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Ref: Follow-up on ACCC/C/2010/54

ОБЪЕДИНЕННЫЕ НАЦИИ

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

Palais des Nations, Room 348
CH-1211 GENEVA 10

15 July 2013

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Dear Ms. Wiedner, Mr. Konrad

Re: Follow-up on communication ACCC/C/2010/54

We refer to the findings and recommendations of the Aarhus Convention Compliance Committee with regard to communication ACCC/C/2010/54. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 and noting the agreement of the European Union that the Committee take the measure referred in paragraph 37 (b) of the annex to decision I/7, had made a number of recommendations with regard to its findings on the communication.

You are now invited to submit information on progress by the European Union in implementing the recommendations of the Committee on the above referenced communication no later than **16 September 2013**. On the basis of this information, the Committee at its forty-second meeting (24 – 27 September 2013) will prepare its draft report, including the draft recommendations, to be considered by the Meeting of the Parties at its fifth session (Maastricht, the Netherlands, 30 June – 2 July 2014). The draft report will subsequently be shared with the Party concerned and the communicant(s) for comment, and then finalized and adopted by the Committee at its forty-third meeting (17 – 20 December 2013).

For your convenience, the findings and recommendations of the Committee are also annexed to this letter.

Please do not hesitate to contact the secretariat if you require further information.

Yours sincerely

Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: cc: Permanent Delegation of the European Union to the United Nations Office and other international organizations in Geneva
Pat Swords, Dublin, Ireland

Annex

Findings and recommendations
with regard to communication ACCC/C/2010/54
concerning compliance by the European Union (ECE/MP.PP/C.1/2012/12)
(paras. 97 – 98)

A. Main findings with regard to non-compliance

97. The Committee finds that the Party concerned:

(a) By not having in place a proper regulatory framework and/or clear instructions to implement article 7 of the Convention with respect to the adoption of NREAPs by its member States on the basis of Directive 2009/28/EC has failed to comply with article 7 of the Convention (para. 85);

(b) By not having properly monitored the implementation by Ireland of article 7 of the Convention in the adoption of Ireland's NREAP has also failed to comply with article 7 of the Convention (para. 85);

(c) By not having in place a proper regulatory framework and/or clear instructions to implement and proper measures to enforce article 7 of the Convention with respect to the adoption of NREAPs by its member States on the basis of Directive 2009/28/EC has failed to comply also with article 3, paragraph 1, of the Convention (para. 86).

B. Recommendations

98. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 and noting the agreement of the Party concerned that the Committee take the measures requested in paragraph 37 (b) of the annex to that decision, recommends that the Party concerned adopt a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention with respect to the adoption of NREAPs. This would entail that the Party concerned ensure that the arrangements for public participation in one of its member States are transparent and fair and that within those arrangements the necessary information is provided to the public. In addition, such a regulatory framework and/or clear instructions must ensure that the requirements of article 6, paragraphs 3, 4 and 8, of the Convention are met, including reasonable time frames, allowing sufficient time for informing the public and for the public to prepare and participate effectively, allowing for early public participation when all options are open, and ensuring that due account is taken of the outcome of the public participation. Moreover, the Party concerned must adapt the manner in which it evaluates NREAPs, accordingly.