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Palais des Nations, Room 346
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Ref: ECE/ENV/2015/605

12 November 2015

Dear Sir,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Kazakhstan in relation to the plan for a ski resort in the Ile-Alatau national park (ACCC/C/2013/88)

I write to inform you that, at its fiftieth meeting (Geneva, 6-9 October 2015), the Aarhus Convention Compliance Committee agreed to send questions to the Party concerned and the communicant of the above communication to clarify certain factual matters.

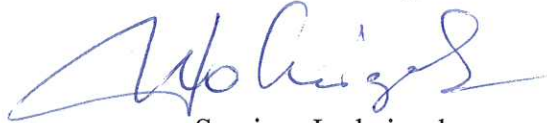
Please find enclosed the Committee's questions to the Government of Kazakhstan for your response and questions to the communicant, for your information.

The Committee would be grateful to receive the Government of Kazakhstan's replies to the enclosed questions on or before **Wednesday, 25 November 2015**. All the questions are of a factual nature, and thus clear and brief replies will be preferred. Please send your replies to aarhus.compliance@unece.org, copying the communicant. The communicant will then have until **Wednesday, 2 December 2015** to provide the Committee with any comments it wishes to make on your response. The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings at its upcoming fifty-first meeting (Geneva, 15-18 December 2015).

Mr. Uzakbai Karabalin
First Deputy Minister of Energy
Ministry of Energy
Kazakhstan

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Sergiusz Ludwiczak

Acting Director

Environment Division

United Nations Economic Commissions for Europe

cc: Permanent Mission of the Republic of Kazakhstan to the United Nations Office
and other international organizations in Geneva
Ms. Saule Tashkenbaeva, Ministry of Energy
Ms. Olga Melnik, Ministry of Energy
Ms. Gulsara Yeskendirowa, Ministry of Energy
Ms. Altynkul Balabayeva, Ministry of Energy
Mr. Sergey Solyanik, communicant of ACCC/C/2013/88

Enc: Questions from the Committee to the Party concerned and communicant

Questions to the Party concerned and the communicants

Questions to both the Party concerned and the communicants

1. What did the preliminary OVOS say about the location for the ski resort, including alternative locations?
2. With respect to the hearing on 11 January 2013 hearing, was the public told in advance that they needed to arrive 40 minutes in advance? If so, in what way was this information provided?
3. Was the public hearing on 11 January 2013, the only opportunity for the public to provide their comments on the preliminary OVOS report and to have them taken into account, or could they also send written comments before and after the hearing and if so, what was the timeframe for sending written comments?
4. For how many days in the period between the public notice on 27 December 2012 and the public hearing on 11 January 2013, did the link to the preliminary OVOS report on the Office of Tourism website not work?
5. Could the preliminary OVOS report be inspected in person at the Office of Tourism in the period between 27 December 2012 and 11 January 2013? If so, how many days in this period were the public able to go in person to the Office of Tourism to inspect the preliminary OVOS report?
6. Please provide the full text of the public notice posted on the website on 27 December 2012.
7. Was the public hearing on 25 February 2014, the only opportunity for the public to provide their comments on the “Feasibility study of the transfer of land plot of the Ile Alatau national park for the construction of the ski resort on Kok Zhailau” and to have them taken into account, or could they also send written comments before and after the hearing and if so, what was the timeframe for sending written comments?
8. With respect to the hearing on 25 February 2014, the communicants allege that the free buses arrived late. How many minutes/hours late did the buses arrive at the hearing, and did members of the public who caught the free buses miss all or some of the hearing? If they missed some of the hearing, how long after the start of the hearing did the people who took the free buses arrive at the hearing venue?

Questions to the Party concerned

9. Please provide the relevant excerpt(s) of national legislation in which the requirement to take due account of the outcome of public participation on decision-making within the scope of article 6 of the Convention is set out.
10. Please provide the relevant excerpt(s) of national legislation in which the requirement to take due account of the outcome of public participation on decision-making within the scope of article 7 of the Convention is set out.

Questions to the communicants

11. Do the communicants have pending court proceedings regarding the decision to permit the construction of ski resort? If so, what do the proceedings seek to challenge, at what stage are the proceedings and when are they likely to be completed?

12. With respect to the hearing on 11 January 2013, how many people do the communicants allege spoke but did not have their views recorded due to being unable to register because of the security forces initially blocking access to the venue?