



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/MP.PP/2005/2/Add.8  
13 June 2005

ORIGINAL: ENGLISH

---

**ECONOMIC COMMISSION FOR EUROPE**

Meeting of the Parties to the  
Convention on Access to Information,  
Public Participation in Decision-making and  
Access to Justice in Environmental Matters

**REPORT OF THE SECOND MEETING OF THE PARTIES**

**Addendum**

**DECISION II/5b**

**COMPLIANCE BY UKRAINE WITH ITS OBLIGATIONS  
UNDER THE AARHUS CONVENTION**

adopted at the second meeting of the Parties  
held in Almaty, Kazakhstan, on 25-27 May 2005

The Meeting of the Parties,

Acting under paragraph 37 of the annex to decision I/7 on review of compliance,

Taking note of the report of the Compliance Committee (ECE/MP.PP/2005/13) and its addendum 3 (ECE/MP.PP/2005/13/Add.3), as well as addendum 3 to the report of its seventh meeting (ECE/MP.PP/C.1/2005/2/Add.3), with regard to the case of the Bystre deep-water navigation canal construction,

Noting with regret that no response to either the submission or the communication was provided by the Party concerned pursuant to the requirements set out in the annex to decision I/7,

1. Endorses the following findings of the Compliance Committee:

(a) By failing to provide for public participation of the kind required by article 6 of the Convention, Ukraine was not in compliance with article 6, paragraph 1 (a), and, in connection with this, article 6, paragraphs 2 to 8, and article 6, paragraph 9 (second sentence);

(b) By failing to ensure that information was provided by the responsible public authorities upon request, Ukraine was not in compliance with article 4, paragraph 1, of the Convention;

(c) The lack of clarity with regard to public participation requirements in environmental impact assessment (EIA) and environmental decision-making procedures for projects, such as time frames and modalities of a public consultation process, requirements to take its outcome into account and obligations with regard to making information available in the context of article 6, indicates the absence of a clear, transparent and consistent framework for the implementation of the Convention and constitutes non-compliance with article 3, paragraph 1, of the Convention;

2. Requests the Government of Ukraine to bring its legislation and practice into compliance with the provisions of the Convention and include information on the measures taken to that effect in its report to the next meeting of the Parties; and

3. Also requests the Government of Ukraine to submit to the Compliance Committee, not later than the end of 2005, a strategy, including a time schedule, for transposing the Convention's provisions into national law and developing practical mechanisms and implementing legislation that sets out clear procedures for their implementation. The strategy might also include capacity-building activities, in particular for the judiciary and public officials involved in environmental decision-making.