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20 January 2016

Excellency,

I have the honour to write to you at the request of the Compliance Committee under the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which recently held its fifty-first meeting in Geneva from 15 to 18 December 2015. The Compliance Committee asked the secretariat to write also to the Chair of the Verkhovna Rada, that is, the Ukrainian parliament, and the Chair of the parliamentary committee on issues of European integration.

At its fifty-first meeting, the Compliance Committee reviewed progress by Ukraine in implementing decision V/9m of the Meeting of the Parties to the Convention, and in particular paragraphs 5 and 6 of that decision. The Committee recalled that paragraph 6 of decision V/9m provided for the caution in place since the fourth session of the Meeting of the Parties to be lifted if Ukraine had adopted the necessary measures to bring its legislation into full compliance with the Convention, in particular fully satisfying the conditions set out in paragraph 5 of the decision, and had notified the secretariat of this fact by 31 December 2015.

At its meeting, the Committee noted that Ukraine had failed to adopt any legislative measures that would bring its legislation into full compliance with the provisions of the Aarhus Convention. At the same time, the Committee noted that a new draft law on environmental impact assessment (No. 2009a of 3 June 2015) had been submitted to parliament for consideration.

The Committee expressed its serious concern regarding the lack of progress by Ukraine in implementing decision V/9m and the resulting ongoing failure of Ukraine to fulfil its obligations under the Convention, urging Ukraine to implement decision V/9m without any further delay.

His Excellency
Mr. Arseniy Yatsenyuk
Prime Minister of Ukraine
Kyiv

The Aarhus Compliance Committee will next meet from 8 to 11 March 2016 in Geneva. Taking into account any progress report that is received from Ukraine by the date of that meeting, the Committee will prepare the relevant sections of its draft report to the Meeting of the Parties for consideration at its sixth session in 2017, including a recommendation on whether or not to lift the caution.

I sincerely hope that your country will be able to adopt this new law on environmental impact assessment in full compliance with the Convention prior to the next meeting of the Committee. I also hope that your country will complete the ratification process for the 2005 amendment to the Aarhus Convention on genetically modified organisms at the earliest possible date.

The recent economic crisis and recovery programmes in Ukraine can provide both an incentive and an opportunity to take a more sustainable path. Economic benefits of sustainability have been widely recognized in developed countries. Innovation and technological progress can contribute to reducing the ecological footprint of Ukraine. In this regard, the Aarhus Convention, to which Ukraine is Party, should be seen as a tool to effectively involve the public in decision-making at a very early stage. This will mitigate actions that may lead to the rejection of large economic projects at a later stage. Such rejection has proved to be costly in the past and can also engender a feeling of frustration among the public.

On behalf of UNECE, I would like to express the willingness of the secretariat to work with the Government of Ukraine in meeting its obligations under the Aarhus Convention. Compliance will send a strong message to trade and political partners and will demonstrate the genuine commitment of Ukraine to democracy, greening its economy and achieving sustainability.

Please accept, Excellency, the assurances of my highest consideration.



Christian Friis Bach