The Aarhus Convention
Compliance Committee

overview
by
dr. Csaba Kiss
EMLA
• Aarhus Convention
• Article 15
• Review of Compliance
  ◦ a non-confrontational
  ◦ non-judicial and
  ◦ consultative nature
  ◦ for reviewing compliance
  ◦ appropriate public involvement
  ◦ communications from members of the public

Legal basis
• Aarhus Convention MOP
• Decision I/7
• Review of Compliance
  ◦ I. STRUCTURE
  ◦ II. MEETINGS
  ◦ III. FUNCTIONS OF THE COMMITTEE
  ◦ IV. SUBMISSION BY PARTIES
  ◦ V. REFERRALS BY THE SECRETARIAT
  ◦ VI. COMMUNICATIONS FROM THE PUBLIC
  ◦ VII. INFORMATION GATHERING
  ◦ VIII. CONFIDENTIALITY
  ◦ IX. ENTITLEMENT TO PARTICIPATE
  ◦ X. COMMITTEE REPORTS TO THE MEETING OF THE PARTIES
  ◦ XI. CONSIDERATION BY THE COMPLIANCE COMMITTEE
  ◦ XII. CONSIDERATION BY THE MEETING OF THE PARTIES
  ◦ XIII. RELATIONSHIP BETWEEN SETTLEMENT OF DISPUTES AND THE COMPLIANCE PROCEDURE
  ◦ XIV. ENHANCEMENT OF SYNERGIES

Additional legal basis
eight members
nationals of the Parties and Signatories
high moral character and recognized competence

dr. Sándor Fülöp

I. STRUCTURE
## II. MEETINGS

<table>
<thead>
<tr>
<th>DATE</th>
<th>PLACE</th>
<th>TOPIC</th>
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</thead>
<tbody>
<tr>
<td>30 March</td>
<td>Geneva</td>
<td>21st Bureau Meeting</td>
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<td>31 March - 3 April</td>
<td>Geneva</td>
<td>23rd meeting of the Compliance Committee</td>
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<td>6 - 7 April</td>
<td>Geneva</td>
<td>4th meeting of the Task force on Public Participation in International Forums (TF-PPIF 4) (tbc)</td>
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<td>30 June - 3 July</td>
<td>Geneva</td>
<td>24th meeting of the Compliance Committee</td>
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<td>6 - 8 July</td>
<td>Geneva</td>
<td>11th meeting of the Working Group of the Parties (tbc)</td>
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<td>22 - 25 September</td>
<td>Geneva</td>
<td>25th meeting of the Compliance Committee</td>
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<td>15 - 18 December</td>
<td>Geneva</td>
<td>26th meeting of the Compliance Committee</td>
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</table>
• consider any submission, referral or communication
• prepare a report on compliance
• monitor, assess and facilitate the implementation of and compliance with the reporting requirements

III. FUNCTIONS OF THE COMMITTEE
a Party may make a submission
  ◦ about compliance by another Party
  ◦ concerning its own compliance

1 submission by Romania about compliance by Ukraine in 2004
no submission by Parties concerning their own compliance to-date

IV. SUBMISSION BY PARTIES
the Secretariat may make a referral to the Committee

no referral by the Secretariat to-date

V. REFERRALS BY THE SECRETARIAT
members of the public may make communications concerning a Party's compliance with the convention.

VI. COMMUNICATIONS FROM THE PUBLIC
• Who can submit a communication?
  ◦ any member of the public
• Concerning which States can a communication be filed?
  ◦ the Convention must be in force for the State
• When can a communication be made?
  ◦ 23 October 2002
• What types of non-compliance may a communication address?
  ◦ general failure by a Party to take the necessary measures, legislation, regulations or other measures, specific events, acts, omissions or situations

Guidance Document on Aarhus Convention Compliance Mechanism
• What formal criteria should the communication fulfil?
• To whom should communications be sent, and how?
  ◦ the Secretariat
• What information should be included in the communication?
  ◦ State concerned, facts, provisions of the Convention, remedies, confidentiality
• Procedure for bringing a communication to the attention of the Committee
  ◦ Step 1 – Receipt of the communication
  ◦ Step 2 – Circulation of the communication
  ◦ Step 3 – Determination of admissibility
  ◦ Step 4 – Response by the Party

• Consideration by the Committee

• Consideration by the Meeting of the Parties

• Follow-up measures decided by the Meeting of the Parties

Guidance Document on Aarhus Convention Compliance Mechanism
the Committee was not convinced that Belgium had failed to comply with the Convention
in particular since all the court decisions submitted by the communicant referred to cases initiated before the entry into force of the Convention for Belgium
the Committee, however noted that if the jurisprudence of the relevant courts was not altered
Belgium would fail to comply [...] the Convention

ACCC/C/2005/11
while the contested new Hungarian legislation on the development of the expressway network reduces the opportunities for public participation in decision-making [...] in comparison with previously existing legislation in this field.

It does not, prima facie, fall below the minimum level of public participation and access to justice required by the Convention.

It recommends [...] to urge Parties to refrain from taking any measures which would reduce existing rights of access to information, public participation in decision-making and access to justice in environmental matters.

Even if such measures would not necessarily involve any breach of the Convention.

ACCC/C/2004/04
the Committee is not convinced that the matters examined by it in response to the communication establish any failure by the European Community to comply with the provisions of the Convention.
www.unece.org


Resources
Thank You!

dr. Csaba Kiss
EMLA

drkiss@emla.hu
www.emla.hu