

EEB comments on the final progress report on request ACCC/M/2021/4 (European Union)

As observers on request ACCC/M/2021/4, the European Environmental Bureau (EEB) thanks the Compliance Committee for this opportunity to comment on the final progress report submitted by the Party concerned on 1 October 2024.

While recognising that the Party concerned has submitted this report and that it continues to work on the implementation of the recommendation in paragraph 131 of the Committee's findings in communication ACCC/C/2015/128 (European Union), we note that there has been very little tangible progress since the last progress report submitted on 26 September 2023.

The Party's slow progress is concerning. As we understand the Committee's procedure, this final progress report by the Party is meant to set out the measures that have been taken to address the findings, or at the very least, the content of the measures that will in a short time be adopted, thus allowing the Committee to prepare its report to the Meeting of the Parties indicating whether the Party concerned has adequately addressed the observed non-compliance. However, the information provided by the Party concerned in its progress report does evidently not fulfil this purpose and do not provide reassurance that the Party concerned is taking the necessary steps to implement the recommendations of the Compliance Committee findings. Instead, the final progress report states that the Commission is still preparing its assessment, "which will be published as a Staff Working Document and will be accompanying the proposed measures" (p. 4). We therefore understand that the Party concerned has neither finalised its assessment, nor decided on the form or content of such measures, let alone presented any draft measures.

Moreover, even though the Party concerned states that it "is mindful of the Committee's conclusions and the upcoming Meeting of the Parties in 2025" (final progress report, p. 4), it seems this timeline is incompatible with the applicable reporting deadlines in the run-up to the upcoming Meeting of the Parties.

Nonetheless, it continues to be of utmost importance that the Compliance Committee is given the opportunity to pronounce itself on the content of any possible measures meant to address the observed non-compliance. In this context, we recall the very helpful advice provided by the Compliance Committee in relation to request ACCC/M/2017/3 (European Union). This advice was of pivotal importance for ensuring that the final measures adopted by the Party concerned were sufficient to address the request of the Meeting of the Parties. It is paramount that the measures that will finally be adopted for this request are adequate, and it would be



regrettable if the Party concerned were to adopt related measures which are afterwards found to not fulfil the requirements of the Convention, thus necessitating a completely new process.

We would like to thank the Compliance Committee members and members of the Secretariat for their continued consideration of and engagement on this request and stand ready to provide any further information.

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