

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**

Third meeting

Riga, 11–13 June 2008

Item 6 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention:

Compliance mechanism

DRAFT DECISION III/6

GENERAL ISSUES OF COMPLIANCE

Addendum

DRAFT DECISION III/6f

**COMPLIANCE BY UKRAINE WITH ITS OBLIGATIONS
UNDER THE CONVENTION (Ref. Decision II/5b)**

As provisionally adopted

The Meeting of the Parties,

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

Mindful of the conclusions and recommendations set out in decision II/5b with regard to compliance by Ukraine (ECE/MP.PP/2005/2/Add.8),

Taking note of the report of the Compliance Committee (ECE/MP.PP/2008/5) and its addendum 9 (ECE/MP.PP/2008/5/Add.9),

1. *Notes with regret* the continuing failure of the Government of Ukraine to engage sufficiently with the process of compliance review and to take measures to implement decision II/5b of the Meeting of the Parties;

2. *Takes note of* the action plan developed by Ukraine and submitted through the Committee in May 2008;
3. *Notes with appreciation* the information provided by Ukraine, inter alia through its national implementation report, with regard to general measures taken to implement the Convention and the commitment to undertake the measures set out in para. 5 (a) to (d) below, made by the delegation of Ukraine at the third meeting of the Parties;
4. *Regrets, however,* that fulfilment of the actions set out in the action plan submitted by Ukraine does not fully address the recommendations set out in decision II/5b of the Meeting of the Parties and therefore would not bring about compliance with the Convention;
5. *Decides* to issue a caution to the Government of Ukraine, to become effective on 1 May 2009, unless the Government of Ukraine has fully satisfied the conditions (a) to (d), and has notified the Secretariat of this fact, by 1 January 2009. The successful fulfilment of the conditions is to be established by the Compliance Committee:
 - (a) the action plan incorporates clear activities to resolve the problems identified by the Committee in its findings and recommendations (ECE/MP.PP/2005/2/Add.3), and in particular in paragraphs 29 to 35 of that document (including with respect to issues of clear domestic regulation of time-frames and procedures for public consultation, commenting and making available to the public the information on which decisions are based);
 - (b) the action plan also incorporates capacity-building activities, in particular training of the judiciary and of public officials involved in environmental decision-making;
 - (c) the action plan establishes a procedure which ensures its implementation in a transparent manner and in full consultation with the civil society;
 - (d) the action plan is transposed through a Governmental normative act ensuring its implementation by all ministries and other relevant authorities;
6. *Invites* the Government of Ukraine to submit to the Committee periodically, namely in November 2008, November 2009 and November 2010, detailed information on progress in implementing the action plan;
7. *Requests* the secretariat and the Compliance Committee, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;
8. *Undertakes* to review the situation at its fourth meeting.
