

From: Andriy Andrushevych
Sent: 20 June 2020 2:05 PM
To: ECE-Aarhus-Compliance
Cc: Yves Lador; Svetlana Mogiluk; Vadim Nee; Attracta Ui Bhroin; Sebastian Duyck; Francesca Carlsson; Jeremy Wates
Subject: Re: ACCC/A/2020/2 (Kazakhstan) - Committee's draft advice for comments

Dear Fiona,

I have read with interest the draft advice, which seems to present comprehensive guidance to the party. There are two additional points, which would be useful to address if the advice is also meant to be used by other parties:

- a) Can a party exclude in principle, for the period of the pandemic, a possibility for holding public hearings (both virtual and in-person), therefore allowing only for written comments?
- b) Since the request by the party is based on a legal assumption that the restrictions are based on the state of emergency declared, it leaves open a question whether there are any conditions regarding the legality of pandemic period restrictions (clarity when it will end, temporary nature, introduced by law, etc). Currently, the draft relies on the "pandemic" term to define the special circumstances, while legally speaking national situations could be very much different.

I am intentionally proposing these issues as open questions (without suggesting any specific answer to these questions) to avoid references to any particular situation in any party to the Convention. Yet, it seems reasonable to address them as, to my knowledge, national legal frameworks and reactions to the pandemic are different.

Regards,
Andriy