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To: Public Participation <public.participation@unece.org>,
Date: 25/03/2014 16:42
Subject: comments on ACCC draft report to the MOP on Compliance by Ukraine with its obligations under the Convention

To the attention of the ACCC

Dear Sir/Madam,

Environment-People-Law fully supports ACCC conclusions and recommendations listed in the CC draft report to the MOP on Compliance by Ukraine with its obligations under the Convention (posted on the Aarhus Convention web page on March 12, 2014).

EPL, however, would like to provide a comment to the draft report.

In paragraph 11 of the draft report, the CC cites EPL statement of May 2012 that legislation on public participation adopted by the Cabinet of Ministers in June 2011, was subsequently subjected to many substantive changes that significantly reduced its rights for public participation and was then on 25 April 2012 annulled.

EPL indeed challenged the act of the Cabinet of Ministers # 771 on public participation in court and got it annulled on 25 April 2012. Yet, in February 2013 the High Administrative Court of Ukraine cancelled this decision ruling that EPL lacks standing in this case. As a result, Cabinet of Ministers act # 771 on public participation is currently in force.

This in any case does not affect ACCC conclusions and recommendations, but we would suggest removing the line "On 25 April 2012, the Resolution of the Cabinet of Ministers No. 771 was annulled" from paragraph 30 (Considerations and evaluation by the Committee) of the CC draft report.

Best regards,

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