

Compliance Mechanism under Espoo Aarhus Conventions

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Structure

- Compliance procedures in international environmental law (Europe)
- Compliance Mechanism of the Aarhus Convention



(1) Compliance procedures in international environmental law (Europe)

- Compliance mechanism under Aarhus Convention
- Implementation Committee under Espoo Convention
- Inquiry procedure under Bern Convention
- Compliance mechanism under PRTR Protocol
- Compliance mechanism under Water & Health Protocol
- Compliance Mechanism under Water Convention



Espoo Convention Implementation Committee

- Composed of 8 parties
- Who can start a case:
 - Parties
 - Self-initiative
 - Public?



Espoo Convention Implementation Committee

■ Self-initiative

- ...when the Committee becomes aware of possible non-compliance

■ The sources:

- Parties' work under the Convention;
- Any other source.



Main criteria for “other source”

- (a) it is not anonymous;
- (b) it relates to an activity listed in Appendix I to the Convention likely to have a significant adverse transboundary impact;
- (c) the information is the basis for a profound suspicion of non-compliance;
- (d) the information relates to the implementation of Convention provisions
- (e) The Committee has time and resources



(2) Aarhus Convention

- Compliance mechanism =
Compliance Committee + Meeting of
the Parties
 - Compliance Committee:
 - 9 members
 - 4 meetings/year
 - Over 50 cases



(2) Aarhus Convention

■ Legal basis:

- Set up by the decision I/7 of the 1st Meeting of the Parties, 2002
- Modus Operandi (rules of procedure)

Compliance Committee's functions:



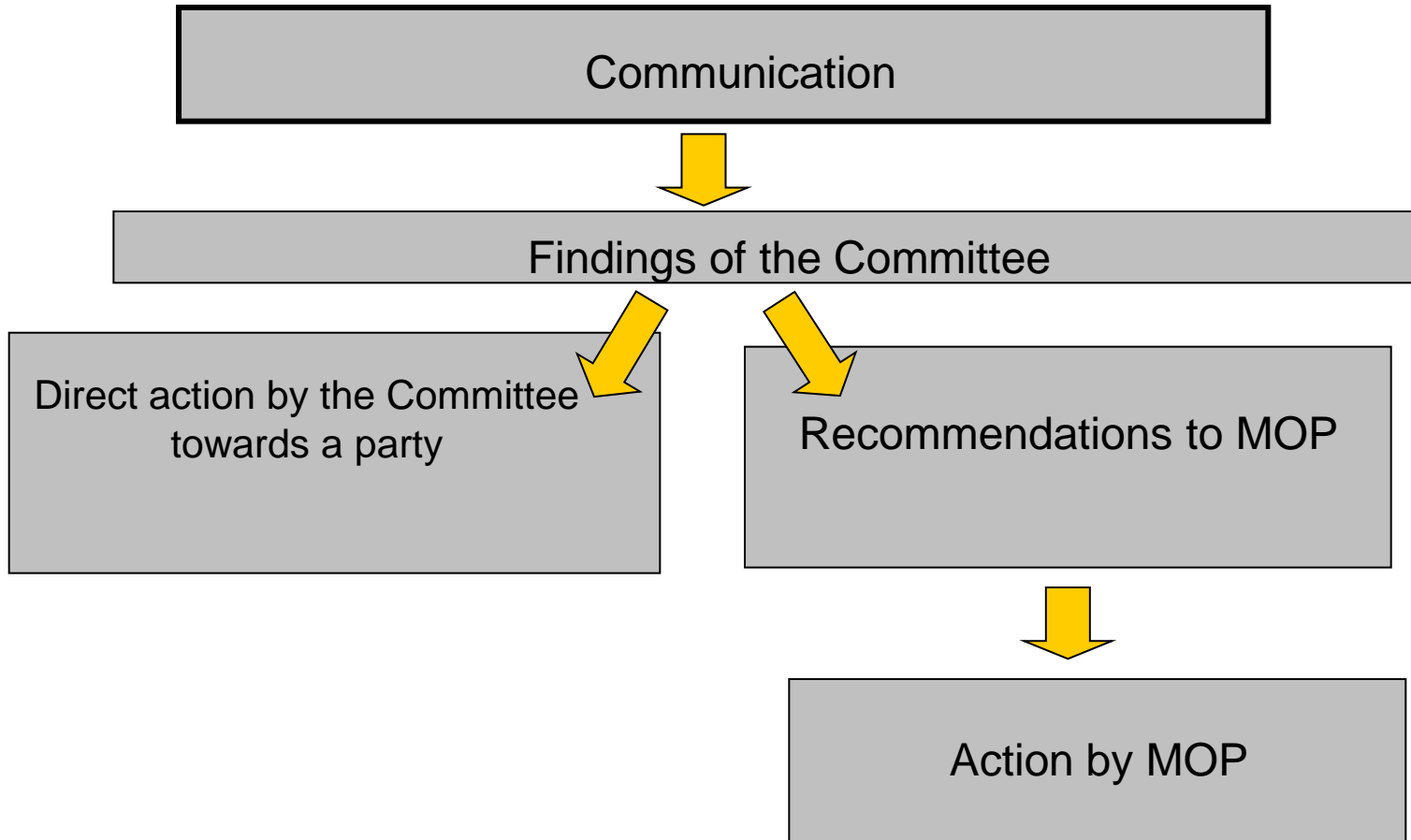
The Committee shall consider:

- Submission by the parties
- Referrals by the Secretariat
- Communications by the public

about party's compliance with its obligations under the Convention



Overall process

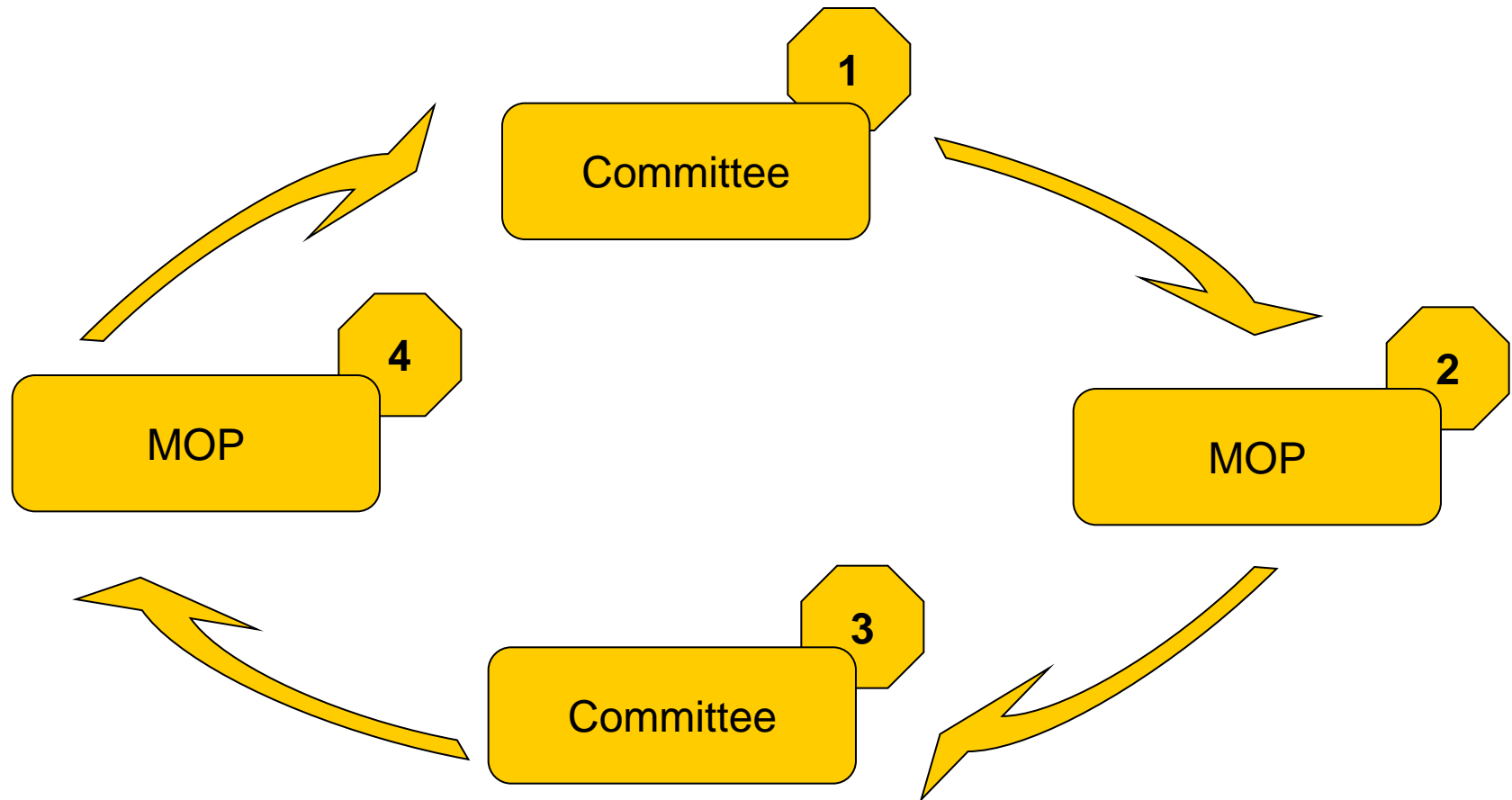


Main Procedural Steps of Communication Consideration by ACCC





Follow-up within Aarhus Process





After you win

- Opening a case initiates a process which must be accompanied by continuing efforts on national level
- Approaching other fora/processes
- No implementation without NGOs
- Keep putting pressure