

# 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 1<sup>st</sup> Meeting of the Parties, 2002
- Modus Operandi (rules of procedure)

# Compliance Committee's functions:



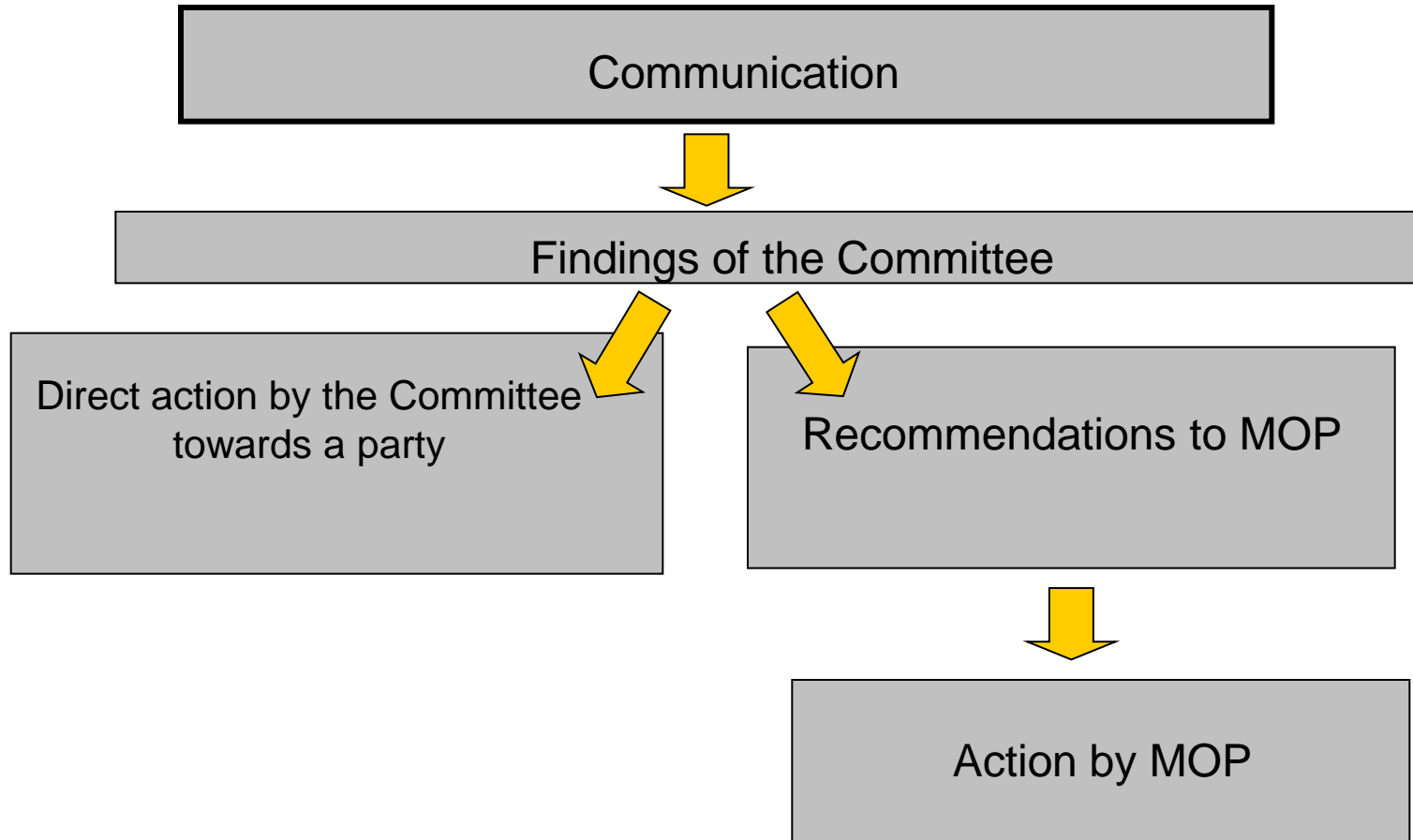
The Committee shall consider:

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

about party's compliance with its obligations under the Convention



# Overall process

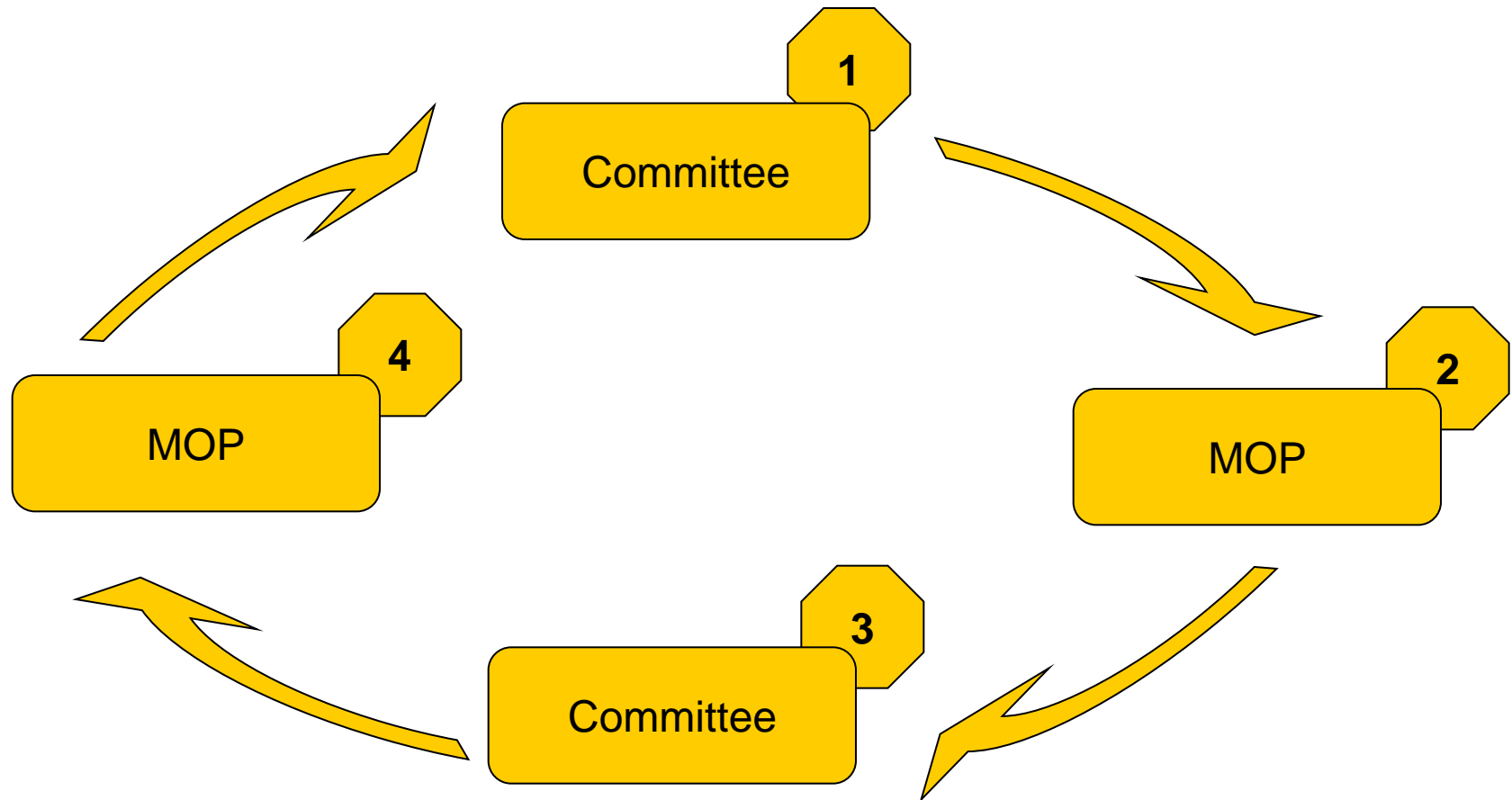


# Main Procedural Steps of Communication Consideration by ACCC





# 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