

**DRAFT STATEMENT CONCERNING THE ALLEGATION OF A
CONFLICT OF INTEREST IN CONNECTION WITH
COMMUNICATIONS ACCC/C/2008/23 AND ACCC/C/2008/27 BY THE
UNITED KINGDOM**

Prepared by the Committee

1. By letter dated 22 July 2009, the United Kingdom has alleged a conflict of interest of Ms. Svitlana Kravchenko due to her marital relationship with Mr. John Bonine who made an intervention as an observer at the twenty-fourth meeting of the Committee in the context of the discussions on ACCC/C/2008/23 and ACCC/C/2008/27.

2. The Committee has considered the allegation, and wishes to avoid a situation where there are doubts about its process. Therefore, the fact that an accusation has been made on grounds that are at least debatable has led the Committee to decide that Ms. Kravchenko should not participate in the preparation or adoption of the findings of the Committee in connection with communications ACCC/C/2008/23 and ACCC/C/2008/27 and, as a further precaution taking into account some linkages between the cases, ACCC/C/2008/33.

3. Because the process of preparing the draft findings in ACCC/C/2008/23 and ACCC/C/2008/27 commenced after the United Kingdom's allegation and the subsequent withdrawal of Ms. Kravchenko from the process, and that any deliberations in closed session on the communications up to that point were of a very preliminary nature and in any event did not amount to findings or conclusions, there can be no grounds for concern that the findings in those cases will be 'tainted' as a result of her involvement.

4. The Committee wishes to emphasize that all Committee members were aware of the marital relationship between Ms. Kravchenko and Mr. Bonine. It concedes that for the sake of transparency it would have been appropriate to make a statement in open session concerning that relationship prior to any intervention by Mr. Bonine.

5. The Committee appreciates that the United Kingdom has made the Committee aware of its concerns and will take into account the implications of the allegation made by the United Kingdom in its future procedures.