

№10903/16/10 of 10.06.2011 (Received on 19.07.2011)

Unofficial Translation

**Implementation Committee of the
Convention on Environmental
Impact Assessment in a
Transboundary Context**

Ministry of Ecology and Natural Resources of Ukraine (Ministry of Natural Resources) presents its compliments to the Implementation Committee of the Convention on Environmental Impact Assessment in a Transboundary Context.

In response to the letter of the Espoo Convention Implementation Committee concerning further questions on the strategy of the Government of Ukraine to implement the Convention on Environmental Impact in a Transboundary Context (Espoo, 1991), Ministry of Natural Resources provides the following information:

Following entry into force of the Ukrainian law № 3830-VI of 17 February 2011 “On Regulating Urban Planning”, changes were introduced into the Ukrainian legislation “On Environmental Protection” and “On Ecological Expertise”, which modified the procedure for ecological expertise of the construction projects.

Under the Ukrainian law “On Regulating Urban Planning”, construction projects of the IV-V category of complexity are subject to obligatory expertise.

Expertise of the construction projects is carried out by expert organizations according to the procedure established by the Cabinet of Ministers of Ukraine, regardless of the ownership of the project (public or private), in accordance with the criteria established by the central executive body on construction, city planning, and architecture. Experts on sanitary and epidemic control, ecology, labour safety, energy saving, as well as fire, technological, nuclear and radiation safety, with appropriate professional accreditation provided by the central executive body, and with required qualification certificates, are taking part in the expertise (in compliance with civil law). The procedure of the professional accreditation of such experts is established by the Cabinet of Ministers of Ukraine.

According to transitional provisions, specified in the Ukrainian law “On Regulating Urban Planning”, by 12 June 2011, the Government would develop and adopt in total 27 regulations on city planning.

As of 07 June 2011, some of the above-mentioned regulations have been adopted by the Government; others are under consideration.

Ministry of Natural Resources requested the central body on construction, architecture and city planning to specify the key elements of the new expertise system for construction projects and provide the details on the following:

- The role of the environment bodies and public health authorities;
- The name of the body responsible for the public participation, including public notification, public discussions, information update;
- The name of the body responsible for the preparation and verification of the project documentation under EIA;
- The body responsible for recognizing large scale potential transboundary impact, initiating of appropriate procedures under the Convention and persons performing that procedure;
- The body responsible for recognizing the results of EIA procedure, including comments of the public and countries, which could be affected by it;
- The type of “final decision” and the body responsible for its adoption;
- The body responsible for public and countries, which could be affected by the final decision.

The Ministry of Natural Resources will inform further about the adoption of the appropriate government regulations and the response from the Ministry of Regional Development, Construction, Housing and Public Utilities of Ukraine.

Ministry of Ecology and Natural Resources of Ukraine avails itself of this opportunity to renew to the Implementation Committee of the Convention on Environmental Impact Assessment in the Transboundary Context the assurances of its highest consideration.

Deputy Minister-
Executive Officer

D. Mormul