

10 May 2021

Yelyzaveta Aleksyeyeva
Environment-People-Law
Lviv, Ukraine

Dear Ms. Aleksyeyeva,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Ukraine in relation to the Product Sharing Agreement for the Yuzivska oil field (ACCC/C/2014/118)

In order to complete its draft findings regarding the above communication, the Committee has identified certain factual points upon which it seeks clarification. To this end, please find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your replies by **Monday, 24 May 2021**. Please send your reply to aarhus.compliance@un.org, copying the Party concerned. The Party concerned will have one week from the receipt of your answer to provide the Committee with any comments it wishes to make on your reply.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

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

Questions from the Committee to the communicant:

1. Have the texts of the PSAs for the Yuzivska and Oleska oil fields yet been released to the public in full or in part? If so, on what date?
2. Please provide the following judgments in Ukrainian, with an English translation of the paragraphs setting out the relevant part of the Court's ruling and its reasoning:
 - (a) EPL's appeal to Lviv Appellate Administrative Court commenced on 20 November 2013 regarding access to the Yuzivska mineral extraction permit.¹
 - (b) The judgment of February 2015 ordering the State Geology and Minerals Service to provide EPA with a copy of the Yuzivska mineral extraction permit.²
3. On what date was the Yuzivska mineral extraction permit provided to the communicant?
4. Was a mineral extraction permit for the Oleska oil field ever issued? If so, on what date? If it has been issued, has it been provided to the communicant or has it been made available online and, if so, on what date?
5. In your letter of 28 January 2019, you state that many mineral extraction permits are now made available on the website of State Entity "Geoinform". Are all mineral extraction permits posted there? Is this an informal practice or is Geoinform under a legal requirement to publish the permits? In the latter case, please provide the text, in Ukrainian and in English, of the relevant legal provision.
6. Please provide the text, in Ukrainian and in English, of each of the following:
 - (a) Article 5(3) of Law on Amendments to Certain Legislative Acts of Ukraine on Regulation of Amber Extraction No. 2240, as adopted.
 - (b) The provision(s) in the Law "On Amendments to Some Laws of Ukraine on the Effective Development of the Oil and Gas Industry" no. 2821,³ as adopted, which stipulate that oil and gas production activities will be subject to an EIA procedure after the issuance of a special permit for the use of subsoil. On what date was this law adopted?
 - (c) The current version of Article 11(2) of the Law on PSAs.
 - (d) The paragraph(s), as currently in force, of the "Provisional Procedure for the Implementation of the Experimental Project for the Sale of Special Permits for the Use of Subsoil via Electronic Auction",⁴ which state that the EIA procedure is postponed until after the special permits are sold and issued.
7. Please provide an English translation of pages 2 and 3 of annex 36 to the communication.

¹ Communication, para. 83.

² Communicant's additional information, 25.05.2016, p. 2.

³ Communicant's further update, 11.03.2020, p. 1.

⁴ Communicant's further update, 11.03.2020, p. 2.

8. Is the timeframe to appeal a judgment of “twenty days from the date the full judgment is drawn up” set out in the law? If so, please provide the text of the relevant legal provision, in Ukrainian and in English. Does this timeframe apply to appeals at all court levels?
 9. Did the Supreme Administrative Court provide its October 2014 decision⁵ in writing? If so, please provide the text of that decision, or a link to where it can be accessed.
 10. On what date did EPL receive the full text of the judgment of 10 July 2014 of the Kyiv Appellate Administrative Court? Please provide evidence to demonstrate the date on which the judgment was received. On what date did EPL submit its appeal to the Supreme Administrative Court against the 10 July 2014 judgment?
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⁵ Communication, para. 88.