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ОБЪЕДИНЕННЫЕ НАЦИИ
ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ КОМИССИЯ

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Palais des Nations, Room 429-2
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Ref: ACCC/C/2013/88

6 March 2015

Sergey Solyanik
Almaty
Kazakhstan

Dear Mr. Solyanik,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Kazakhstan in relation to the plan for a ski resort in the Ile-Alatau national park (ACCC/C/2013/88)

During the discussion of the above communication at its forty-seventh meeting (Geneva, 16-19 December 2014), the Compliance Committee indicated that it would send further questions for the response of the communicant and the Party concerned. Please find enclosed herewith the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your responses to the enclosed questions on or before **1 April 2015.** Both parties will then be provided with a brief opportunity to comment on the other party's response. The Committee will consider all responses received within the set timeframes in the preparation of its draft findings.

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 the Republic of Kazakhstan to the United Nations Office and other international organizations in Geneva
Ms. Saule Tashkenbaeva, Ministry of Energy
Ms. Olga Melnik, Ministry of Energy
Ms. Gulsara Yeskendirova, Ministry of Energy

Enc: Questions

Questions for the parties

Questions for the Party concerned

1. Please comment on the update provided by the communicant on 5 February 2015. Is it correct that the Almaty municipality is still considering to develop a ski resort at Kok Zhailau? If so, please outline the remaining stages in the decision-making procedure to approve the project. For which of these stages is public participation required under national legislation?

2. Do you agree with the chronology provided by the communicant on 11 January 2015 (available at www.unece.org/env/pp/compliance/compliancecommittee/88tablekaz.html)? Please list any corrections that you consider should be made to the communicant's chronology.

3. Please outline the current procedure and/or practice for the preparation and adoption of plans, programmes and policies relating to the environment. According to national legislation, what is the legal status of plans, programs and policies once adopted?

4. Is public participation in the preparation of plans, programmes and policies relating to the environment required by law? If so, please provide the Committee with the relevant provisions of national legislation.

5. The Committee understands that according to changes to the Environmental Code of Kazakhstan effective from 3 July 2013, the provision in article 47 envisaging state environmental expertise for programmes was deleted. According to the current legal framework are plans, programmes and policies relating to the environment subject to state environmental expertise?

6. Please provide the relevant excerpts of national legislation and/or administrative procedure applicable to the selection of the location of the Kok-Zhailau ski-resort? Which authority took the decision approving the location and what legal document records that decision?

7. Was the Public Environmental Council involved in the process of decision-making with regard to the Kok-Zhailau project? If so, please describe the way(s) it has been involved and the outcome(s) of its participation.

8. With regard to public hearings held on 11 January 2013 (preliminary assessment of EIA and feasibility study); 25 February 2014 (changing land category from protected area to reserved land); and 5 May 2014 (EIA of the construction of the ski resort Kok Zhailau), please provide, for each hearing, the list of:
   a) the documents requested by the public;
   b) the documents provided to the public;
   c) the documents requested by the public but that were not provided. For each document, please briefly explain the reason it was not provided to the public.

9. Where were each of the hearings (11 January 2013, 25 February 2014 and 5 May 2014) conducted? How many kilometres from central Almaty are each of these locations? What was the reason each location was chosen for the hearing?

10. For each of the hearings held on 11 January 2013, 25 February 2014 and 5 May 2014, were any participants' comments not registered, and if so, approximately how many and for what reasons? For each of these three hearings, please explain how the views expressed by the public at the hearing have been taken into account in the subsequent decision-making on the project?

11. Please provide any feedback you wish to make on the replies submitted by the communicant.

Questions for the communicant

1. What are the remaining stages in the decision-making procedure to approve the project? For which of these stages would public participation be required under national legislation?

2. Which was the hearing which you allege was held in a ski resort, far from Almaty? Please describe any organizational or practical measures (public transportation etc.) taken to ensure proper public participation at that hearing. What reason was given for holding the hearing outside

of the city?

3. With regard to public hearings held on 11 January 2013 (preliminary assessment of EIA and feasibility study); 25 February 2014 (changing land category from protected area to reserved land); and 05 May 2014 (EIA of the construction of the ski resort Kok Zhailau) please provide, for each hearing, the list of:
   a) the documents requested from the public authority;
   b) the documents provided to the public;
   c) the documents requested by the public but that were not provided. If reasons were given for not providing any documents, what reasons were given?

4. For each of the hearings held on 11 January 2013, 25 February 2014 and 5 May 2014, please give your view on the extent to which public opinion has been reflected in the minutes of each hearings and taken into account by the competent authorities. Were any participants' comments made at the hearing not registered and/or not recorded in the minutes and if so, approximately how many and for what reasons?

5. Please provide any feedback you wish to make on the replies submitted by the Party concerned.