

**МІНІСТЕРСТВО
ЕКОЛОГІЇ ТА
ПРИРОДНИХ
РЕСУРСІВ УКРАЇНИ**



**MINISTRY
ECOLOGY AND
NATURAL
RESOURCES OF
UKRAINE**

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**Secretariat of the Espoo Convention
Implementation Committee of Espoo
Convention**

The Ministry of Ecology and Natural Resources of Ukraine (hereafter – the Ministry) presents its compliments to the Implementation Committee and Secretariat of the Espoo Convention and has the honour to inform on the following.

As it was discussed at the meeting on March, 2018, for implementation of the newly adopted Environmental Impact Assessment Law (adopted version in English attached) the 4 by-laws were adopted by the Cabinet of Ministers of Ukraine:

- On approval of the procedure for the transfer of Documents for submission of an outcome on the Environmental Impact Assessment and procedure for maintaining of the Unified register for Environmental Impact Assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 1026, attached);
- On approval of the procedure of conducting of public hearings in the process of Environmental Impact Assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 989, attached);
- On approval of the criteria for determination of the planned activity, its extension and change that are not the subject to an assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 1010, attached);
- amendments to the Order of the Cabinet of Ministers of Ukraine “On Interministerial Coordination Council” (Order of the Cabinet of Ministers of Ukraine as of June 6, 2018, № 456), which put in place explicitly the competencies of that body on decisions regarding transboundary consultation, i.e. to take into account the results of transboundary consultations and to take

decisions on conducting of such consultations – was adopted by the Cabinet of Ministers.

In particular the above Order was amended with the provision which reads as follows:

- Para 2 p. 9 of the amended Order reads: The Interministerial Coordination Council endorses decision on conducting a transboundary environmental impact assessment if requested by the Ministry of ecology and natural resources and the decision to implement the results of the transboundary environmental impact assessment which are after that to be adopted by the Ministry of Ecology and Natural Resources.»;
- Para 1 point 5 of the amended Order reads: «As provided in legislation [Interministerial Council] adopts decisions on conducting a transboundary environmental impact assessment and the decision to implement the results of the transboundary environmental impact assessment.».

This Order will also be followed by the Order “Procedure on making decisions on the implementation of a transboundary impact assessment on the environment” which was adopted by the Government Committee and is scheduled for adoption in the Cabinet Agenda (see attached). In this regard please also note that this Procedure is purely technical internal document based on the Law and providing certain details for the Interministerial Council according to its competencies under amendments to the Order of the Cabinet of Ministers of Ukraine “On Interministerial Coordination Council” (Order of the Cabinet of Ministers of Ukraine as of June 6, 2018, № 456) described above.

On May 21, 2018 at the meeting of the Interministerial Coordination Council for implementation of the Espoo Convention the Roadmap “On bringing the Danube-Black Sea Navigation Route in the Ukrainian Part of the Danube Delta into full compliance with the Espoo Convention” endorsed by the Implementation Committee at its 41 session was approved.

Also, mentioned Roadmap was sent by the Ministry to the Romanian Party by the letter dated 27.04.2018 № 5/3-10/4301-18 (attached). In addition by the letter dated 24.07.2018 № 5/3-10/7492-18 (attached) the Ministry sent to the Romanian Side:

- the draft bilateral agreement between Ukraine and Romania on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context. The draft was updated following inter-ministerial consultations and harmonized with the new law "On Environmental Impact Assessment".

- updated joint monitoring program "Harmonized transboundary monitoring network of the environmental status of Danube delta" (which was sent to the Romanian side by letter as of 15.12.2015 № 5/25-13/15187-15) and the new list of the Ukrainian experts on the joint monitoring of Danube delta.

In this regard the Ministry kindly requested the Romanian Side for the feedback on issues raised in the letter of 27.04.2018 № 5/3-10/4301-18 by which the Roadmap - endorsed by the Committee - was also sent.

Also, the Interministerial Coordination Council approved the decision to abolish the final decision on the project "Creation of Danube-Black Sea a deep-water Navigation Route on the Ukrainian section of the Danube delta. Full Development.", which was approved on January 25, 2010 by the Vice Prime Minister of Ukraine Hryhoriy Nemyria, Chairman of the Interministerial Coordination Council on the Implementation of the Espoo Convention in Ukraine.

Following the decision of the Interministerial Council the implementer of the Danube-Black Sea a deep-water Navigation Route developed the Terms of reference for the new project.

Also, at the meeting it was agreed that implementer of the Danube-Black Sea a deep-water Navigation Route will suspend (temporally for September – November 2018) any works (including maintenance or dredging, as provided by the Implementation Committee of the Espoo Convention and agreed in the Roadmap), and conduct an assessment of any damage to the environment (at least in the transboundary context) resulted from already implemented works related to the Project.

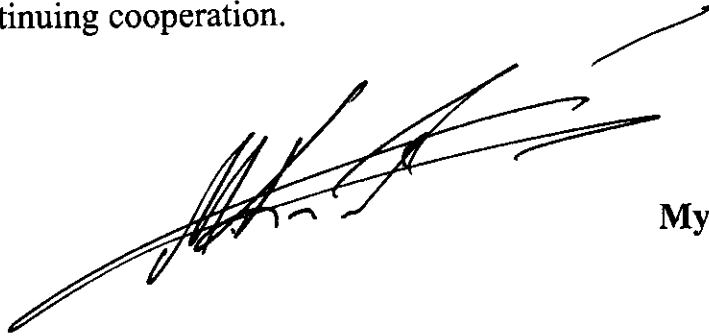
Please find also enclosed:

- The adopted version of the Law "On environmental impact assessment" (English version);
- Orders of the Cabinet of Ministers of Ukraine:
 - o On approval of the procedure for the transfer of Documents for submission of an outcome on the Environmental Impact Assessment and procedure for maintaining of the Unified register for Environmental Impact Assessment;
 - o On approval of the procedure of conducting of public hearings in the process of Environmental Impact Assessment;
 - o On approval of the criteria for determination of the planned activity, its extension and change that are not the subject to an assessment;

- The adopted by the Government Committee “Procedure on making decisions on the implementation of a transboundary impact assessment on the environment”;
- Copies of the letters to the Romanian Party as of 27.04.2018 № 5/3-10/4301-18, as of 24.07.2018 № 5/3-10/7492-18 and as of 08.02.2018 № 5/5-1-/7492-18.

Looking forward to continuing cooperation.

**Deputy Minister for
European Integration**

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a cursive representation of the name Mykola Kuzyo.

Mykola Kuzyo