

From: ECE-Aarhus-Compliance

Sent: Friday, December 9, 2022 5:52 PM

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Subject: RE: Decision VII/8k (Kazakhstan) - invitation to open session at Committee's 77th meeting (13-16 December 2022)

Dear Ms. Murzabekova,

I would like to thank you once again for confirming the participation of Kazakhstan in the open session to discuss its plan of action on decision VII/8k to be held next Thursday, 15 December, at the Compliance Committee's seventy-seventh meeting.

In my email of 3 December, I had indicated that the Committee would provide a brief summary outlining some concerns regarding the plan of action in advance of the meeting to assist the Party concerned to prepare for the open session. Please see the Committee's brief summary below.

The Committee welcomes the information provided by the Party concerned in its plan of action on the measures it has taken so far to implement the recommendations in decision VII/8k.

Regarding paragraph 2 (a) of decision VII/8k, since the Party concerned does not specify the provisions of its legislation in which the mandatory requirements for the content of a public notice under article 6 (2) of the Convention are set out, the Committee is not in a position to assess the extent to which the requirements of paragraph 2 (a) of decision VII/8k are now met.

With respect to paragraphs 2 (c) and (d) of decision VII/8k, without having been provided with the current text of the Rules for Conducting Public Hearings, the Committee is not in a position to assess whether these recommendations are now met.

Regarding paragraph 2 (e) of decision VII/8k, the Committee welcomes the creation of the Unified Environmental Portal. However, while the Unified Environmental Portal would appear to helpfully address the second part of the recommendation ("facilitate public access" to decisions on environmental expertise), it cannot fulfil the first part of the recommendation, which requires the establishment of procedures "which are not limited to the publication of decisions only on websites" to promptly notify the public of the findings of environmental expertise.

With respect to paragraph 2 (g) (i) – (iii) of decision VII/8k, in order to be in a position to assess whether the various legislative provisions summarized in the plan of action fully meet the recommendations in those paragraphs, the Committee will need to receive the full text of the relevant legislation.

In conclusion, while welcoming the extensive information contained in the plan of action, in order for the Committee to be in a position to properly assess whether the various measures taken by the Party concerned will fully meet each of the recommendations contained in decision VII/8k, the Committee will need to receive:

- (a) For each recommendation in decision VII/8k, a concise list of the provisions which the Party concerned considers specifically to fulfil that particular recommendation.
- (b) The full texts of all relevant legislation, together with English translations thereof. (It will be important to provide the Committee not only with the full text of the specific provisions which implement each recommendation in decision VII/8k, but also the full text of any provisions that those provisions refer to or otherwise interact with.)

We hope the above may be of assistance. Please note that the Committee does not expect the Party concerned to provide the above documentation either before or at the open session next Thursday.

Please do not hesitate to let me know if you have any questions. The link to join the open session will be sent to all registered participants this weekend, following the expiry of the deadline for registration later tonight.

We look forward to Kazakhstan's participation in the open session on 15 December.

Kind regards,
Fiona



Fiona Marshall

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