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CONSULTATION

From: General Secretariat of the Council
To: Working Party on International Environment Issues (UNECE Aarhus)

Subject: WPIEI (UNECE Aarhus): Draft EU+MS position paper on agenda item 7(b)(i) of the 8th session of the Meeting of the Parties to the Aarhus Convention (Geneva, 17-19 November 2025) – Draft decisions on compliance by individual Parties to the Convention – INFORMAL SILENCE PROCEDURE

Following the discussions at the WPIEI (UNECE Aarhus) on 7 November 2025, the Presidency prepared draft EU+MS position paper on agenda item 7(b)(i) of Aarhus Convention MOP 8 on Draft decisions on compliance by individual Parties to the Convention as well as relevant draft decisions concerning specific cases of non-compliance with proposed amendments.

An informal silence procedure is hereby launched on the attached documents. If no objections are sent to the Presidency [REDACTED], [REDACTED], [REDACTED]) with copy to the Council Secretariat [REDACTED]; [REDACTED] environment@consilium.europa.eu) **by Friday, 14 November 2025, 15h00 (Brussels time)**, the attached EU+MS position paper and amendments to the draft decisions will be considered agreed.

**Eight session of the Meeting of the Parties to the Aarhus Convention (MOP 8)
(Geneva, Switzerland, 17-19 November 2025)**

DRAFT POSITION PAPER OF THE EU AND ITS MEMBER STATES¹

Agenda items 7(b)(i)

7 (b)(i) Draft decisions on compliance by individual Parties to the Convention

Documents

Background documents

- Documentation regarding the draft decisions on compliance by individual Parties to the Convention are listed in the position papers concerning the individual draft decisions below.
- Further documentation regarding the individual cases are available on the UNECE website, under the Compliance Committee page.
- Information on the time aspects of relevant cases are available in the annex to this position paper.

Background


Member States exchanged views on possible reactions and compromise proposals that could be presented by the EU and its Member States. Taking into account the points raised during the meeting and the draft EU and Member States' position paper on draft decision VIII/8 on general issues of compliance, it was agreed that the common approach should focus on general issues concerning the Compliance Committee's procedural functions, such as the timing of when the Compliance Cases are submitted to the Meeting of the Parties for preparation of the MOP decisions.

It was concluded that the Presidency would prepare a draft EU and Member States' position paper on individual compliance cases, proposing that decision-making to certain findings may be postponed according to a time-based criterion, as it has proven to be an extremely short deadline for proper preparations for the MOP8.

Information on the time aspects of relevant findings are available in the annex to this position paper.

In addition to a draft decision on general issues of compliance, Parties need to consider a number of supplementary draft decisions concerning specific findings of non-compliance.

¹ This document is based on official meeting documents on the UNECE website of the Aarhus Convention, available at: [Eighth session of the Meeting of the Parties to the Aarhus Convention | UNECE](#)



The following positions are based on this conclusion.

Position

The Presidency therefore proposes that the EU and its Member States suggest establishing a new deadline for the consideration of findings in compliance cases at the Meeting of the Parties. Only findings presented to the Parties at least [9/12] months prior to the MOP should be included in the draft decisions for endorsement.

On this basis, the EU and its Member States consider that findings presented to the Parties for preparation of decision-making less than [9/12] months prior to the meeting should not be adopted at the present MOP8. Instead, and depending on how the discussions go, the EU and its Member States suggest at MOP8 that the consideration and possible adoption of such findings be deferred to a potential extraordinary MOP, envisaged to take place in approximately two years' time.

This approach would ensure that all Parties have adequate time to examine and reflect upon the findings, allow for proper coordination among the EU and its Member States, and contribute to a consistent and transparent decision-making process under the Convention.

At the same time, EU and its Member States should highlight how important safeguarding the integrity of the system is and that these decisions should not be taken lightly. The proposals should be portrayed in the light of finding compromise solutions that protect the system as a whole.


The EU and its Member States propose removing the content regarding findings presented to the Parties in preparation for the MOP within the previous [9/12] months from draft decisions concerning compliance by individual Parties.

This includes making amendments to the following draft decisions:

- Draft decision VIII/8c concerning compliance by Bulgaria with its obligations under the Convention,
- Draft decision VIII/8l concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention,
- Draft decision VIII/8q concerning compliance by Spain with its obligations under the Convention,
- Draft decision VIII/8u concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention,
- Draft decision VIII/8o concerning compliance by the Republic of Moldova with its obligations under the Convention,

as well as postponing the decision-making in the following draft decisions:

- Draft decision VIII/8n concerning compliance by Portugal with its obligations under the Convention,
- Draft decision VIII/8r concerning compliance by Sweden with its obligations under the Convention.

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- Postpone the decision making in Draft decision VIII/8m concerning compliance by Poland with its obligations under the Convention.

The EU and its Member States' proposals for specific amendments are outlined in the EU and Member States' positions on the individual draft decisions, as described in this document.

Preparatory Segment Statement

As stated under the discussion of the draft decision VIII/8 on general issues of compliance, the EU and its Member States consider it important to remain continuously engaged in the interpretation and implementation of the Aarhus Convention. Therefore, the EU and its Member States considers it essential that Parties have sufficient time to carefully examine and review the draft decisions prior to their adoption.

On this basis, the EU and its Member States consider that findings presented to the Parties for adoption at MOP less than [9/12] months prior to the meeting should not be adopted at the present MOP8. Instead, the EU and its Member States propose at MOP8 that the consideration and possible adoption of such findings be deferred to the next MOP.

This approach would ensure that all Parties have adequate time to examine and reflect upon the findings, allow for proper coordination among the EU and its Member States, and contribute to a consistent and transparent decision-making process under the Convention.


We do not propose these steps lightly but believe that Parties should take ownership of findings by being provided ample time to analyze before endorsing them.

Accordingly, the EU and its Member States believe that content regarding findings presented to the Parties in preparation for the MOP within the previous [9/12] months should be removed from the draft decisions concerning compliance by individual Parties, in order to provide Parties to the Convention with sufficient time for such review. This would entail amending the following draft decisions:

- Draft decision VIII/8c concerning compliance by Bulgaria with its obligations under the Convention,
- Draft decision VIII/8l concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention,
- Draft decision VIII/8q concerning compliance by Spain with its obligations under the Convention,
- Draft decision VIII/8u concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention.
- Draft decision VIII/8o concerning compliance by the Republic of Moldova with its obligations under the Convention,

The EU and its Member States would also propose postponing decision-making on the following draft decisions:

- Draft decision VIII/8n concerning compliance by Portugal with its obligations under the Convention,
- Draft decision VIII/8r concerning compliance by Sweden with its obligations under the Convention.

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- Draft decision VIII/8n concerning compliance by Portugal with its obligations under the Convention,

The EU and its Member States' proposals for specific amendments are outlined in the EU and Member States' positions on the individual draft decisions.

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Draft decision VIII/8c concerning compliance by Bulgaria with its obligations under the Convention

Documents

Text of action

- Draft decision VIII/8c concerning compliance by Bulgaria with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-10/ECE.MP_PP_2025.25_aec_0.pdf

Background documents

- Report of the Compliance Committee on decision VII/8d of the Meeting of the Parties concerning compliance by Bulgaria, available at: https://unece.org/sites/default/files/2025-10/VII.8d_Bulgaria_report_MOP8_advance_unedited.pdf

Position

The EU and its Member States proposes the following amendments to Draft decision VIII/8c concerning compliance by Bulgaria with its obligations under the Convention:

- Removing from the third paragraph in the preamble the subsentence “..., and the findings of the Committee on communication ACCC/C/2018/161 concerning the compliance by Bulgaria with articles 3 (8), 8 and 9 (1)–(4) of the Convention”.
- Removing the footnote from this sentence referencing the document “ECE/MP.PP/C.1/2025/15”.
- Removing paragraphs 6-7.
- Removing the phrase “...and 7(a) (d)” from paragraphs 8(a) to 8(d).

Draft decision VIII/8l concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention

Documents

Text of action

- Draft decision VIII/8l concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-11/ECE.MP_PP_2025.34.E.pdf


Background documents

- Report of the Compliance Committee on decision VII/8m of the Meeting of the Parties concerning compliance by the Kingdom of the Netherlands, available at: https://unece.org/sites/default/files/2025-10/VII.8m_Netherlands_report_MOP8_advance_unedited.pdf

Position

The EU and its Member States proposes making the following amendments to Draft decision VIII/8l concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention:

- Removing from the third paragraph in the preamble the subsentence “..., and the findings and recommendations of the Committee with regard to communication ACCC/C/2020/181 concerning compliance by the Kingdom of the Netherlands with respect to public participation in decision-making on wind parks in Utrecht Province”.

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- Removing the footnote from this sentence referencing the document “ECE/MP.PP/C.1/2025/18”.
 - Removing paragraphs 3 to 5.

Draft decision VIII/8m concerning compliance by Poland with its obligations under the Convention

Documents

Text of action

- Draft decision VIII/8m concerning compliance by Poland with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-10/ECE.MP_PP_2025.35_aec.pdf

Background documents

- Report of the Compliance Committee on the implementation of its findings and recommendations on communication ACCC/C/2014/119 (Poland), available at: https://unece.org/sites/default/files/2025-10/C119_Poland_report_MOP8_advance_unedited.pdf

Position

Postpone the decision making in Draft decision VIII/8m concerning compliance by Poland with its obligations under the Convention.

Draft decision VIII/8n concerning compliance by Portugal with its obligations under the Convention

Documents

Text of action

- Draft decision VIII/8n concerning compliance by Portugal with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-10/ECE.MP_PP_2025.36_Portugal_aec.pdf

Position

Postpone the decision making in Draft decision VIII/8n concerning compliance by Portugal with its obligations under the Convention.

Draft decision VIII/8q concerning compliance by Spain with its obligations under the Convention

Documents

Text of action

- Draft decision VIII/8q concerning compliance by Spain with its obligations under the Convention, available at https://unece.org/sites/default/files/2025-11/ECE.MP_PP_2025.39.E.pdf

Background documents

- Report of the Compliance Committee on decision VII/8p of the Meeting of the Parties concerning compliance by Spain, available at: https://unece.org/sites/default/files/2025-10/VII.8p_Spain_report_MOP8_advance_unedited.pdf

Position

The case ACCC/C/2020/183 related to this draft decision was adopted March 12 2025, and amendments would not be proposed, should Member States agree on a time-criteria of 6 months.

The EU and its Member States proposes the following amendments to Draft decision VIII/8m concerning compliance by Poland with its obligations under the Convention:

- Removing from the third paragraph in the preamble the subsentence “...and the findings and recommendations of the Committee with regard to communication ACCC/C/2020/183 concerning compliance by Spain with respect to opportunities for the public in Portugal to participate in the decision-making to extend the operation of Almaraz nuclear power plant”.
- Removing the footnotes from this sentence referencing the document “ECE/MP.PP/C.1/2025/7”.
- Removing paragraphs 2 to 5.

Draft decision VIII/8r concerning compliance by Sweden with its obligations under the Convention

Documents

Text of action

- Draft decision VIII/8r concerning compliance by Sweden with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-11/ECE.MP_PP_2025.40.E.pdf

Background documents

- Report of the Compliance Committee on decision VII/8p of the Meeting of the Parties concerning compliance by Spain, available at https://unece.org/sites/default/files/2025-10/VII.8p_Spain_report_MOP8_advance_unedited.pdf

Position

Postpone the decision making in Draft decision VIII/8r concerning compliance by Sweden with its obligations under the Convention.

Draft decision VIII/8u concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention

Documents

Text of action


- Draft decision VIII/8u concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-11/ECE.MP_PP_2025.43.E.pdf

Background documents

- Report of the Compliance Committee on decision VII/8s of the Meeting of the Parties concerning compliance by the United Kingdom, available at https://unece.org/sites/default/files/2025-10/VII.8s_UK_report_MOP8_advance_unedited.pdf

Position

The EU and its member states proposes the following amendments to Draft decision VIII/8m concerning compliance by Poland with its obligations under the Convention:

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- Removing from the third paragraph in the preamble the subsentence “...and the findings of the Committee on communication ACCC/C/2017/150 concerning the compliance by the United Kingdom of Great Britain and Northern Ireland with articles 3 (1) and 8 of the Convention in connection with public participation during the preparation of draft legislation”.
 - Removing the footnotes from this sentence referencing the document “ECE/MP.PP/C.1/2025/11”.
 - Removing paragraphs 3 and 4.
 - Removing the phrase “...and 4” from paragraphs 5(a) to 5(d).

Draft decision VIII/80 concerning compliance by the Republic of Moldova with its obligations under the Convention

Documents

Text of action

Draft decision VIII/80 concerning compliance by the Republic of Moldova with its obligations under the Convention, available at: https://unece.org/sites/default/files/2025-11/ECE.MP_PP_2025.37.E.pdf.

Background documents

- Report of the Compliance Committee on request ACCC/M/2021/5 of the Meeting of the Parties concerning compliance by the Republic of Moldova, available at: https://unece.org/sites/default/files/2025-10/M5_Rep_of_Moldova_report_MOP8_advance_unedited.pdf

Position

The EU and its Member States proposes the following amendments to Draft decision VIII/80 concerning compliance by the Republic of Moldova with its obligations under the Convention:

- Removing from the third paragraph in the preamble the subsentence “...under request ACCC/M/2021/5 concerning compliance by the Republic of Moldova, the report of the Committee on the implementation of its findings and recommendations on request ACCC/M/2021/5 concerning compliance by the Republic of Moldova; and”
- Removing the footnotes from this sentence referencing the document “ECE/MP.PP/C.1/2022/11” and “ECE/MP.PP/2025/61”.
- Removing paragraphs 1, 2 and 3.

Annex

Draft decisions including findings adopted within the last 12 months				
Party	Case	Link to findings	Findings adoption date	Draft decision date
Bulgaria	2018/161	https://unece.org/sites/default/files/2025-11/ece.mp_pp_c.1.2025.15_C161_Bulgaria_Findings_aec.pdf	12.09.25 Date on findings: 03.11.25	06.10.25
The Kingdom of the Netherlands	2020/181	https://unece.org/sites/default/files/2025-08/C181_Netherlands_Findings_advance_unedited_version.pdf	25.08.25	07.10.25
Poland	2016/151 2017/154	https://unece.org/sites/default/files/2025-11/ece.mp_pp_c.1.2025.12_C151_Poland_Findings_aec.pdf https://unece.org/sites/default/files/2025-11/ECE.MP_PP_C.1.2025.13_C154_Poland_aec.pdf	25.08.25 Date on findings: 05.11.25	06.10.25
Portugal	2021/186	https://unece.org/sites/default/files/2025-08/C186_Portugal_Findings_advance_unedited.pdf	22.08.25	06.10.25
Spain	2020/183	https://unece.org/sites/default/files/2025-05/ece.mp_pp_c.1.2025.7.e.pdf	12.03.25 Date on Findings: 25.04.25	06.10.25
Sweden	2019/173	https://unece.org/sites/default/files/2025-10/ece.mp_pp_c.1.2025.17_C173_Sweden_aec.pdf	22.08.25 Date on findings: 10.10.25	06.10.25
The United Kingdom of Great Britain and Northern Ireland	2017/150	https://unece.org/sites/default/files/2025-11/ECE.MP_PP_C.1.2025.11_E.pdf	03.10.25 Date on findings: 14..10.25	06.10.25



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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Eighth session

Geneva, 17–19 November 2025

Item 7 (b) (i) of the provisional agenda

**Procedures and mechanisms facilitating
the implementation of the Convention:
compliance mechanism:
Compliance Committee**

Draft decision VIII/8c concerning compliance by Bulgaria with its obligations under the Convention

Prepared by the Bureau*

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VII/8d with regard to compliance by Bulgaria,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VII/8d concerning compliance by Bulgaria with its obligations under the Convention,³ ~~and the findings of the Committee on communication ACCC/C/2018/161 concerning the compliance by Bulgaria with articles 3 (8), 8 and 9 (1) (4) of the Convention,~~⁴

Encouraged by the willingness of Bulgaria to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has not yet met the requirements set out in paragraphs 2 (a) and (b) and 6 (a)–(e) of decision VII/8d and,

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2021/2/Add.1.

³ ECE/MP.PP/2025/52.

⁴ ~~ECE/MP.PP/C.1/2025/15.~~

with respect to paragraphs 2 (a) and 6 (a)–(e) of decision VII/8d, has made no progress in that direction;

2. *Reaffirms* decision VII/8d and requests the Party concerned, as a matter of urgency, to:

(a) Take the necessary legislative, regulatory and administrative measures to ensure that:

- (i) Members of the public, including environmental organizations, have access to justice with respect to General Spatial Plans and Detailed Spatial Plans;
- (ii) Members of the public concerned, including environmental organizations, have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention;

(b) Review the approach of its courts to appeals, under article 60 (4) of the Administrative Procedure Code, of orders for preliminary enforcement challenged on the ground of potential environmental damage, and to undertake practical and/or legislative measures to ensure that:

- (i) Instead of relying on the conclusions of the contested environmental impact assessment/strategic environmental assessment decision, the courts in such appeals make their own assessment of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;
- (ii) The courts in their decisions on such appeals set out their reasoning to clearly show how they have balanced the interests, including the assessment they have undertaken of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;
- (iii) Training and guidance is provided for judges and public officials in relation to how to carry out the above-mentioned balancing of interests in environmental cases, including on how to properly reflect that balancing in their reasoning;

(c) Take the necessary legislative, regulatory, administrative and practical measures to ensure that:

- (i) Adequate and effective remedies are provided for the public to challenge General Spatial Plans and General Spatial Plan amendments adopted on the basis of unlawful strategic environmental assessment decisions;
- (ii) Public notice to initiate public participation in decision-making on General Spatial Plans contains details related to the proposed activity and the nature of the subsequent decision, as well as all other relevant information required by article 6 (2) of the Convention;
- (iii) All necessary information, including, but not limited to, the text of the proposed General Spatial Plan, and, in the case of a General Spatial Plan amendment, the text of both the existing General Spatial Plan and the proposed amendment thereto, is provided to the public in due time before the hearing;
- (iv) In decision-making on proposed General Spatial Plans and General Spatial Plan amendments, a reasonable time frame between the publication of the public notice and the hearing is provided to the public;
- (v) In decision-making on proposed General Spatial Plans and General Spatial Plan amendments, due account is required to be taken of the outcomes of the public participation in the decision, and that this is documented in a transparent and traceable way;

3. *Calls* upon all relevant ministries of the Party concerned, including the Ministry of Environment and Water, the Ministry of Regional Development and Public

Works and the Ministry of Justice, to work together to ensure the successful fulfilment of paragraph 2 (a)–(c) above;

4. *Decides*, in the light of the ongoing position of the Party concerned that implementing paragraph 2 (a) (i) and (ii) of decision VII/8d is not required for its full compliance with article 9 (2) and (3) of the Convention:

(a) To maintain the caution issued to the Party concerned at its sixth session (Budva, Montenegro, 11–13 September 2017);⁵

(b) That the caution will be lifted on 1 October 2027 if the Party concerned has fully met the requirements in paragraph 2 (a) (i) and (ii) of the present decision and has notified the secretariat of this fact, providing evidence, by the same date;

(c) To request the Committee to establish the successful fulfilment of paragraph 2 (a) (i) and (ii) of the present decision for the purposes of subparagraph (b) above;

5. *Also decides*, in the light of the position of the Party concerned that implementing paragraphs 6 (b)–(e) of decision VII/8d is not required for its full compliance with article 7 of the Convention, to:

(a) Issue a second caution, to become effective on 1 January 2028, unless the Party concerned has fully satisfied the conditions set out in paragraph 2 (c) (ii)–(v) of the present decision and has notified the secretariat of this fact by 1 October 2027;

(b) Request the Committee to establish the successful fulfilment of paragraph 2 (c) (ii)–(v) of the present decision for the purposes of subparagraph (a) above;

~~6. — *Endorses the findings of the Committee with respect to communication ACCC/C/2018/161 that:*~~

~~(a) — *By subjecting non-governmental organizations to a fee for cassation appeals that is more than five times higher than that applicable to sole traders, public authorities and entities exercising public functions, the Party concerned fails to comply with the requirement in article 9 (4) that review procedures under article 9 (1)–(3) of the Convention are “fair and equitable”;*~~

~~(b) — *By failing to ensure that, where they meet the criteria, if any, laid down in its national law, non-governmental organizations and other members of the public have access to administrative or judicial procedures to challenge municipal air quality plans which contravene national law relating to the environment, the Party concerned fails to comply with article 9 (3) of the Convention;*~~

~~(c) — *By failing to take the necessary measures to ensure that Members of Parliament and senior officials do not engage in highly derogatory and inflammatory statements, either during sessions of the Parliament or otherwise in the public domain, that have the effect of penalizing, persecuting or harassing persons exercising their rights in conformity with the provisions of the Convention, the Party concerned has failed to comply with article 3 (8) of the Convention;*~~

~~7. — *Recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:*~~

~~(a) — *Where they meet the criteria, if any, laid down in its national law, environmental non-governmental organizations and other members of the public have access to administrative or judicial procedures to challenge air quality plans, adopted at municipal level, which contravene national law relating to the environment;*~~

~~(b) — *The fee payable by non-governmental organizations for cassation appeals is fair and equitable in line with that payable by sole traders, public authorities and entities exercising public functions;*~~

⁵ Decision VI/8d, para. 5 (a).

~~(e) The Committee's findings and recommendations on communication ACCC/C/2018/161⁶ are translated into Bulgarian and circulated to all Members of Parliament (the National Assembly) and the Cabinet of Ministers;~~

~~(d) The Rules of Organization and Procedure of the National Assembly⁷ are amended to require expressly that each Member of Parliament refrains, either during sessions of the Parliament or otherwise in the public domain, from any statements that penalize, persecute or harass persons exercising their rights in conformity with the provisions of the Convention;~~

8. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2026 regarding the implementation of paragraphs 2 (a)–(c), ~~3 and 7 (a)–(d)~~ above;

(b) Provide detailed progress reports to the Committee by 1 October 2027 and 1 October 2028 on the measures taken and the results achieved in the implementation of the abovementioned plan of action and paragraphs 2 (a)–(c), ~~3 and 7 (a)–(d)~~ above;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing paragraphs 2 (a)–(c), ~~3 and 7 (a)–(d)~~ above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing paragraphs 2 (a)–(c), ~~3 and 7 (a)–(d)~~ above is to be considered;

9. *Undertakes* to review the situation at its ninth session.

⁶ ECE/MP.PP/C.1/2025/15.

⁷ See www.parliament.bg/en/podns.



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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Eighth session

Geneva, 17–19 November 2025

Item 7 (b) (i) of the provisional agenda

**Procedures and mechanisms facilitating
the implementation of the Convention:
compliance mechanism:
Compliance Committee**

Draft decision VIII/8l concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention

Prepared by the Bureau*

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VII/8m with regard to compliance by the Kingdom of the Netherlands with its obligations under the Convention,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VII/8m concerning compliance by the Kingdom of the Netherlands with its obligations under the Convention,³ ~~and the findings and recommendations of the Committee with regard to communication ACCC/C/2020/181 concerning compliance by the Kingdom of the Netherlands with respect to public participation in decision-making on wind parks in Utrecht Province,~~⁴

Encouraged by the willingness of the Kingdom of the Netherlands to discuss in a constructive manner with the Committee the compliance issues in question,

* This document was submitted late owing to additional time required for its finalization.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2021/2/Add.1.

³ ECE/MP.PP/2025/59.

⁴ ~~ECE/MP.PP/C.1/2025/18.~~



1. *Endorses* the findings of the Committee that, while welcoming the steps taken to date, the Party concerned has not yet met the requirements of paragraph 3 (a)–(b) of decision VII/8m;

2. *Reaffirms* decision VII/8m and requests that the Party concerned, as a matter of urgency, take the necessary legislative, regulatory and administrative measures to ensure that:

(a) When a public authority reconsiders or updates the duration of any nuclear-related activity within the scope of article 6 of the Convention, the provisions of article 6 (2)–(9) are applied;

(b) Public officials, including the judiciary, are under a legal and enforceable duty to ensure that documents relating to, or referring to, the imperative reasons of overriding public interest regarding a Natura 2000 site are considered to be environmental information within the meaning of article 2 (3) (b) of the Convention;

~~3.—Endorses the findings of the Committee with respect to communication ACCC/C/2020/181 that, by failing to provide for public participation at an early stage, when all options were open, in the decision making to increase the target for Utrecht Provincie from “50 to 60 MW” to 65.5 MW, the Party concerned failed to comply with article 7 in conjunction with article 6 (4) of the Convention;~~

~~4.—Recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that its provinces do not set their wind power targets without first providing for public participation meeting the requirements of article 7 of the Convention;~~

~~5.—Requests the Party concerned to:~~

~~(a)—Submit a plan of action, including a time schedule, to the Committee by 1 July 2026 regarding the implementation of paragraphs 2 (a)–(b) and 4 above;~~

~~(b)—Provide detailed progress reports to the Committee by 1 October 2027 and 1 October 2028 on the measures taken and the results achieved in the implementation of the above mentioned plan of action and paragraphs 2 (a)–(b) and 4 above;~~

~~(c)—Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing paragraphs 2 (a)–(b) and 4 above;~~

~~(d)—Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing paragraphs 2 (a)–(b) and 4 above is to be considered;~~

6. *Undertakes* to review the situation at its ninth session.



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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Eighth session

Geneva, 17–19 November 2025

Item 7 (b) (i) of the provisional agenda

**Procedures and mechanisms facilitating
the implementation of the Convention:
compliance mechanism:
Compliance Committee**

Draft decision VIII/8o concerning compliance by the Republic of Moldova with its obligations under the Convention

Prepared by the Bureau*

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Recalling its report of its seventh session (Geneva, 18–20 October 2021), through which it called on the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, to consider the ongoing failure by the Republic of Moldova to submit its reports for the fifth and sixth cycles,²

Taking note of the findings and recommendations with regard to the above request, ~~under request ACCC/M/2021/5 concerning compliance by the Republic of Moldova;³ the report of the Committee on the implementation of its findings and recommendations on request ACCC/M/2021/5 concerning compliance by the Republic of Moldova;⁴ and the Committee's report on the implementation of decision VII/8n concerning compliance by the Republic of Moldova with its obligations under the Convention,⁵~~

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2021/2, para. 45.

~~³ ECE/MP.PP/C.1/2022/11.~~

~~⁴ ECE/MP.PP/2025/61.~~

⁵ Ibid.



Encouraged by the willingness of the Republic of Moldova to discuss in a constructive manner with the Committee the compliance issues in question,

~~1. — Endorses the findings of the Committee with respect to request ACCC/M/2021/5 that:~~

~~(a) — By failing to submit its 2017 and 2021 national implementation reports in due time for the sixth and seventh sessions of the Meeting of the Parties, the Party concerned failed to comply with the requirement in article 10 (2) of the Convention for “regular reporting” by Parties;~~

~~(b) — Since the Party concerned has now submitted its 2021 national implementation report, the Committee finds that the Party concerned is no longer in non-compliance with article 10 (2) of the Convention with respect to the sixth reporting cycle;~~

~~(d) — The Party concerned remains in non-compliance with article 10 (2) of the Convention with respect to the fifth reporting cycle;~~

~~5. — Also endorses the recommendations of the Committee with respect to request ACCC/M/2021/5 that the Party concerned:~~

~~(a) — Take the necessary measures to ensure the timely, transparent and consultative preparation of its national implementation report for the seventh cycle, including the submission of the national implementation report no later than 180 days before the eighth session of the Meeting of the Parties, to be held in 2025;~~

~~(b) — Report to the Committee accordingly;~~

~~8. — Further endorses the findings of the Committee in its report on the implementation of request ACCC/M/2021/5 that:~~

~~(-) — The Party concerned has taken sufficient measures to meet the requirements of the Committee’s recommendations in paragraph 2 (a)–(b) above;~~

~~(-) — In the light of the Committee’s finding in paragraph 3 (a) above, the Party concerned is no longer in non-compliance with the provisions of article 10 (2) of the Convention with respect to the matters examined by the Committee in its findings and recommendations on request ACCC/M/2021/5;~~

~~11.1. Endorses the finding of the Committee that the Party concerned has not yet met the requirements set out in paragraph 2 (a)–(b) of decision VII/8n;~~

~~12.2. Reaffirms decision VII/8n and requests the Party concerned, as a matter of urgency, to:~~

~~(a) Take the necessary legislative, regulatory and other measures to establish a clear, transparent and consistent schedule of charges under article 4 (8) of the Convention for the supply of hydrometeorological information upon request, including by clearly setting out how any charges should be calculated, and to ensure that all charges, including total charges, are reasonable and properly justified;~~

~~(b) Provide training to officials of public authorities handling requests for access to hydrometeorological information to ensure that any charges are no more than reasonable, that they are calculated in a clear, transparent and consistent way and are properly justified;~~

~~6. Requests the Party concerned to:~~

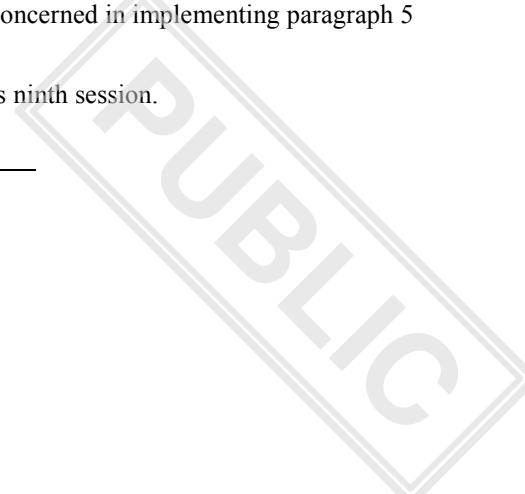
~~(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2026 regarding the implementation of the recommendations in paragraph 5 (a)–(b) above;~~

~~(b) Provide detailed progress reports to the Committee by 1 October 2027 and 1 October 2028 on the measures taken and the results achieved in the implementation of the above-mentioned plan of action and paragraph 5 (a)–(b) above;~~

~~(c) Provide such further information as the Committee may request in order to assist it to review the progress made by the Party concerned in implementing paragraph 5 (a)–(b) above;~~

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress made by the Party concerned in implementing paragraph 5 (a)–(b) above is to be considered;

7. *Undertakes* to review the situation at its ninth session.





PUBLIC

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Eighth session

Geneva, 17–19 November 2025

Item 7 (b) (i) of the provisional agenda

Procedures and mechanisms facilitating

the implementation of the Convention:

compliance mechanism:

Compliance Committee

Draft decision VIII/8q concerning compliance by Spain with its obligations under the Convention

Prepared by the Bureau*

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VII/8p with regard to compliance by Spain with its obligations under the Convention,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VII/8p concerning compliance by Spain with its obligations under the Convention,³ ~~and the findings and recommendations of the Committee with regard to communication ACCC/C/2020/183 concerning compliance by Spain with respect to opportunities for the public in Portugal to participate in the decision-making to extend the operation of Almaraz nuclear power plant,⁴~~

Encouraged by the willingness of Spain to discuss in a constructive manner with the Committee the compliance issues in question,

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2021/2/Add.1.

³ ECE/MP.PP/2025/63.

⁴ ~~ECE/MP.PP/C.1/2025/7.~~



1. *Endorses* the findings of the Committee that the Party concerned has met the requirements of paragraph 2 (a)–(b) of decision VII/8p;

~~2. *Also endorses* the findings of the Committee that, by failing to provide for opportunities meeting the requirements of article 6 (2)–(9) of the Convention for the public in Spain and Portugal to participate prior to the adoption of the Ministerial Order dated 23 July 2020⁸ extending the operation of reactors I and II of Almaraz nuclear power plant until 2027 and 2028, respectively, the Party concerned failed to comply with article 6 (10) of the Convention;~~



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Geneva, 17–19 November 2025

Item 7 (b) (i) of the provisional agenda

**Procedures and mechanisms facilitating
the implementation of the Convention:
compliance mechanism:
Compliance Committee**

Draft decision VIII/8u concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention

Prepared by the Bureau*

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VII/8s with regard to compliance by the United Kingdom of Great Britain and Northern Ireland,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VII/8s concerning compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention,³ ~~and the findings of the Committee on communication ACCC/C/2017/150 concerning the compliance by the United Kingdom of Great Britain and Northern Ireland with articles 3 (1) and 8 of the Convention in connection with public participation during the preparation of draft legislation,~~⁴

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2021/2/Add.1.

³ ECE/MP.PP/2025/66.

⁴ ~~ECE/MP.PP/C.1/2025/11.~~



Encouraged by the willingness of the United Kingdom of Great Britain and Northern Ireland to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee in its report on the implementation of decision VII/8s that:

(a) While welcoming the progress made, the Party concerned has not yet met the requirements of paragraphs 2 (a)–(b) and (d) of decision VII/8s with respect to England and Wales;

(b) While welcoming the progress made, the Party concerned has not yet met the requirements of paragraph 2 (a)–(b) and (d) of decision VII/8s with respect to Scotland;

(c) While welcoming the significant progress made, the Party concerned has not yet met the requirements of paragraph 2 (a)–(d) of decision VII/8s with respect to Northern Ireland;

(d) While welcoming the progress made, the Committee finds that the Party concerned has not yet met the requirements of paragraph 2 (e) (i)–(ii) of decision VII/8s;

(e) While welcoming the progress made, the Committee finds that the Party concerned has not yet met the requirements of paragraph 4 (a) of decision VII/8s;

(f) While welcoming the initial steps taken, the Party concerned has not yet met the requirements of paragraph 4 (b) (i)–(ii) of decision VII/8s;

(g) While welcoming the steps taken, the Party concerned has not yet met the requirements of paragraph 6 (a)–(d) of decision VII/8s;

(h) While welcoming the initial steps taken, the Party concerned has not yet met the requirements of paragraph 8 of decision VII/8s;

2. *Reaffirms* decision VII/8s and requests that the Party concerned:

(a) As a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:

(i) Ensure that the allocation of costs in all court procedures subject to article 9, including private nuisance claims, is fair and equitable and not prohibitively expensive;

(ii) Further consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice;

(iii) Further review its rules regarding the time frame for the bringing of applications for judicial review in Northern Ireland to ensure that the legislative measures involved are fair and equitable and amount to a clear and transparent framework;

(iv) Establish a clear, transparent and consistent framework to implement article 9 (4) of the Convention;

(v) Put in place a clear requirement to ensure that:

a. When selecting the means for notifying the public under article 6 (2), public authorities are required to select such means as will ensure effective notification of the public concerned in the territory outside of the Party concerned, bearing in mind the nature of the proposed activity, and the potential for transboundary impacts;

b. When identifying who is the public concerned by the environmental decision-making on ultrahazardous activities, such as nuclear power plants, public authorities will apply the precautionary principle and consider the potential extent of the effects if an accident were indeed to occur, even if the risk of an accident is very small;

(b) Take the necessary legislative, regulatory, administrative and practical measures to ensure that:

- (i) Decisions to permit activities subject to article 6 of the Convention cannot be taken after the activity has already commenced or has been constructed, save in highly exceptional cases and subject to strict and defined criteria;
- (ii) Activities subject to article 6 of the Convention are not entitled, by law, to:
 - a. Become immune from enforcement under article 67B (3) of the Planning (Northern Ireland) Order 1991 or any legislation that supersedes it;
 - b. Receive a certificate of lawful development under article 83A of the Planning (Northern Ireland) Order 1991 or any legislation that supersedes it;
- (iii) The time frame for bringing an application for judicial review of any planning-related decision within the scope of article 9 of the Convention is calculated from the date the decision became known to the public and not from the date that the contested decision was taken;
- (iv) When calculating the sum of costs to be awarded against an unsuccessful claimant in a procedure subject to article 9 of the Convention, the courts, inter alia, take into account the stage of the judicial procedure to which the costs relate;
- (v) In judicial procedures within the scope of article 9 of the Convention, successful “litigants in person” are entitled to recover a fair and equitable hourly rate;
- (vi) In proceedings within the scope of article 9 of the Convention in which the applicant follows the pre-action protocol of the Party concerned, the public authority concerned is required to comply with that protocol;
- (c) Promptly take the necessary legislative, regulatory, administrative or other measures, such as establishing appropriate assistance mechanisms, to ensure that procedures to challenge acts and omissions by public authorities that contravene provisions of its law on litter are fair, equitable and not prohibitively expensive;

~~3. — Endorses the findings of the Committee with respect to communication ACCC/C/2017/150 that:~~

~~— (a) — By failing, during the preparation by the Department for Exiting the European Union of the Withdrawal Bill, to: (i) fix timeframes sufficient for effective public participation; (ii) publish or otherwise make available the draft rules in advance; (iii) give the public the opportunity to comment; and (iv) take into account the result of the public participation as far as possible, the Party concerned failed to comply with article 8 of the Convention;~~

~~— (b) — By not having taken the necessary legislative, regulatory or other measures to establish and maintain a consistent framework to promote effective public participation during the preparation of draft legislation that may have a significant effect on the environment under article 8 of the Convention, the Party concerned has failed to comply with article 3 (1) of the Convention;~~

~~4. — Recommends that the Party concerned take the necessary legislative, regulatory or other measures to establish a consistent framework to promote effective public participation during the preparation of draft legislation that may have a significant effect on the environment;~~

5. Requests the Party concerned to:

- (a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2026 regarding the implementation of paragraphs 2 (a)–(c) ~~and 4~~ above;
- (b) Provide detailed progress reports to the Committee by 1 October 2027 and 1 October 2028 on the measures taken and the results achieved in the implementation of the above-mentioned plan of action and paragraphs 2 (a)–(c) ~~and 4~~ above;
- (c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing paragraphs 2 (a)–(c) ~~and 4~~ above;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing paragraphs 2 (a)–(c) ~~and 4~~ above is to be considered;

6. *Undertakes* to review the situation at its ninth session.

