



UNITED NATIONS  
ECONOMIC COMMISSION FOR EUROPE

The Executive Secretary

*Under-Secretary-General*

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13 November 2013

Excellency,

I have the honour to refer to my letters of 14 August 2012 to you and that of 11 July 2013 to His Excellency, Mr. Leonid Kozhara, Minister for Foreign Affairs. In my letter of 14 August, I informed you about the outcome of the discussion by the Compliance Committee under the United Nations Economic Commission for Europe (ECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) at its thirty-seventh meeting (Geneva, 26–29 June 2012), namely that the caution issued by the Meeting of the Parties to the Convention through decision IV/9h could not be lifted.

In my letter of 11 July, I referred to the Compliance Committee's request for Ukraine to comment on the statement made by the observer present at the Committee's fortieth meeting (Geneva, 25–28 May 2013) that the current changes to the new draft law addressing the public participation requirements of the Convention were not open to public comment; that there was currently no draft legislation before the parliament with respect to public participation; and that public participation, especially in the context of State ecological *expertiza*, had significantly deteriorated, while at the same time the scope of review by the competent authorities was much more limited. I also noted the Committee's request that Ukraine submit an advance copy of the new draft law, before its submission for parliamentary approval. That response was due from Ukraine by 31 July 2013, but to date it has not been received. In this regard, I note the letter from His Excellency, Mr. Oleg Proskuryakov, Minister of Ecology and Natural Resources, sent to the secretariat on 31 October 2013 stating that the Ministry is preparing the draft for its second hearing before the Parliament of Ukraine. That letter, however, does not address either of the Committee's above requests.

His Excellency  
Mr. Viktor Yanukovich  
President of Ukraine  
Presidential Administration  
Kyiv



I write to inform you that, at its forty-second meeting (Geneva, 24–27 September 2013), the Committee commenced preparation of its draft findings and recommendations to the Meeting of the Parties to the Convention at its fifth session (Maastricht, the Netherlands, 30 June–2 July 2014) on Ukraine's implementation of decision IV/9h. The Committee is scheduled to complete those draft findings and recommendations at its forty-third meeting (Geneva, 17–20 December 2013).

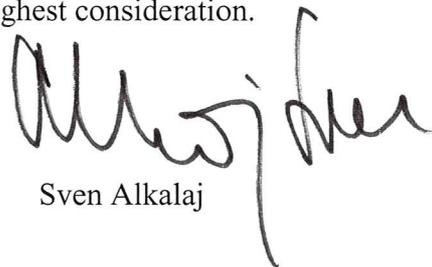
Pursuant to decision IV/9h, Ukraine's final deadline to submit detailed information to the Committee on its progress in implementing the measures referred to in decision II/5b is November 2013. I would thus strongly encourage Ukraine to provide the requested information as soon as possible and no later than 30 November 2013, in order that it may be taken into account in the preparation of the Committee's recommendations to the Meeting of the Parties at its fifth session.

In this context, I wish to stress that confirmation that the relevant legislation bringing Ukraine into compliance with the provisions of the Convention has been passed into law will be critical to the recommendations that the Committee will make in its report to the Meeting of the Parties.

In closing, I would like to once again thank the Government of Ukraine for its kind invitation to host the sixth session of the Meeting of the Parties to the ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment, to be held in Kyiv from 2 to 5 June 2014. Given Ukraine's honoured role as host of the sessions, the lead-up to the events would also seem a fitting opportunity for Ukraine to demonstrate to the international community its progress in implementing the closely related Aarhus Convention.

On behalf of ECE, I would like to express the willingness of the secretariat to work with the Government of Ukraine in meeting its obligations under the Aarhus Convention.

Please accept, Excellency, the assurances of my highest consideration.



Sven Alkalaj

cc: Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva  
H. E. Mr. Oleg Proskuryakov, Minister for Ecology and Natural Resources of Ukraine  
Ms. Yelyzaveta Aleksyeyeva, Environment-People-Law (formerly Ecopravo-Lviv), communicant of communication ACCC/C/2004/03  
Mr. Andriy Andrusevych, Resource & Analysis Center "Society and Environment", observer for communication ACCC/C/2004/03