

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Fourth session

Chisinau, 29 June–1 July 2011

Item 5 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Decision IV/9h on compliance by Ukraine with its obligations under the Convention*

As adopted on 1 July 2011

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,

Mindful of the conclusions and recommendations set out in decision II/5b (ECE/MP.PP/2005/2/Add.8) and decision III/6f with regard to compliance by Ukraine (ECE/MP.PP/2008/2/Add.14),

Taking note of the report of the Compliance Committee (ECE/MP.PP/2011/11) with regard to follow-up on decision III/6f,

Recalling that according to decision III/6f a caution was issued by the Meeting of the Parties, which was to become effective on 1 May 2009, but further to the review and assessment of the Committee based on the information provided by the Party concerned, the caution did not become effective,

1. *Notes* the engagement of the Party concerned demonstrated by its correspondence with the Committee during the intersessional period;
2. *Takes note* of the action plan developed by Ukraine and submitted through the Committee in January 2009;
3. *Endorses* the conclusion of the Committee that Ukraine is still in a state of non-compliance with regard to decision II/5b;
4. *Notes with regret* the very slow progress by the Party concerned in implementing decisions II/5b and III/6f of the Meeting of the Parties;
5. *Urges* therefore the Party concerned to implement the measures requested by the Meeting of the Parties in decision II/5b as soon as possible;
6. *Decides* to issue a caution to the Party concerned;
7. *Also decides* that the caution will be lifted on 1 June 2012, if the Party concerned has fully implemented the measures requested by the Meeting of the Parties in

* The document was not formally edited.

decision II/5b and has notified the secretariat of this fact, providing evidence, by 1 April 2012;

8. *Requests* the Compliance Committee to establish the successful fulfillment of decision II/5b;

9. *Also requests* the Compliance Committee to report to the fifth session of the Meeting of the Parties on whether the Party concerned has fulfilled decision II/5b, with a view to the Meeting of the Parties deciding whether to suspend the special rights and privileges accorded to Ukraine under the Convention;

10. *Invites* the Party concerned to submit to the Committee periodically, namely, in November 2012 and November 2013, detailed information on further progress in implementing the measures referred to in decision II/5b;

11. *Also invites* the Party concerned to consider accommodating an expert mission, with the involvement of Committee members and other experts, as appropriate, with a view to making available to it a wide range of expert opinion on possible ways to implement the measures referred to in decision II/5b;

12. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

13. *Undertakes* to review the situation at its fifth session.