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:

¹ ECE/MP.PP/2021/2/Add.8.
² ECE/MP.PP/2017/2/Add.1.
³ ECE/MP.PP/2021/53.
(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 expertise 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.