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ECONOMIC COMMISSION
FOR EUROPE

IMPLEMENTATION COMMITTEE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

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Ref. Follow-up with decision V/4 of the Meeting of the Parties

17 December 2013

Dear Mr. Tarasenko,

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-ninth session, held in Geneva from 10-12 December 2013, the Committee considered the progress report submitted by the Government of Ukraine on 5 December 2013 on the steps taken to bring about compliance with its obligations under the Convention as requested by the Meeting of the Parties (MOP) at its fifth session (decision V/4, para. 24), as well as the additional information received on 25 November 2013 in relation to the application of paragraph 30 of the decision V/4. The Committee welcomed the timely submission of the information by Ukraine, which according to the decision was due by the end of the year, in advance of the Committee's session. However, the Committee observed that the information was not sufficient for the preparation of its draft report, including recommendations, to the MOP.

The Committee noted that while Ukraine had demonstrated efforts to reach compliance with the provisions of the Convention, the adoption of the draft law of Ukraine on "Amendments to some Laws of Ukraine on implementation of the Convention" by the Parliament was still pending. According to Ukraine the adoption was expected by the end of 2013. The Committee reiterated its concern at the lack of progress in relation to the implementation of the strategy of the Government to implement the Convention (as requested in decision IV/2, para. 12 (see ECE/MP.EIA/2008/4); see also decision V/4, para. 21), in particular in relation to the adoption of the concrete legislative measures to that effect.

The Committee also regretted that Ukraine had not provided any information on how the specific measures recommended in the report of the European Union (EU)-funded project to support Ukraine in its implementation of the Convention (see decision V/4, para. 24, in conjunction with para. 19 and fn. 24) had been taken into account to bring about the project for the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian Sector of the Danube Delta (Bystroe Canal Project) in full compliance with the Convention.

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The Committee further noted that the information provided with regard to post-project analysis showed that some progress had been achieved. The Committee welcomed the monitoring carried out and noted that it would constitute a good basis for meeting the requirements under article 7 of the Convention. The Committee underlined that post-project analysis presupposed cooperation between the Party of origin and the affected Party. According to the information available to the Committee, no information on the monitoring studies on the Bystroe project had been shared with Romania yet.

At the request of the Committee, I am now writing to the Government of Ukraine to communicate the above views of the Committee. Moreover I wish:

- (a) To encourage the Government to ensure that the new law meet the requirements of the Convention and that it address both domestic and transboundary EIA procedures;
- (b) To urge the Government to adopt the draft law as soon as possible, and provide the Committee with the Russian and English translation of the law upon its adoption;
- (c) To request the Government to report on the concrete measures it had taken to bring the Bystroe Canal Project in compliance with the Convention, following the recommendations of the related EU-funded project (attached for your convenience);
- (d) To encourage the Government to share the information on the post-project analysis with Romania, following article 7 of the Convention and invite the Government to report on its action to the Committee.


Please provide the additional information on all the above ((a) to (d)) in English, in a brief and concise manner, by electronic means (email) no later than **14 February 2014**, for the Committee to consider at its next session (25-27 February 2014).

Moreover, I wish to advise the Government that the Committee's next session will be its last session before the MOP and its consideration of the matter will then be conclusively completed. Unless the draft law has been adopted by February 2014 and its provisions are in line with the Convention requirements, and Ukraine is able to demonstrate that effective measures have been taken to follow the recommendations of the EU-funded project, the Committee will have not have any new facts to advise the change of the measures to be taken by the MOP in relation to Ukraine.

I would also like to take the opportunity to inform you that the Committee at its twenty-ninth meeting considered the information made available to it by the Governments of Ukraine and Romania on how they had implemented decision V/4, paragraph 30. The Committee welcomed the steps undertaken by the two Governments, but noted the slow progress with the negotiation of a bilateral agreement or other arrangement in order to support further the provisions of the Convention, as set out in article 8, because the negotiation depended on the adoption by Ukraine of the draft law on "Amendments to some Laws of Ukraine on implementation of the Convention".

The Committee agreed to encourage Ukraine and Romania to continue their efforts and to endeavour to strengthen their cooperation in preparing a bilateral agreement or other arrangement to support further the provisions of the Convention, as set out in article 8, further to paragraph 14 of decision IV/2 and paragraph 30 of decision V/4. The Committee's conclusion will be included in its draft decision on review of compliance to the Convention and will be reflected in its report on its activities, which are to be considered by the MOP at its next session.

Yours sincerely,



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