

## **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**

Geneva, 18–20 October 2021

### **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/8r concerning compliance by Ukraine 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,<sup>1</sup>

*Taking note* of the findings of the Committee on communication ACCC/C/2014/118 concerning compliance by Ukraine with respect to the production-sharing agreements and mineral extraction permits for the Yuzivska and Oleska oil fields,<sup>2</sup>

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

1. *Endorses* the findings of the Committee that:

(a) By failing to provide access upon request to either the full text of the production-sharing agreements for the Yuzivska and Oleska oil fields, or redacted versions thereof, the Party concerned failed to comply with article 4 (1) of the Convention;

(b) By failing to carry out a public participation procedure meeting the requirements of article 6 regarding the draft production-sharing agreements for the Yuzivska and Oleska oil fields, the Party concerned failed to comply with article 6 (1) (a) of the Convention;

(c) By establishing a legal framework in which public participation under article 6 of the Convention will only be carried out once a production-sharing agreement is already at the implementation stage, the Party concerned failed to comply with article 6 (4) of the Convention;

(d) By denying a non-governmental organization meeting the requirements of article 2 (5) standing to challenge the legality of a production-sharing agreement subject to article 6, the Party concerned failed to comply with article 9 (2) of the Convention;

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\* 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](https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7).

<sup>1</sup> ECE/MP.PP/2/Add.8.

<sup>2</sup> ECE/MP.PP/C.1/2021/18, forthcoming.

(e) By maintaining a legal framework in which cassation appeals under article 9 (2) of the Convention must be brought within 20 days of the date on which the contested judgment was drawn up, rather than from the date on which the claimant received the full text of that judgment, the Party concerned fails to comply with the requirement that review procedures under article 9 (2) be fair in accordance with article 9 (4) of the Convention;

(f) By failing to ensure that the requested environmental information was disclosed promptly after the court had ordered it to be disclosed, the Party concerned failed to comply with the requirement in article 9 (4) of the Convention to provide an adequate and effective remedy for the review of environmental information requests;

2. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative or other measures to ensure that:

(a) Subject to any redactions made in accordance with article 4 (3) and (4) of the Convention, the texts of production-sharing agreements are to be provided in full to members of the public upon request in accordance with article 4 of the Convention;

(b) Public participation meeting the requirements of article 6 of the Convention is to be carried out regarding draft production-sharing agreements prior to their approval, at an early stage when all options are open and effective public participation can take place;

(c) Non-governmental organizations meeting the requirements of article 2 (5) are deemed to have standing in review procedures under article 9 (2) of the Convention;

(d) The time frame for filing a cassation appeal within the scope of article 9 (2) of the Convention is calculated from the date on which the claimant receives the full text of the contested judgment;

(e) Adequate and effective remedies are put in place to ensure that orders by the courts to public authorities to disclose environmental information are promptly complied with;

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 above recommendations;

(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 above recommendations;

(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 above recommendations;

(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 above recommendations is to be considered;

4. *Undertakes* to review the situation at its eighth session.

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