

INFORMAL TRANSLATION

Questionnaire for the

REPORT OF **UKRAINE** FOR 2003-2005 ON THE IMPLEMENTATION OF THE ESPOO CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

for the period mid-2003 to end of 2005

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PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

- Law of Ukraine “On Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context” (19.3.1991),
- Law of Ukraine “On Environmental Protection” (25.6.1991),
- Law of Ukraine “On Environmental Expert Review” (9.2.1995),
- State construction regulations “Character and Content of Environmental Impact Assessment (EIA) Documents in the Planning and Construction of Plant, Housing and Other Buildings” (2004).
- Order of the Cabinet of Ministers of Ukraine “On the List of Categories of Activities and Sites constituting a potentially serious Environmental Hazard” (27.7.95).

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*

a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

EIA in Ukraine involves evaluating the scale and level of a planned activity’s impact on the environment, the determining of measures to prevent or reduce this impact and an assessment of a project’s environmental acceptability. EIA is an essential part of project documentation for any business activity. It is not an instrument to assist in the process of business decision making, but rather a compulsory process for the preparation of a part, albeit an essential part, of pre-project or project documentation. EIA is conducted according to rigorous requirements and is firmly integrated in the project planning process. EIA documentation is made available to the relevant state authorities as part of the pre-project or project documentation for expert assessment. It must provide a comprehensive appraisal of the results of the impact assessment for the natural environment, the social environment (including the population’s livelihood), the industrial environment and a consideration of the planned activity’s feasibility.

The basic tasks of an EIA are:

- to give a general description of the land in the vicinity of the planned activity, the proposed construction sites (routes) for the planned activity or alternative sites;
- to review and assess the ecological, social and industrial factors, the medical-epidemiological character of possible alternatives and an explanation of the advantages offered by the selected option and the chosen location;
- to list possible environmental impacts and identify the impact zone of the planned activity for each proposed location;
- to determine the scale and level of the planned activity's environmental impact;
- to forecast environmental changes in line with the list of environmental impacts;
- to determine a package of measures to prevent or limit the dangerous environmental impact of the planned activity, in accordance with the requirements of environmental and health legislation and other laws and regulations relating to environmental safety;
- to determine the acceptability of expected residual environmental impact in the event that all planned activities are implemented;
- to produce a Statement on Environmental Effects and disseminate it through the mass media.

Public interest is considered in accordance with the Law of Ukraine "On Land Planning and Development" and other legal texts. The project owner, observing established procedure, informs the public of discussions relating to the planned activity and public debates on the project and provides project documentation to representatives of the public in accordance with the Declaration of Intent.

Documentation reflecting public interest issues must include:

- details of the publication in the mass media of the Declaration of Intent and information on the holding of public hearings,
- written communications and other documents from the public,
- a list of documents provided by the project owner and EIA administrator for the consideration of the local population and civil society organisations, a list of the public's comments and questions with reasoned replies,
- a summary of those suggestions from the public that have been taken into consideration and the reasons for other suggestions not having been considered,
- conclusions of the public expert review (if one was conducted).

Changes to the EIA documentation subsequent to public hearings are decided upon by the project owner and manager. A reasoned explanation of why certain elements were not considered can be given to public stakeholders, if necessary.

The following fundamental laws govern the process of and the public's right to participation in EIA and environmental expert review:

- the Constitution of Ukraine
- Law of Ukraine "On Environmental Protection"
- Law of Ukraine "On Environmental Expert Review"
- Law of Ukraine "On Communications from the Public"
- Law of Ukraine "On Information"

On the basis of the conclusions of EIA documents (EIA section) the project owner and EIA administrator draft a Statement on Environmental Effects for the planned activity and organise its dissemination through the mass media. The final EIA section, which takes into account public interest, is submitted as part of the project documentation by the project owner or the general project manager for approval under the state expert review process.

EIA documentation is subject to state environmental expert review. The adoption of the Order of the Cabinet of Ministers of Ukraine (No.1308 of 17.8.1998) which established “Procedures for authorisation of investment programmes and construction projects and their comprehensive state expert review” led to the introduction in Ukraine of comprehensive expert review procedures which include public health and environmental reviews. The state environmental expert review is conducted by the Ministry for Environmental Protection and its regional bodies and involves organisations from science, project management and other fields. It is an integral part of the overall state expert review.

Environmental expert review in Ukraine is a science and practice based exercise undertaken by authorised state institutions, specialised environmental bodies and civil society associations. It is conducted on the basis of interdisciplinary environmental investigation, analysis and assessment of pre-project, project and other documentation or materials relating to activities whose implementation and operation may have a detrimental effect on the natural environment. Its purpose is to produce conclusions on the planned activity's compliance with the requirements and regulations of environmental law.

In order to assess public opinion the parties subject to environmental expert review organise public hearings or meetings. Public participation in this process can take place via statements in the mass media, the submission of written comments, suggestions and recommendations or by means of the inclusion of public representatives on the commission of expert review or a public expert review group. Public opinion is taken into consideration for the conclusions of the expert review and any decisions regarding the future implementation of the planned activity under review.

- b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

EIA in Ukraine is conducted prior to a decision on the approval or implementation of any planned activity listed under Appendix 1 to the Convention, which may cause significant harm. It is forbidden to implement projects and programmes or carry out activities without prior approval from the state environmental expert review. In the event of the review reaching a negative decision on the project under consideration, the project owner must make the changes stipulated in the conclusions of the review and submit the documentation for a supplementary state environmental expert review in good time.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

In Ukraine there are no authorities with specific responsibility for transboundary EIAs. Any planned activity affecting the territory of neighbouring states is subject to an EIA that takes the provisions of the Convention into account.

State management of environmental expert review is conducted by the Cabinet of Ministers of Ukraine, the Government of the Autonomous Republic of Crimea, local government authorities, special central government authorities for the environment and natural resources and other special authorities in this field and their local bodies. Organisations having the appropriate licence can be mandated to carry out the EIA, prepare the related documentation and also prepare the separate sections on the basis of a subcontract. The project owner and EIA administrator draft, agree upon and formally publish a Declaration of Intent, which includes a list of the anticipated effects of the planned activity. Furthermore, they compile and organise documentation on the state of the environment, the active population's living conditions, and on business activity in accordance with the list of impacts. They provide for the task of producing formal EIA documentation, providing a reasoned explanation for the level of activity in relation to the danger the planned activity poses to the environment and describing alternative locations and the state of the environment.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

In Ukraine there is no one body dealing with the collection of information on cross-border EIAs subject to the provisions of the Convention.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

In Ukraine there are no special provisions for joint transboundary projects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

The national list of environmentally hazardous activities comprises all the activities listed in Appendix 1 of the Convention.

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

The conclusions of the state environmental expert review contain an appraisal of the environmental acceptability of the activity, an assessment of the possibility of approving the project under review and an evaluation of the project's socio-economic impact. Once a positive conclusion from the state environmental expert review has been approved by the central government authority for the environment and natural resources (the Ministry) or its local bodies, the project, programme or activity under review is free to obtain financing (Law of Ukraine on "On Environmental Expert Review").

- b. *How a change to an activity is considered as a "major" change;*

The Order of the Cabinet of Ministers of Ukraine No 554 of 12.07.1995 as modified by amendments No. 142 of 14.02.2001 establishes a list of environmentally hazardous activities and sites that may, accordingly, have a major negative impact on the environment.

- c. *How such an activity, or such a change to an activity, is considered likely to have a “significant” adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

A decision on potential significant adverse transboundary impact is made on the basis of the EIA results and is one of the points covered in the final summary.

- d. *How you would decide whether it is “likely” to have such an impact. (Art. 2.3)*

A negative decision from the state environmental expert review can express a view on the likelihood of a planned activity having a specific transboundary impact.

PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

Under Ukrainian law, the specific term “Public” corresponds to the Convention’s definition. There has been no practical experience of inviting an affected Party to participate in EIA.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

No practical experience.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

No practical experience.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

No practical experience.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

No practical experience.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

No practical experience.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are*

usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?

No practical experience.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?*

No practical experience.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

No practical experience.

QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

In the event of notification of a planned activity on the territory of a neighbouring Party with potential adverse transboundary effects, the central government authority for environmental protection decides on whether to participate in the EIA process.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

No practical experience.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

The legal requirements for the content of EIA documentation are:

- observance of the requirements of normative legal documents issued by state organs (Decrees of the President of Ukraine, regulations and orders of the Cabinet of Ministers of Ukraine and local government authorities) ;
- observance of the provisions of existing legislation on the environment, health and planning;
- compliance with the requirements of existing normative documents in respect to regulations or matters relating to environmental problems, the use of natural resources as well as safety issues relating to working conditions and the operation of industrial equipment;

- remaining within the limits for environmental impact established at the project stage of the activity;
- measures relating to the appearance in the environment of dangerous endogenous and exogenous geological processes and other occurrences;
- observance of restrictions concerning the environment, public health issues, engineering and technical matters and operations and planning;
- effective measures for saving resources, protection, restoration, compensation and conservation.

18. *Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).*

Basis for EIA:

- the physical geographical characteristics of the land in the vicinity and the proposed construction sites (routes) for the planned activity;
- a general description of the project and its site;
- an assessment of the planned activity's impact on the natural environment;
- an assessment of the planned activity's impact on social environment;
- an assessment of the planned activity's impact on the industrial and technological environment;
- comprehensive measures to ensure the safety of the environment and compliance with legal environmental standards;
- an assessment of the impact of construction work on the environment;
- a Statement on the environmental impact of the activity containing, in particular, information on measures taken to inform the public of the planned activity, its purpose and the means of its implementation.

19. *How do you identify "reasonable alternatives" in accordance with Appendix II, alinea (b)?*

Reasonable alternatives are alternatives that are acceptable from both an environmental and economic perspective.

20. *How do you identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to Appendix II, alinea (c), and the definition of "impact" in Article 1(vii)?*

"The environment" is the totality of the natural, social (including people's working environment) and industrial and technological conditions of human society. "Impact" is the introduction or removal from the environment of any material or substance or any other activity that affects its state.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

Ukraine provides the affected Party with sufficient EIA documentation (the summary).

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The official communication and receipt of comments from the affected Party is handled by the Ministry for Foreign Affairs of Ukraine and relevant embassies.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words "within a reasonable time before the final decision" (Art. 4.2)? What is the consequence if the affected Party does not*

comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?

This matter is not provided for by national legislation. There is no practical experience.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

In accordance with Article 34 of the Constitution of Ukraine, Articles 9, 33, 35, 47 of the Law of Ukraine “On Information”, Article 9 of the Law of Ukraine “On Environmental Protection” and provisions of the Aarhus Convention on the Access to Environmental Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the public, upon request, can examine EIA documentation and the conclusions of the state environmental expert review.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The laws of Ukraine provide for mandatory public discussion of the project (the scope of the discussion depends on the scale of the expected impact).

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

There are no legal provisions relating to this matter.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

There are no practical examples of this being organised.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

No practical experience.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

No practical experience.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

No practical experience.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

A planned activity is approved and implemented on the basis of the conclusions resulting from a comprehensive state expert review. The comprehensive state expert review is mandatory for all projects listed under Appendix I.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

EIA documentation is subject to state environmental expert review. The adoption of the Order of the Cabinet of Ministers of Ukraine (No.1308 of 17.8.1998) which established “Procedures for authorisation of investment programmes and construction projects and their comprehensive state expert review” led to the introduction in Ukraine of comprehensive expert review procedures which include public health and environmental reviews. The state environmental expert review is conducted by the Ministry for Environmental Protection and its regional bodies and involves organisations from science, project management and other fields. It is an integral part of the overall state expert review.

The final EIA section, which takes into account public interest, is submitted as part of the project documentation by the project owner or the general project manager for approval under the state expert review process.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

No practical experience.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

The final decision, which contains the reasons and considerations for the decision, must be transmitted to the affected Party through the Ministry of Foreign Affairs of Ukraine.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

No practical experience.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

No practical experience.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

No practical experience.

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Ukraine does not have any bilateral or multilateral agreements based on the Convention.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

There has been no specific research in relation to the items mentioned in Article 9 of the Convention.

Ratification of the amendments to the Convention and of the Protocol on SEA

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Ukraine is considering the ratification of the first amendment to the Convention.

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Ukraine is considering the ratification of the second amendment to the Convention.

43. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

At the current time Ukraine is not ready to ratify the Protocol on SEA.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

During the period indicated there were cases of practical application of the Convention in Ukraine.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

During the period indicated Ukraine collaborated with Romania on documentation for the Romanian projects “Chernavodskaya Atomic Power Station – Block 3” and “Improving Shipping Conditions on the Keleresh-Breila segment of the Danube”. Ukraine also expressed its intention to participate in the EIA of the Moldovan project to construct a transport and energy centre in Dzhurdzhulesht.

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No.

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The actual duration of the process depends on the scale of the planned activity and, to a certain extent, is determined by the Recommendations on the environmental expert review of environmental impact assessment documentation and the pre-project and project documentation relating to the construction of new industrial sites, which is part of the overall state expert review.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

No practical experience.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6),*

“a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?

There has been no practical experience of using the given terms.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

- a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

Activities subject to transboundary EIA are identified on the basis of the Recommendations on the environmental expert review of environmental impact assessment documentation and pre-project and project documentation relating to the construction of new industrial sites, which is part of the overall state expert review.

- b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

In the event that a planned activity has an impact on the territory of a neighbouring state, EIA is conducted taking the requirements of the Convention into account. The volume of information to be contained in EIA documentation is stipulated in the document “on State construction regulations in Ukraine. Project-planning. Character and Content of Environmental Impact Assessment Documents in the Planning and Construction of Plant, Housing and Other Buildings. DBN A.2.2-1-2003”.

- c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

The choice of methodology is the prerogative of the planned activity’s project owner and project manager.

- d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

When necessary in practice, we have used English.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

No practical experience.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

No practical experience.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

The final decision is communicated by the Ministry of Foreign Affairs of Ukraine. In general, English is used.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No practical experience.

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

No practical experience.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

No appropriate experience.

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

There are no examples.

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context;*

There are no examples of the use of this Guidance.

- b. *Guidance on subregional cooperation; and*

There are no examples of the use of this Guidance.

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

There are no examples of the use of these Guidelines.

CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

Significant difficulties in ensuring the translation of the text.

AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

The need to comply with the provisions of the Espoo Convention is set forth in the document “on State construction regulations in Ukraine. Project-planning. Character and Content of Environmental Impact Assessment Documents in the Planning and Construction of Plant, Housing and Other Buildings. DBN A.2.2-1-2003”.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

We are considering the question of ratification of the 1st and 2nd amendments to the Convention.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*

No suggestions.