



**Economic and Social
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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

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(item 6 (b) of the provisional agenda)

REPORT OF THE COMPLIANCE COMMITTEE

Addendum

**FINDINGS AND RECOMMENDATIONS WITH RESPECT TO COMPLIANCE BY
SPECIFIC PARTIES (UKRAINE)**

Submission	ACCC/S/2004/01
Party submitting	Romania
Party concerned	Ukraine
Alleged non-compliance	Article 6, paragraph 2 (e), in conjunction with article 2, paragraph 5; article 6, paragraph 7; and article 3, paragraph 9, of the Convention
Communication	ACCC/C/2004/03
Communicant:	Ecopravo-Lviv
Party concerned:	Ukraine
Alleged non-compliance:	Article 1 and article 6, paragraphs 2 to 4 and 6 to 9, of the Aarhus Convention
Reference document:	Report of the 7 th meeting of the Compliance Committee (ECE/MP.PP/C.1/2005/2)

The Compliance Committee,

Having considered the issues raised by the above submission and communication as set out in an addendum to the report of its 7th meeting (ECE/MP.PP/C.1/2005/2/Add.3),

Noting with regret that no response to either the submission or the communication was provided by the Party concerned pursuant to the requirements set out in the annex to decision I/7,

Finds that:

1. By failing to provide for public participation of the kind required by article 6 of the Convention, Ukraine was not in compliance with article 6, paragraph 1 (a), and, in connection with this, article 6, paragraphs 2 to 8, and article 6, paragraph 9 (second sentence);
2. By failing to ensure that information was provided by the responsible public authorities upon request, Ukraine was not in compliance with article 4, paragraph 1, of the Convention;
3. The lack of clarity with regard to public participation requirements in environmental impact assessment (EIA) and environmental decision-making procedures for projects, such as time frames and modalities of a public consultation process, requirements to take its outcome into account, and obligations with regard to making available information in the context of article 6, indicates the absence of a clear, transparent and consistent framework for the implementation of the Convention and constitutes non-compliance with article 3, paragraph 1, of the Convention;

Recommends to the Meeting of the Parties, pursuant to paragraph 35 of the annex to decision I/7 and taking into account the cause and degree of non-compliance, to:

(a) Request the Government of Ukraine to bring its legislation and practice into compliance with the provisions of the Convention and include information on the measures taken to that effect in its report to the next meeting of the Parties;

(b) Pursuant to paragraph 37 (b) of the annex to decision I/7, request the Government of Ukraine to submit to the Compliance Committee, not later than the end of 2005, a strategy, including a time schedule, for transposing the Convention's provisions into national law and developing practical mechanisms and implementing legislation that sets out clear procedures for their implementation. The strategy might also include capacity-building activities, in particular for the judiciary and public officials involved in environmental decision-making;

(c) Mandate the Working Group of the Parties to develop for consideration at the third meeting of the Parties guidance to assist Parties in identifying, notifying and involving the public concerned in decision-making on projects in border areas affecting the public in other countries but not requiring transboundary EIA under the Espoo Convention which includes procedures for public participation.