014/121 (European Union), the Committee commenced its deliberations in closed session. It agreed to send further questions to the Party concerned and to continue its deliberations taking into account the replies received.

29. Concerning communication ACCC/C/2014/122 (Spain), the Committee recalled that, following the hearing at its fifty-ninth meeting, on 12 January 2018 it had requested the Party concerned to provide an English translation of the relevant legislation. The Party concerned had done so on 8 February 2018, although due to a technical problem related to the United Nations email system that information had not reached the secretariat until 7 March 2018. Taking into account the information received, the Committee resumed its deliberations in closed session and agreed to continue those deliberations with a view to completing its draft findings and, as appropriate, recommendations.

30. Regarding communication ACCC/C/2014/124 (Netherlands), the Committee agreed to defer its deliberations on its draft findings until its sixty-first meeting, with a view to completing its draft findings and, as appropriate, recommendations.

31. With respect to communication ACCC/C/2015/126 (Poland), the Committee held a hearing to discuss the substance of the communication in open session with the participation of the Party concerned and the communicant. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to send questions to the Party concerned and the communicant for their written reply and to thereafter continue its deliberations, taking into account the replies received.

32. Regarding communication ACCC/C/2015/128 (European Union), the Committee held a hearing to discuss the substance of the communication in open session with the participation of the Party concerned and the communicant. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to send questions to the Party concerned for its written reply and to thereafter continue its deliberations, taking into account the replies received.

33. Concerning communication ACCC/C/2015/130 (Italy), the Committee recalled that, on 30 January 2018, it had sent questions to the communicant and the Party concerned as it considered that the latter's response to the communication contained insufficient information. On 6 March 2018, the Party concerned had requested an extension to reply to the Committee's questions. On 7 March 2018, the communicant had provided its reply to the Committee's questions. On 9 March 2018, the secretariat had informed the Party concerned that the Chair had decided to exceptionally grant an extension for the submission of the reply of the Party concerned until 9 April 2018. The Committee agreed to decide how to proceed with the communication in the light of the replies received and provisionally scheduled to hold a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting.

34. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee recalled that at its fifty-third meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response. The Committee agreed to decide how to proceed with the communication once the questions had been sent and the communicant's reply had been received.

35. Regarding communication ACCC/C/2015/132 (Ireland), the Committee noted that at its fifty-fourth meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response to the communication. The Committee agreed to decide how to proceed with the communication once the questions had been sent and the replies had been received.

36. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee recalled that on 12 March 2018 it had sent questions to the communicant and the Party concerned stipulating a deadline of 3 April 2018 for the reply. The Committee agreed to decide how to proceed with the communication in the light of the replies received.

37. Concerning communication ACCC/C/2015/134 (Belgium), the Committee noted that it had scheduled a hearing to discuss the substance of the communication on 16 March 2018. However, in the light of the announcement that there would be a general strike by the staff of the United Nations Office at Geneva on 16 March, the Committee requested the secretariat to inform the Party concerned and the communicant that the hearing had to be cancelled. The Committee provisionally rescheduled the hearing for its sixty-first meeting.

38. With respect to communication ACCC/C/2015/135 (France), the Committee noted it had provisionally scheduled a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting. At the Chair's suggestion, the Committee agreed to request the secretariat to seek the views of the Party concerned and the communicant on whether, given the substance of the communication, they would consider it appropriate for the Committee to commence its deliberations on the substance of the communication without holding a hearing. Once comments were received from the parties on that procedural point, the Committee could take a decision on how to proceed.

39. Regarding communication ACCC/C/2016/137 (Germany), the Committee noted that on 12 March 2018 it had sent questions to the communicant stipulating a deadline of 3 April 2018 for the reply. The Committee agreed to decide how to proceed with the communication in the light of the information received.

40. Concerning communication ACCC/C/2016/138 (Armenia), the Committee recalled that it had provisionally scheduled a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting. At the Chair's suggestion, the Committee agreed to request the secretariat to seek the views of the Party concerned and the communicant on whether, given the substance of the communication, they would consider it appropriate for the Committee to commence its deliberations on the substance of the communication without holding a hearing. Once comments were received from the parties on that procedural point, the Committee would take a decision on how to proceed.

41. Regarding communication ACCC/C/2016/139 (Ireland), the Committee recalled that on 12 March 2018 it had sent questions to the communicant stipulating a deadline of 3 April 2018 for the reply. The Committee agreed to decide how to proceed with the communication in the light of the information received.

42. With respect to communication ACCC/C/2016/140 (Romania), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

43. With respect to communication ACCC/C/2016/141 (Ireland), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

44. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

45. Concerning communication ACCC/C/2016/143 (Czechia), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

46. With respect to communication ACCC/C/2016/144 (Bulgaria), the Committee agreed to decide how to proceed with the communication at its sixty-first meeting.

47. With respect to communication ACCC/C/2017/146 (Poland), the Committee noted that the response by the Party concerned to the communication had been received on time on 19 February 2018. In its response to the communication, the Party concerned had challenged the admissibility of the communication.

48. Concerning communication ACCC/C/2017/147 (Republic of Moldova), the Committee observed that the deadline of 19 February 2018 for the response of the Party concerned had expired but that the response had not yet been received. The Committee instructed the secretariat to send a reminder to the Party concerned.

49. With respect to communication ACCC/C/2017/148 (Greece), the Committee noted that the response of the Party concerned to the communication had been received on time on 16 February 2018. The Committee also noted that additional information had been received from the communicant on 7 March 2018.

50. Concerning communication ACCC/C/2017/149 (Greece), the Committee noted that the communication had been forwarded to the Party concerned on 29 December 2017 for its response. It also noted that the deadline of 29 May 2018 for the response had not yet expired and the Party's response had not yet been received.

51. Regarding communication ACCC/C/2017/150 (United Kingdom), the Committee noted that the communication had been forwarded to the Party concerned on 5 January 2018

for its response. It also noted that the deadline of 5 June 2018 for the response had not yet expired and the Party's response had not yet been received.

52. Regarding communications received between 7 November 2017 (the deadline for receipt of communications for the fifty-ninth meeting) and 5 February 2018 (the deadline for receipt of communications for the sixtieth meeting), the Chair reported that he and the Vice-Chairs had held a telephone conference on 19 February 2018 to determine which of the communications received during that period sufficiently met the required format to be forwarded to the Committee for consideration as to their preliminary admissibility. In that regard, the Chair and the Vice-Chairs had decided that communications PRE/ACCC/C/2016/151 (Poland), PRE/ACCC/C/2017/152 (Spain), PRE/ACCC/C/2017/153 (Spain), PRE/ACCC/C/2017/154 (Poland), PRE/ACCC/C/2017/155 (Austria), PRE/ACCC/C/2017/156 (United Kingdom) and PRE/ACCC/C/2017/157 (United Kingdom) should be forwarded to the Committee for consideration of their preliminary admissibility at its sixtieth meeting and had requested the secretariat to post those communications on the Committee's website.

53. The Committee noted that communication PRE/ACCC/C/2016/151 (Poland) had been submitted by the NGO ClientEarth on 27 October 2016. The communication alleged non-compliance with article 9, paragraph 3, of the Convention in relation to access to justice to challenge local laws that contravened national law relating to the environment. During a telephone conference on new communications prior to the Committee's fifty-fifth meeting (6–9 December 2016), the Chair and the Vice-Chair had agreed to ask the secretariat to request the communicant to provide further case law to substantiate its allegations, along with additional information concerning the availability of domestic remedies. The communicant had duly provided the requested information on 26 January 2018 together with further information on 5 March 2018. During the meeting, the Committee heard the views of the communicant by audio conference on the preliminary admissibility of the communication. Despite being invited, the Party concerned did not take part in the session. As Mr. Jendroška declared a conflict of interest in the case, he did not participate in the decision-making on the case. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response.

54. The Committee noted that communication PRE/ACCC/C/2017/152 (Spain) had been submitted by the Portuguese political party Pessoas-Animais-Natureza on 27 January 2017. The communication alleged non-compliance with article 6 of the Convention in connection with the extension of the operating life time of the Almaraz nuclear power plant in Spain and the associated construction of an individual temporary storage facility for radioactive waste. On 17 August 2017, the communicant had submitted a separate communication concerning the Santa Maria de Garoña nuclear power plant, also in Spain. During a telephone conference on new communications prior to the Committee's fifty-eighth meeting, the Chair and the Vice-Chair had agreed to ask the secretariat to request the communicant to resubmit its communication in the required format and, when doing so, to clarify a number of factual and legal matters. They had also agreed to invite the communicant to combine the two communications into one communication. On 15 January 2018, the communicant had resubmitted a revised version of its communication, inter alia, combining its communications of 27 January and 17 August 2017 into one. During the meeting, the Committee heard the views of the Party concerned by audio conference on the preliminary admissibility of the resubmitted communication. After the open session, the Party concerned also provided its statement on the admissibility of the communication in writing. Despite being invited, the communicant did not take part in the session. After considering in closed session the information received, the Committee determined that the communication was inadmissible under paragraph 21 of the annex to decision I/7 for failure to exhaust domestic remedies. Specifically, the Committee considered that the communicant had failed to provide information on any administrative or judicial procedure that it had initiated with regard to the matters within the scope of its communication. The Committee moreover considered that the communicant had provided no evidence to demonstrate that it would have been effectively barred from initiating such procedures in Spain.

55. The Committee noted that communication PRE/ACCC/C/2017/153 (Spain) had been submitted by the NGOs Asociación Autonómica e Ambiental Petón do Lobo and Asociación Amigos y Amigas de los Bosques “O Ouriel do Anllóns” on 24 July 2017. The communication alleged non-compliance with articles 4 and 6 of the Convention in relation to certain mining concessions in Galicia. During a telephone conference on new communications prior to the Committee’s fifty-eighth meeting, the Chair and the Vice-Chair had agreed to ask the secretariat to request the communicant to provide additional information on the availability of domestic remedies and to clarify whether its allegations were of a systemic nature. The communicant had provided the requested information on 12 February 2018. During the meeting, the Committee heard the views of the communicant and the Party concerned on the preliminary admissibility of the communication by audio conference. After the open session, the communicant and the Party concerned provided their statements on admissibility in writing and the communicant provided an additional statement on 13 March 2018. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

56. The Committee noted that communication PRE/ACCC/C/2017/154 (Poland) had been submitted by the NGO ClientEarth together with six NGOs as supporting communicants on 14 November 2017. The communication alleged non-compliance with article 9, paragraph 3, of the Convention in relation to access to justice to challenge forest management plans. During the meeting, the Committee heard the views of the communicant as to the preliminary admissibility of the communication by audio conference. Despite being invited, the Party concerned did not take part in the session. Mr. Jendroška declared a conflict of interest and therefore did not participate in the decision-making on the case. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

57. The Committee noted that communication PRE/ACCC/C/2017/155 (Austria) had been submitted by Mr. Norbert Milletich, a member of the public, on 2 December 2017. The communication alleged non-compliance with article 1, article 5, paragraph 1, and article 6 of the Convention in the context of decision-making procedures associated with lighting at a railway station. During the meeting, the Committee heard the views of the Party concerned on the preliminary admissibility of the communication by audio conference. Despite being invited, the communicant did not take part in the session. After the open session, the Party concerned provided its statement on the admissibility of the communication in writing and on 13 March 2018 the communicant provided comments thereon. After considering in closed session the information received, the Committee determined that the communication was inadmissible under paragraph 21 of the annex to decision I/7 for failure to exhaust domestic remedies. Specifically, the Committee considered that the communicant had failed to provide information on any administrative or judicial challenges that he had initiated with regard to the matter concerned.

58. The Committee noted that communication PRE/ACCC/C/2017/156 (United Kingdom) had been submitted by three NGOs, namely the Royal Society for the Protection of Birds, Friends of the Earth (England, Wales and Northern Ireland) and Friends of the Earth Scotland, and a law firm, Leigh Day Solicitors, on 7 December 2017. The communication alleged non-compliance with article 3, paragraph 1, and article 9, paragraphs 2, 3 and 4, of the Convention in relation to the standard of review of the “substantive legality” of certain decisions, acts and omissions. On 9 March 2018, the Party concerned had provided a statement concerning the admissibility of the communication and, on 12 March 2018, the communicants had provided comments thereon. During the meeting, the Committee heard the views of the communicants and the Party concerned on the preliminary admissibility of the communication by audio conference. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

59. The Committee noted that communication PRE/ACCC/C/2017/157 (United Kingdom) had been submitted by Mr. Andrew Dean Hardwick, a member of the public, on



20 December 2017. The communication alleged non-compliance with article 9, paragraph 3, of the Convention in connection with the costs regime for appeals under section 288 of the Town and Country Planning Act 1990. On 9 March 2018, the Party concerned had provided a statement concerning the admissibility of the communication. During the meeting, the Committee heard the views of the communicant in person and of the Party concerned by audio conference on the preliminary admissibility of the communication. During the session, the Chair asked the Party concerned to provide a written note summarizing its statement, in particular concerning the relationship between the communication and decision VI/8k. The Party concerned did so by email of 13 March 2018. On 14 March 2018, the communicant provided comments thereon. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible and requested the secretariat to forward the communication to the Party concerned for its response.

60. The Committee appointed Committee members as curators for the following cases: Mr. Clément for communications ACCC/C/2017/146 (Poland), ACCC/C/2017/150 (United Kingdom) and ACCC/C/2016/151 (Poland); Ms. Bögös for communications ACCC/C/2017/148 (Greece) and ACCC/C/2017/154 (Poland); Mr. Skrylnikov for communication ACCC/C/2017/149 (Greece); Ms. Grigoryan for communication ACCC/C/2017/147 (Republic of Moldova); Mr. Jendroška for ACCC/C/2017/153 (Spain); and Ms. Ryall as the curator for communications ACCC/C/2017/156 (United Kingdom) and ACCC/C/2017/157 (United Kingdom).

### **III. Reporting requirements**

61. The Committee noted that, at its sixth session, the Meeting of the Parties had urged Parties that had not yet submitted their national implementation reports — namely, Armenia, Bosnia and Herzegovina, the Netherlands, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom — to do so in the required format by 1 November 2017 at the latest (ECE/MP.PP/2017/2, para. 46). Notwithstanding that injunction, none of the aforementioned Parties had submitted their national implementation reports to the secretariat to date.

### **IV. Follow-up on specific cases of non-compliance**

62. The Committee took note of the developments since its fifty-ninth meeting with respect to decisions VI/8a–e and VI/8g–k of the Meeting of the Parties, in particular the information received from the Parties concerned on the measures they had taken to implement the decisions concerning their compliance and the comments received from the communicants and observers on those measures. During the open sessions held on each decision during the meeting, the Committee Chair reminded the Parties concerned that the first progress report on their implementation of the decision concerning their compliance was due on 1 October 2018.

63. With respect to decision VI/8a (Armenia), the Committee noted that the Party concerned had provided an update on legislative developments on 12 February 2018. The Committee reviewed the implementation of decision VI/8a in open session with the participation by audio conference of a representative of the Party concerned. Though invited, no communicants or registered observers took part in the open session. An observer, Ecological Right, provided a written statement on 12 March 2018 and an updated version on 14 March 2018, and the communicant of communications ACCC/C/2004/8 and ACCC/C/2009/43 provided a written statement on 15 March 2018.

64. Regarding decision VI/8b (Austria), the Committee noted that it had received written statements from the communicant of communication ACCC/C/2010/48 and from the communicant of communication ACCC/C/2011/63 on 9 March 2018. The Committee reviewed the implementation of decision VI/8b in open session with the participation by audio conference of a representative of the Party concerned and the communicant of communication ACCC/C/2010/48.

65. Concerning decision VI/8c (Belarus), the Committee reviewed the implementation of the decision in open session with the participation in person of two representatives of the Party concerned and a representative of the communicant of communication ACCC/C/2014/102 by audio conference. The communicant provided a written version of the statement made by its representative during the open session on 13 March 2018.

66. With respect to decision VI/8d (Bulgaria), the Committee reviewed the implementation of the decision in open session, with the participation by audio conference of representatives of the Party concerned and the communicant of communications ACCC/C/2011/58 and ACCC/C/2012/76.

67. Concerning decision VI/8e (Czechia), the Committee reviewed the implementation of the decision in open session with the participation by audio conference of representatives of the Party concerned and the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70. The communicant also provided a written statement on 15 March 2018.

68. With respect to decision VI/8g (Kazakhstan), the Committee reviewed the implementation of the decision in open session with the participation of representatives of the Party concerned by audio conference. Though invited, no communicants took part in the session. The Chair requested the Party concerned to provide a written version of the information it had provided during the session.

69. With respect to decision VI/8h (Romania), the Committee recalled that, on 2 February 2018, the Party concerned had written to seek advice from the Committee regarding the types of measures it should take to implement the recommendations contained in the decision. The Committee reviewed the implementation of decision VI/8h in open session with the participation of representatives of the Party concerned both in person and by audio conference. Though invited, no communicants took part in the session. The Committee informed the Party concerned that it would provide it with some written advice on ways in which it might fulfil the recommendations of decision VI/8h after the meeting.

70. Regarding decision VI/8i (Slovakia), the Committee reviewed the implementation of the decision in open session, with the participation by audio conference of representatives of the Party concerned and the communicant of communication ACCC/C/2013/89.

71. Concerning decision VI/8j (Spain), the Committee reviewed the implementation of the decision in open session, with the participation by audio conference of representatives of the Party concerned, the communicant of communication ACCC/C/2008/24 and the communicant of communication ACCC/C/2014/99. During the session, the Party concerned sought the Committee's view on whether certain proposed measures would fulfil paragraph 7 of decision VI/8j. The Chair requested the Party concerned to provide its query in writing, and the Party concerned duly did so directly after the session.

72. With respect to decision VI/8k (United Kingdom), on 5 March 2018, the Committee noted that an observer, Environment Links UK, had submitted a written statement that it had submitted in parallel to the Task Force on Access to Justice at its eleventh meeting (Geneva, 27–28 February 2018). Written statements had also been received: on 6 March 2018 from the communicant of communication ACCC/C/2013/91; on 13 March 2018 from the communicants of communications ACCC/C/2013/85 and ACCC/C/2013/86; and on 15 March 2018 from the observers Royal Society for the Protection of Birds, Friends of the Earth (England, Wales and Northern Ireland) and Friends of the Earth Scotland. The Committee reviewed the implementation of decision VI/8k in open session during the meeting, with the participation by audio conference of representatives of the Party concerned, the communicants of communications ACCC/C/2008/23, ACCC/C/2008/33, ACCC/C/2010/53, ACCC/C/2012/68, ACCC/C/2013/85 and ACCC/C/2013/86 and the Royal Society for the Protection of Birds as an observer.

## V. Programme of work and calendar of meetings

73. The Committee agreed to hold its sixty-first meeting in Geneva from 2 to 6 July 2018. It also agreed to schedule two virtual meetings to continue its deliberations on draft findings in closed session prior to its sixty-first meeting. Subject to the availability of meeting rooms

and services, the Committee further agreed to hold its sixty-second meeting from 5 to 9 November 2018, its sixty-third meeting from 4 to 8 March 2019 and its sixty-fourth meeting from 1 to 5 July 2019, all in Geneva.

## **VI. Other business**

### **A. Modus operandi**

74. The Chair noted that the fourth draft of the revised Guide to the Compliance Committee was available on the Committee's web page. The Committee held an open session to discuss the fourth draft of the revised Guide with interested observers, and the Committee agreed to certain small changes to the Guide on that basis. The Chair stated that it was the Committee's intention to finalize and adopt the Guide at or shortly after its sixty-first meeting.

75. The Chair announced that he planned to prepare a proposal for the further development of the Committee's modus operandi with respect to hearings, which would be discussed in open session at the Committee's sixty-first meeting and made available on the Committee's website in due time before the meeting.

### **B. Other matters**

76. The Chair reported on his involvement in an event entitled "Strengthening the implementation of multilateral environmental agreements: can NGOs make a difference through compliance mechanisms?", held on 7 March 2018 in Geneva. The event had been organized by the Implementation Committee under the ECE Convention for the Protection and Use of Transboundary Watercourses and International Lakes and the Compliance Committee under its Protocol on Water and Health.

77. The Chair also reported that on the evening of 15 March 2018 he would participate in a round-table discussion on "The Rights to Water and Sanitation" at the Graduate Institute Geneva.

78. Mr. Jendroška reported on his participation at the ninth meeting of the negotiating committee of the regional agreement on access to information, public participation and justice in environmental matters in Latin America and the Caribbean, held in San José, Costa Rica, from 28 February to 4 March 2018. At that meeting, representatives of 24 Latin American and Caribbean countries had adopted a binding agreement, which would be serviced by the Economic Commission for Latin America and the Caribbean. A representative of Earthjustice also commented on the content of the new agreement.

79. Mr. Oliver informed the Committee about case C-441/17 *Commission v. Poland (Forêt de Białowieża)*, currently pending before the Court of Justice of the European Union. The Court had ordered interim measures on 20 November 2017 and Advocate General Bot had issued his opinion on 20 February 2018.

80. The secretariat reported on the forty-first meeting of the Bureau of the Meeting of the Parties, held on 22 February 2018 in Geneva. The Bureau had received a letter sent on behalf of several NGOs expressing their concerns about the restrictions on public participation contained in a new law adopted by Poland in the lead-up to the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change. The Bureau had agreed to send a letter to Poland in that regard. At its forty-first meeting, the Bureau had also decided that one day of the upcoming twenty-second meeting of the Working Group of the Parties (Geneva, 19–21 June 2018) would be dedicated to the celebration of the twentieth anniversary of the Convention.

81. The secretariat also reported on the eleventh meeting of the Task Force on Access to Justice, held on 27 and 28 February 2018 in Geneva, which had focused on promoting effective access to justice in cases concerning the right to environmental information.

82. The secretariat also reported on its participation in five events held at and in the margins of the thirty-seventh session of the Human Rights Council (Geneva, 26 February–23 March 2018), namely: (a) on 2 March, a side event regarding children’s rights and the environment arranged by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; (b) on 5 March, the plenary discussion on the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development; (c) also on 5 March, a side event organized by the NGOs Earthjustice and the Center for International Environmental Law on the protection of environmental human rights defenders; (d) the launch event of the United Nation Environmental Rights Initiative on 6 March; and (e) also on 6 March, a side event on the framework principles on human rights and the environment arranged by the Special Rapporteur on human rights and the environment.

83. The secretariat further reported on its participation in the first meeting of the Sustainable Fisheries Team of Specialists organized by the United Nations Centre for Trade Facilitation and Electronic Business, held on 29 and 30 January 2018 in Geneva.

## **VII. Report and closure of the meeting**

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

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