

# Sharing experience: The Aarhus Convention Compliance Committee

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**UNECE**

## Key experiences to share:

- Membership of the Committee
- Transparent and participatory procedures
- Communications from the public
- Significant advisory and assistance role
- Committee follows up to assist Party to come into compliance
- Recommendations direct to the Party, with its agreement
- “The proof is in the pudding”

# Membership of the Committee



- Members serve in personal capacity. This prevents politicization of the Committee.
- Each member makes solemn declaration to perform duties impartially and conscientiously.
- NGOs as well as States can nominate members.
- Members are elected by Parties at MOP by consensus, or failing consensus, by secret ballot (to date, all by consensus).
- Members' ordinary term is two intersessional periods, though can be re-elected for a further term.
- At MOP1, half members elected for half term (so not all members leave at once)

# Transparent and participatory procedures UNECE

- All sessions of Committee meetings open, except for when preparing draft findings and recommendations.
- All documents and correspondence of a substantive nature are posted on website.
- Any Party or observer can submit information to the Committee on any case.
- Committee reviews its working methods in open session.
- See Compliance Committee website,  
<http://www.unece.org/env/pp/cc.html>

# Communications from the public

- Article 15 of the Convention: Arrangements “may include the option of considering communications from members of the public”
- Given topic of Convention, the possibility for cases to be brought by the public is fundamental.
- The engine which provides the energy and momentum of the Convention.

## **Important advisory and assistance role**

- Any Party can at any time request advice or assistance from the Committee on how to meet its obligations under the Convention.
- A Party can make a stand alone request, or
- In the course of the Committee's follow-up on a finding of non-compliance concerning the Party concerned.

## **Committee follows up to assist the Party to come into compliance**

- Draft findings are sent to parties for comments prior to adoption.
- Once adopted, findings are submitted to MOP for endorsement.
- In cases of non-compliance, MOP adopts a decision on the compliance of the Party concerned.
- Committee works with Party concerned throughout the intersessional period to address recommendations in MOP decision.
- Committee reports to next MOP as to whether Party concerned has come into compliance.

## **Committee can make recommendations directly to Party concerned, with its agreement**

- If Party concerned agrees, Committee can make recommendations directly to Party concerned at the time of adopting its findings.
- This means Committee can assist the Party concerned to come into compliance before next MOP.
- If Committee reports to MOP that Party concerned has come into compliance, no MOP decision then adopted.



# The proof is in the pudding...

A few examples of where the Committee has assisted Parties to come into compliance:

## **Already before Committee adopted its findings:**

- Romania: repealed rule exempting full EIA report from disclosure

## **After Committee's findings adopted, but before MOP:**

- Denmark: amended law introducing high fee for NGOs to appeal

# The proof is in the pudding...

## **During Committee's follow-up on MOP decision:**

- Republic of Moldova: trained officials and took other measures to ensure access to environmental information regarding contracts for sale of forest land.
- Ukraine: adopted new EIA law ensuring effective public participation for projects subject to EIA.
- Croatia: amended law to ensure a transparent framework for public participation on municipal waste management plans.
- Germany: amended legislation on standing for environmental NGOs.

## **For further information:**

### **Guide to the Aarhus Convention Compliance Committee:**

Available at <http://www.unece.org/env/pp/cc.html>

### **Decision I/7 on compliance:**

<http://www.unece.org/fileadmin/DAM/env/pp/documents/mop1/ece.mp.pp.2.add.8.e.pdf>

### **Aarhus Convention Compliance Committee website:**

<http://www.unece.org/env/pp/cc.html>

### **Aarhus Convention secretariat email:**

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