

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

Seventh session

Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)*

Decision VII/8k concerning compliance by Kazakhstan with its obligations under the Convention

Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Mindful of the conclusions and recommendations set out in its decision VI/8g with regard to compliance by Kazakhstan,²

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8g concerning compliance by Kazakhstan with its obligations under the Convention,³

Encouraged by the willingness of Kazakhstan to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that, while welcoming the progress made, the Party concerned has not yet demonstrated that it has met the requirements of paragraphs 2 and 5 of decision VI/8g;

2. *Reaffirms* its decision VI/8g and requests the Party concerned to take, as a matter of urgency, the necessary legislative, regulatory and administrative measures and practical arrangements to:

(a) Ensure that the mandatory requirements of the content of the public notice, as prescribed by article 6 (2) of the Convention, are detailed in law;

(b) Ensure that time frames set for decision-making procedures subject to articles 6 or 7 of the Convention are sufficient to enable the public to prepare and to participate effectively, and that:

* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2017/2/Add.1.

³ ECE/MP.PP/2021/53, forthcoming.

- (i) To the extent possible, they do not overlap with holiday periods and other non-working days;
 - (ii) The volume and the complexity of the project or plan, programme or policy is considered when setting the relevant time frames;
 - (c) Establish a clear and consistent requirement for all information relevant to the decision-making to be made accessible to the public, in accordance with article 6 (6) of the Convention;
 - (d) Ensure that, in accordance with article 6 (7) of the Convention, the submission of comments by the public is not limited to only reasoned or “reasonable” comments;
 - (e) Establish appropriate procedures, which are not limited to publishing decisions only on websites, to promptly notify the public of the environmental *expertiza* conclusions, and to facilitate public access to these decisions, in accordance with article 6 (9) of the Convention;
 - (f) Maintain and make accessible to the public, through publicly available lists or registers, copies of decisions within the scope of article 6 once taken and other information relevant to the decision-making;
 - (g) Ensure that appropriate practical and/or other provisions are made for the public to participate during the preparation of plans within the scope of article 7 of the Convention, including clear requirements to ensure that:
 - (i) The necessary information is provided to the public;
 - (ii) The public that may participate is identified by the relevant public authority;
 - (iii) The requirements of article 6 (3), (4) and (8) of the Convention are applied;
3. *Requests* the Party concerned to:
- (a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraph 2 above;
 - (b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraph 2 above;
 - (c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the recommendations in paragraph 2 above;
 - (d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the recommendations in paragraph 2 above is to be considered;
4. *Undertakes* to review the situation at its eighth session.
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