

20 May 2019

Mr. Sergei Kuratov
Green Salvation Environmental Association
Almaty, Kazakhstan

Dear Mr. Kuratov,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Kazakhstan with article 9(2), (3) and (4) of the Convention regarding the construction of a road to the Kok Zhailau ski resort

I refer to the communication submitted by you on 26 June 2018 on behalf of NGO Green Salvation Environmental Association. The communication alleges non-compliance with article 9(2), (3) and (4) of the Convention in connection with the construction of a road to the Kok Zhailau ski resort.

I write to inform you that the Chair and the Vice Chairs of the Compliance Committee have reviewed your communication and have identified a number of questions for your reply.

I would be grateful to receive your replies to the attached questions by **30 May 2019** in order that they may be reviewed by the Chair and the Vice-Chairs with a view to the communication being considered for preliminary admissibility at the Committee's sixty-fourth meeting (Geneva, 1-5 July 2019).

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions to the communicant

Questions to the communicant

1. What is the precise legal effect of the document entitled “Materials for an inventory of the area’s vegetation and a survey of the forest pathology” (the Materials document) referred to at pages 2-3 of your communication? Does the Materials document serve as the permit that permits the destruction and/or sanitary felling of the wild apricot and apple trees? If the Materials document is not a permit, what is its legal effect, if any?
 2. If the Materials document does not act as a permit, is there another document through which the destruction and/or sanitary felling of the wild apricot and apple trees was permitted? If so, did you also attempt to challenge that other document in the court and what was the outcome of your challenge?
 3. Would any person or entity be entitled to challenge the Materials document in court? If so, who?
 4. With respect to case 1, you allege non-compliance with article 2(5) and article 9(2), (3), and (4) of the Convention. Article 9(2) concerns access to justice for decisions, acts or omissions “subject to article 6 of the Convention”. Please clarify how the Materials document is a decision subject to either article 6(1)(a) or 6(1)(b) of the Convention.
 5. With respect to case 3, at the time the State Environmental Review was carried out, was the Materials document a mandatory document for the purposes of that Review? If so, please provide the text of the relevant law where it makes clear that the Materials document was a mandatory requirement.
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