

23 September 2019

Pavel Krasovitsky  
Almaty  
Kazakhstan

Dear Mr. Krasovitsky,

**Communication to the Aarhus Convention Compliance Committee concerning  
compliance by Kazakhstan with provisions of the Convention  
with respect to public hearings related to the Kok Zhailau ski resort**

I refer to the communication submitted by you on 30 January 2018. In your communication, you allege non-compliance with the provisions of the Convention in connection with the public concerning the proposed construction of the Kok Zhailau ski resort and a road to the ski resort.

I write to inform you that the Chair and the Vice Chairs of the Compliance Committee have requested that the secretariat invite you to provide your brief replies to the **enclosed** questions in order to clarify various aspects of your communication.

Please keep your answers to each question as short and concise as possible. For some questions, a reply of one sentence will suffice; for other questions, only a one or two word answer is required.

Given the brief nature of the questions, we would be grateful to receive your replies before **Friday, 4 October 2019** in order that your communication may be considered for a possible determination of preliminary admissibility by the Committee at its sixty-fifth meeting (Geneva, 4-8 November 2019).

However, should you consider that a longer timeframe would be necessary in order to prepare your answers, we would be grateful to receive your replies by **Monday, 3 February 2020**, in order that your communication might be considered for a possible determination of preliminary admissibility at the Committee's sixty sixth meeting (Geneva, 16-20 March 2020).

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

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions from the Chair and Vice-Chairs of the Compliance Committee

**Questions to the communicant:**

1. Regarding the Kok Zhailau ski resort:
  - (a) Has a final decision to permit the ski resort yet been issued? If so, on what date was it issued?
  - (b) Did you challenge the final permitting decision in court? If so, what was the outcome of your challenge?
2. Regarding the road to the Kok Zhailau ski resort:
  - (a) Has a final decision to permit the road to the ski resort yet been issued? If so, on what date was it issued?
  - (b) Did you challenge the final permitting decision in court? If so, what was the outcome of your challenge?
3. Please confirm that your communication specifically concerns the alleged failure by the Kazakh authorities to take due account of the comments *you personally submitted* during the EIA procedures on the ski resort and the road to the ski resort (rather than a failure by the authorities to take due account of comments submitted by members of the public *in general*).
4. In your communication, you allege that the Party concerned has failed to comply with article 4(1) and (7), article 6(6) and article 9(1) of the Convention. Please clarify which of the following statements most accurately summarizes your claim concerning article 4(1) and (7) and article 6(6) of the Convention:
  - (a) You consider that the Party concerned failed to adequately respond to one or more requests that you made to the Kazakh authorities for access to environmental information; or
  - (b) You consider that the Party concerned provided incorrect or insufficient environmental information in its minutes of the hearings on the Kok Zhailau resort and the road to the ski resort.
5. It appears from your statements of claims to the first instance courts in which you challenged the minutes of the meetings for the hearings on the Kok Zhailau ski resort and the road to the ski resort that:
  - (a) You sent written comments after both hearings;
  - (b) Your written comments were included in the final versions of the minutes and were replied to;
  - (c) However, you consider that the competent authorities did not properly consider your comments and in particular the authorities did not change their view as a result of your comments.

Please confirm whether the summary in (a)-(c) above is correct.

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