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## ANNEX 0.1



КАБІНЕТ МІНІСТРІВ УКРАЇНИ

ВІЦЕ-ПРЕМ'ЄР-МІНІСТР

Kyiv, 19<sup>th</sup> May 2008

6186/0/2-08 від 20.05.08

Dear Mr. Belka,

May I take this opportunity to thank you for your attempts to facilitate the cooperation of Ukraine in the sphere of environment and sustainable development in the framework of its bilateral and multilateral agreements, in particular concerning the international obligations of Ukraine under Convention of UNECE on the Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

On occasion of the Fourth Meeting of the Parties to the Espoo Convention held in Bucharest, Romania, on 19<sup>th</sup>-21<sup>st</sup> of May 2008 we have a pleasure to be represented at a high level by the Minister of Environmental Protection of Ukraine and his colleagues from line-ministries.

I would like to emphasize that Ukraine appreciates the opinion stated in the Findings and Recommendations issued by the Implementation Committee and in the Background Note issued by Intergovernmental Organizations regarding the Project of Ukraine on a Renovation of the Danube-Black Sea Navigation Route. At the same time, we would like to reiterate that, after the adoption of the Report of Inquiry Commission of Espoo Convention in July 2006, Ukraine has taken several drastic steps to comply with the decisions stated in the Report concerning the abovementioned Project, namely:

1. Notification of affected States on a proposed activity;
2. EIA materials sent to the affected States;
3. Consultations with affected Parties;
4. Final Decision concerning the proposed activity.

Taking into account the problematic issues that occurred with implementation of Espoo Convention by Ukraine, as a result of our fruitful conversation held on 28<sup>th</sup> of February 2008 during your visit to Ukraine, the Ruling of Cabinet of Ministers of Ukraine №574 dated 2<sup>nd</sup> of April 2008 has launched the Intergovernmental Coordination Council on the implementation of Espoo Convention by Ukraine. I have an honor to be the Head of the Council, which is represented on the level of Deputy Ministers, selected from the line-ministries responsible for projects with likely transboundary impacts on environment. Since its foundation, the Council became an effective instrument of facilitation of the implementation of the Espoo Convention by Ukraine. As an outcome of its two meetings, the following steps were taken by Ukrainian Party:

**H.E. Mr. Marek Belka**  
Executive Secretary  
United Nations Economic  
Commission for Europe

вул. Грушевського, 12/2, Київ, 01008, тел. (044) 253 1663, телефакс (044) 254 0584

- The Notification of the proposed activity of Dniester Hydropower Station is being prepared to be transmitted to affected Parties;
- On 21-22<sup>nd</sup> of May 2008 Ukraine is carrying out the Consultations with Moldova on likely transboundary impact of Dzurdzuleshty Oil Terminal Project and Dniester Hydropower Station;
- Ukraine has appointed Mr. Volodymyr Buchko as the Focal Point of Espoo Convention in Ukraine.

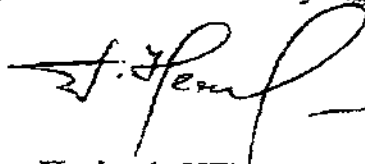
I would like to emphasize that Ukraine is open for an active dialogue with Espoo Convention Secretariat and its appropriate bodies and, in this occasion, wishes to stress some concrete actions to be taken by Ukraine:

- Ukrainian Party is ready to reconsider the Final Decision taken regarding the Project of Ukraine on a Renovation of the Danube-Black Sea Navigation Route;
- Additional Consultations with affected Parties can be arranged and carried out;
- Ukrainian Party is ready to host the independent expert sent by Convention Secretariat for analysis of environmental legislation of Ukraine;
- Ukrainian Party is using its chance to invite once again to the on-spot-visit the representatives of Secretariat of Espoo Convention and its Implementation Committee members;
- Ukrainian Party is ready to sign the bilateral agreements with Romanian Party;
- Ukrainian Party will appreciate the assistance of Secretariat and its bodies related to the submission of implementation strategy for Ukraine.

Taking into account the constructive position of Ukraine on this matter, I am addressing to you, Your Excellency, with a request to assist in reconsidering the decision to recommend to the Meeting of the Parties to issue a caution to the Government of Ukraine. Such a positive decision will encourage the Government to continue its efforts on the way to full implementation of Espoo Convention provisions.

I am looking forward to our continued cooperative efforts towards the sustainable development of European countries and hope to be hosting the next Implementation Committee Meeting in Ukraine.

Please accept, Your Excellency, the assurances of my highest consideration.



**Hryhoriy NEMYRYA**  
 Deputy Prime Minister of Ukraine,  
 Head of Intergovernmental Coordination Council  
 on the implementation of Espoo Convention by Ukraine

## Decision IV/2 on the review of compliance

*The Meeting of the Parties,*

*Recalling* Article 11, paragraph 2, of the Convention and decision III/2 on the review of compliance,

*Recalling* Article 14 bis of the second amendment to the Convention,

*Determined* to promote and improve compliance with the Convention,

*Having considered* the analysis made by the Implementation Committee on general compliance issues in the Review of Implementation 2003, as summarized in the appendix to decision III/1,

*Having also considered* the findings and recommendations of the Implementation Committee on a submission made to the Committee in accordance with paragraph 5 (a) in the appendix to decision III/2 (ECE/MP.EIA/6, annex II), **and also having noted the letter of 19 May, 2008 from the Deputy Prime Minister of Ukraine to the Executive Secretary of the UN ECE, and the announcement by the Ukrainian Delegation made during the Fourth Meeting of the Parties,**

*Having further considered* the findings and recommendations of the Implementation Committee further to its initiative in accordance with paragraph 6 in the appendix to decision III/2 (ECE/MP.EIA/6, annex II),

*Having reviewed* the structure and functions of the Implementation Committee, as described in the appendix to decision III/2 bearing in mind the possible involvement of the public, and being aware of the consequences for the composition of the Implementation Committee resulting from the entry into force of the Protocol on Strategic Environmental Assessment,

*Recognizing* the importance of rigorous reporting by Parties of their compliance with the Convention, and noting the second review of the implementation of the Convention in the annex to decision IV/1 based on Parties' answers to the revised and simplified questionnaire on the implementation of the Convention,

*Recalling* that the compliance procedure is assistance-oriented and that Parties may make submissions to the Committee on issues regarding their compliance with the Convention,

### **I. General part**

1. *Adopts* the Implementation Committee's report on its activities (ECE/MP.EIA/2008/5), welcomes the reports of the meetings of the Committee in the period after the third meeting of the Parties, and requests the Committee:

(a) To keep the implementation and application of the Convention under review,

(b) To promote and support compliance with the Convention, including to provide assistance in this respect, as necessary;

2. *Encourages* Parties to bring issues concerning their own compliance before the Committee;

3. *Requests* the Implementation Committee to provide assistance to Parties in need of such assistance, as appropriate and to the extent possible, and in this respect refers to decision IV/6 on the workplan;

4. *Urges* Parties to take into account in their further work the recommendations for further improving the implementation of and compliance with the Convention, based on but not limited to the analysis on general compliance issues from the Review of Implementation 2003 as requested by the Meeting in its decision III/1, and as presented in section V of the Implementation Committee's report on its activities;

5. *Adopts* the operating rules of the Implementation Committee set out in the annex to this decision including sources and criteria for dealing with information other than submissions from Parties, which should be applied to any meeting and to any other conduct of business of the Committee and should be read together with and in furtherance of the structure, functions and procedures described in the appendix to decision III/2;

6. *Decides* to keep under review and develop if necessary the structure and functions of the Committee as well as the operating rules at the fifth meeting of the Parties in the light of experience gained by the Committee in the interim, and in this context requests the Implementation Committee to prepare any necessary proposals for the fifth meeting of the Parties;

## **II. Regarding Ukraine**

7. *Endorses* the findings of the Implementation Committee that Ukraine has been in non-compliance with its obligations under the Convention, in particular Articles 2, 3, 4, 5 and 6;

8. *Decides* to issue a declaration of non-compliance to the Government of Ukraine.

9. *Takes note* of the commitment of the delegation of the Government of Ukraine made during the Fourth Meeting of the Parties, to reconsider the final decision of 28 December 2007, and **urges the Government of Ukraine to repeal without delay the final decision, concerning the implementation of the project for the Danube-Black Sea Deep-Water Navigation Canal in the Ukrainian sector of the Danube Delta, and not to implement Phase II of the project before applying fully the provisions of the Convention to the project**, taking into account the findings of the Implementation Committee, and to report to the Implementation Committee at its fifteenth meeting (October 2008) and subsequent meetings if necessary;

10. *Decides* to issue a caution to the Government of Ukraine to become effective on 30<sup>th</sup> October 2008 unless the Government of Ukraine **stops the works, repeals the final decision and takes steps to comply with the relevant provisions of the Convention** ;

11. *Requests* the Government of Ukraine **to ensure that its legislation and administrative measures** are able to implement fully the provisions of the Convention, and agrees to support the Government of Ukraine in the undertaking of an independent review of its legal, administrative and other measures to implement the provisions of the Convention for

consideration by the Implementation Committee in the first half of 2009. This independent review shall be undertaken by a consultant to be nominated by the Committee and financed from the budget of the Convention;

12. *Also requests* the Government of Ukraine to submit to the Implementation Committee by the end of 2009 a strategy, taking into account the efforts by the Government of Ukraine to implement the provisions of the Convention and based on the outcome of the **independent review**, including its time schedule and training and other actions to bring about compliance with the Convention, and thereafter report to the Committee on the implementation of the strategy;

13. *Further requests* the Implementation Committee to report to the fifth meeting of the Parties on the strategy and its implementation and to develop if appropriate further recommendations to assist Ukraine in complying with its obligations under the Convention;

14. *Invites* the Government of Ukraine **to enter into negotiations with its neighbouring Parties to cooperate in the elaboration of bilateral agreements or other arrangements** in order to support further the provisions of the Convention, as set out in Article 8, and **to seek advice from the secretariat**. The Government of Ukraine is invited to report on progress with the elaboration of such agreements, particularly with Romania, to the Implementation Committee by the end of 2010 and to the fifth meeting of the Parties.

**PROTOCOL #3  
of the Meeting of the Intergovernmental Coordination Council  
on the implementation of Espoo Convention by Ukraine**

**Kyiv**

**10<sup>th</sup> June, 2008**

The Meeting was chaired by Deputy Prime Minister of Ukraine Mr. Hryhoriy Nemyrya, the Head of Intergovernmental Coordination Council on the implementation of Espoo Convention by Ukraine

Present: members of the Coordination Council and invitees (the list attached)

- 1. Report of Ukrainian delegation on the participation in the 4<sup>th</sup> Meeting of the Parties to the Espoo Convention (19-21<sup>st</sup> May, 2008, Bucharest, Romania) (Ruling of the Cabinet of Ministers of Ukraine #12747/5/1-08 dated 15<sup>th</sup> May, 2008).**

To the Ministry for Foreign Affairs, Ministry of Environment and Ministry of Transport:

to ensure within two weeks the repealing of Final Decision taken on 28<sup>th</sup> December, 2007 regarding the Project on the Renovation of Deep-Water Navigation Route “Danube – Black Sea”, to suspend the works related to the implementation of Phase II of the Project until this issue is solved and considered at the Meeting of the Intergovernmental Coordination Council on the implementation of Espoo Convention in Ukraine. To inform the Romanian party on the intention of Ukrainian party to repeal the decision mentioned.

**Deputy Prime Minister of Ukraine**

**Hryhoriy NEMYRIA**

(adopted by the Ruling of Cabinet of Ministers of Ukraine #12747/9/1-08 dated 12<sup>th</sup> June, 2008)





ЗАТВЕРДЖЕНО

Віце-прем'єр-міністр України  
Г.М. Немиря

„ 11 ” серпня 2008 року

На виконання рішення IV/2 Сторін Конвенції про оцінку впливу на навколишнє середовище в транскордонному контексті (Конвенції Еспоо), прийнятого на четвертій нараді Сторін Конвенції, що відбулася 19-21 травня 2008 року у м. Бухарест (Румунія) та відповідно до пункту 1 протоколу № 3 засідання Міжвідомчої координаційної ради з питань реалізації в Україні Конвенції Еспоо про оцінку впливу на навколишнє середовище в транскордонному контексті від 10 червня 2008 року, Українська сторона повідомляє про відкликання Остаточного рішення про виконання Фази II проекту відновлення глибоководного суднового ходу „р. Дунай - Чорне море” на українській ділянці дельти Дунаю, прийнятого 28 грудня 2007 р., з метою доопрацювання.

**ПОГОДЖЕНО:**

/ Міністр охорони навколишнього природного середовища України

/ Міністр закордонних справ України

Міністр транспорту та зв'язку України

Г.Г. Філіпчук

В.С. Огризко

Й.В. Вінський

М2 Мінприроди  
№10577/18/10-08 від 11.08.2008



16:36:13

*Unofficial translation*

**APPROVED**

**Deputy Prime Minister of Ukraine  
Hryhoriy Nemyrya**

*/seal of Cabinet of Ministers of Ukraine/*

*/signature/*

**11<sup>th</sup> June, 2008**

In order to implement the Decision IV/2 of Parties to the Convention on environmental impact assessment in a transboundary context (Espoo Convention), adopted on the 4-th Meeting of Parties to the Convention held on 19-21<sup>st</sup> May, 2008 in Bucharest and according to paragraph 1 of the Protocol #3 of the Intergovernmental Coordination Council on the implementation of Espoo Convention by Ukraine dated 10<sup>th</sup> June, 2008, Ukrainian party repeals the Final Decision regarding Phase II of the Project on the Renovation of Deep-Water Navigation Route “Danube – Black Sea” in the Ukrainian part of the Danube Delta taken on 28<sup>th</sup> December, 2007, for further consideration.

**CONFIRMED:**

**Minister of Environmental  
Protection of Ukraine**

**Georgiy Philipchuk**

*/signed by Acting Minister Ivan Chornokur/*

**Minister of Foreign Affairs  
of Ukraine**

**Volodymyr Ogryzko**

*/signed by Acting Minister Ivan Gnatyshyn/*

**Minister of Transport and  
Communications of Ukraine**

*/signature/*

**Yosyp Vinskyi**



**ПОСОЛЬСТВО УКРАЇНИ  
В РУМУНІЇ**

Nr. 1538

The Embassy of Ukraine to Romania presents its compliments to the Ministry of Foreign Affairs of Romania and in reply to the Verbal Notes #H2/2372 of June 26, 2008 and #H2/2829 of July 25, 2008 has the honor to convey the following.

In accordance with the commitments taken by the Ukrainian Party at the 4-th Meeting of Parties to the Convention on environmental impact assessment in a transboundary context (Espoo Convention) held in Bucharest on the 21<sup>st</sup> of May, 2008, in order to implement the Decision of the Parties IV/2 concerning Ukraine, the Government of Ukraine undertook the obligation to repeal the Final Decision on the implementation of Phase II of the Project on Renovation of Deep-Water Navigation Route in the Ukrainian Part of Danube Delta taken in December, 2007.

The Ukrainian Party would like to inform the Ministry of Foreign Affairs of Romania that such decision was taken by the Government of Ukraine on the 10<sup>th</sup> of June, 2008 at the 3<sup>rd</sup> Meeting of the Intergovernmental Coordination Council on implementation of the Espoo Convention in Ukraine and was adopted on the 11<sup>th</sup> of August, 2008 by the letter signed by high officials from line-ministries and approved by Deputy Prime Minister of Ukraine (see attachments).

In this context, the Ukrainian Party reiterates its commitments not to implement Phase II of the project before applying fully the relevant provisions of the Convention to the project.

In attachment to this note the Embassy of Ukraine to Romania is also sending the reply to the letter dated July 28, 2008 signed by Mrs. Varga, Secretary of State, Ministry of Environment and Sustainable Development of Romania and addressed to Mr. Mykola Babych, Ukrainian Government Commissioner, State Committee for Water Management.

**Ministry of Foreign Affairs of Romania  
Bucharest**

The Embassy of Ukraine to Romania avails itself of this opportunity to express to the Ministry of Foreign Affairs of Romania the assurances of its highest consideration.



Attachments:

1. The copy of the letter on Repealing of the Final Decision, on 1 page
2. Unofficial translation of the Letter on Repealing of Final Decision, on 1 page.
3. Unofficial translation of the extract of the Protocol #3 of the Meeting of the Intergovernmental Coordination Council on the implementation of the Espoo Convention by Ukraine, on 1 page.
4. The copy of the letter signed by the Acting Minister for Environmental Protection of Ukraine of the 11<sup>th</sup> of August, 2008 and addressed to Mrs. L.Varga, Secretary of State Ministry of Environment and Sustainable Development of Romania, on 2 pages.
5. List of Ukrainian experts for the negotiations on the Action Plan, on 1 page.

Bucharest, 15 august 2008

МІНІСТЕРСТВО ОХОРОНИ  
НАВКОЛИШНЬОГО  
ПРИРОДНОГО  
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MINISTRY OF  
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PROTECTION  
OF UKRAINE

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Kyiv, 11 August, 2008  
*№105657/18/10-0.*

Dear Mrs. Varga,

In reply to your letter dated 28<sup>th</sup> of July, 2008 it is my pleasure to inform you about the following.

The commitments taken by Ukrainian Party on the 4<sup>th</sup> Meeting of Parties to Espoo Convention held in Bucharest in May, this year included the obligation to repeal the Final Decision on implementation of Phase II of Project on Renovation of Deep-Water Navigation Route in the Ukrainian Part of Danube Delta taken by Ukraine in December, 2007. With this letter I would like to inform you that such a decision was taken by Ukrainian Government on the 10<sup>th</sup> of June, 2008 at the 3<sup>rd</sup> Meeting of the Intergovernmental Coordination Council on implementation of Espoo Convention in Ukraine and was adopted on the 11<sup>th</sup> of August, 2008 by the letter signed by high officials from line-ministries and approved by Deputy Prime Minister of Ukraine (please see attached).

After the repealing of Final Decision, according to the Decision of Parties to Espoo Convention, the Ukrainian Party is going to take steps to fully comply with provisions of Espoo Convention **before starting the Phase II of the Project**. This will include the discussion of the EIA materials, direct and public consultations with potentially affected states etc.

H.E. Mrs. Lucia Ana Varga  
Secretary of State,  
Ministry of Environment and  
Sustainable Development of Romania  
Bucharest

I would also like to emphasize that the letter signed by Ukrainian Government Commissioner Mr. Mykola Babych dated July 23<sup>rd</sup>, 2008 indicated the intention of Ukrainian Party to start the dredging works on a **Phase I** of the Project and were fully implementing the commitments of Ukraine to inform Romania about the works to be carried out in the Delta in frames of Protocol of the VII Government Commissioners' Meeting signed between Romania and Ukraine on the 16<sup>th</sup> of May, 2008 in Bucharest, Romania.

May I take this opportunity to invite your experts once again for negotiations on the working out of Action Plan to implement the Decision of Parties to Espoo Convention to be held in Kiev on 18-19<sup>th</sup> September, 2008. We are waiting for your kind proposals on exact date and list of participants from Romanian side.

Please accept, Mrs. Varga, the assurances of my highest consideration.

Appendices:

1. Letter on Repealing of the Final Decision signed by three Ministers and approved by Deputy Prime Minister of Ukraine, on 1 page,
2. Unofficial translation of the Letter on Repealing of the Final Decision, on 1 page,
3. List of Ukrainian experts to take part in the negotiations on the Action Plan, on 1 page.

**Acting Minister of Environmental  
Protection of Ukraine**



**Ivan Chornokur**

**LIST  
of the Ukrainian experts**

1.	Iryna MAKARENKO	-	Advisor to the Vice-Prime-Minister of Ukraine
2.	Olexander VASENKO	-	Deputy Director, Research Institute for Ecological Problems of the National Academy of Science
3.	Ludmyla ANISCHENKO	-	Head, Laboratory on ecology and environmental impact assessment Research Institute for Ecological Problems of the National Academy of Science
4.	Volodymyr BUCHKO	-	Deputy Director, Legal Department Ministry for environmental protection, National Focal Point for Espoo Convention
5.	Olexander DEZIRON	-	Head, Department of water resources, Ministry for environmental protection
6.	Sergiy KALINOVSKIY	-	Head, Division for state ecological expertise, Ministry for environmental protection
7.	Maryna ABRAMOVSKA	-	Deputy Director, Departement for international cooperation and European integration, Ministry for environmental protection
8.	Tetiana MOLDOVAN	-	Second Secretary, Department for economic Cooperation, Ministry for Foreign Affaires
9.	Olexander GOLODNITSKIY	-	Director, State enterprise "Delta-Pilot"



**ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ  
ПРИ ВІДДІЛЕННІ ООН ТА ІНШИХ  
МІЖНАРОДНИХ ОРГАНІЗАЦІЯХ У ЖЕНЕВІ**

**MISSION PERMANENTE DE L'UKRAINE  
AUPRES DE L'OFFICE DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS  
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*14, rue de l'Orangerie – 1202 Genève,  
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N 263/016

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and has the honour to convey the following information.

In accordance with the commitments which were undertaken by the Ukrainian party on the 4-th Meeting of Parties to the Espoo Convention (Bucharest, 21 May 2008) and in order to implement the Decision of the Parties IV/2 concerning Ukraine, the Government of Ukraine has decided to repeal the Final Decision on implementation of Phase II of the Project on Renovation of the Deep-Water Navigation Route in the Ukrainian Part of Danube Delta which had been taken by Ukraine in December, 2007 (attached).

The Ukrainian party would like to inform the Secretariat of the Espoo Convention that such decision was taken by the Government of Ukraine on 10 June, 2008 at the 3<sup>rd</sup> Meeting of the Intergovernmental Coordination Council on implementation of the Espoo Convention in Ukraine and was adopted on the 11 August, 2008 by the letter signed by the high officials from the concerned ministries and approved by the Deputy Prime Minister of Ukraine (attached).

In this regard, the Ukrainian party reiterates its commitments not to implement Phase II of the project before applying fully the relevant provisions of the Espoo Convention to the project.

**Secretariat of the Convention on Environment  
Impact Assessment in a Transboundary Context  
United Nations Economic Commission for Europe**

**Geneva**

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With this note we would like also to send the copy of the Ukrainian party's reply to the letter dated 28 July, 2008 signed by Mrs. Varga, Secretary of State, Ministry of Environment and Sustainable Development of Romania (attached).

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) the assurances of its highest consideration.

Encl.: as stated.

Geneva, 12 August 2008

**Макаренко І.І.**

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**От:** "Макаренко І.І." <imakarenko@kmu.gov.ua>  
**Кому:** <Andrew.Barnard@ec.europa.eu>; "Wiecher Schrage" <Wiecher.Schrage@unece.org>; <salathe@ramsar.org>; "Philip WELLER" <Philip.Weller@unvienna.org>; "Monika Linn" <Monika.Linn@unece.org>; <marcin.stryjecki@ec.europa.eu>; <Madeleine.Majorenko@ec.europa.eu>; "LASEN DIAZ Carolina" <Carolina.LASEN-DIAZ@coe.int>; "Herve LETHIER" <herve.lethier@wanadoo.fr>; <Georges.Kremlis@ec.europa.eu>; "FERNANDEZ-GALIANO Eladio" <Eladio.FERNANDEZ-GALIANO@coe.int>; "Bouamrane, Meriem" <M.Bouamrane@unesco.org>; <Anne.Burrill@ec.europa.eu>; <Andrzej.JANUSZEWSKI@ec.europa.eu>; <Andras.DEMETER@ec.europa.eu>; <Yrjo.Makela@ec.europa.eu>  
**Отправлено:** 13 серпня 2008 р. 14:38  
**Присоединить:** Letter to Mrs. Varga.jpg; Letter to Mrs. Varga 1.jpg; Repeal of Final Decision.jpg; Protocol #3 Espoo eng.doc; Repealing of Final Decision eng.doc  
**Тема:** Ukraine/Repealing of Final Decision

Dear Mr. Schrage,

With this message I am sending you the scanned letters related to the Repealing of the Final Decision of Phase II of Project on Renovation of Deep-Water Navigation Route "Danube-Black Sea" in the Ukrainian Part of the Danube Delta dated 11th of August, 2008 which were sent officially through the diplomatic channels yesterday to Romanian Party and to the Espoo Convention Secretariat. These letters should be considered the first steps of Ukraine to implement the commitments taken in Bucharest in May this year. Further on Ukraine is going to take steps to ensure the full compliance with Convention' provisions by going through the procedure, namely sending Notification, revised EIA materials, Consultations with public of potentially affected areas etc.

Following to our discussion in Odessa during the visit of experts on 28th-31st July, we are preparing the requests to the Secretariat of Espoo Convention to ask for support of the work of experts from Convention to assist Ukraine in revising the EIA according to the international standards, in order to take into account the Inquiry Commission and Implementation Committee Findings and Recommendations.

Also, as soon as we have references at official web-sites and any press-releases concerning the repealing of the decision or any other occasions on this issue, I will inform you about that. Thank you very much for your kind cooperation.

Best regards,  
Iryna Makarenko  
Advisor to the Deputy Prime Minister  
Cabinet of Ministers of Ukraine  
tel: (+38 044) 256 62 64  
e-mail: [imakarenko@kmu.gov.ua](mailto:imakarenko@kmu.gov.ua)

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02.10.2008

НАВКОЛИШНЬОГО  
ПРИРОДНОГО  
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e-mail: vbuchko@menr.gov.ua

Kyiv, 29 August, 2008

Dear Mr. Korodi,

In order to implement the Decision IV/2 of Parties to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), adopted on the 4-th Meeting of Parties to the Convention held on 19-21<sup>st</sup> May, 2008 in Bucharest, according to paragraph 1 of the Protocol #3 of the Intergovernmental Coordination Council on the implementation of Espoo Convention by Ukraine dated 10<sup>th</sup> June, 2008 and Resolution of Deputy Prime Minister of Ukraine # 12747/16/1-08 dated 21<sup>st</sup> August, 2008, Ukrainian party would like to inform about the following.

Ukrainian Party has an honor to send, in accordance with the Article 3 (3.1, 3.2) of the Espoo Convention, the Notification regarding the Phase II of the Project on the Renovation of Deep-Water Navigation Route "Danube – Black Sea" in the Ukrainian part of the Danube Delta (herein after called Project).

In accordance with the provisions of Appendix to the "Format for Notification under the Convention" adopted on the first Meeting of the Parties to the Espoo Convention (Decision I/4), assuming that the Romanian Party wishes to participate in the EIA of the Project, Ukrainian Party has chosen an option to proceed with stages one and two of Notification concurrently. In this context, we would like to request for information from Romanian Party in frames of stage two of Notification procedure and kindly ask the Romanian Party in a **six week period** to provide us with following information:

**H.E. Mr. Attila Korodi**  
**Minister of Environment and**  
**Sustainable Development of Romania**  
**Bucharest**

М2 Мінприроди  
№11561/19/10-08 від 29.08.2008



- Confirmation of participation to the application of the Convention (Article 3.3);
- Information from the Romanian Party in the table form enclosed "Reply to a Notification of a proposed activity under Article 3 of the Convention" (Article 3.6).

Please accept, Your Excellency, the assurances of my highest consideration.

Appendices: on 12 pages.

**Acting Minister of Environmental  
Protection of Ukraine**



**Ivan Chornokur**

**NOTIFICATION TO THE AFFECTED PARTIES ON A PROPOSED ACTIVITY IN ACCORDANCE WITH ARTICLE 3  
OF THE ESPOO CONVENTION**

regarding the Phase II of the Project on the Renovation of Deep-Water Navigation Route “Danube – Black Sea” in  
the Ukrainian part of Danube Delta

<b>1. INFORMATION ON THE PROPOSED ACTIVITY</b>	
<b>(i) Information on the nature of the proposed activity</b>	
Type of activity proposed	The renovation of the navigation in the Ukrainian part of the Danube delta in Kiliya and Bystroe arms (Phase II of the project). Type of waterways – international waterways. VII class according to the European Waterways Classification.
Is the proposed activity listed in Appendix I to the Convention	Yes
Scope of proposed activity	Dredging on separate bars of Kiliya arm; hydro-technical works in frames of Phase II of the Project on renovation of deep-water navigation route in frames of full development project aimed at provide merchant and passenger transportation.
Scale of proposed activity	Parameters of the route: i) Total length - 172.36 km: - By the river beds -168,928 km (which includes – the length of bars where the bottom dredging is planned – 31 km and 137,928 km of the route where no bottom dredging is planned), - By the marine approach canal - 3.432 km; ii) The width of dredging bars - Of the marine approach canal – 100 m; - River part: Bystroe arm (the length of 11 km) with natural width – 60 m, Bystroe arm – port Reni – 120 m. iii) project vessel draft - 5,85 m (Phase I)/7,2 m (Phase II – Full development);

Description of proposed activity	<ul style="list-style-type: none"> <li>- Bottom dredging on separate bars of the Kiliya arm using the dredging equipment, disposal of the soil at the coastal areas behind the flood-control dam only on the Ukrainian territory;</li> <li>- Bottom dredging on the marine approach canal using the dredging equipment, disposal of the soil on the sea underwater disposal on the more than 20 m depth and at the 8 km distance from the coast on the Ukrainian territory;</li> <li>- Construction of the hydro-technical equipment under the project: protective dam on the marine approach canal made from the natural mined rock, bank protection, stream directing dam on the separation of Bystroe and Starostambulskoe arms. The construction of the stream directing dam is aimed at compensation of the water redistribution.</li> </ul>
Description of purpose of proposed activity	The natural conditions of the Danube delta enable Ukraine to have an opportunity to possess the water route that meets the requirements of the highest class international waterways. This opportunity is stipulated by the existence of Kiliya arm with high water and active stable part of the delta. The current and forecasted tendency of the decrease in suspended solids ejection gives a possibility to account on the stable favorable conditions for no less than several decades.
Rationale for proposed activity	<p>Currently Ukraine does not possess its own deep-water route connecting the Black Sea and the Danube river. At the same time, the huge Ukrainian ports, such as Reni port, Izmail port, Kiliya and Vilkove are situated in this region. The capacity of the fleet of Ukrainian Danube Shipping Company, shipbuilding and shiprepairing factories ensure the welfare of the population in this area.</p> <p>The average life quality level in the region is estimated as low, even in comparison with Ukrainian national standards of living. The main social problems of the region are the following: the high level of unemployment of population which is about twice higher than the average in Ukraine; the low level of wages; poorly developed social infrastructure. The level of medical service is twice lower than the average in Odessa region. The illness frequency in the region constantly increases. The most dangerous diseases are the tuberculosis and heart diseases. The region has the high level of child mortality that is almost twice higher than the average in Odessa region.</p> <p>The further solution of these social and economic problems in the Ukrainian Danube Delta is very much dependent on the navigation usage of Danube arms by Ukraine.</p>
Additional information/comments	
<b>(ii) Information on the spatial and temporal boundaries of the proposed activity</b>	
<b>Location</b>	Kiliya and Bystroe arms of the Danube river.
Description of the location	The length of the Danube delta arm is 115 km. It separates into two big arms: Kiliya and

	<p>Tulcha. Kiliya arm is the major arm of the delta. It separates into the two internal and one external (marine and Kiliya) deltas.</p> <p>In Kiliya delta the main arms are Ochakovskiy and Starostambulskiy arms. The latter divides into Bystroe, Vostochnyi and other arms. Currently there is the natural stream redistribution from Ochakovskaya water system into Starostambulskaya water system with the overwhelming activization of the Bystroe arm.</p>
Rationale for location of proposed activity	<p>Based on the analysis of hydro-dynamic conditions of the delta in the area of the deep-water route, the conclusion can be that the positive factors for its creation and sustainable maintenance are the following:</p> <ul style="list-style-type: none"> <li>- the sufficient natural depths of the Bystroe arm;</li> <li>- the more slow extension of the marine part of the delta in the Bystroe arm in comparison with other areas;</li> <li>- the constant increase of the river discharge of the Kiliya delta through the Bystroe arm;</li> <li>- the fast increase of the depth in the sea area behind the bar;</li> <li>- the ejection of the main sediment run-off from the Bystroe arm outside the sea coast.</li> </ul> <p>The option of the route chosen meets the following environmental and economical criteria:</p> <ul style="list-style-type: none"> <li>- one of the smallest areas for maintaining soil excavation;</li> <li>- the smallest volume of soil excavated during maintenance.</li> </ul> <p>The option for the route was chosen on the basis of the scientific analysis implemented by specialized Ukrainian institutes with participation of national (National Academy of Sciences of Ukraine) and international experts. During the feasibility study development and the project drafting more than 10 options of the route were considered, including the lock canals construction. The Conclusion of the State ecological expertise (dated 19<sup>th</sup> April 2006, # 345) states that “the project “Renovation of the deep-water navigation route Danube–Black Sea in the Ukrainian part of the Danube delta. Full development” is assessed as positive and its implementation can be considered environmentally acceptable in frames of project decisions taken and compliance to the appropriate international environmental norms”.</p>
Time-frame for proposed activity	Works under the Phase II (with 7,2 draft) will start after the implementation of procedures in frames of international environmental Conventions and in accordance with national legislation.
Time-frame for proposed activity	The map is enclosed
Additional information/comments	
<b>(iii) Information on expected environmental impacts and proposed mitigation measures</b>	
Scope of assessment	<p>The EIA Documentation includes:</p> <ul style="list-style-type: none"> <li>- General characteristics of existing construction area;</li> </ul>

	<ul style="list-style-type: none"> <li>- Analysis of environmental, social and technogenic factors;</li> <li>- List of possible environmental impacts of the activities with definition of their scale, levels and zones of impact;</li> <li>- The forecast of changes to the environment according to the list of possible impacts;</li> <li>- The description of the mitigation measures to reduce or prevent possible impacts in frames of the project;</li> <li>- Assessment of an acceptability of expected residual impacts on the environment.</li> </ul>
<p>Expected environmental impacts of proposed activity</p>	<p><u>Possible impact on the geological environment</u></p> <p>Impact of the dredging of the navigable route through the sea bar of the Bystroe arm and the completion of northern protective dam can result to the local changes in the process of the formation of the coastal line adjacent to the Bystroe arm (Ukrainian territory).</p> <p><u>Possible impact on atmosphere</u></p> <p>The local impact of emissions and noise from vessels engines, the working mechanisms and transporting vessels noise (during the hydro-technical works).</p> <p><u>Impact on water resources</u></p> <p>Damage of a bed surface in place of dredging and soil dumping, also the completion of the protective dam and construction of the stream directing dam upper from the Bystroe arm. Change of a hydrological and hydro-dynamic regime of arms where the navigable route will be renovated as the result of works implemented and navigation itself (in the limits of 1-2 % of existing values of relevant parameters). Local and time-limited accession of the weighed and dissolved polluting substances to the water from movement of bed sediments in the period of renovation and maintenance of the navigation route. Certain local impacts on the level and quality of underground waters resulted by creation of coastal disposal sites.</p> <p><u>Impact on land</u></p> <p>Separate land plots are used as disposal sites which are located only on the coastal part of the delta behind the flood control dam on the Ukrainian territory.</p>



	<p>Lands allocated for hydro disposal areas are those considered unusable and for that reason were allotted for the long term usage according to the national legislation. The soil taken from the consolidation is planned to be used for construction and reparation of dams that will give an opportunity to use these territories of the delta even during the periodical floods in the river. They can also be used as pastoral lands after their recultivation.</p> <p><u>Impact on plants</u></p> <p>Local negative impact of waves as a result of navigation on the marine approach canal and by the Bystroe arm can arise in relation to the rare groups of plants on the natural levee and the coastal line of the arm.</p> <p><u>Impact on animals</u></p> <p>Local and time-limited impact on the hydrobionits (mainly on the ichthyofauna as the result of losing the feeding source) resulted by the creation of the marine approach canal during the bottom dredging works and also by inpurging of the salt water into the arm. Concerning the bird fauna – local disturbance of the nesting conditions and winter time conditions on the Ptich’ya spit and in the coastal line of the Bystroe arm resulted by disturbing factor.</p>
<p>Proposed mitigation measures</p>	<p><u>Resource saving measures</u></p> <p>The option to use the periodically flooded and marshy lands which are overgrown with bushes and reed for temporary coastal disposal site enables to minimize the damage to land resources.</p> <p>The location of the marine dump for soil taken accordingly to the environmental needs enables to minimize the damage to biocenosis and to provide the dumping of the soil taken during the dredging and to prevent the secondary pollution of the coastal line.</p> <p>Floating navigation signs due to the project design enables not to allocate the additional coastal areas along the Bystroe arm for navigation signs placement.</p> <p><u>Protective measures</u></p> <p>The following hydro-technical measures aimed to provide the navigation by the navigation</p>

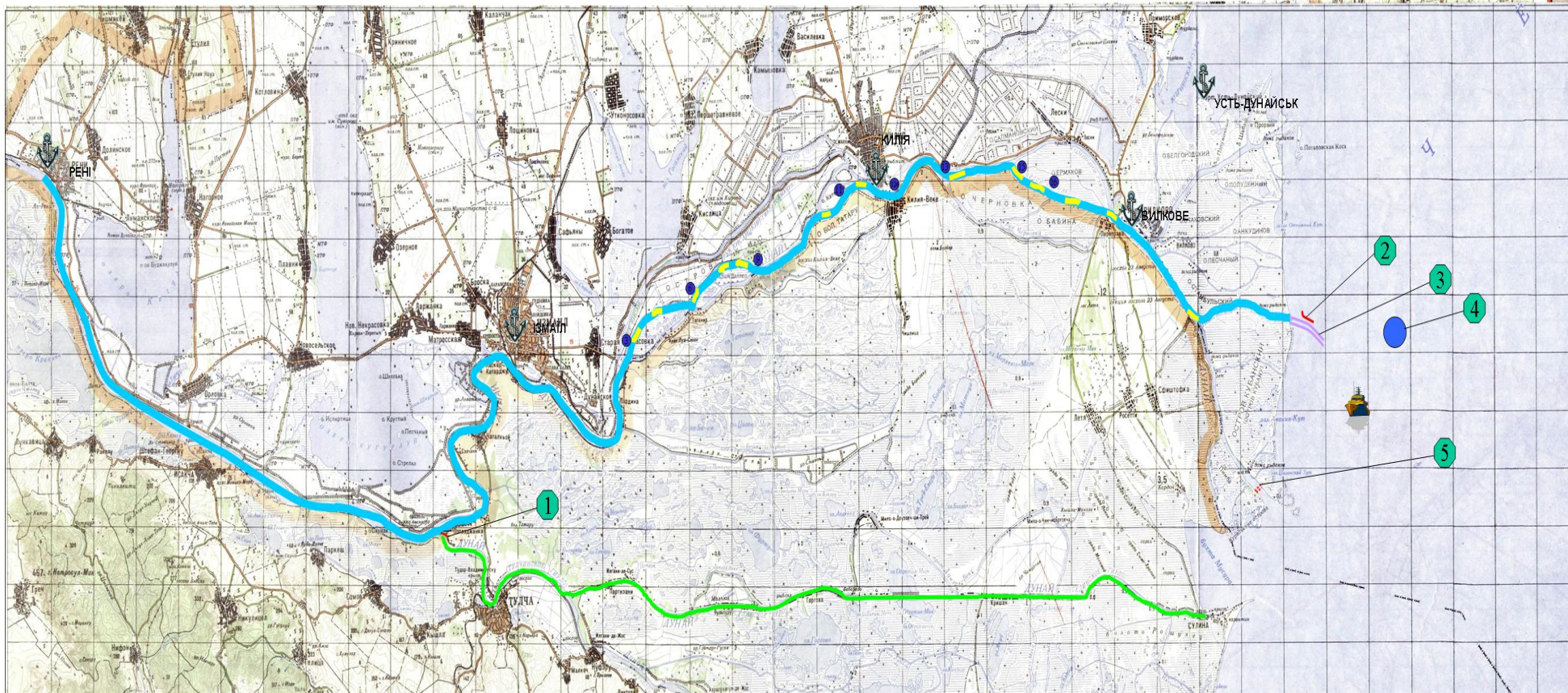
	<p>route can also be considered as environmental mitigation and protection measures as they prevent stream bank erosion and decrease the volume of dredging works that have the negative impact on the quality of water and conditions for water habitats:</p> <ul style="list-style-type: none"> <li>* sediments control of the Starostambulskiy arm in the place of Starostambulskiy and Bystroe arms separation;</li> <li>* creation of the stream directing dam in the Starostambulskiy arm before the Bystroe arm in order to compensate the flow redistribution in favor of the Bystroe arm and to remove the transboundary impact;</li> <li>* areas of bank protection along the shores of the Bystroe arm;</li> <li>* construction of the defensive dam along the marine approach canal with the length of 2830 m;</li> <li>* sediment ponds on the territories of coastal depositing sites of the soil from the dredging and internal dams that lengthen the clearing path;</li> <li>* biological strengthening of natural levees along the Bystroe arm by planting the Danube flora: White osier, Black poplar, White poplar, European ash, local wave-resisting plants.</li> </ul> <p><u>Limiting measures:</u></p> <ul style="list-style-type: none"> <li>*limitation or avoidance of all the construction and reparation works on the navigation route path during the spawning and period of fish youngs downstream migration;</li> <li>*limitation or avoidance of all the construction and reparation works in the area of the marine approach canal and in the area of the Bystroe arm in the period of birds nesting;</li> <li>* dispersal of the mechanization facilities, their adjustment by the capacity and varying of the mechanisms work synchronism coefficient;</li> <li>* restriction on vessels horns and music on the decks during the passage through the territory of the Danube Biosphere Reserve, limitation of the vessel passage in the daytime</li> </ul>
Transboundary impacts	<p>According to the Conclusions of the Inquiry Commission of the Espoo Convention, the six transboundary impacts were defined as likely significant (being outside the limits of natural variations). The Inquiry Commission came to the following final conclusions:  <b>The likely significant adverse transboundary impacts are:</b></p> <ol style="list-style-type: none"> <li>1) impact of dredging or deepening of the rifts on the distribution of the flow discharge between the Bystre and the Starostambulski branches and on the water level dynamics along the Bystre branch, resulting in loss of floodplain habitats, important for fish (spawning and nursery) and birds (nesting, feeding).</li> </ol> <p><i>In order to compensate the impact of the full development project there was envisaged</i></p>

	<p><i>the construction of the stream directing dam in the place where the Bystroe and Starostambulskoe arms are separated.</i></p> <p>2) impact of habitat loss by coverage of riparian dump sites and dredging through the offshore sandbar and measures for bank protection on birdlife and fish.</p> <p><i>To compensate the impact during the designing of the project on full development on the basis of the Inquiry Commission Conclusions, the Ukrainian party refused from using the riverine underwater disposal sites and riverside temporary disposal sites (deposits). According to the design of current project on full development, the soil from the bottom dredging of the navigation route is taken away only to the shore behind the flood control dam;</i></p> <p>3) impact on the increase of suspended sediment concentration, downstream of the dredging site on fish.</p> <p><i>The impact was mitigated considerably by time and place of works implementation;</i></p> <p>4) impact on the turbidity of marine waters as a result of dumping of spoil at the dump-site at sea, under conditions of southbound alongshore currents.</p> <p><i>The impact was mitigated considerably by time and place of works implementation. According to the results of the monitoring works, the length of the muddiness tail does not exceed acceptable limits.</i></p> <p>5) impact of repeated maintenance dredging hampering the recovery processes of affected areas for fish in the long term</p> <p>6) cumulative impact of loss and/or disturbance of habitats and by shipping traffic on fish and bird life on a large scale and long time.</p> <p>Other impacts defined by the Inquiry Commission as likely transboundary were considered as those with a lack of information for making further concrete conclusion. Also, the necessity to carry out the relevant joint researches in frames of international cooperation was considered. Other impacts were considered to be unlikely or not significant transboundary impacts.</p>
Additional information/comments	
<b>(iv) Proponent/developer</b>	
Name, address, telephone and fax numbers	<p>State Enterprise “Delta-pilot”, Ministry of Transport and Communications of Ukraine  <a href="http://www.delta-pilot.ua">www.delta-pilot.ua</a>          Liagina str., 27, Mykolayiv, 54001, Ukraine          Tel./fax: +38(0512)500901, +38(0512) 500999          e-mail: <a href="mailto:office@delta-pilot.ua">office@delta-pilot.ua</a></p>

<b>(v) EIA documentation</b>	
Is the EIA documentation (e.g. EIA report or EIS) included in the notification	The EIA Documentation designed in 2004 and updated in 2005 was sent to the affected party and concerned parties in 2007. At the end of year 2008 the amended and updated EIA Documentation according to the requirements of the Espoo Convention and international practice of the EIA Documentation design will be sent to the affected Party.
<b>2. POINTS OF CONTACT</b>	
<b>(i) Points of contact for the possible affected Party or Parties</b>	
Authority responsible for coordinating activities relating to the EIA	Focal Point/Secretary of the Council – Volodymyr Buchko, tel. +38(044) 2451008, e-mail: <a href="mailto:vbuczko@gmail.com">vbuczko@gmail.com</a> Ministry of Environmental Protection of Ukraine Ukraine, Kyiv, Urytskogo str., 35  Intergovernmental Coordination Council on Implementation of the Espoo Convention by Ukraine 12/2, Hrushevskogo str., Kyiv, Ukraine tel. +38(044) 2566264, fax +38(044) 2530202, e-mail: <a href="mailto:vpm3@kmu.gov.ua">vpm3@kmu.gov.ua</a> , <a href="mailto:imakarenko@kmu.gov.ua">imakarenko@kmu.gov.ua</a> , Head of the Council – Deputy Prime Minister of Ukraine – Hryhoriy Nemyrya  Ministry of Transport and Communications of Ukraine 14, Peremogy Lane, Kyiv tel. +38(044) 2359770, e-mail: <a href="mailto:makarenko@delta-pilot.ua">makarenko@delta-pilot.ua</a>
List of affected Parties to which notification is being sent	Romania (copy – to the Convention Secretariat)
<b>(ii) Points of contact for the Party of origin</b>	
Authority responsible for coordinating activities relating to the EIA	Ministry of Environment and Sustainable Development of Romania
<b>3. INFORMATION ON THE EIA PROCESS IN THE COUNTRY WHERE THE PROPOSED ACTIVITY IS LOCATED</b>	
<b>(i) Information on the EIA process that will be applied to the proposed activity</b>	
Time schedule	Stage 1. Consideration of the information presented in the Notification – 6 weeks from the moment when affected party receives the Notification Stage 2. Consideration of the information presented in the updated EIA Documentation – from

	<p>the moment when affected party receives updated EIA Documentation up to the stage 5</p> <p>Stage 3. Presenting the comments from the public – from the moment when affected party receives Notification up to the stage 5</p> <p>Stage 4. Direct Consultations with Romanian Authorities and Consultations with the potentially affected public – within 2-4 weeks after transmitting of the EIA Documentation</p> <p>Stage 5. Consideration of the comments and their inclusion to the EIA Documentation – within 2-4 weeks after the Stage 4</p> <p>Stage 6. Adoption of the Final Decision – within 2-4 weeks after stage 5</p>
Opportunities for the affected Party or Parties to be involved in the EIA process	Participation in the development of the Upgrades to the EIA Documentation. Consideration of documentation and sharing the comments.
Opportunities for the affected Party or Parties to review and comment on the notification and the EIA documentation	
Process for approval of the proposed activity	According to the Law of Ukraine “On the environmental protection” №1264-XII, “On ecological expertise” №45/95-BP.
<b>4. INFORMATION ON THE PUBLIC PARTICIPATION PROCESS IN THE COUNTRY OF ORIGIN</b>	
Public participation procedures	Will be sent separately within 3 weeks
Expected start and duration of public consultation	Within 2-4 weeks after the affected Party receives the EIA Documentation. Duration – 3 days.
Additional information/comments	<p>According to the requirements of current Ukrainian legislation the statements on the environmental consequences of the project on full development were published and the public hearings on the project of the deep-water navigable route in the Ukrainian part of the Danube delta on full development were carried out twice:</p> <ul style="list-style-type: none"> <li>– on 17<sup>th</sup> December, 2004 in town Izmail</li> <li>– on 20<sup>th</sup> December, 2006 in town Izmail</li> </ul> <p>Ukrainian and Romanian public had an opportunity to study the previous version of the EIA Documentation on the full development project (in Ukrainian and English languages) on the web-site of the State Enterprise “Delta-pilot”.</p> <p>In order to inform public in 2007-2008 the following activities took place:</p> <ul style="list-style-type: none"> <li>➤ on 18<sup>th</sup> June, 2007 in Vilkove town the “Consultations on the environmental impact assessment during the execution of the project “Creation of the deep water navigable route Danube – Black Sea on the Ukrainian part of the Danube delta. Full development” were held with the participation of representatives of Ukrainian and Romanian public.</li> </ul>

	<ul style="list-style-type: none"> <li>➤ on 18<sup>th</sup> July, 2007 in Tulcha (Romania) in accordance with Article 2 (2.4-2.6) and Article 5 of the Espoo Convention were held the public consultations on the invitation from Romania on the compliance of Ukraine with the Espoo Convention concerning the implementation of the project “Renovation of the deep-water navigable route “Danube – Black Sea”.</li> <li>➤ on 25<sup>th</sup> July, 2007 the State enterprise “Delta-pilot” held the Internet Conference on the Project.</li> <li>➤ on 21-23<sup>rd</sup> September, 2007 was held the International Media-Forum dedicated to the issues of the navigation renovation, the possible transboundary impacts of the “Danube – Black Sea” navigation route</li> <li>➤ on 26<sup>th</sup> September, 2007 Ukraine hosted the international environmental expedition “Danube – 2” under the ICPDR aegis.</li> <li>➤ on 22-26<sup>th</sup> June, 2008 in Odessa was held the international conference “The safety of navigation and environmental security in a transboundary context in the Black Sea basin”</li> <li>➤ on 28-31<sup>st</sup> July, 2008 the meeting with NGOs and public was held in frames of expert visit under the Council of Europe aegis.</li> </ul>
<b>5. DEADLINE FOR RESPONSE</b>	
Date	6 weeks after the affected party receives the Notification.



- ~ - Судновий хід по природному руслу
- ~ - Сулинський канал (Румунія)
- порти
- ~ - Перекази річкової частини
- - Дамби
- - Морський відвал
- 1 - Кам'яна дамба довжиною 430м. Будівництво було розпочате Румунією у 1902 році
- 2 - Захисна дамба з геотекстилю облицьованого каменем. Недобудована. Фактична довжина 410 м
- 3 - Барова частина.
- 4 - Морський відвал
- 5 - Кам'яна дамба довжиною 1900 м збудована Румунією у 1943 році

**REPLY TO A NOTIFICATION OF A PROPOSED ACTIVITY UNDER ARTICLE 3  
OF THE ESPOO CONVENTION**

<b>1. INFORMATION ON THE POTENTIALLY AFFECTED ENVIRONMENT</b>	
<b>(i) Information relating to the potentially affected environment</b>	
Protected areas	
Geographic features	
Archaeologically sensitive areas	
Ecology of the region	
Additional information/comments	
<b>(ii) Information on activities within the potentially affected region</b>	
Activities which may influence the transboundary environmental effects caused by the proposed activity	
Additional information/comments	
<b>(iii) Points of contact</b>	
Points of contact where above information may be obtained - Names, addresses, telephone and fax numbers	
<b>2. RESPONSE TO REQUEST FOR A PROPOSAL FOR PUBLIC PARTICIPATION</b>	
<b>(i) Language(s)</b>	
Language(s) of the EIA documentation	
Language(s) of the publications	
<b>(ii) Responsible Parties</b>	
Party responsible for public notification and/or distribution of EIA documentation	
If different than above, Party responsible for conducting the public participation process and for receiving comments from the public	
<b>(iii) Advertisements</b>	
Names, addresses, telephone and fax numbers of the newspapers or other media in which the public notices should appear	
<b>2. RESPONSE TO REQUEST FOR A PROPOSAL FOR PUBLIC PARTICIPATION</b>	
Details to be included in the advertisements (e.g. brief description of proposed activity, where comments can be forwarded, time-table for public participation, where EIA documentation can be inspected, language of EIA documentation, etc.)	
<b>(iv) Distribution of EIA documentation</b>	
Public locations where EIA documentation should be sent (e.g. libraries) including the number of copies required at each location	
Authorities (i.e. governmental, scientific, etc.) to which the EIA documentation should be sent, including the number of copies for each authority	
<b>(v) Additional information regarding proposal for public participation</b>	
Additional information/comments/suggestions	



FROM :

FAX NO. : 0212303661

Jun. 01 2005 07:42AM P7



**EMBASSY OF UKRAINE  
TO ROMANIA**  
Nr. 1691

The Embassy of Ukraine to Romania presents its compliments to the Diplomatic Missions to Romania of the States-Parties to the Convention on environmental impact assessment in a transboundary context (Espoo Convention) and has the honor to convey the following.


In the context of implementation of the Decision IV/2 of the States-Parties to the Convention on environmental impact assessment in a transboundary context (Espoo Convention), taken in Bucharest (19-21 of May, 2008), the Ministry for Environmental Protection of Ukraine jointly with the Ministry for Transportation and Communication of Ukraine has elaborated official Notification on a Phase II of the Project on Renovation of Deep-Water Navigation Route in the Ukrainian Part of the Danube Delta (hereinafter referred as the Project).

In accordance with the art. 3 (3.1, 3.2) of the Espoo Convention Ukrainian Party has transmitted to the Romanian Party this Notification by the Note of the Embassy of Ukraine to Romania Nr. of 8 September 2008. The Ukrainian Party has also informed the Romanian Party that in accordance to the provisions of the Annex to the "Format for Notification under Convention", approved on the first Meeting of the Parties to the Espoo Convention (Decision I/4), assuming intention of the Romanian Party to participate in the EIA of the Project, the Ukrainian Party had decided to choose the option of proceeding with the 1<sup>st</sup> and the 2<sup>nd</sup> stages of the Notification simultaneously.

In this context the Ukrainian Party has invited the Romanian Party in the framework of the 2<sup>nd</sup> stage of the Notification procedure to confirm participation in the procedure under Convention in accordance with the art. 3 of the Espoo Convention and to reply to the Notification as it is provided in the Article 3 of the Espoo Convention.

The Embassy of Ukraine to Romania avails itself of this opportunity to express to the Diplomatic Missions to Romania of the States-Parties to the Espoo Convention the assurances of its highest consideration.

Bucharest, 10 september 2008



**Diplomatic Missions to Romania of the States-Parties to  
the Convention on environmental impact assessment in a  
transboundary context (Espoo Convention)**

**Bucharest**



ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ  
ПРИ ВІДПЛЕННІ ООН ТА ІНШИХ  
МІЖНАРОДНИХ ОРГАНІЗАЦІЯХ У ЖЕНЕВІ

MISSION PERMANENTE DE L'UKRAINE  
AUPRES DE L'OFFICE DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS  
INTERNATIONALES A GENEVE

14, rue de l'Orangerie – 1202 Genève,  
Tél.022 919-87-20 Fax.022 734-38-01

N 290/016

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations Economic Commission for Europe and has the honour to transmit herewith the notification regarding the Phase II of the Project on the Renovation of Deep-Water Navigation Route «Danube – Black Sea» in the Ukrainian part of the Danube Delta, the copy of the letter of the Acting Minister of Environmental Protection of Ukraine H.E. Mr. Ivan CHORNOKUR addressed to the Minister of Environment and Sustainable Development of Romania H.E. Mr. Attila Korodi as well as the information concerning the reply to a notification of a proposed activity under article 3 of the Espoo Convention.

The original of the letter will be forwarded to the UNECE after receiving it through diplomatic channels.

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Economic Commission for Europe the assurances of its highest consideration.

Geneva, 8 September 2008

**United Nations  
Economic Commission for Europe  
Environment, Housing and Land  
Management Division**

**Geneva**

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**Макаренко І.І.**

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**От:** "Макаренко І.І." <imakarenko@kmu.gov.ua>  
**Кому:** <Andrew.Barnard@ec.europa.eu>; "Wiecher Schrage"  
<Wiecher.Schrage@unece.org>; <salathe@ramsar.org>; "Philip WELLER"  
<Philip.Weller@unvienna.org>; "Monika Linn" <Monika.Linn@unece.org>;  
<marcin.stryjecki@ec.europa.eu>; <Madeleine.Majorenko@ec.europa.eu>; "LASEN  
DIAZ Carolina" <Carolina.LASEN-DIAZ@coe.int>; "Herve LETHIER"  
<herve.lethier@wanadoo.fr>; <Georges.Kremlis@ec.europa.eu>; "FERNANDEZ-  
GALIANO Eladio" <Eladio.FERNANDEZ-GALIANO@coe.int>; "Bouamrane, Meriem"  
<M.Bouamrane@unesco.org>; <Anne.Burrill@ec.europa.eu>;  
<Andrzej.JANUSZEWSKI@ec.europa.eu>; <Andras.DEMETER@ec.europa.eu>;  
<Yrjo.Makela@ec.europa.eu>  
**Отправлено:** 8 вересня 2008 р. 17:25  
**Присоединить:** min env1.jpg; min env2.jpg; An 2.doc; Notification Bystroe Project.doc

Dear Wiek,

I am sending you the copy of the letter from Minister of Environment of Ukraine dated 29th August, 2008 # 11561/19/10-08 addressed to his Romanian colleague with the Notification on the Project of Renovation of the Danube-Black Sea Navigation Route (Article 3 of Espoo Convention) enclosed. You will get it as well through the diplomatic channels. The table 3 of the procedure under Convention related to public participation is currently being processed and is coming soon. I will let you know about it as soon as possible.

Ukraine is also ready to pay the 6000 EURO that our delegation announced on the 4th Meeting of the Parties to the Convention in Bucharest. Can you please send us the bank and other requisites to proceed with the payment?

Have a good week.

Best regards,  
Iryna Makarenko  
Advisor to the Vice Prime Minister  
Cabinet of Ministers of Ukraine  
tel: (+38 044) 256 62 64  
e-mail: imakarenko@kmu.gov.ua

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02.10.2008

**Agreement between the Government of Romania and the Government of Ukraine in the field of environmental protection**

The Government of Romania and the Government of Ukraine, hereinafter referred to as "Parties",

**Recognizing** the fact that each human being has the right to live in the most favorable environmental conditions and each state is responsible for the environmental protection at national level,

**Considering** the interdependence between different types of economic activities and their ecological consequences,

**Confirming** the necessity to promote sustainable development in both states,

**Expressing** their availability to develop international cooperation between the two states in the field of environmental protection,

**Considering** the necessity and importance of European environmental policy development and implementation,

**Considering** the fact that the territories of their states lie in the catchment areas of the Danube River and the Black Sea basins,

**Respecting** the provisions of bilateral and multilateral environmental agreements concluded by both Parties, their states and the coordinators of the application of the present Agreement,

**Wishing** to cooperate in the field of sustainable development and environmental protection on the basis of sovereignty, equality, reciprocity, mutual benefit, precaution and polluter-pays principles,

Have agreed as follows:

**Article 1**

The Parties shall jointly develop and promote, on the basis of equality and mutual benefit, the cooperation in the field of environmental protection and sustainable development.

**Article 2**

The Parties shall cooperate in the following fields of environmental protection:

1. air protection in the context of long-range transboundary pollution;
2. conservation, protection and rehabilitation of the Black Sea marine environment;
3. biodiversity protection and protected areas management in a transboundary context, including the identification and the declaring of new common protected areas and potential eco-corridors, also the ecological reconstruction of affected protected areas;

4. prevention of transboundary effects of industrial accidents;
5. environmental impact assessment in a transboundary context;
6. development of common criteria for assessing the environmental damages of industrial accidents in a transboundary context;
7. complex environmental monitoring in a transboundary context;
8. waste management for environmental and human health protection;
9. economic instruments for environmental protection;
10. transboundary control, according to international environmental agreements, of international trade with endangered species of wild fauna and flora. Genetically Modified Organisms, import and export of waste, dangerous chemicals and ozone depleting substances.

### **Article 3**

Cooperation between the Parties shall be carried out in the following forms:

- preparation and realization of joint programs and projects;
- joint researches and monitoring the sources of transboundary environmental pollution;
- joint meetings, seminars, conferences, consultations and technical working groups;
- exchange of scientific and technical information, exchange of know-how that does not represent national secrets.

The Parties can further agree on other forms of cooperation.

### **Article 4**

The Parties shall immediately notify each other on situations with risk of natural disasters, industrial accidents and other special situations that could endanger the environment, human health, the border ecosystems and the activities undertaken to prevent and/or mitigate their consequences, according to a commonly agreed procedure.

In case of a critical situation, at the request of one of the Parties, the other Party shall deliver mutual assistance, according to the procedure to be established through a regulation by the Joint Romanian-Ukrainian Commission on environmental protection (hereinafter referred to as "the Joint Commission").

### **Article 5**

The Parties, acting within their competence and in compliance with their specific national legislation and international obligations, shall assist the establishment and the development of direct relations and contacts between the institutions of both Parties with competences in the environmental field.

### **Article 6**

The provisions of the present Agreement shall not prejudice the interests of third state-parties, the rights and obligations of the Parties, which result from other agreements and conventions

concluded by each of the two Parties, their States and the coordinators the present Agreement implementation, under international law.

### **Article 7**

1. The Parties entrust the coordination of the present Agreement implementation to the central public authority of environmental protection from Romania and Ukraine, respectively.
2. To ensure the enforcement of the present Agreement, the Parties shall establish the Joint Commission as follows:
  - within 30 days from the entry into force of the present Agreement, the Parties shall notify each other the name of their chairman of the Joint Commission and its members;
  - each Party may nominate a deputy chairman at any time by written notice to the other Party;
3. The Joint Commission shall draw-up the guiding rules for its organization and functioning, which have to be approved by both Parties. The central public authorities for environmental protection of (he Parties shall fulfill the secretarial duties of the Joint Commission.
4. The first meeting of the Joint Commission shall take place within thirty days from the reciprocal notification of its chairpersons.
5. The Joint Commission shall have ordinary annual meetings, alternatively in Romania and Ukraine, and if necessary, extraordinary meetings, at the request of one of the Parties.
6. The organizing Party shall cover the preparation and organization expenses, whereas the accommodation, the external travel expenses and daily allowances shall be covered by the sending Party.
7. Meetings of the Joint Commission shall be conducted in Romanian and Ukrainian languages and all correspondence before the meetings shall be in English language.
8. A Protocol shall be elaborated at every meeting of the Joint Commission, in Romanian and Ukrainian languages, signed by both chairpersons, all copies being equally authentic.

### **Article 8**

The financial contribution within the frameworks of joint projects shall be discussed for each specific case.

### **Article 9**

1. Any dispute concerning the interpretation or application of the present Agreement shall be settled through consultations between the Parties and, in case this will not be possible, through diplomatic channels.
2. The present Agreement shall enter into force on the thirtieth day from the date of the last notification through which the Parties inform each other, in writing, that all the internal procedures needed for the entering into force of this Agreement have been fulfilled.
3. The present Agreement shall remain in force for an indefinite period.
4. The present Agreement may be amended with the consent of the Parties. The amendments shall enter into force on the thirtieth day from the date of the last notification by which the Parties inform each other, in writing, about the fulfillment of the internal procedures needed for their entering into force.

5. Each Party shall have the right to denounce the present Agreement by a written notification sent to the other Party. The Agreement shall be terminated six month after the receipt of the denunciation note, The denunciation of the Agreement shall not affect ongoing cooperation projects and programmes.

Signed at.....on..... in two original copies in Romanian, Ukrainian, and English, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

**For the Government of Romania**

**For the Cabinet of Ministers of Ukraine**

**Attila KORODI**

**Heorhiy FILIPCHUK**

**Minister of environment and sustainable  
development**

**Minister of environmental protection**

## PROGRAM

**of the “on-the-spot appraisal visit” concerning the proposed navigable waterway through the Bystroe estuary (Danube Delta, Ukraine) (28-31 July 2008)**

<b>28<sup>th</sup> July, Monday</b>		
<i>Depending on the time of arrival</i>	Meeting of experts at Kiev Boryspil International Airport 1. Mr Eladio Fernández-Galiano – Council of Europe, Bern Convention 2. Mr Hervé Lethier – independent expert 3. Mr Wiek Schrage – Espoo Convention 4. Mr Tobias Salathe – Ramsar Convention 5. Ms Meriem Bouamrane – UNESCO 6. Mr Andrzej Januszenwski - European Commission, DG Environment 7. Mr Andras Demeter – European Commission, DG Environment 8. Mr Marcin Stryjecki – European Commission, DG Relex	
<i>Depending on the time of arrival</i>	Arrival to the “President Hotel Kyivskiy”	
18.30-19.00	Transportation from the hotel to the restaurant “O.Panas” (Tereschinkivska str., 10)	
19.00-21.00	Dinner	
21.00-21.30	Transportation from the restaurant to the hotel	
<b>29<sup>th</sup> July, Tuesday</b>		
08.45-09.15	Transportation from the hotel to the Ministry of Environmental Protection of Ukraine (Uritskogo str., 35)	
09.15-09.30	Coffee-break	
09.30-10.30	Meeting with Deputy Minister on Environmental Protection of Ukraine Mr. Stepan Lysun, Focal Points to the Conventions, other representatives from MoE, MFA, Secretariat to the Cabinet of Ministers of Ukraine etc.	
10.30-11.00	Transportation from MoE to the MoT	
11.00-12.00	Meeting with Deputy Minister of Transport of Ukraine Mr. Volodymyr Rabotniiov	
12.00-13.00	Lunch (MoT building)	
13.00-14.00	Transportation to the Kiev Boryspil International Airport	
15.40	Departure to Odessa	
17.00-18.00	Arrival to the Odessa Airport, transportation to the Hotel “Frapolli” (Deribasivska str., 13)	
18.00-20.00	Dinner at the Restaurant (name to be confirmed) with the participation of Deputy Governor of Odessa State Regional Administration Mr. Petro Khlytsov	
<b>30<sup>th</sup> July, Wednesday</b>		
8.00 -11.00	Transportation to Vilkove city	
11.00-12.00	Meeting with Vilkove city Mayor Mr. V. Poznyak and	



	Head of Kiliya District Administration Mr. I. Podzharov, scientists, experts etc.	
12.00-12.20	Embarkation to the boat	
12.20-15.00	Observation of the Deep-Water Navigation Route “Danube-Black Sea” from the deck of a boat	
15.00-16.30	Lunch	
16.30-18.00	Meeting with officials from the Joint-Stock Company “Ukrainian Danube Shipping Company”, head of Danube Biosphere Reserve and representatives from Danube NGOs (Vilkove city)	
18.00 – 21.00	Departure to Odessa	
<b><i>31<sup>st</sup> July, Thursday</i></b>		
<i>Depending on the time of departure</i>	Transportation to the Odessa Airport	

**Information requested from Ukrainian Authorities concerning the proposed navigable waterway through the Bystroe estuary (Danube Delta)**

**For all Conventions and organisations**

- 1 Letter from Ministers of Foreign Affairs, Environmental Protection and Transport concerning the agreement to repeal the decision to proceed with Phase II of the project. (*Time for delivery: as soon as possible*).
- 2 EIA for Phase II undertaken under international standards (*Time for delivery: when concluded*).
- 3 The three already conducted EIAs with a clarification on their scope (geographical scope, issues studied (environmental, social, economic; and including alternatives), and coverage (Phase 1 and/or Phase 2)). (*Time for delivery: as soon as possible*).
- 4 Clarification on the scope of Phase 1, planned next steps and their funding (*Time for delivery: as soon as possible*).
- 5 Information on implementation of Aarhus Convention, and how Ukraine will address the conditional caution. (*Time for delivery end September 2008*).
- 6 Possible communication activities (including a possibility to establish a dedicated web-page etc) to explain next steps to stakeholders (domestic, international). (*Time for delivery end September 2008*).

**Bern Convention**

- 7 Report on the implementation of Recommendation (2004)111. (*Time for delivery end September 2008*). Kindly note the recommendation has itself a number of information requests in points below:
  - i) suspend works, except the completion of phase 1, and do not proceed with phase 2 of the project until:
    - the EIA for phase 2 is undertaken to international standards and submitted to the relevant international experts and organizations;
    - the public consultation on the EIA for phase 2 takes place and the proposals made during the discussions are duly considered;
    - the data collected during the additional monitoring program with involvement of international experts is analyzed and adequate recommendations are elaborated.
  - ii) **provide additional information on ecological and socio-economic aspects of alternative solutions and viable options of further development of shipping activities in the Ukrainian part of the Danube Delta; to this end prepare an Environmental Impact Assessment report with independent international experts, including from neighbouring states;**
  - iii) provide, for measures of ecological compensation and mitigation for any possible environmental damage; in that context finalize the official approval of proposed zonation which

foresees the considerable expansion both in quality and quantity of the protected area; analyse the impact of phase 1 of the project;

iv) invite in the coming months the international community to participate in a process to elaborate a Strategic Development Plan for the region that would stress the sustainability of social and economic activities and would assure the maintenance of the unique ecological values of the area and their long-term preservation;

v) consolidate a large area of strict protection free as far as possible of human interference, placing outside the protected area economic activities that are likely to negatively affect biological diversity, such as industrial activities linked to shipping, new building, etc

### **Espoo Convention**

**8 (i)** Report on the implementation of Decision IV/2 on the review of compliance, part II regarding Ukraine. (*Time of delivery 8 October 2008*).

(ii) Letter to the Secretariat with request for support in the revision of the EIA report. (*Time for delivery early September 2008*).

### **Ramsar Convention**

**9** Report on the Resolution IX.15 of the Ninth Conference of Ramsar Convention Parties, in particular the 5 points below. (*Time for delivery end September 2008*).

a) suspend further works pending a full environmental impact assessment being conducted and its findings acted upon.

b) make available full documentation including the findings of the environmental impact assessment for Phase II of the project to all stakeholders, including the government of Romania as a potentially affected state;

c) ensure that compensatory provision is made for any damage to the ecological character of designated Ramsar sites and other wetlands caused by the works which have already been carried out;

d) establish, in cooperation with relevant international organizations and the government of Romania, a programme of international monitoring of the ecological character of the Ramsar sites and Danube Delta Biosphere Reserve, in line with the Convention's guidance on wetland monitoring (Annex to Resolution VI.1; Ramsar Wise Use Handbook 8);

e) in line with Article 5 of the Convention, apply international norms in the provision of information, consultation and involvement in decision-making processes of all stakeholders concerning Phase II of the project.

### **UNESCO (Man and the Biosphere programme and World Heritage Convention)**

**10** To provide a response to the recommendations as reiterated and updated by the Advisory Committee and the MAB ICC Bureau as follows:

- provide the official version of the zonation of this site;
- submit the results of the Environmental Impact Assessment of Phase 2 of the navigation canal project;
- provide a written statement of clarification on the status of the project;
- encourage cooperation in the framework of the Transboundary Biosphere Reserve with Romania, in particular to follow up on the recommendations of the International Conference on

the Conservation and Sustainable Development of the Danube Delta, Odessa, Ukraine,  
27 February-1 March 2006

In addition, with reference to Article 9 of the Statutory Framework Article 9 which foresees that “the status of each Biosphere Reserve should be subject to a periodic review every ten years, based on a report prepared by the concerned authority, on the basis of the criteria of article 4, and forwarded to the Secretariat by the State concerned” and with reference to the letter sent on 8 July 2008 (SC/EES/MB/5865/8.37) to the Chairperson of the MAB National Committee, the Secretariat would like to receive the periodic review report of the site as well as information about the process for conducting the periodic review and the governance mechanism of the biosphere reserve before 30 September 2008.

As regards the World Heritage Convention, we will send you the final Decision of the World Heritage Committee which met in Québec early July 2008 since the report has not yet been finally approved.

### **European Commission**

Those listed above for all organisations and conventions.



КАБІНЕТ МІНІСТРІВ УКРАЇНИ  
ВІЦЕ-ПРЕМ'ЄР-МІНІСТР

6751/0/2-08 від 31.05.08

Kyiv, 30<sup>th</sup> May, 2008

Dear Mr. Belka,

Following our meeting in Minsk, Belarus on 23<sup>rd</sup> of May, I take this opportunity to extend once again my thanks to you personally and to your colleagues Mr. Wiek Schrage and Ms. Monika Linn for significant support of attempts made by Ukrainian delegation during the 4th Meeting of Parties under Convention of UNECE on the Environmental Impact Assessment in a Transboundary Context (Espoo Convention) held in Bucharest, Romania on 19<sup>th</sup>-21<sup>st</sup> of May, 2008.

The Government of Ukraine pays an utmost attention to the implementation of the provisions of Espoo Convention as a Party to the Convention and was indeed delighted to achieve significant progress in considering specific issues such as the Project on Renovation of Deep-Water navigable Route "Danube-Black Sea" in the Ukrainian Sector of Danube Delta during the abovementioned meeting.

Following to my letter #6186/0/2-08 dated 19<sup>th</sup> of May, 2008 Ukraine reiterates its strong commitments to comply with provisions of Espoo Convention and to report to the Implementation Committee at its fifteenth meeting in October, 2008.

I would also be grateful if you can send experts from UNECE and Espoo Convention Secretariat to assist Ukraine to discuss and work out the Action Plan of implementation of Espoo Convention with all the Parties concerned. Ukraine is ready to start such discussion as soon as the Parties confirm their interest and agree on a date and place of the meeting.

I am looking forward to our continued cooperation and it will be a pleasure to meet you in Ukraine.

Please accept, Mr. Belka, the assurances of my highest consideration.

Hryhoriy NEMYRYA

Deputy Prime Minister of Ukraine,

The Head of Intergovernmental Coordination Council  
on the implementation of Espoo Convention in Ukraine

H.E. Mr. Marek Belka  
Executive Secretary  
United Nations Economic  
Commission for Europe  
Geneva

вул. Грушевського, 12/2, Київ, 01008, тел. [044] 253 1663, телефакс [044] 254 0584

## ANNEX 5.2



UNITED NATIONS  
ECONOMIC COMMISSION FOR EUROPE

The Executive Secretary

*Under-Secretary-General*

Ref: ECE/EHLM/48/2008/L

19 June 2008

Sir,

I would like to thank you for your letter of 30 May 2008 regarding the 4th Meeting of the Parties of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and Ukraine's implementation of the Convention.

You may recall that the Parties to the Convention at the Bucharest meeting considered, *inter alia*, the findings and recommendations of the Convention's Implementation Committee with regard to the construction of the Danube-Black Sea Deep-Water Navigation Canal in the Ukrainian Sector of the Danube Delta (the "Bystroe Canal Project"). In this respect, the Meeting of the Parties in particular decided:

"- To take note of the commitment by the delegation of the Government of Ukraine made during the Fourth Meeting of the Parties to reconsider the final decision of 28 December 2007, and to urge the Government of Ukraine to repeal without delay the final decision of 28 December 2007, concerning the implementation of the project for the Danube-Black Sea Deep-Water Navigation Canal in the Ukrainian sector of the Danube Delta, and not to implement Phase II of the project before applying fully the provisions of the Convention to the project, taking into account the findings of the Implementation Committee, and to report to the Committee at its fifteenth meeting (October 2008) and subsequent meetings if necessary; and

- To issue a caution to the Government of Ukraine to become effective on 31 October 2008 unless the Government of Ukraine stops the works, repeals the final decision and takes steps to comply with the relevant provisions of the Convention. (decision IV/...)"

In practical terms this means that the Government of Ukraine is expected to provide a report to the next meeting of the Implementation Committee under the Convention, which will take place from 28 to 30 October 2008 in Geneva. In order to give members of the Implementation Committee enough time to study the information provided, I kindly ask you to make the necessary arrangements for the report to be provided to the Secretary of the Convention, Mr. Wiek Schrage, no later than Wednesday 8 October 2008.

The Convention Secretariat stands ready to provide assistance to your Government with the implementation of the Convention. Mr. Schrage will soon contact your advisor, Ms. I. Makarenko, to arrange the practical details for a visit to Ukraine.

Please accept, Sir, the assurances of my highest consideration.

Marek Belka

H.E. Mr. Hryhoriy NEMYRYA  
Deputy Prime Minister  
The Head of Intergovernmental Coordination Council  
on the implementation of Espoo Convention  
Str. Grishevskogo, 12/2, Kyiv, Ukraine  
Fax: +38 044 254 05 84, 253 02 02



КАБІНЕТ МІНІСТРІВ УКРАЇНИ  
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ВІЦЕ-ПРЕМ'ЄР-МІНІСТР

6528/0/2-08 від 26.05.08

Kyiv, 26<sup>th</sup> May, 2008

Dear Mr. Dimas,

May I take this opportunity to extend my thanks to you personally and to your colleagues Mr. Kremlis and Ms. Novakova for significant support of attempts made by Ukrainian delegation during the 4th Meeting of Parties under Convention of UNECE on the Environmental Impact Assessment in a Transboundary Context (Espoo Convention) held in Bucharest, Romania on 19<sup>th</sup>-21<sup>st</sup> of May, 2008.

An outstanding progress in considering specific issues such as the Project on Renovation of Deep-Water navigable Route "Danube-Black Sea" in the Ukrainian Sector of Danube Delta has become possible only owing to the constructive and cooperative position of European Commission' Delegation.

In its turn, Ukraine took strong commitments to comply with provisions of Espoo Convention on this matter and to report to the Implementation Committee at its fifteenth meeting in October, 2008.

Pursuing the European integration course, Ukraine respects the provisions of European Union Environmental Policy. In this regard, it is my pleasure to offer to your attention, Your Excellency, the initiative of Ukraine **to launch the High Level Dialogue in the sphere of Environment between the European Commission and Government of Ukraine.**

Such a dialogue can promote the cooperation between our Parties as well as to facilitate the multilateral cooperation in the framework of international environmental conventions, e.g. Espoo Convention.

In this occasion, **let me invite you to negotiations at any time and place convenient for you.**

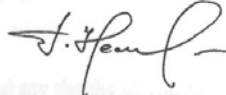
**H.E. Mr. Stavros Dimas  
Commissioner for Environment  
European Commission  
Brussels**



I would also be grateful if you can send experts from European Commission to assist Ukraine to discuss and work out the Action Plan of implementation of Espoo Convention with all the Parties concerned. Ukraine is ready to start such discussion as soon as the Parties confirm their interest and agree on a date and place of the meeting.

I am looking forward to our continued cooperation and it will be a pleasure to meet you in Ukraine.

Please accept, Mr. Dimas, the assurances of my highest consideration.



**Hryhoriy NEMYRYA**

**Deputy Prime Minister of Ukraine,**

**The Head of Intergovernmental Coordination Council  
on the implementation of Espoo Convention in Ukraine**



*Дядько Миколай*

**МІНІСТЕРСТВО ОХОРОНИ  
НАВКОЛИШНЬОГО  
ПРИРОДНОГО  
СЕРЕДОВИЩА УКРАЇНИ**



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**MINISTRY OF  
ENVIRONMENTAL  
PROTECTION  
OF UKRAINE**

Urytskogo Str. 35, Kyiv, 03035,  
Ukraine  
tel.: +380 44 245-10-08  
fax: +380 44 206-31-07  
e-mail: vbuchko@menr.gov.ua

Kyiv, 20 June, 2008

Dear Mr. Korodi,

I wish to express my sincere appreciation to you, Mr. Korodi, on a brilliant organization of the 4th Meeting of Parties under Convention of UNECE on the Environmental Impact Assessment in a Transboundary Context (Espoo Convention) held in Bucharest, Romania on 19<sup>th</sup>-21<sup>st</sup> of May, 2008.

It was a pleasure for me to represent Ukrainian Government and I reiterate the necessity to continue our fruitful cooperation.

Ukrainian Party emphasizes that the outcome of the Meeting is an outstanding progress in considering specific issues such as the Project on Renovation of Deep-Water Navigable Route "Danube-Black Sea" in the Ukrainian Sector of Danube Delta and it also became possible owing to your constructive and cooperative position.

As a result of this important meeting, Ukraine took strong commitments to comply with provisions of Espoo Convention and to report on the progress to the Implementation Committee at its fifteenth meeting in October, 2008.

In this occasion, it is my pleasure to invite the delegation of Romania for negotiations in order to prepare the Action Plan on implementation of the decisions taken during the 4<sup>th</sup> Meeting of the Parties of Espoo Convention. I propose these negotiations to be held in Kiev, Ukraine in the period of 1-4 July, 2008.

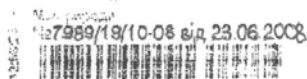
I am looking forward to our continued cooperation and it will be a pleasure for me to see you in Ukraine.

Please accept, Mr. Korodi, the assurances of my highest consideration.

Minister

G. Filipchuk

**H.E. Mr. Attila Korodi**  
Minister of Environment and  
Sustainable Development of Romania





**ПОСОЛЬСТВО УКРАЇНИ  
В РУМУНІЇ**

№. 1139

Посольство України в Румунії засвідчує свою повагу Міністерству навколишнього середовища та сталого розвитку Румунії та має честь запропонувати провести переговори стосовно розробки Плану першочергових заходів щодо врегулювання питань, пов'язаних з виконанням рішень IV засідання Договірних сторін Конвенції Еспоо.

Посольство України звертається з проханням повідомити прийнятні для Румунської Сторони терміни та місце проведення переговорів.

Посольство України в Румунії користується цією нагодою, щоб поновити Міністерству навколишнього середовища та сталого розвитку Румунії запевнення у своїй високій повазі.



17 червня 2008 року

**МІНІСТЕРСТВО НАВКОЛИШНЬОГО СЕРЕДОВИЩА  
РУМУНІЇ**

Копія: Міністерство Закордонних Справ Румунії

- Дирекція Розширеної Європи -

м.Бухарест

**Embassy of Ukraine  
in Romania  
#1139**

The Embassy of Ukraine in Romania presents its compliments to the Ministry of Environment and Sustainable Development of Romania and has the honor to propose to carry out the negotiations on an Action Plan on the implementation of Decision IV/2 of the Meeting of the Parties to the Espoo Convention.

The Embassy of Ukraine requests the Romanian Party to inform on the convenient time and place for such negotiations.

The Embassy of Ukraine to Romania avails itself of this opportunity to express to the Ministry of Environment and Sustainable Development of Romania the assurances of its highest consideration.

Bucharest, 17<sup>th</sup> June, 2008

**MINISTRY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT  
OF ROMANIA**

Copy: **MINISTRY OF FOREIGN AFFAIRS OF ROMANIA**

Bucharest

FROM :

FAX NO. : 0212303661

May. 22 2005 02:59AM P4



**ПОСОЛЬСТВО УКРАЇНИ  
В РУМУНІЇ**

№ 1444

Посольство України в Румунії засвідчує свою повагу Міністерству Закордонних Справ Румунії та, у зв'язку з нотою № Н2/3249 від 2 вересня 2008 року, має честь повідомити, що Українська Сторона погоджується з пропозицією Румунської Сторони щодо проведення відповідних переговорів в період 23-24 вересня 2008 року у м. Києві. Метою переговорів стане розробка календарного графіка робіт стосовно виконання процедур, передбачених статтями 2-7 Конвенції Еспоо щодо Фази II проекту відновлення ГСХ «р. Дунай-Чорне море». Календарний графік робіт включатиме терміни направлення Українською Стороною оповіщення щодо запланованого виду діяльності, отримання відповіді від Румунської Сторони за результатами розгляду оповіщення, участі громадськості зачепленої сторони для надання заперечень до запланованої діяльності, підготовки документації з оцінки впливу на навколишнє середовище (ОВНС), проведення консультацій на підставі ОВНС, прийняття остаточного рішення та інші процедурні питання, спрямовані на повне виконання Конвенції Еспоо.

Крім того, Українська Сторона вважає за можливе обговорити зауваження румунської громадськості та румунських урядових органів стосовно дослідження впливу цього проекту.

Посольство також інформує, що переговори відбудуться в приміщенні Міністерства Охорони Навколишнього Природного Середовища України. Під час зустрічі буде забезпечено переклад англійською та українською мовами.

Посольство України в Румунії користується цією нагодою, щоб поновити Міністерству Закордонних Справ Румунії задоволення у своїй високій повазі.

м. Бухарест, 19 вересня 2008 року

**МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ РУМУНІЇ**

**Копія: МІНІСТЕРСТВО НАВКОЛИШНЬОГО СЕРЕДОВИЩА  
ТА СТАЛОГО РОЗВИТКУ РУМУНІЇ**

м. Бухарест

**Embassy of Ukraine  
in Romania  
#1744**

The Embassy of Ukraine in Romania presents its compliments to the Ministry of Foreign Affairs of Romania and in reply to the Verbal Note #H2/3249 dated 2<sup>nd</sup> September, 2008 has the honor to inform that Ukrainian Party agrees with the proposal of Romanian Party to carry out the appropriate negotiations in the period of **23-24<sup>th</sup> September, 2008** in Kyiv, Ukraine.

The purpose of the negotiations is the working out of the Action Plan on the implementation of procedures stated in Articles 2-7 of Espoo Convention regarding the Phase II of the Project on Renovation of Deep-Water Navigation Route “Danube – Black Sea”. This Action Plan would include defining the time-frames for Notification on proposed activity, Reply from Romanian Party on a participation in the EIA, public participation and amendments to EIA, Consultations based on EIA materials, Final Decision and other procedures, directed towards the full implementation of Espoo Convention.

Moreover, the Ukrainian Party is ready to discuss the comments of the Romanian public and authorities concerning the investigation of possible impact of the Project.

The Embassy also informs that the negotiations will take place at the premises of Ministry of Environment of Ukraine. During the meeting the English and Ukrainian translation will be ensured.

The Embassy of Ukraine to Romania avails itself of this opportunity to express to the Ministry of Foreign Affairs of Romania the assurances of its highest consideration.

Bucharest, 19<sup>th</sup> September, 2008

**MINISTRY OF FOREIGN AFFAIRS OF ROMANIA**

**Copy: MINISTRY OF ENVIRONMENT AND SUSTAINABLE  
DEVELOPMENT OF ROMANIA**

Bucharest

## **AGENDA**

of the Negotiations with Romanian party regarding the implementation  
Decision IV/2 adopted on the Fourth Meeting of Parties  
to the Espoo Convention regarding Ukraine

23-24 September 2008, Kyiv

- 1) Presentation of the Action Plan by the Ukrainian party.
- 2) Submission of the Draft schedule of the Consultations on the updated EIA Documentation to the Romanian party. Discussion and defining the exact time-frames and details of its organization.
- 3) Submission of the Answers of Ukrainian party to questions of the Romanian public and experts from the Consultations held in 2007.
- 4) Consultations on the joint Romania-Ukraine environmental monitoring of the Danube delta (According to the Decision of the Joint Romania-Ukraine Presidential Commission Expert Group).
- 5) Miscellaneous.