



## Economic and Social Council

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### 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

##### Fourth session

Chisinau, 29 June–1 July 2011

Item 5 (b) of the provisional agenda

##### **Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism**

### **Draft decision IV/9h on compliance by Ukraine with its obligations under the Convention**

*The Meeting of the Parties,*

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

*Mindful* of the conclusions and recommendations set out in decision II/5b (ECE/MP.PP/2005/2/Add.8) and decision III/6f with regard to compliance by Ukraine (ECE/MP.PP/2008/2/Add.14),

*Taking note* of the report of the Compliance Committee (ECE/MP.PP/2011/11) with regard to follow-up on decision III/6f,

*Recalling* that according to decision III/6f a caution was issued by the Meeting of the Parties, which was to become effective on 1 May 2009, but further to the review and assessment of the Committee based on the information provided by the Party concerned, the caution did not become effective,

1. *Notes* the engagement of the Party concerned demonstrated by its correspondence with the Committee during the intersessional period;

2. *Takes note* of the action plan developed by Ukraine and submitted through the Committee in January 2009;

3. *Confirms* the finding of the Committee that the Party concerned has failed to implement the measures referred to in paragraph 5 of decision III/6f of the Meeting of the Parties, and consequently that Ukraine is still in a state of non-compliance with regard to decision II/5b;

4. *Notes with regret* the very slow progress by the Party concerned in implementing decisions II/5b and III/6f of the Meeting of the Parties, that no real and efficient steps have been taken by the Party concerned to implement the measures referred to in decision III/6f and that these measures partly are reflecting measures already referred to in decision II/5b adopted in 2005;

5. *Urges* therefore the Party concerned to address the recommendations of the Meeting of the Parties in paragraph 5 of decision III/6f as soon as possible;

6. *Decides* to issue a caution to the Party concerned;

7. *Also decides* that the caution will be lifted on 1 June 2012, if the Party concerned has fully satisfied the conditions set out in paragraph 5, subparagraphs (a) to (d) of decision III/6f of the Meeting of the Parties and has notified the secretariat of this fact by 1 April 2012, but if the Party concerned has failed to satisfy these conditions, that the special rights and privileges accorded to Ukraine under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters will be suspended on 1 June 2012;

8. *Requests* the Compliance Committee to establish whether the Party concerned has succeeded or failed to fulfil the above-mentioned conditions;

9. *Invites* the Party concerned to submit to the Committee periodically, namely, in November 2012 and November 2013, detailed information on further progress in implementing the measures referred to in its action plan;

10. *Also invites* the Party concerned to consider accommodating an expert mission, with the involvement of Committee members and other experts, as appropriate, with a view to making available to it a wide range of expert opinion on possible ways to implement the measures referred to in decision III/6f;

11. *Requests* the secretariat, 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;

12. *Undertakes* to review the situation at its fifth session.

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