



Ref: ECE/ENV/2018/

Mr. Mykola Kuzyo
Deputy Minister for European Integration
Ministry of Ecology and Natural Resources
Ukraine

27 July 2018

Dear Mr. Kuzyo,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Ukraine in connection with the provisions of the Convention in connection with an oil production sharing agreement (ACCC/C/2014/118)

I am writing to you at the request of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) with respect to communication ACCC/C/2014/118 concerning compliance by Ukraine. Communication ACCC/C/2014/118 and all related documentation are available on the Committee's website at <https://www.unece.org/index.php?id=38872>.

After taking into account the response of the Party concerned dated 24 April 2018 to the above communication together with the comments thereon received from the communicant on 5 June 2018, the Committee agreed to send questions to the Party concerned for its reply.

In that regard, the Committee would be grateful to receive the replies of the Party concerned to the attached questions by **27 September 2018**. Please send your replies to aarhus.compliance@unece.org, copying the communicant.

The communicant will have one month from the receipt of your answer to provide the Committee with any comments it wishes to make on your replies. The Committee will consider the information received by the above deadlines when deciding how to proceed with respect to the communication at its sixty-second meeting (Geneva, 5-9 November 2018).

Should you have any questions regarding the above, please do not hesitate to contact the secretary to the Compliance Committee, Fiona Marshall (aarhus.compliance@unece.org).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Marco Keiner". The signature is written in a cursive style and is positioned above a horizontal line.

Marco Keiner
Director, Environment Division
United Nations Economic Commission for Europe

- Cc: Permanent Mission of Ukraine to the United Nations Office and international organizations in Geneva
Ms. Maryna Shimkus, national focal point for the Aarhus Convention, Ministry of Ecology and Natural Resources, Ukraine
- Enc: Questions from the Committee to the Party concerned

Questions from the Committee to the Party concerned:

1. What is the current legal status of the Production Sharing Agreements (PSAs) agreed in 2013? If either Chevron or Shell reconsidered their position and decided to resume the contractual relationship, could the original PSAs be brought back into effect or would the entire tendering process have to begin again?
2. Is it possible to transfer the rights arising under the two PSAs agreed in 2013 to new investors to replace Chevron and Shell without initiating a new tendering process and developing a new PSA(s)?
3. Are the full texts of the two PSAs agreed in 2013 now available to the public?
 - (a) If not, please explain the legal basis on which they are not available to the public.
 - (b) If the full texts of the PSAs have not been publicly released, please explain how article 4, paragraph 6, of the Convention has been applied to ensure that all parts of the PSAs that are not explicitly within the scope of one of the exceptions in article 4 of the Convention have been made available to the public.
 - (c) If the PSAs have been publicly released, either in full or in part, please send a copy of these documents to the Committee, together with an English translation thereof.
4. Are the mineral extraction permits for the Yuzivska and Olseka fields now available to the public?
 - (a) If not, please explain the legal basis on which they are not available to the public.
 - (b) If the full texts of the permits have not been publicly released, please explain how article 4, paragraph 6, of the Convention has been applied to ensure that all parts of the permits that are not explicitly within the scope of one of the exceptions in article 4 of the Convention have been made available to the public.
 - (c) If the mineral extraction permits have been publicly released, either in full or in part, please send a copy of these documents to the Committee, together with an English translation thereof.
5. The Committee notes that the new Law of Ukraine “On environmental impact assessment” entered into force on 18 December 2017. Please indicate which provisions of the new law will ensure access to information, public participation and access to justice in the specific context of the development of any new PSAs. (It is not necessary to provide the text of the law itself as this was already provided to the Committee in the context of the follow-up to decision V/9 adopted by the Meeting of the Parties to the Convention).

