



Aarhus Compliance Mechanism Training 16 to 19 March 2010, Geneva



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European ECO-Forum

3rd Session:

Developing your communication

3.1 Formal requirements and check list for preparing your communication

modus operandi, page 32

decision I/7, para. 20

Communications..

... must not be

- anonymous
- an abuse of rights
- manifestly unreasonable
- incompatible with decision I/7 or the Convention
- concerning a state that is not party to Convention
- concerning a party which has opted out
- submitted before exhausting local remedies

Ineligibility criteria

- anonymous
- abuse of rights
- manifestly unreasonable
 - Committee has not interpreted this in detail until now
 - has not been a problem until now

Party concerned

- incompatible with decision I/7 or Convention means...
 - e.g.: AC not entered into force for party (12 months period (Belgium, case 21))
- state that is not party to the Convention
- party has opted out

Use of domestic remedies

- **not eligibility criteria**
 - ... but almost (?..)
 - should be considered and used
- **is first question the ACCC is asking**



Format and structure

(modus operandi, page 33)

- use MODUS OPERANDI + the form provided at the ACCC Website

Whom to send communication?

- address to Committee
- but send it to Aarhus Convention Secretariat
Mr. jeremy.wates@unece.org

Format and structure of communications

How to send communication

- written form
- preferably by Email (easier to distribute etc.)
- languages (English, French, Russian)
- but note that ACCC language is English

Use the form of modus operandi Annex I (page 40)

- I. Information on communicant**
 - Full name, address, phone etc
 - if NGO: name of NGO, address, position

II. State concerned (Party concerned)

III. Facts of communication

... and relation to infringement

IV. Nature of alleged non-compliance

- Specific case
- Specific provisions
- General failure

V. Provision of the Convention relevant for the communication

- Which articles?

VI. Use of domestic remedies or other international procedures

- Information if you have used other remedies and if there still some available etc..

VII. Confidentiality

None of the communicant's information will be kept confidential

- Unless you request confidentiality
- If you are concerned that you might be
 - penalized
 - harassed
 - or persecuted

VIII. Supporting information (copies, not originals)

- Relevant national legislation
- Decisions/results of procedures
- Any other documentation necessary
- Relevant pieces of correspondence with the authorities

IX. Summary

- two to three page summary of the communication



X. Signature

- signed and dated
- If NGO: person that is authorized to sign

XI. Address

- Page 41 modus operandi (exact address);
jeremy.wates@unece.org
- Clearly state that it is a
**“Communication to the Aarhus Convention’s
Compliance Committee”**