

REPORT

74th Meeting of the Aarhus Convention Compliance Committee (ACCC)

online, 15-18 March 2022



General information

The 74th Meeting of the Aarhus Convention Compliance Committee (ACCC) was held virtually from 15 to 18 March 2022. Communicants and observers were invited to participate in open sessions on 15 and 17 March.

Relevant information and document was uploaded to the [meeting webpage](#).

Agenda

15 March 2022

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| 09:30-10:00 | Opening and adoption of the agenda, relevant developments and other matters (open) |
| 10:00-10:30 | Review of any developments in relation to communications and submissions: C113 (Ireland), C119 (Poland), C126 (Poland), C132 (Ireland), C133 (Netherlands), C139 (Ireland), C140 (Romania), C146 (Poland), C148 (Greece), C149 (Greece), C150 (UK), C151 (Poland), C153 (Spain), C154 (Poland), C156 (UK), C158 (Poland), C159 (Spain), C161 (Bulgaria), C162 (Denmark), C163 (Austria), C164 (Ireland), C168 (Iceland), C173 (Sweden), C174 (Sweden), C177 (Bosnia and Herzegovina), C178 (Germany), C179 (Serbia), C181 (Netherlands), C182 (Belarus), C183 (Spain), C186 (Portugal), C187 (Netherlands) and C189 (Bosnia and Herzegovina) (open) |
| 10:30-10:50 | Review of any developments in relation to MOP decisions VII/8a–s and MOP requests M4 (EU) and M5 (Republic of Moldova) (open) |
| 10:50-11:00 | Discussion of preliminary admissibility of new communications (open) |
| 11:00-12:30 | Preparation of draft findings on request M5 (Republic of Moldova) (closed) |
| 12:30-14:00 | <i>Lunch</i> |
| 14:00-17:00 | Preparation of draft findings on C140 (Romania) (closed) |

16 March 2022

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| 09:30-12:30 | Preparation of draft findings on C139 (Ireland) (closed) |
| 12:30-14:00 | <i>Lunch</i> |
| 14:00-15:00 | Preparation for question and answer session for Parties subject to a MOP decision/request on preparing their plan of action (closed) |

15:00-17:00	Preparation of draft findings on C133 (Netherlands) (closed)
<u>17 March 2022</u>	
09:30-10:30	Preparation of draft findings requiring further time (closed)
10:30-12:30	Question and answer session for Parties subject to a MOP decision/request on preparing their plan of action (open)
12:30-14:00	<i>Lunch</i>
14:00-17:00	Preparation of draft findings requiring further time (closed)
<u>18 March 2022</u>	
09:30-12:30	Preparation of draft findings on C119 (Poland) (closed)
12:30-14:00	<i>Lunch</i>
14:00-16:55	Deliberations on how to proceed on C146 (Poland), C151 (Poland), C154 (Poland) and C158 (Poland) (closed)
16:55-17:00	Closure of the meeting

15 March 2022

ACCC Chair Áine Ryall opened the meeting. She announced that Committee members Fruzsina Bögös and Jerzy Jendroška won't be able to attend the meeting. The ACCC had hoped that meeting would take in person, but due to latest developments the virtual format was chosen.

Discussion of preliminary admissibility:

- Prep M-5 (Moldova)
- C-140 (Romania)
- C-139 (Ireland)

There will be another open public session on Thursday to address the preparation of the Parties' plans of actions.

C-133 (Netherlands) – no edited documents to confirm

C-119 (Poland) – no edited documents to confirm

Relevant developments and other matters: Since December 2021 no virtual meetings, but the past number of weeks has been very busy.

The Chair and Vice Chairs considered 2 new communications:

- ACCC/C/2021/189 (Bosnia and Herzegovina)
- PRE C-191 (Ukraine) – consideration of preliminary admissibility

Situation in Ukraine:

On 21 February the Chairs of the ACCC sent a letter to all 47 parties to the Convention regarding article 3(8) of the Convention. There was another letter by the Chair of the Meeting of the Parties (MOP) dated 1 March 2022. Their main concern is to ensure transparency and wide dissemination.

ECO Forum observer Summer Kern stressed these letters really important and appreciated by NGO community. It should be model to others to send out such messages of solidarity.

There has also been an answer of Hungary in response to this approach. All relevant documents are available at the meeting webpage. The Chair stressed that our thoughts are with the people of Ukraine.

ACCC Member Dmytro Skrylnikov from Ukraine reported that in some places, e.g. Mariupol, environmental activities are currently not able to move away from the city. Public participation and democracy will be key when rebuilding the cities (advice is welcome).

Related meetings:

The special rapporteur on environmental defenders will be elected at the extraordinary MOP. Deadline for nominations is 30 March 2022.

There was a schedule for the 12th Meeting of PRTR Compliance Committee to hold a hearing on first communication which concerned Ukraine, but it was postponed.

The 49th Bureau Meeting took place on 10 March 2022 to prepare the WG of the parties and the exMOP in June.

A set of infographics (on website), a video (on website) and new case letters will be inserted at each page of documents (progressively uploaded to case pages).

Status of National Implementation Reports (NIR):

Azerbaijan, Malta, Moldova (for the previous reporting cycle), Tajikistan, and the Netherlands failed to submit their NIR on time.

There were no referrals by the ACCC and no additional requests for advice.

Overview communications and submissions:

C-113 (Ireland) – the Court of appeal has delivered judgement in Heather case

C-119 (Poland) – the Communicant replied to the ACCC’S request, the ACCC will continue deliberation at this meeting

C-154 (Poland) – case will be deferred to another meeting

C-158 (Poland) – case will be deferred to another meeting

C-133 (Netherlands) – the ACCC will continue deliberation at this meeting

C-139 (Ireland) – the Party concerned submitted reply to the Committee’s questions; the communicant submitted reply to ACCC questions and party provided several answers; ACCC will continue deliberation at this meeting

C140 (Romania) – the ACCC will continue deliberations at this meeting

C146 (Poland), C151 (Poland) – the ACCC will continue deliberations at this meeting

C148 (Greece) – the ACCC will continue deliberations at this meeting; the ACCC is currently preparing questions to be sent to the Party and communicants

C161 (Bulgaria), C178 (Germany), and C189 (Bosnia and Herzegovina) (open)

C-149 (Greece) – the ACCC will continue discussions at upcoming meeting

C-151 (Poland) – the case will be discussed at the current meeting

C-153 (Spain) – clarification of various aspects of the claims remain open

C-154 (Poland) – there will be an initial discussion on how to proceed at this meeting

C-156 (UK) – deliberations will continue at the upcoming meeting

C-158 (Poland) – there will be an initial discussion on how to proceed at this meeting

C-159 (Spain), C161 (Bulgaria) – the ACCC will decide on how to proceed at upcoming meeting

C-162 (Denmark) – the Party was asked to submit the text of relevant case-law

C-163 (Austria) – the ACCC will decide on how to proceed at upcoming meeting

C-164 (Ireland) – the ACCC will decide on how to proceed at upcoming meeting, taking into account information received from both parties

C-168 (Iceland) – the ACCC will decide on how to proceed at upcoming meeting

C-173 (Sweden) – the ACCC will decide on how to proceed at upcoming meeting taking into account information received from both parties

C174 (Sweden) – the ACCC will decide on how to proceed at upcoming meeting

C177 (Bosnia and Herzegovina) – there are currently discussions with the Party and the communicant

C179 (Serbia) – there have been no developments since ACCC's 70th meeting

C181 (Netherlands) – the ACCC will decide on how to proceed at upcoming meeting

C182 (Belarus) – the ACCC will decide on how to proceed at upcoming meeting

C183 (Spain) – the Party concerned submitted a response to Committee's questions

C186 (Portugal) – Unidos were added as observers

C187 (Netherlands) – case was determined preliminary admissible

C189 (Bosnia and Herzegovina) – case was determined preliminary admissible

Plans of action:

The Committee circulated an information note regarding plans of action for Parties as an important resource. A sample template plan of action to assist each party concerned to prepare action plan has been created. There will be a Q&A session on Thursday. The information note with guidance on national action plans was published [here](#).

The deadline for the submission of the plans of action is 1 July 2022, communicants and observers will thereafter have a period of 4 weeks for commenting on them.

The 1st progress report on actual implementation steps must then be finalized by 1 October 2023; if there are conditional cautions in a decision, the recommendations must be fully addressed by 1 October 2023.

Certain parties shared information/experience on the state of play regarding their drafting processes:

EU – Out of the 4 compliance cases, only 3 have been endorsed at the last MOP; the endorsement regarding C-128 has been postponed, but the EU will still draft an action plan on the ACCC findings and recommendations, the level of detail of the action plan for each case will differ, there will be a duplicative consultation process regarding each action plan (similar to the ACCC consultation); the EC is currently working on the 1st preparation phase, which should last until around Easter, when consultations will start; the EC plans to send drafts to communicants and observers directly for comments (with 4 weeks), they also plan to organise an open session to discuss it and answer questions; after comments have been received, the formal interservice consultation within EC will be finalized by 1st of July; the document to address the C-128 findings won't be ready by 1 July

Ireland – they are in close cooperation with other government departments and agencies, currently working on the draft plan of action, which will be published by end of next week for a commenting period of 6 weeks

Spain – there was a bad audio connection, but it seems that their main focus is currently to ensure that complainants have access to legal aid

UK – currently working on different cross government questions and gathering input which options are available, they are planning to schedule meetings with each policy; measures to consult with stakeholders will be defined; some of the recommendations apply to multiple ministries who can have different approaches for their respective legislation

Germany – as there is only one recommendation in Decision VII/8g regarding Germany, they will consult directly with the communicant; apart from that, they planned to involve the public only at the stage of the legislative proposal; the ACCC stressed the important of public participation in line with the spirit of the Convention also regarding the draft action plans.

No developments could be reported regarding Armenia and Austria.

Decision VII/8c (Belarus):

On 8 November 2021, the Party submitted a letter and on 18 November the communicant provided comments. The ACCC chair wrote to the Party and provided clarifications. Another letter was sent to UNECE executive secretary.

The deadline in the Decision already passed and the Party was invited to take part in an open session in December meeting.

The ACCC held an open session including with respect to paragraph 7(b), but neither the Party nor the communicants took part.

The ACCC wrote to the Party and completed its draft report in January, which was forwarded to party concerned and communicants/observers.

Representatives of communicants submitted comments, the Party, however, didn't.

Closing of the meeting:

The meeting report will be published as pre-session document for the [ACCC meeting in June 2022](#).