



UNITED NATIONS  
ECONOMIC COMMISSION FOR EUROPE

The Executive Secretary

*Under-Secretary-General*

Ref: ECE/ENV/2012/238

14 August 2012

Excellency,

I am writing to you at the request of the Compliance Committee of the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). At its thirty-seventh meeting, held in Geneva from 26 to 29 June 2012, the Committee considered Ukraine's compliance with the Convention and instructed the secretariat to send a letter to the President of Ukraine informing him about its decision regarding Ukraine's compliance (see report of the Committee on its thirty-seventh meeting, ECE/MP.PP/C.1/2012/5, paras. 52-55).

At its second meeting held in Almaty from 25 to 27 May 2005, the Meeting of the Parties to the Aarhus Convention adopted decision II/5b on compliance by Ukraine with its obligations under the Convention (ECE/MP.PP/2005/2/Add.8) endorsing the findings of the Compliance Committee that Ukraine was not in compliance with articles 3, 4 and 6 of the Convention and requesting Ukraine to bring its legislation and practice into compliance with the Convention. The matter was further addressed by the Meeting of the Parties in decision III/6f (ECE/MP.PP/2008/2/Add.14) adopted at its third session (Riga, 11-13 June 2008).

At its fourth session (Chisinau, 29 June – 1 July 2011), the Meeting of the Parties adopted a new decision IV/9h (enclosed) on the same matter noting with regret the very slow progress made by Ukraine in implementing decisions II/5b and III/6f and deciding to issue a caution to Ukraine.

In paragraph 7 of decision IV/9h, the Parties decided that the caution would be lifted on 1 June 2012 if Ukraine had fully implemented the measures requested by the Meeting of the Parties in decision II/5b and had notified the secretariat of this, providing evidence by 1 April 2012. The successful fulfilment of the conditions was to be established by the Compliance Committee.

His Excellency  
Mr. Viktor Yanukovich  
President of Ukraine  
Kyiv



At its thirty-seventh meeting, the Compliance Committee reviewed the steps taken by Ukraine to fulfil the conditions set out in paragraph 7 of decision IV/9h. In particular, the Committee considered the progress made in adopting the draft Law “On amending certain laws of Ukraine in connection to implementation of the Convention on environmental impact assessment in a transboundary context” and other steps taken by Ukraine described in letters of 30 May 2012 and 26 June 2012.

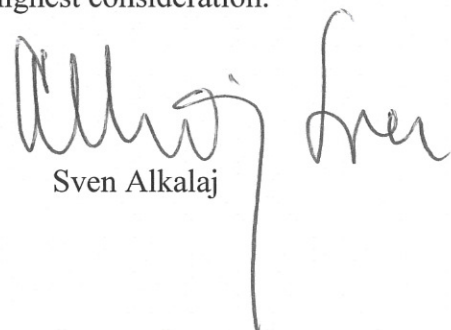
In its findings, while expressing its appreciation of the steps taken by Ukraine, the Compliance Committee noted that Ukraine had not fully satisfied the conditions set out in decision IV/9h because the legislative process had not been finalized in due course. Therefore, in the Committee’s view, the caution issued by the Meeting of the Parties through decision IV/9h could not be lifted.

The Committee also asked the secretariat to remind Ukraine of its obligation set out in paragraph 10 of decision IV/9h to submit to the Committee in November 2012 detailed information on further progress in implementing the measures referred to in decision II/5b. The report should include detailed information on the progress achieved with the legislative process, including the English translation of the Law “On amending certain laws of Ukraine in connection to implementation of the Convention on environmental impact assessment in a transboundary context” and/or any other legal acts adopted with a view to implementing the measures requested by the Meeting of the Parties in decision II/5b. As requested in decision IV/9h of the Meeting of the Parties, this report, including the respective translations, should be received by the secretariat no later than 30 November 2012.

The Committee agreed that at its thirty-ninth meeting to be held in Geneva from 11 to 14 December 2012 it would evaluate the situation concerning the implementation of the measures requested by the Meeting of the Parties in decision II/5b and consider further steps to be taken regarding Ukraine's compliance.

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

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



Sven Alkalaj