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**DRAFT WORKING MODALITIES OF THE
COMMITTEE TO SUPPORT IMPLEMENTATION AND COMPLIANCE
OF THE ESCAZÚ AGREEMENT**

10 DECEMBER 2023

This document has not been subjected to editorial review

CONTENT

- I. Purpose and nature
- II. Structure and composition
- III. Meetings and organization of work
- IV. Reporting functions and support to the Conference of the Parties
- V. Advice functions and support to Parties
- VI. Participation of the public in the functions of the Committee
- VII. Communications
- VIII. Cooperation and capacity-building
- IX. Standard of conduct, independence and impartiality
- X. Continuous review and amendments

I. Purpose and nature

- 1. The present document contains the working modalities of the Committee to Support Implementation and Compliance (“Modalities”), in accordance with the “Rules relating to the structure and functions of the Committee to Support Implementation and Compliance” (“Rules relating to the structure”)¹.
- 2. The objective of these Modalities is to guide the effective management of the Committee to Support Implementation and Compliance (“Committee”), and provide details on its structure and functions.
- 3. These Modalities shall ensure the meaningful participation of the public of the countries of Annex 1 of the Regional Agreement on Access to Information, Public Participation and Justice in environmental matters in Latin America and the Caribbean (“Agreement”), as appropriate, and consider national capacities and circumstances of State Parties.
- 4. In the implementation and interpretation of these Modalities, the nature and functions of the Committee shall be considered, as established in the Agreement and the Rules relating to the structure, including its consultative and transparent, non-adversarial, non-judicial and non-punitive nature and as a subsidiary body of the Conference of the Parties. The Committee shall seek to fulfill its support mandate, giving the same importance to the implementation of as to compliance with the Agreement.

II. Structure and composition

Chair and Vice-chairs of the Committee

¹ Decision I/3 of the First meeting of the Conference of the Parties to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

- 46 1. The Committee shall elect a Chair and two Vice-chairs in accordance with the Rules relating to the
47 structure.
48
- 49 2. In electing these positions, the Committee shall take into account equitable geographic distribution,
50 gender balance and, to the extent possible, rotation among members.
51
- 52 3. The Chair and Vice-chairs of the Committee shall be elected for a period of two years and may be re-
53 elected.
54
- 55 4. The Chair shall preside all meetings and activities of the Committee, ensuring that the objectives are met.
56 The Chair shall open and adjourn each of the meetings, with the required quorum, give the floor, direct
57 the discussions, submit the issues for consideration and proclaim the decisions adopted, overseeing the
58 implementation of the Rules relating to its structure and the Modalities.
59
- 60 5. The Chair shall direct the proceedings of the meetings, resolve points of order and shall ensure that order
61 is maintained. During the debate on a matter, the Chair may propose limiting the duration of the
62 interventions of the speakers, limiting the number of interventions of each speaker on a question and
63 closing the list of speakers. Discussions shall be limited to the matter being considered by the Committee,
64 and the Chair may call to order a speaker whose remarks are unrelated to the matter under discussion.
65 The Chair may also propose the suspension or adjournment of the meeting or the postponement of the
66 debate on the matter in question.
67
- 68 6. When the Chair is temporarily absent from a meeting or part of it, he or she shall designate one of the
69 Vice-chairs to act as Chair. The Vice-chair acting as Chair shall have the same powers and obligations of
70 the Chair.
71
- 72 7. The Chair shall represent the Committee in the meetings and activities in which the Committee is officially
73 invited to participate. If the Chair is unable to represent the Committee at that meeting or activity, they
74 may designate one of the Vice-chairs or, if neither is available, another member of the Committee, to
75 attend on their behalf.
76
- 77 8. If the Chair or any of the Vice-chairs cease to be a member of the Committee, do not exercise their
78 functions or declare that they are unable to continue exercising them or for any reason cannot continue
79 to hold the position, the following shall apply:
80
- 81 a. The Chair shall be replaced by one of the Vice-chairs and the vacant position be filled by one of
82 the members elected by the Committee.
- 83 b. The new Chair or Vice-chairs shall be selected for the time remaining until the expiration of his
84 predecessor's term.
85

86 **III. Meetings and organization of work**

87 ***Meetings***

- 88
- 89
- 90 1. The Committee shall hold a minimum of three ordinary meetings each year, one in person and two virtual.
91 Ordinary meetings shall be held on the dates decided by the Committee in consultation with the
92 Secretariat, taking into account the calendar of conferences and meetings.
93

- 94 2. The Committee may convene extraordinary in person or virtual meetings. When the Committee is not
95 holding ordinary meetings, the Chair may convene extraordinary meetings after consulting the other
96 Officers of the Committee and the Secretariat. The Chair may also convene extraordinary meetings to
97 deal with matters of an urgent nature that must be considered before the next ordinary meeting at the
98 request of the majority of the members of the Committee. The decision to hold an extraordinary meeting
99 shall be taken by consensus or, failing that, by two thirds majority of the members. Extraordinary
100 meetings shall take place preferable virtually.
101
- 102 3. The Secretariat shall notify the members of the Committee of the place and date of each meeting. This
103 notification shall be sent at least eight weeks before the opening of an ordinary meeting and at least 10
104 business days before the opening of an extraordinary meeting.
105
- 106 4. The meetings of the Committee shall be announced on the website of the Secretariat and through the
107 Regional Public Mechanism.
108
- 109 5. For a better and more efficient management of the work of the Committee, the Chair upon consultation
110 with the other members may establish working subcommittees. These shall be composed of 3 members,
111 one of which shall act as the coordinator. The membership of each subcommittee shall be reviewed every
112 2 years, promoting rotation among its members.
113
- 114 6. In addition, to facilitate the performance of the functions of the Committee, the Chair upon consultation
115 with the other members, may designate one or more members as rapporteur or rapporteurs. The
116 rapporteur shall assist in all substantive aspects required by the Chair. The member of the Committee
117 who acts as rapporteur shall be in charge of preparing all the necessary draft documents for consideration
118 by the Committee and any other specific task entrusted by the Chair.
119

120 **Agenda**

- 121
- 122 7. The Secretariat shall prepare the provisional agenda for the ordinary meeting in consultation with the
123 Chair. The agenda shall include at least:
- 124 a. Any item whose inclusion has been decided by the Committee in a previous meeting, or on which
125 its conclusion is pending;
- 126 b. Any item proposed by the Chair of the Committee;
- 127 c. Any item related to a function of the Committee that must be considered in a specific meeting
128 by virtue of the Escazú Agreement, the Rules relating to its structure or the Modalities.
129
- 130 8. The Secretariat shall transmit to the members of the Committee the provisional agenda and the working
131 documents related to each item included in it at least eight weeks before the opening of the ordinary
132 meeting in question.
133
- 134 9. The provisional agenda for an extraordinary meeting of the Committee shall include only the items that
135 have been proposed for consideration at that meeting.
136
- 137 10. At the beginning of each meeting, the provisional agenda shall be considered by the Committee for its
138 review, amendment and approval.
139

140 **Decision-making**

141

- 142 11. The Committee shall reach its decisions by consensus. In its absence, it shall adopt its decisions by a two-
143 thirds majority of its members. The Committee may take decisions in in-person meetings or virtually or
144 electronically, through appropriate technologies, with support from the Secretariat.
145
- 146 12. Generally, the decision-making process shall be as follows:
147
- 148 a. The Chair, with the support of the Secretariat, shall send the draft decision text to the other
149 members giving at least 10 business days for comments.
 - 150 b. The members of the Committee shall indicate within that timeframe if they are satisfied with the
151 proposed text or propose amendments.
 - 152 c. The proposal shall be considered adopted during a meeting, once all the members of the
153 Committee have indicated their agreement with the last text proposed by the Chair, or failing
154 that, if no one expresses an objection to it within the said period, indicating this in the minutes.
 - 155 d. When, in light of the comments received, the Chair considers that the matter requires additional
156 time for discussion, he or she may propose that decision-making take place at a subsequent
157 meeting. If he or she considers it inadequate to proceed with the electronic procedure, he or she
158 may propose that a decision be made at an in-person meeting.
159
- 160 13. The Committee makes its decisions collegially, with its members assuming collective responsibility for all
161 of its decisions.
162

163 **Languages**

- 164
- 165 14. The working languages of the Committee are Spanish and English.
166
- 167 15. The Secretariat shall provide interpretation services for the interventions and translation of official
168 documents in both languages in the meetings of the Committee.
169
- 170 16. Any speaker addressing a Committee meeting in a language other than one of the working languages shall
171 be responsible for providing interpretation into one of the working languages. When appropriate, the
172 Committee, in coordination with the Secretariat, may provide arrangements for interpretation to
173 facilitate the participation of persons in vulnerable situations who have submitted a communication.
174
- 175 17. To be considered by the Committee, all documentation shall be submitted in one of the working
176 languages. Documents in other languages must be translated by the Party or member of the public and
177 submitted together with the document in the original language. In cases where it is justified, the
178 Committee may request said translation from the interested Party, particularly legislation and
179 jurisprudence. With regard to supporting or secondary documentation, the Committee shall determine
180 which sections are most relevant and request their translation.
181

182 **Minutes**

- 183
- 184 18. The Secretariat shall prepare summary minutes of the Committee meetings. The minutes shall be
185 distributed as soon as possible to the members of the Committee which may submit comments within a
186 week thereof.
187
- 188 19. The summary minutes of the public meetings of the Committee in their final form and, where applicable,
189 the recordings of the public meetings shall be publicly accessible, unless, in exceptional circumstances,
190 the Committee decides otherwise providing due justification thereof.

191

192 20. The summary minutes of the closed meetings shall be distributed to the members of the Committee. They
193 may be provided to other persons, when so decided by the Committee, at the time and under the
194 conditions it decides. Regardless of this, in accordance with paragraph III.4 (c) of the Rules relating to the
195 structure, the Committee may decide not to disclose the minutes of closed sessions, where there is a
196 need of preventing risks and damages to the integrity and safety of persons or the environment.

197

198 **IV. Reporting functions and support to the Conference of the Parties**

199

200 ***Report on its activities***

201

202 1. The Committee shall present at each ordinary meeting of the Conference of the Parties a report on its
203 activities since the last ordinary meeting of the Conference.

204

205 2. Said report shall contain an overview of the meetings and activities undertaken, as well as the support
206 functions for the implementation and compliance carried out between periods, including the conclusions
207 and recommendations formulated and the application of COP decisions related with the Committee
208 during that period.

209

210 ***Report on systemic issues***

211

212 3. The Committee shall present at least every other ordinary meeting of the Conference of the Parties a
213 report on systemic issues related to the implementation and compliance with the Agreement.

214

215 4. A systemic issue means that which refers to general recurring issues in implementation or compliance or
216 cross-cutting barriers to enforcement and compliance that may affect the Agreement as a whole or a
217 significant group of Parties.

218 ***Reports on any aspect related to implementation and compliance***

219

220 5. The Committee shall present reports on any aspect related to the implementation and compliance with
221 the Agreement that the Conference of the Parties requests from it. In said request, the term for its
222 submission shall be indicated, as well as the minimum contents that the report must include.

223

224 6. To prepare its reports, the Committee may present drafts in open sessions, publish them in the website
225 of the Secretariat or circulate them for comments by parties and the public. It may also hold open
226 dialogues with Parties and members of the public.

227

228 7. The final version of the report shall be available at least eight weeks before the meeting of the Conference
229 of the Parties in which is considered.

230

231 **V. Functions of advice and support to the Parties**

232

233 ***General comments***

234

235 1. The Committee may decide to prepare and adopt general comments on specific topics related to certain
236 aspects of the Agreement, in order to assist States Parties in fulfilling their obligations under the
237 Agreement.

238

- 239 2. Before work on the preparation of a general comment begins, the Chair shall invite members of the
240 Committee to propose suitable topics for a general comment. The Committee shall select a theme among
241 the proposals and appoint one or more members of the Committee to act as rapporteurs in charge of
242 facilitating the preparation of the general comment.
243
- 244 3. The Chair or whom he or she designates shall present an initial proposal for a general comment to the
245 Committee, which shall subsequently examine the proposal, make the necessary changes and authorize
246 its distribution.
247
- 248 4. The preliminary draft of the general comment shall be distributed to States Parties and the public, through
249 the Regional Public Mechanism, for comments. The Committee may decide to convene a public hearing
250 which shall be held during an ordinary meeting, whether it be in-person, virtual or hybrid, as well as invite
251 any interested person or expert entity to present their written opinion on the draft general comment.
252
- 253 5. The Committee shall consider, on second reading, any additional changes to the general comment. It shall
254 then consider the formal endorsement of the general comment.
255
- 256 6. The Committee shall notify the States parties and the public, through the Regional Public Mechanism, of
257 the general observations it has approved. They shall also be made available on the Secretariat's website
258 in the official languages.
259

Consultations on the interpretation of the Agreement

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- 262 7. Any Party, through its designated national focal point, may consult the Committee on the interpretation
263 of the Agreement, with the aim of facilitating its application and compliance. Likewise, representatives of
264 the public, elected in accordance with the third paragraph of Rule XIV of Decision I/1 of the Conference
265 of the Parties adopting the Rules of Procedure of the Conference of the Parties, may consult about the
266 interpretation of the Agreement.
267
- 268 8. Consultations on the interpretation of the Agreement shall be sent in writing to the Secretariat, preferably
269 by email, and must precisely formulate the specific questions on which the opinion of the Committee is
270 sought. They must also indicate the provisions of the Agreement whose interpretation is requested and
271 the considerations that originate the consultation.
272
- 273 9. Upon receipt of a consultation, the Committee shall transmit a copy of it to all States parties and to the
274 elected representatives of the public and it shall be published on the website of the Secretariat. The Chair
275 shall set a period for those Parties and interested persons to submit information and their perspectives
276 or their written observations in relation to the consultation.
277
- 278 10. The Committee may decide to call a public hearing, which shall take place in an ordinary meeting, whether
279 in-person, virtual or hybrid, as well as invite any interested person or expert entity to present their written
280 opinion on the points submitted for consultation.
281
- 282 11. Once approved, the opinion of the Committee shall be notified to the author of the consultation and
283 published on the website of the Secretariat, unless the Committee defines otherwise.
284

Regular consultations and dialogues with the Parties

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286

- 287 12. The Committee shall hold regular consultations and dialogues with each of the Parties. Each Party shall
288 participate in consultations and dialogues at least once every four years. To plan the activities for the
289 incoming year, at the last ordinary meeting of every year, the Committee shall invite State parties to
290 express interest in holding a consultation and dialogue. If there are no requests, the alphabetical order of
291 the name of the Party in Spanish will be followed. The consultations and dialogues shall be convened
292 during ordinary meetings of the Committee.
293
- 294 13. In its work plan, the Committee shall publish the agenda of scheduled dialogues and shall notify Parties
295 that they have been included in the Work Plan.
296
- 297 14. During regular consultations and dialogues, each Party and the Committee shall engage in an open,
298 constructive and interactive manner on any matter relating to the implementation of and compliance
299 with the Agreement, striving to agree on a programme and an agenda. At least eight weeks before the
300 session in which they are held, both the Party and the Committee may propose a list of issues to be
301 considered in the dialogue. The Committee shall prepare itself for the regular consultations and dialogues
302 and may receive information from the interested Party, the public and any expert person or organization.
303
- 304 15. Observations and reports received by the Committee shall be sent to the Party for its consideration.
305
- 306 16. The Committee shall prepare a report on the consultation and dialogue and send it to the State Party,
307 which will have eight weeks to provide comments. Once elapsed or if observations are received, these
308 shall be analyzed to issue the final report of the consultation.
309
- 310 17. At the proposal of a Party or at the request of the Committee with the consent of a Party, periodic
311 consultations and dialogues with a Party may take place while visiting its territory. The Party and the
312 Committee shall agree on the requirements of the visit, with the support of the Secretariat.
313

314 **VI. Participation of the public in the functions of the Committee**

315 ***Open dialogues with Parties and the public***

- 316
- 317
- 318 1. In accordance with paragraph IV.4c.iv of the Rules relating to the structure, the Committee may hold open
319 dialogues with the Parties and members of the public in its meetings regarding any item on the agreed
320 agenda of the respective meeting, notifying the place and date of the dialogue and facilitating the
321 participation of interested parties through a public notice.
322

323 **VII. Communications**

324 ***Authors of communications***

- 325
- 326
- 327 1. Communications may be submitted by a Party with respect to itself, a Party with respect to another Party
328 or members of the public.
329
- 330 2. The author of a communication may request either support for implementation or allegation of non-
331 compliance with one or more provisions of the Agreement.
332
- 333 3. It shall correspond to the national focal points designated by each Party, as recorded in the list maintained
334 by the Secretariat, to present a communication from a Party about itself.
335

- 336 4. The communications of a Party with respect to another Party must be presented by those persons having
337 the corresponding full powers, issued by the Head of State, Head of Government or Minister of Foreign
338 Affairs of the State in question. Before presenting the communication, evidence must be provided of
339 having taken steps towards the interested State in order to inform it of any concerns that exist and hold
340 a prior dialogue to resolve them.
341
- 342 5. Members of the public may be nationals or subject to the jurisdiction of a State party. Submitting a
343 communication on behalf of individuals or groups of individuals shall require their consent, unless the
344 author can justify acting on their behalf without expressing such consent.
345
- 346 6. Communications may be presented by the person or group of persons who are considered directly
347 affected or through a representative. The author of the communication must give written consent to do
348 so. If acting on behalf of a group or community it shall be mandated to do so in writing by the community
349 or group, expressed in accordance with representative and culturally sensitive forms.
350
- 351 7. The author of a communication may withdraw from it at any time during the procedure, and must
352 communicate it in writing. Said withdrawal shall not prevent them from submitting a new communication
353 on the same case or another case.
354
- 355 8. Communications shall be presented in writing following the present Modalities and be a documented
356 statement. They must be accompanied by all those documents and information that serve as its basis.
357 Documents must be in Word or PDF format .
358
- 359 9. Communications shall clearly set out the grounds and related articles of the Agreement, avoiding
360 superfluous or voluminous information. Communications shall contain a brief description of the facts
361 which substantiate the statements and provide enough information to allow the Committee to examine
362 them including any documentary evidence that justifies the request.
363
- 364 10. Communications shall be submitted in one of the Committee's working languages, preferably the working
365 language most commonly spoken in the State party to which they refer.
366
- 367 11. To be received by the Secretariat, any communication must contain the following essential elements:
368 a. The name, address and contact details of the author or legal representative in the case of legal
369 persons, including the telephone number and email address;
370 b. The name of the State party to which the communication refers;
371 c. In the case of members of the public: proof of nationality, residence or subjection to the national
372 jurisdiction of the State party concerned; indicate if the author is an indigenous person and to
373 which group he or she belongs; in the case of representatives of a Party: name of the State they
374 represent;
375 d. The object of the communication;
376 e. The facts on which it is based and corroborative information of the communication;
377 f. The provision or provisions of the Agreement for which support is requested or non-compliance
378 is alleged;
379 g. Demonstrate that the facts to which it refers did not occur before the entry into force of the
380 Agreement for the interested Party, unless those facts or their effects continue;
381 h. Information on the steps taken in the State party concerned to resolve the case, or failing that,
382 explanation of its absence;
383 i. Information on whether the same matter is being or has been examined in the framework of
384 another binding regional or international procedure;

385 j. If the author opposes that his identity or communication be revealed to third parties and the
386 reasons for said opposition.
387

388 12. The Committee commits to protect the identity and privacy of persons who request it.
389

390 ***Transmission and reception of communications***
391

392 13. The Secretariat shall bring to the attention of the Committee, in accordance with the Rules relating to the
393 structure and these Modalities, communications that have been submitted for consideration by a Party
394 or members of the public.
395

396 14. The Secretariat may request the author of a communication to clarify whether he or she wishes the
397 communication to be submitted to the Committee for consideration. If there are still doubts about the
398 author's intent, the Committee shall consider it under the principle of most favorable interpretation.
399

400 15. Legal assistance shall not be required to present a communication.
401

402 16. The Secretariat shall acknowledge receipt of any new communication received. It shall review that the
403 communication is in the required format and has been properly completed, and shall bring it to the
404 attention of the Committee.
405

406 17. If the communication does not contain the essential elements or is not in the required format, the
407 Secretariat shall invite the author to resend the amended communication. The Secretariat may request
408 the author of a communication to make clarifications or provide additional information in order to
409 determine these aspects, giving an adequate deadline for it, failing which the request shall be dismissed.
410

411 18. The Committee shall not consider any communication that: a) concerns a State that is not a Party to the
412 Agreement or when a year has not elapsed since entry into force for that Party; b) has not been submitted
413 in writing and in the required format; c) is outside the scope of the Agreement; d) is anonymous, trivial,
414 abusive, does not include sufficient corroborative information, or is incompatible with the Agreement or
415 the Rules relating to the structure.
416

417 ***Registration of communications***
418

419 19. Every case that contains the essential elements indicated in these Modalities shall be registered in the
420 registry managed by the Secretariat. In case of doubt, the Committee shall be consulted.
421

422 20. The decision not to register a case shall be communicated to the author of the communication, being final
423 and unappealable. However, a new communication may be sent on the same facts that contains the
424 essential elements following the required format.
425

426 21. Each registered case shall be assigned a registration number, which shall appear in all phases of the
427 procedure.
428

429 22. The registration of a case shall be notified to the author and to the interested Party, through the
430 designated national focal points included in the list managed by the Secretariat.
431

432 ***Admissibility procedure***
433

- 434 23. Every month, the Secretariat shall forward all registered communications to the Committee. The
435 Committee shall analyze them and preliminarily determine which ones deserve to be admitted and
436 considered in substance.
437
- 438 24. Eight weeks before each meeting of the Committee, the recommendation on the cases whose
439 admissibility should be declared shall be sent to all members. The corresponding documentation of each
440 case shall be attached, explaining the reasons that justify the recommendation and indicating, as
441 appropriate, whether the admissibility should be determined with or without hearing.
442
- 443 25. Before determining the admissibility of a communication, the Committee may request additional
444 information to the author. If the author does not provide it, the communication shall be dismissed in
445 account of the lack of merits.
446
- 447 26. The Committee shall analyze the admissibility of the communications based on the criteria established in
448 rule V.5 relating to the structure in the order in which they have been received by the Secretariat, unless
449 the Committee decides otherwise taking into account the circumstances and the issues at hand.
450
- 451 27. When assessing the steps taken in the interested State Party, written exchanges between the author and
452 the interested Party, those administrative, judicial and extrajudicial mechanisms that have been
453 presented or are available and their status, the use of alternative dispute resolution mechanisms and any
454 other relevant action taken and proven should be taken into account. Likewise, the possible inexistence
455 of internal legislation that protects the right, that the exercise of the rights and/or access to remedies of
456 the internal jurisdiction had not been allowed, that all available remedies have been exhausted and/or
457 that there is an unjustified delay in the decision on the aforementioned remedies or that they are
458 ineffective may be considered.
459
- 460 28. Both the interested Party and the author of the communication shall have the right to request to the
461 Committee to be heard in a hearing on the admissibility of a communication. Said request must be
462 included in the original communication, together with the aspects that justify it. The interested Party to
463 which said communication relates may also make the request within eight weeks of being notified of the
464 registration of the communication. The Committee shall decide whether or not to accept said request.
465
- 466 29. The objective of the admissibility hearing shall be to clarify questions of fact and law related to the criteria
467 indicated in rule V.5 of the Rules relating to the structure. In each case, the Committee shall examine the
468 documentation with a view to deciding whether a hearing is indeed necessary. For these purposes, it may
469 request clarifications or additional information from the author of the communication, as well as from
470 the interested Party. Such hearings shall take place in the framework of ordinary meetings.
471
- 472 30. To make a decision on whether the consideration of admissibility should be with a hearing, the Committee
473 shall take into account the following criteria:
474
- 475 a. Need to clarify questions of fact and law that cannot be determined exclusively from the written
476 documentation presented;
 - 477 b. The special complexity of the case;
 - 478 c. The seriousness or urgency of the case, when it is considered that the available information
479 reveals situations of risk and damage to the integrity and safety of people or the environment.
 - 480 d. The financial implications and availability of resources to assume them.
481

- 482 31. If the Committee decides that a hearing is necessary to determine admissibility, both the interested Party
483 and the author of the communication shall be invited to attend the hearing.
484
- 485 32. When the Committee decides that a communication is inadmissible, it shall communicate its decision as
486 soon as possible to the author of the communication and to the State party concerned.
487
- 488 33. The Committee may review its decision on the admissibility of the case, if it is so justified, up to the
489 moment in which it deliberates on the merits of the case, notifying the author of the communication and
490 the interested Party of the new decision.
491

492 ***Comments from the interested Party, other Parties and members of the public***
493

- 494 34. Once a communication has been declared admissible, it shall be brought to the attention of the State
495 party concerned, which shall be requested to submit a written response within four months from the
496 date of admissibility. The Interested Party may provide information and its view on the allegations of non-
497 compliance, including measures it has taken in this regard. If the circumstances so warrant and provided
498 that this does not unduly delay the examination of the communication, the Committee may request the
499 author to submit a reply to the observations of the State party and the State party, a rejoinder, indicating
500 appropriate deadlines for it. The reply and rejoinder shall focus on the issues that have not yet been
501 resolved.
502
- 503 35. Likewise, there shall be a period of two months from the date on which admissibility is declared for:
504
- 505 a. Other Parties may submit written comments on the interpretation of the Agreement;
 - 506 b. Members of the public may submit written comments on the case.
507
- 508 36. Written comments or other documents submitted after the deadline shall not be included in the case file.
509
- 510 37. Before the Committee considers the merits of the case, parties may be requested to provide updated
511 information on the status of the case.
512
- 513 38. Before a communication can be examined on the merits, the Committee must have decided whether the
514 communication is admissible.
515

516 ***Examination on the merits***
517

- 518 39. The Committee shall consider the merits of communications in the order in which they have been
519 determined admissible, unless the Committee decides otherwise in light of the circumstances and issues
520 involved.
521
- 522 40. Both the interested Party and the author of the communication shall have the right to request the
523 Committee to be heard in a hearing on the merits of the case. The author or interested Party must make
524 their request within eight weeks of being notified of the admissibility of the communication. The
525 Committee shall decide whether or not to accept said request, which shall take place in the framework
526 of its ordinary meetings, whether in-person, virtual or hybrid. In the event of a hearing on the merits of
527 the case, the Committee may send in advance a list of issues and questions to be discussed, both to the
528 interested Party and to the author of the communication.
529

- 530 41. The Committee may decide, if it considers it appropriate, that two or more communications be examined
531 jointly, including its views on the holding of a hearing, or that hearings take place jointly.
532
- 533 42. The Committee shall not examine the merits of a communication whose factual and legal grounds are
534 identical or essentially of the same nature as those on which the Committee has already ruled. In these
535 cases, the Committee may refer to the final conclusions on the previous cases and make those
536 recommendations that it considers *mutatis mutandis* .
537
- 538 43. If necessary, the Committee may decline to consider the merits of a communication that does not reveal
539 that the author has been at a clear disadvantage, unless the Committee finds that the communication
540 raises a serious issue of general importance. To do so, it may consider the nature of the rights allegedly
541 affected, the seriousness of the facts or their possible effects on the author's personal situation.
542
- 543 44. The Committee may put an end to the examination of a communication when it can be concluded from
544 the information available that the reasons for its presentation have disappeared.
545
- 546 45. When examining the merits of the communications presented, the Committee may obtain information
547 directly and request or accept the information presented by third parties that may be relevant to properly
548 make a decision on the communication. The Committee may establish guidelines on the requirements for
549 the presentation of information by third parties. The Committee shall transmit the information presented
550 by third parties to the parties in the communication, who shall have the right to respond by presenting
551 observations and comments in writing. Persons or entities that are third parties shall not be considered
552 parties to the communication.
553

554 ***Specific measures for people and groups in vulnerable situations***
555

- 556 46. Within the framework of the Rules relating to the structure and of these Modalities, the Committee shall
557 ensure that people and groups in vulnerable situations are guided and assisted. It may, in turn, establish
558 differentiated procedures aimed at overcoming asymmetries that may exist to guarantee their rights, as
559 long as they do not undermine due process and equality in the treatment of the parties in a case.
560
- 561 47. When appropriate, the Committee, in coordination with the Secretariat, may put in place arrangements
562 for interpretation to facilitate the participation of persons in vulnerable situations who have submitted a
563 communication. The interpretation arrangements may be provided by the interested Party or a third
564 party.
565

566 ***Rapid response mechanism***
567

- 568 48. In cases where a risk of suffering attacks, threats or intimidations is identified vis-à-vis a member of the
569 public that has presented a communication, the Committee may adopt the following measures:
570
- 571 a. Alter the order of consideration of the registered cases to give it priority;
 - 572 b. Suspend the consideration of a communication in progress to deal with one where the author is
573 in risk;
 - 574 c. Call an extraordinary meeting to consider the case;
 - 575 d. Exceptionally, consider admissibility and merits jointly in a case;
 - 576 e. Request the interested State to submit information and perspectives within a period shorter
577 than that established in Rule V.7 (b) relating to the structure;

- 578 f. Recommend the author of the communication recurring to a mechanism or system of national
579 or international protection;
580 g. Recommend in advance, before the issuance of its final conclusions, the State concerned to
581 adopt the necessary measures to safeguard members of the public at risk and their immediate
582 environment;
583 h. Issue their preliminary and final conclusions on the case as a matter of priority.
584

585 49. For the Committee to resort to any of the above measures, the risk must be proven.
586

587 50. The author of the communication has the duty to disclose in good faith all the relevant material facts and
588 information in relation to the risk, as well as any change in the circumstances that gave rise to it.
589

590 ***Amicable solution***

591
592 51. At the request of any of the parties, at any time between the receipt of a communication and the adoption
593 of a decision on the merits, the Committee may make its good offices available to the parties with a view
594 to reaching an amicable solution. of the matter, on the basis of good faith and respect for the obligations
595 established in the Agreement.
596

597 52. The procedure to reach an amicable solution shall be developed on the basis of the consent of the parties.
598

599 53. The Committee may designate one or more of its members to facilitate negotiations between the parties.
600

601 54. The procedure to reach a friendly solution shall be confidential and shall be understood without prejudice
602 to the observations made by the parties to the Committee. During the examination of the communication
603 by the Committee, no written or verbal statement or offer or concession made with a view to reaching
604 an amicable solution may be used against the other party.
605

606 55. The Committee may terminate its facilitation of the friendly settlement procedure if it concludes that it
607 is unlikely to allow the issue to be resolved, or if any of the parties does not consent to its application,
608 decides to withdraw from it or does not show the necessary goodwill to reach an amicable solution based
609 on respect for the obligations established in the Agreement.
610

611 56. Once both parties have expressly agreed to an amicable solution, the Committee shall adopt a decision
612 in which the facts and the solution achieved shall be presented. The decision shall be transmitted to the
613 interested parties and shall be incorporated into the case file. Before adopting the decision, the
614 Committee shall verify that the author of the communication has accepted the friendly solution. In all
615 cases, the friendly solution must be based on respect for the obligations established in the Agreement.
616

617 57. Any amicable solution shall put an end to the examination of a communication by the Committee. If an
618 amicable solution is not reached, the Committee shall continue to examine the communication in
619 accordance with the established procedure.
620

621 ***Adoption of conclusions and recommendations***

622
623 58. After analyzing and deliberating on a communication, the Committee shall adopt its preliminary
624 conclusions, which may include specific recommendations. The preliminary conclusions shall be
625 transmitted to the interested Party and to the author of the communication, giving two months for
626 written observations. After said period, the Committee shall adopt its final conclusions.

627

628 ***Follow-up of final conclusions, recommendations and amicable solutions***

629

630 59. The Committee shall follow-up on the implementation of the recommendations by the interested Party
631 and shall prepare the corresponding reports on this matter for consideration by the Conference of the
632 Parties.

633

634 60. Within six months from the date on which the Committee has issued its final conclusions on a
635 communication or its decision to terminate the examination of a communication because an amicable
636 solution has been reached, the Committee shall request the State party concerned to submit a written
637 response that includes information on any measure action it has taken. The Committee may request any
638 clarifications and additional information that it deems appropriate from the State party concerned.

639

640 61. The Committee shall keep the author of a communication regularly informed about the status of
641 implementation of the conclusions and recommendations. It may propose any other complementary
642 measure that it considers appropriate to strengthen such implementation.

643

644 62. The Committee may consult and meet with the duly accredited representatives of the State party, may
645 collect information directly from the author of the communication and from the public, as well as from
646 other pertinent sources in order to determine the status of implementation of the conclusions and
647 recommendations.

648

649 **VIII. Cooperation and capacity-building**

650

651 1. In the framework of paragraph IX of the Rules relating to the structure, the Committee shall hold
652 dialogues and consultations on the application of access rights and other matters of the Agreement with
653 other multilateral agreements, institutions and processes of an international or regional nature.

654

655 2. For these purposes, the Committee in coordination with the Secretariat, shall promote the development
656 of capacity-building and cooperation programmes to improve compliance with the objectives of the
657 Agreement.

658

659 3. In matters related to cooperation, mechanisms that strengthen the capacities of the Committee shall be
660 promoted, in coordination with the Secretariat, without compromising in any case its independence and
661 impartiality.

662

663 **IX. Standards of conduct, independence and impartiality**

664

665 1. The members of the Committee must perform their duties with impartiality, moral standing,
666 independence, honesty and responsibility.

667

668 2. The members of the Committee shall undertake to respect the rules of conduct, independence and
669 impartiality under this section when they make the solemn declaration upon assuming their duties. Said
670 declaration shall be signed by each of its members and it shall include a declaration of abstaining him or
671 herself in considering a communication where there is a conflict of interest.

672

673 3. The members of the Committee act in an exclusively personal capacity, with independence and
674 impartiality being essential for the performance of their functions and responsibilities. They may not be

675 subject to any direction or influence or pressure of any kind, and they shall not seek or accept instructions
676 from anyone in relation to the performance of their functions.

677

678 4. During their term, all members must remain independent of the executive, legislative and judicial powers
679 of the countries in Annex I of the Agreement.

680

681 5. They shall adopt their decisions -virtually or in person- with independence, impartiality and objectivity on
682 the basis of the relevant facts and the applicable legislation. They shall ensure equal treatment and non-
683 discrimination in the application of procedures and in the exercise of their functions.

684

685 6. They shall avoid any situation that may create a conflict of interest.

686

687 7. The primary responsibility for compliance with these guidelines rests with each member individually and
688 with their own conscience. Being a national of the State party concerned or having been an official thereof
689 shall not, by itself, entail a conflict of interest. If, for any reason, a member considers that they may be
690 affected by a conflict of interest, they must notify the Committee as soon as possible. Ultimately, the
691 Committee as a whole must take the measures it deems necessary to safeguard the demands of
692 independence and impartiality of its members.

693

694 8. Any member deemed to have a conflict of interest may be present at public meetings of the Committee,
695 but may not actively participate in the discussions. However, you shall not be able to participate in the
696 closed meetings, in the deliberations on the case or the adoption of the conclusions by the Committee.

697

698 9. Members of the Committee may accept invitations ad honorem to present the implementation and
699 compliance of the Escazú Agreement, in appropriate events, including conferences and workshops, or to
700 participate in activities and capacity building initiatives on access rights. Unless expressly agreed by the
701 Committee, Committee members who participate in such activities will act in their individual capacity and
702 do not represent the Committee.

703

704 10. The members of the Committee must safeguard the confidentiality of the exchanges and deliberations
705 within the Committee, closed meetings and documents and information that are declared confidential.
706 Said duty of confidentiality shall remain even when they have ceased to be members of the Committee.

707

708 11. The members of the Committee shall avoid making statements or interviews on cases whose examination
709 is underway or pending consideration and on any action or function of the Committee that is not public.
710 However, they may report on conclusions and recommendations and reports that are public as well as on
711 the mandate, functions and procedures of the Committee. In said statements or interviews they shall act
712 individually and shall not represent the Committee.

713

714 12. These rules of conduct, independence and impartiality also apply to the exercise of functions by virtual
715 or electronic means.

716

717 **IX. Continuous review and amendments**

718

719 1. The Committee shall keep the implementation of these Modalities under continuous review, with a view
720 to improving their application and effectiveness.

721

722 2. The present Modalities may be modified at any time by decision of the Committee, giving an eight-week
723 prior notice and informing of the date of entry into force. Any proposed amendment to the Modalities

724 shall be put forward for consideration of the Parties, the elected representatives of the public and the
725 public in coordination with the Secretariat.

Draft