



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

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23 June 2011

Dear Mr. Kartavtsev,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991).

At its twenty-first session, held in Geneva on 20 June 2011, the Committee considered information by the Government of Ukraine, received on 28 February 2011, in response to the Committee's letter of 18 January 2011.

The Committee noted with appreciation the progress made by Ukraine in the elaboration of bilateral agreements and requested that Ukraine regularly report to it on the progress in their finalization and implementation. Further, the Committee reviewed in-depth the information regarding the revisions to the strategy of the Government of Ukraine to implement the Convention, the draft decree on public participation, the screening mechanism and the application of the criteria listed in annex I. Following its review, the Committee made the following comments and further requests for information and clarifications:

(a) The revised strategy

- i. Regarding the dates for the implementation of the strategy, the Committee requested that the deadlines be met and all draft laws, decrees etc. (including the Guidance on practical application) be presented to it for its comments before their approval;

.../...

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ii. The Committee also wished to know which activity, in the new circumstances created by the verdict of the Ukrainian Constitutional Court, would replace the originally scheduled activity which had been deleted;

(b) Draft Act on public participation

The Committee did not understand why the Council of Ministers had competence to adopt a general act on public participation but did not have competence to adopt relevant details regarding environmental protection. In this regard, the Committee wished to receive further clarifications on:

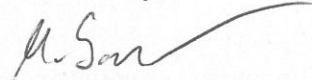
- Whether article 20 of the Ukrainian Environmental protection law had been changed since the adoption of the Strategy;
- Why had the adoption of the decree on public participation not been considered as an obstacle in the original Strategy but was considered as one in present time?
- Whether article 20 of the Environmental protection law precludes adopting procedure for "public participation in assessing the impact of proposed activity on the environment" but does not preclude it from approving the procedure for public participation in assessing the impact in a transboundary context?

(c) Screening mechanism and application of the criteria listed in annex I

The Committee did not find that the reply by Ukraine was satisfactory in answering its concerns and requested further clarifications. Indeed, the reply seemed to suggest that the current provisions in Ukraine, including the list of activities subject to an impact assessment, were sufficient, although it had been indicated to Ukraine that this was not the case and although Ukraine had itself agreed to extend the list of activities (i.e. to include activities not requiring construction).

In the light of the above, the Committee asked me to invite the Government of Ukraine to provide the above information by 30 August 2011, both electronically and in paper format, for consideration by the Committee at its twenty-second session in September 2011.

Yours sincerely,



Matthias Sauer

Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context