

Draft
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LAW OF UKRAINE

«On Environmental Impact Assessment»

This Law shall set legal and organisational policies for an environmental impact assessment with a view to avoid and prevent environmental damage, ensure environmental safety, environmental protection, rational use and restoration of natural resources, in the process of decision-making on economic activity likely to cause a significant impact on the environment, taking into account state, public and private interests.

Article 1. Definitions

In this Law the following terms shall have the following meaning:

Impact – any effects caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors.

Public – one or more natural or legal persons and their associations, organisations or groups.

Final decision – a decision of a public authority to approve (adopt) a proposed activity, which forms the basis for the commencement thereof, establishes (approves) parameters and conditions for carrying it out, and which is taken in the form of a permit or other act of a public authority.

Proposed activity – an economic activity, which includes construction, expansion, reconstruction, conversion, technical modernization, elimination of objects, other intervention into the environment and landscapes, including mining, use of man-caused mineral deposits, as well as revision or renewal of conditions for carrying out the activity, which require a decision of a public authority or a permit to carry it out.

Competent local authority – regional, Kyiv and Sevastopol city state administration (relevant unit on ecology and natural resources), state executive

authority of the Autonomous Republic of the Crimea on ecology and natural resources.

Competent central authority – central state executive authority, forming and implementing state policy in the field of environmental protection.

Article 2. Content and subjects of environmental impact assessment

1. Environmental impact assessment means a procedure, consisting of:

1) the preparation of an environmental impact assessment Report by the developer pursuant to Articles 5 and 6, as well as, where appropriate, Article 14 of this Law;

2) the carrying out of public consultations pursuant to Articles 7 and 8, as well as, where appropriate, Article 14 of this Law;

3) the consideration and examination by the competent authority pursuant to Article 9 of this Law of the information presented in the environmental impact assessment Report, any supplementary information provided by the developer, as well as information received through the public consultations and in the result of the transboundary impact assessment, where conducted;

4) the reasoned environmental impact assessment Decision by the competent authority, based on the results of the consideration and examination referred to in point 3 of paragraph 1 of this Article, and, where appropriate, its own supplementary examination; and

5) the taking into account of the environmental impact assessment Decision in the final decision pursuant to Article 11 of this Law.

2. The environmental impact assessment shall be carried out taking into account the requirements of the environmental legislation, ecological capacity of the territory and environmental situation in the location of the proposed activity, environmental risks and forecasts, prospects for the socio-economic development of the region, capacity and types of cumulative impact (direct and indirect) on the environment, including taking into account the impact of existing objects.

3. Developers, competent central and local authorities, other state executive authorities, the Supreme Council of the Autonomous Republic of the Crimea, the Council of Ministers of the Autonomous Republic of the Crimea, local self-governance authorities, public and, in cases referred to in Article 14 of this Law, the state of origin and the affected state – shall be the subjects of the environmental impact assessment.

Article 3. Scope of application of the environmental impact assessment

1. The environmental impact assessment shall be mandatory in the process of decision-making on economic activity likely to cause a significant impact on the environment and identified in paragraphs 2 and 3 of this Article. Such an activity shall be made subject to the environmental impact assessment before the final decision regarding such an activity is made.

2. The first category of the types of activity and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment shall include the following:

1) crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day;

2) thermal power stations (TPP and CHP) and other installations for production of electricity, vapour and hot water with a heat input of 50 megawatts (MW) or more using organic fuel and nuclear power stations and other nuclear reactors including the dismantling, prolongation or decommissioning of such power stations or reactors (except research installations for the production and conversion of nuclear fuel and raw materials for producing secondary nuclear fuel, fissionable and fertile materials whose maximum power does not exceed 1 kW continuous thermal load);

3) installations designed for the production or enrichment of nuclear fuel, for the repetitive processing, storage or final disposal of irradiated nuclear fuel, or for the storage (planned for more than 10 years), disposal or processing of radioactive waste;

4) production in the field of ferrous and non-ferrous metallurgy (using ferrous metals, ore, enriched ore or secondary raw materials by metallurgical, chemical or electrolytic processes);

5) installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos (asbestos-cement products, with an annual production of more than 20 000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilisation of more than 200 tonnes per year);

6) chemical production including production of basic chemical substances, biochemical, biotechnical and pharmaceutical production, production of plant health products, regulators of plants growth, mineral fertilizers, polymeric and polymer-containing materials, production and storage of nanomaterials of more than 10 tonnes per year, storage of chemical products (basic and consumable stores, storages, bases) irrespective of methods and amounts of production;

7) construction, reconstruction, modernization, technical upgrading, redevelopment, capital renovation of:

- airports and airfields with a basic runway length of 2 100 m or more;
- highways;
- national and local motorways for common use of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road or realigned and/or widened section of road would be 10 km or more in a continuous length;
- motorways of the first category;
- railways for long-distance travel;
- hydro technical facilities of marine and river ports that can take vessels of over 1 350 tonnes;
- specialized transport terminals;
- deep water vessel ways including those along natural river beds, specialized canals on land and in shallow marine waters permitting the passage of vessels of over 1 350 tonnes;

8) waste management:

- operations in the sphere of hazardous waste management: disposal, treatment, neutralization, landfilling;

- operations in the sphere of domestic and other waste management (disposal, treatment, neutralization, landfilling, utilization) with the capacity exceeding 100 tonnes or more per day;

9) groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million m³;

10) works for the transfer of water resources between river basins;

11) extraction of petroleum and natural gas on the continental shelf where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500 000 m³ per day in the case of gas;

12) dams, water reservoirs and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back exceeds 10 million m³;

13) pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km;

14) production and processing of cellulous, paper and cardboard from any raw materials with a production capacity exceeding 200 tonnes per day;

15) extraction of minerals, except for minerals of local importance that are extracted by land owners and land users on their land lots for household needs. Processing minerals including enriched minerals;

16) installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tonnes or more;

17) installations for the capture of CO₂ streams from sources enlisted here or where the total yearly capture of CO₂ is 1,5 megatonnes or more, geological storages of carbon dioxide;

18) waste-water treatment plants with a capacity exceeding 150 000 population equivalent;

19) installations for the intensive rearing of poultry or pigs with more than 40 000 places for poultry, 2 000 places for production pigs (over 30 kg); or 750 places for sows;

20) construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km;

21) all non-selective logging for main purposes and non-selective sanitary logging on the territory exceeding 1 ha; all non-selective sanitary logging in the territory and objects belonging to protected areas.

3. The second category of activities and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment shall include the following:

1) types of activity and objects referred to in points 1-3, 5-7, 8, 11-14 and 16-21 of paragraph 2 of this article, the parameters (length, capacity, etc.) of which do not reach the levels set for the first category of types of activity and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment;

- 2) agriculture, forestry and water management:
 - cultivation, remediation and melioration of lands covering 1 ha or more. (Transformation of underdeveloped and semi-wild lands into lands for agricultural use; water resource management for agricultural purposes including irrigation and melioration);
 - afforestation or non-selective or gradual deforestation on the areas exceeding 0,5 ha;
 - conversion of particularly valuable lands into another type of land use;
 - installations for the disposal or recycling of animal carcasses and animal waste;
 - intensive fish farming with annual capacity 10 tonnes or more;
 - reclamation of land from the sea.
- 3) extractive industry:
 - quarries, open-cast mining and peat extraction;
 - extraction of minerals on lands belonging to water fund;
- 4) energy industry:
 - storage, processing and transportation of hydrocarbon raw materials (natural gas, shale gas, dissolved in oil gas, gas of central-basin type, gas (methane) of coal deposits, condensate, oil, oil bitumen, liquefied natural gas) as well as technical solutions regarding gas supply of population and industry;
 - surface storage of fossil fuels on the area of 500 m² and more;
 - industrial briquetting of coal and lignite;
 - hydro power plants on rivers regardless of their capacity;
 - hydro accumulating power plants;
 - wind power plants with two or more turbines or constructions higher than 15 meters;
- 5) production and processing of metals:
 - installations for the smelting, including the alloyage, of non-ferrous metals (including sulphide ore);
 - installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting with the capacity exceeding 2,5tonnes per hour;
 - installations for the processing of ferrous metals:
 - a) hot-rolling mills with the capacity exceeding 20 tonnes of raw steel per hour;
 - b) smitheries with hammers with capacity exceeding 50 kJ per hammer and capacity of heat consumption exceeding 20 MW;
 - c) application of protective fused metal coats with the supply of raw steel exceeding 2 tonnes per hour;
 - smelting ferrous metal with the capacity exceeding 20 tonnes per day;
 - installations for:
 - a) production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
 - b) melting, including alloying, of non-ferrous metals, including recovered products (refining, foundry, etc.) melting capacity exceeding 4

- tonnes per day for lead and cadmium or 20 tonnes per day for all other metals;
- installations for surface treatment of metals in tanks from plastic materials using an electrolytic or chemical process, if the amount of processed technological tanks exceeds 30 m³;
- production and assembling of the cars, production of engines;
- shipyards;
- installations for the construction and repair of aircraft;
- manufacture of railway equipment;
- swaging by explosives;
- installations for the roasting and sintering of metallic ores;
- 6) mineral industry:
 - coke ovens, other installations for manufacturing coke or black-lead;
 - manufacture of cement, cement clinker and lime;
 - manufacture of glass including glass fibre;
 - smelting mineral substances including the production of mineral fibres;
 - manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with production capacity not exceeding 75 tonnes and (or) and/or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding 300 kg/m³;
 - production of construction materials (bituminous concrete, insulation);
- 7) chemical industry:
 - production on an industrial scale of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides and other chemicals including production on an industrial scale by chemical processing of substances or groups of substances:
 - a) installations for the production of basic organic chemicals, such as:
 - simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
 - oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
 - sulphurous hydrocarbons;
 - nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
 - halogenic hydrocarbons;
 - organometallic compounds;
 - basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);
 - synthetic rubbers;
 - dyes and pigments;
 - surface-active agents and surfactants;
 - b) installations for the production of basic inorganic chemicals, such as:

- gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride (phosgene);
- acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
- bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
- salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
- non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide;
- c) installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
- d) installations for the production of basic plant health products and of biocides;
- e) installations using a chemical or biological process for the production of basic pharmaceutical products;
- f) installations for the production of explosives;
- g) installations in which chemical or biological processing is used for the production of protein feed additives, ferments and other protein substances;
- h) installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year;

8) food industry:

- treatment and processing intended for the production of food products from:
 - a) animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day;
 - b) vegetable raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis);
 - c) treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis);
- packing and canning of animal and vegetable products on an industrial scale;
 - manufacture of dairy products on an industrial scale;
 - brewing and malting with the area of 500 m² and more;
 - confectionery and syrup manufacture on an industrial scale;
 - starch manufacturing;
 - fish-meal and fish-oil factories;
 - sugar factories;
- 9) textile, leather, wood and paper industries with production capacity exceeding 1 tonne per day:

- plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles;
- plants for treatment of skin raw materials and fur;
- plants for the tanning of skins where the treatment capacity exceeds 10 tonnes of finished products per day;
- plants for wood treatment (chemical processing of wood, fibreboard, woodworking production using synthetic resins, wood preservation via impregnation);
- 10) rubber industry:
 - manufacture and treatment of elastomer-based products;
- 11) infrastructure projects:
 - industrial estate development projects covering the area of 0.5 ha and more;
 - construction of shopping centres and car parks covering the area of 0.5 ha and more;
 - new construction, reconstruction, technical upgrading, capital renovation of railway stations, railways and facilities;
 - construction of transshipment terminals and intermodal transshipment facilities, and of intermodal terminals;
 - dams and other installations designed to hold water or store it on a long-term basis; the works on clearing and dredging of the channel and the bottom of rivers, strengthening river banks, change and stabilization of river beds;
 - tramways, elevated and underground railways, suspended lines, funiculars or similar lines of a particular type, used for passenger transport;
 - construction of underground and ground metro lines as unified complexes, including depot maintenance complexes of buildings; vehicle parks (transport companies with a complex of technical maintenance and repair facilities);
 - installations of long-distance aqueducts and pipelines for water transportation;
 - coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and bottom dredging works;
- 12) other activities:
 - permanent racing and test tracks for motorised vehicles; test benches for engines, turbines and reactors covering 0.5 ha and more;
 - sludge-deposition sites with the area of 0.5 ha and more located 100 m or closer from water protection zones;
 - permanent and temporal storage of scrap iron with the area of 0.5 ha and more located 100 m or closer from water protection zones;
 - servicing stations, which include colouring chamber, washing facilities, and those used for repair and testing of diesel engines and automotive body repair using the methods of chemical treatment of the surface covering the area of 500 m² or more or located within the distance of 100 meters or closer from water protective zones;

- facilities for the production of synthetic mineral fibers, production of extruded polystyrene;
- construction works involving the extraction of sand and gravel, laying cables, pipelines and other communication facilities on the lands belonging to water fund;
- genetic engineering activities, issuance of genetically modified organisms and products produced with their use (in open system);
- introduction of alien flora and fauna species to the environment;
- manufacturing of micro biological products;
- manufacturing, storage, utilization and destruction of armament of all kinds, explosive substances, rocket fuel and other toxic chemicals;

13) tourism and leisure:

- ski runs, ski lifts and cable cars and associated facility complexes with the area of 0.5 ha and more;
- yacht clubs, yacht and boat parking;
- holiday villages and hotel complexes outside urban areas and associated developments covering the area of 0.5 ha and more;
- permanent campsites and caravan sites covering the area of 1 ha;
- golf clubs covering the area of 0.5 ha and more;
- thematic entertainment parks;

14) activities to be carried out in the areas with special environmental or heritage status. Such areas include parks, forests, territories and objects of natural reserve fund;

15) activity that leads to the discharge of pollutants into water and water intake from water bodies when intake of underground water exceeds 300 m³ per day;

16) deep drilling, in particular: geothermal drilling; drilling for the purpose of storing nuclear waste; drilling for the purpose of water supply, except for drilling to study the stability of the soil.

4. The carrying out of the proposed activity referred to in paragraphs 2 and 3 of this Article prior to the environmental impact assessment and the final decision shall be prohibited.

5. The proposed activity which belongs to the first category and is listed in paragraph 2 of this Article shall be made subject to the mandatory consideration as regards the grounds for the transboundary environmental impact assessment thereof. Where such a proposed activity is likely to cause a significant adverse transboundary environmental impact, it shall be made subject to the transboundary environmental impact assessment pursuant to Article 14 of this Law.

6. It shall be prohibited to carry out the economic activity, put into operation objects, intervene in other manner into the environment and landscapes, including mining, where full compliance with all environmental conditions and implementation of measures, envisaged by the environmental impact assessment Decision, the final decision and the projects of construction, expansion, reconstruction, conversion, technical modernization, elimination of objects, as well as in the materials of revision or renewal of conditions for carrying out the activity, which require a decision of a public authority or a permit to carry it out, is not ensured.

Article 4. Transparency of environmental impact assessment

1. The timely, adequate and effective informing of the public shall be ensured in the process of the environmental impact assessment.

2. The Notification on the proposed activity subject to the environmental impact assessment, the Notice on the commencement of public consultations on the environmental impact assessment Report, the environmental impact assessment Decision and the information on the final decision shall be made public by posting thereof on the official Internet website of the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, of the competent central authority, and by publishing thereof in the printed mass media, the territory of dissemination of which covers the administrative-territorial units likely to be affected by the proposed activity, as well as placed on the notice boards of the local self-governance authorities or other public places in the location of the proposed activity or shall be made public by any other means that guarantees the informing of the inhabitants of the relevant administrative-territorial unit or the relevant community, which is affected or likely to be affected by the proposed activity, and of other stakeholders.

3. The competent local authority and the competent central authority shall ensure free of charge public access to all information relevant to the decision-making process (the environmental impact assessment Report and other documentation) as it becomes available, except for the exemptions to access to information established by the law.

4. The environmental impact assessment Report and other documentation requisite for the environmental impact assessment shall be open and provided for examination. Access to the environmental impact assessment Report and other documentation on the proposed activity shall be ensured through placing thereof in accessible points of access to the public in the premises of the competent authority, local self-governance authority of the relevant administrative-territorial unit, affected or likely to be affected by the proposed activity, in the premises of the developer, other public places. The public shall be provided with opportunities to make copies and extracts from the documentation, as well as with opportunities to examine information at its location.

5. In exceptional cases where the documentation on the proposed activity or the environmental impact assessment Report contain confidential information of the developer, such the information upon the reasoned request of the developer shall be detached and the remaining information shall be provided to the public for examination. However, the information on the environmental impact, including quantitative and qualitative indicators of emissions and discharges, physical and biological factors of impact, use of natural resources and waste management shall not be restricted and shall be open.

6. The publication in the printed mass media, placement on the notice boards and ensuring the production of sufficient number of copies for their physical allocation to inform the public shall be ensured by the developer and at his expense. At the time of submitting the environmental impact assessment Report, the developer

shall simultaneously provide the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, with data proving the fact and the date of publication, placement or disclosure via other means of the documents and information referred to in paragraphs 3 and 4 of this Article. The competent authority shall verify and enclose the referred information into the Report on public consultations.

7. The competent central authority shall maintain the Single environmental impact assessment registry. Information included into the Single environmental impact assessment registry shall be open and accessible via Internet. The procedure for maintaining the Single registry shall be established by the Cabinet of Ministers of Ukraine.

Article 5. Notification on the proposed activity subject to the environmental impact assessment, scoping of the assessment and the level of detail of the information

1. The developer shall inform the competent local authority on the intent to carry out the proposed activity and the environmental impact assessment thereof by submitting the written Notification on the proposed activity subject to the environmental impact assessment (on paper and in an electronic form) in the location of such activity.

2. The Notification on the proposed activity subject to the environmental impact assessment shall include information on the following:

- 1) the developer;
- 2) the proposed activity, characteristics thereof, technical alternatives;
- 3) the location of the proposed activity, territorial alternatives;
- 4) socio-economic impact of the proposed activity;
- 5) main technical characteristics, including features of the proposed activity (capacity, length, size, output, etc.);
- 6) environmental and other restrictions applicable to the proposed activity by alternatives;
- 7) required environmental and engineering preparations and the protection of the territory by alternatives;
- 8) area, sources and types of possible impact on the environment;
- 9) belonging of the proposed activity to the first or the second category of types of activity and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment;
- 10) presence of grounds for the transboundary environmental impact assessment;
- 11) envisioned scope of assessment and the level of detail of the information to be included in the environmental impact assessment Report;
- 12) contemplated environmental impact assessment procedure and opportunities for public participation therein;
- 13) public consultations on the Notification on the proposed activity subject to the environmental impact assessment (scope of assessment and the

level of detail of the information to be included in the environmental impact assessment Report) and the procedure thereof;

14) the nature of the final decision;

15) the public authority competent to take the final decision;

16) name and address of the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, of the competent central authority, to which the Notification on the proposed activity subject to the environmental impact assessment shall be submitted and to which public comments and suggestions regarding the proposed activity, scope of assessment and the level of detail of the information to be included in the environmental impact assessment Report, can be submitted.

3. The competent local authority within 5 working days shall forward the Notification on the proposed activity subject to the environmental impact assessment to the competent central authority and simultaneously inform the developer thereof in cases where the proposed activity:

– is likely to cause a significant transboundary impact; or

– is likely to cause impact on the environment of two and more regions (the Autonomous Republic of the Crimea); or

– will be financed with foreign loans under state guarantees.

4. The developer may independently submit the notification on any proposed activity subject to the environmental impact assessment directly to the competent central authority with a view to obtain the environmental impact assessment Decision. In such a case the competent central authority within 5 working days shall forward a copy of the Notification on the proposed activity subject to the environmental impact assessment to the competent local authority in the location of the activity with a view to receive comments and suggestions thereof to the proposed activity, the scope of assessment and the level of detail of the information to be included into the environmental impact assessment Report.

5. The Notification on the proposed activity subject to the environmental impact assessment shall be made public pursuant to the procedure and means established by Article 4 of this Law within 5 working days of the receipt thereof.

6. The Notification on the proposed activity subject to the environmental impact assessment shall be added by the competent local authority and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, by the competent central authority to the Single environmental impact assessment registry.

7. Within 10 working days of the official disclosure of the Notification on the proposed activity subject to the environmental impact assessment, the public may forward to the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, to the competent central authority, its comments and suggestions to the proposed activity, the scope of assessment and the level of detail of the information to be included into the environmental impact assessment Report. Where comments and suggestions from the public have been received the relevant competent authority shall within 5 working days of the receipt inform the developer thereof.

8. Upon the request of the developer the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, shall provide conditions on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment Report. In such a case the conditions on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment Report shall be binding for the developer in the preparation of the environmental impact assessment Report.

9. In cases referred to in paragraph 3 of this Article the request of the developer to provide conditions on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment Report, shall be submitted and made public simultaneously with the Notification on the proposed activity subject to the environmental impact assessment. The competent authority shall provide conditions within 20 working days of the date of official disclosure of the Notification on the proposed activity subject to the environmental impact assessment.

10. During the preparation of the environmental impact assessment Report the developer shall take into account comments and suggestions from the public received through the public consultations on the Notification on the proposed activity subject to the environmental impact assessment (the scope of assessment and the level of detail of the information to be included in the environmental impact assessment Report).

Article 6. Environmental impact assessment Report

1. The developer shall ensure the preparation of the environmental impact assessment Report and shall be responsible for the information provided in the environmental impact assessment Report pursuant to this Law.

2. The environmental impact assessment Report shall include:

- 1) a description of the proposed activity including in particular:
 - a) a description of the location of the proposed activity;
 - b) objectives of the proposed activity;
 - c) a description of the physical characteristics of the activity during the erection of dwellings needed for the activity (construction) and the operational phases, including, where relevant, requisite demolition works, and land-use requirements (restrictions) during the construction and operational phases;
 - d) a description of the main characteristics of the operational phase of the proposed activity (in particular any production process), for instance, nature and quantity of the materials and natural resources (water, land, soil and biodiversity) to be used;
 - e) an estimate, by type and quantity, of expected waste and emissions (discharges) (water, air, soil pollution, noise, vibration, light, heat, radiation), produced during the construction and operational phases;
- 2) a description of the reasonable alternatives (for example, in terms of geographical and (or) technological features) relevant to the proposed

activity, and an indication of the main reasons for selecting the chosen option, taking into account environmental effects;

3) a description of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the proposed activity as far as natural changes from the baseline scenario can be assessed on the basis of the availability of environmental information and scientific knowledge;

4) a description of the factors of environment likely to be significantly affected by the proposed activity and its alternatives, including, inter alia, human health, fauna, flora, biodiversity, land (including the withdrawal of lands), soil, water, air, climate factors (including climate change and greenhouse gas emissions), material assets, including architectural, archaeological and cultural heritage, landscape, socio-economic conditions and the interaction among these factors;

5) a description of the likely significant effects of the proposed activity (including the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects) on the environment resulting from:

a) the erection of dwellings needed for the activity (via construction) and carrying out of this activity, including, where relevant, requisite demolition works after the completion of activity;

b) the use in the operational phase of natural resources, in particular land, soil, water and biodiversity;

c) the emission and discharge of pollutants, the creation of nuisances, and carrying out of waste management operations;

d) the risks to human health, cultural heritage or the environment (including due to accidents or disasters);

e) the cumulation of effects with other existing and approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

f) the impact of the proposed activity on climate (including the nature and magnitude of greenhouse gas emissions) and the vulnerability of the proposed activity to climate change;

g) the technologies and the substances used.

6) a description of the forecasting methods, used to assess the effects on the environment, referred to in point 5, and the assumptions underlying such forecasting, as well as the data on the state of the environment used;

7) a description of the measures envisaged to avoid, prevent, reduce, offset any significant adverse effects on the environment, including, if possible, the compensatory measures;

8) a description of the expected significant adverse effects of the activity on the environment deriving from the vulnerability of the project to risks of major accidents or disasters, measures to prevent or mitigate the effects

of such events on the environment and the response measures to such emergencies;

9) identification of any difficulties (lack of sufficient technical means, technical deficiencies or lack of knowledge) encountered in the process of preparation of the environmental impact assessment Report;

10) any comments and suggestions, received by the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, by the competent central authority, as the result of making public by them of the Notification on the proposed activity, and the table showing information on accepted or reasonably rejected comments and suggestions received through the public consultations;

11) an outline of the monitoring and management programmes, as well as, where appropriate, the post-project monitoring plans;

12) a non-technical summary of the information provided under points 1-11, intended for a wide audience;

13) a reference list detailing the sources used for the descriptions and assessments included in the Report.

3. The developer shall submit the environmental impact assessment Report in a written form (on paper and in an electronic form) and the other supplementary information requisite for consideration thereof, to the competent local authority in the location of the proposed activity, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, to the competent central authority.

4. Public access to the environmental impact assessment Report shall be ensured pursuant to Article 4 of this Law.

5. Within 5 working days of the receipt thereof the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, shall add the environmental impact assessment Report to the Single environmental impact assessment registry.

6. Where, at any stage of consideration of the environmental impact assessment Report the competent local authority ascertains that the proposed activity is likely to cause impact on the environment of two and more regions (the Autonomous Republic of the Crimea), it shall without delay and no later than 3 working days forward the documentation to the competent central authority with a view to carry out public consultations and take a Decision pursuant to this Law, and shall simultaneously inform the developer thereof.

7. Where, at any stage of consideration of the environmental impact assessment Report the competent local authority or the competent central authority ascertains that the proposed activity is likely to cause a significant transboundary impact, the competent local authority shall without delay and no later than 3 working days forward the documentation to the competent central authority, and the competent central authority shall carry out the environmental impact assessment according to the procedure established by this Law for the proposed activity likely to cause a significant transboundary impact, and shall simultaneously inform the developer thereof.

8. The environmental impact assessment Report shall be kept in the Single environmental impact assessment registry during the time of implementation of the relevant economic activity, but not less than 3 years after the final decision.

Article 7. Public consultations

1. Public consultations in the process of the environmental impact assessment shall be carried out with a view to identify, collect and take into account comments and suggestions from the public to the proposed activity.

2. The public shall have the right to submit any comments or suggestions it considers relevant to the proposed activity, without the need to substantiate them. Comments and suggestions may be submitted in writing (including in an electronic form) and orally through the public hearing to be recorded in the protocol thereof. Written comments and suggestions shall be submitted during the public consultations within the time frames established by paragraph 2 of Article 7 and paragraph 6 of this Article.

3. The competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, shall ensure the public consultations in the process of environmental impact assessment.

4. Public consultations on the Notification on the proposed activity subject to the environmental impact assessment shall be carried out pursuant to Article 5 of this Law.

5. Public consultations on the proposed activity after the submission of the environmental impact assessment Report shall be carried out in the form of public hearings and submission of comments and suggestions in a written form (including in an electronic form).

6. The public consultations on the proposed activity after the submission of the environmental impact assessment Report shall commence on the date of disclosure of the Notice on the commencement of public consultations on the environmental impact assessment Report and provision of public access to the environmental impact assessment Report for examination pursuant to Article 4, and shall not be shorter than 45 working days. If comments and suggestion have not been submitted within the referred time frame it shall be considered that comments and suggestions are absent.

7. The competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, shall ensure the preparation of the Report on public consultations. The data on the disclosure of information pursuant to Article 4 of this Law and the proof of such disclosure, the list of materials provided to the public for examination, protocols of public hearings, all written comments and suggestions received from the public, as well as the table showing information on accepted or reasonably rejected comments and suggestions received through the public consultations, shall form the essential part of the Report on public consultations. The Report on public consultations shall be added to the Single environmental impact assessment registry not later than it is established by paragraph 7 of Article 11 of this Law. The requirements to the content and format of

the Report on public consultations shall be established by the competent central authority.

8. The developer shall bear the costs related to the public consultations.

9. The procedure for public consultations in the process of the environmental impact assessment shall be established by the Cabinet of Ministers of Ukraine.

Article 8. Notice on the commencement of public consultations on the environmental impact assessment Report

1. Within 5 working days of the receipt of the environmental impact assessment Report and at the expense of the developer, the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall disclose the Notice on the commencement of public consultations. The Notice on the commencement of public consultations shall be made public by means and according to the procedure established by Article 4 of this Law.

2. The Notice on the commencement of public consultations shall contain the following information on:

- 1) the proposed activity (outline);
- 2) the developer;
- 3) the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, ensuring the public consultations;
- 4) the procedure for taking the final decision and the authority in charge of examination of the environmental impact assessment findings;
- 5) the time frames and procedure for public consultations on the environmental impact assessment Report, including the information on the time and venue of any envisaged public hearing;
- 6) the public authority ensuring access to the environmental impact assessment Report and other accessible information on the proposed activity;
- 7) the authority to which questions, comments and suggestions can be submitted, and the time frames for the submission of questions, comments and suggestions;
- 8) the available environmental information relevant to the proposed activity;
- 9) the place(s) at which the environmental impact assessment Report and other relevant information is located with a view to ensure opportunities for the public to examine them, as well as the time at which the public can examine them;
- 10) the publication and accessibility of the environmental impact assessment Report in an electronic form at the Single environmental impact assessment registry.

3. The Notice on the commencement of public consultations on the environmental impact assessment Report shall be posted during the entire period,

from the date of its disclosure until the consultation time frames are completed, at the official Internet website of the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, of the competent central authority, on the notice boards of the local self-governance authorities or in other public places in the location of the proposed activity.

Article 9. Environmental impact assessment Decision

1. In the result of the environmental impact assessment the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall grant the environmental impact assessment Decision establishing the admissibility of the proposed activity and determining environmental conditions for carrying out thereof.

2. The environmental impact assessment Decision shall be binding for implementation. Environmental conditions for carrying out of the activity shall be binding, stipulated in the final decision and shall form the essential part thereof. The environmental impact assessment Decision establishing the inadmissibility of the proposed activity shall form the grounds for refusal of the final decision.

3. In taking the environmental impact assessment Decision the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall take into account the following:

- 1) the environmental impact assessment Report;
- 2) the results of public consultations according to the Report on public consultations;
- 3) the results of the transboundary environmental impact assessment, where conducted.

4. In the environmental impact assessment Decision the competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall determine:

- 1) type, main features and location of the proposed activity;
- 2) conditions for the use of the territory and natural resources in carrying out of the proposed activity, construction and exploitation of the objects of the proposed activity;
- 3) conditions for environmental protection and ensuring environmental safety in carrying out of the proposed activity, construction and exploitation of the objects of the proposed activity;
- 4) conditions for the prevention of accidents and mitigation of consequences thereof;
- 5) conditions for the reduction of the transboundary impact of the proposed activity, which underwent the transboundary environmental impact assessment;
- 6) where the environmental impact assessment shows the need for:
 - a) compensatory measures – shall impose an obligation to implement those measures;

b) prevention, avoiding, reduction (mitigation), offset, control, as well as monitoring of the impact of the proposed activity on the environment – shall impose an obligation to undertake relevant action;

c) carrying out of additional environmental impact assessment at the other stage of the project – shall determine the time frames and substantiate requirements for such an assessment. The additional environmental impact assessment shall be carried out according to the procedure established by this Law;

d) carrying out of the post-project monitoring – shall determine the time frames and requirements thereto;

7) where determined shall provide grounds for inadmissibility of the proposed activity;

8) where the environmental impact assessment shows that the environmentally justified alternative is different from the one proposed by the developer, with the consent of the developer shall indicate in the Decision the agreed alternative of carrying out the proposed activity, and in the absence of agreement – shall grant a negative Decision.

5. The descriptive part of the environmental impact assessment Decision shall contain the information on the following:

- the conducted environmental impact assessment procedure;
- taking into account of the environmental impact assessment Report;
- the method of taking into account of comments and suggestions obtained through the public consultations.

6. The environmental impact assessment Decision shall be granted to the developer free of charge no later than 45 days after the completion of the public consultations, and where the transboundary environmental impact assessment is conducted, – after the date of completion thereof and approval of the Decision on taking into account of the outcome of the transboundary environmental impact assessment. The environmental impact assessment Decision shall be supplemented by the Report on public consultations.

7. The competent local authority, and in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, within 5 working days of the adoption thereof shall make the environmental impact assessment Decision public by means and according to the procedure established by Article 4 of this Law, and shall add it to the Single environmental impact assessment registry.

8. The environmental impact assessment Decision shall be invalid after 3 years where the final decision has not been taken. Where before the final decision is taken the project documentation has been amended or the new legal requirements have been enacted, requiring amendments to environmental conditions, determined in the environmental impact assessment Decision, the environmental impact assessment shall be re-conducted.

9. The environmental impact assessment Decision and other results of the environmental impact assessment may be used within 2 years of the final decision for obtaining other permits if the latter do not establish (approve) significant alterations

to the activity, including the revision or renewal of conditions for carrying out the activity.

10. The procedure for submitting documentation for the environmental impact assessment Decision and the procedure for financing the environmental impact assessment shall be established by the Cabinet of Ministers of Ukraine.

Article 10. Expert commissions on environmental impact assessment

1. In order to exercise its powers referred to in Articles 5, 9 and 14 of this Law the competent central authority and the competent local authority may establish expert commissions on environmental impact assessment, which shall be designated for the period of 3 years. The competent central authority shall maintain the roster of experts from which the members of the expert commissions can be selected.

2. The regulation on the expert commission on environmental impact assessment, qualification requirements for experts and the procedure for maintaining the roster of experts on environmental impact assessment shall be approved by the competent central authority.

Article 11. Taking into account of the results of environmental impact assessment in the final decision

1. The results of the environmental impact assessment shall be submitted by the developer to obtain the final decision according to the procedure established by the legislation for relevant decisions. The results of the environmental impact assessment shall include:

- 1) the environmental impact assessment Report;
- 2) the Report on public consultations;
- 3) the environmental impact assessment Decision.

2. Public authorities in taking the final decision shall be obliged to ensure the taking into account of findings of the environmental impact assessment Decision concerning the admissibility of the proposed activity and inclusion into the decision of environmental conditions thereof, and well as to take due account of the information stated in the environmental impact assessment Report and the results of the public consultations pursuant to the Report on public consultations.

3. The final decision shall contain reasoning as regards the taking into account of the results of environmental impact assessment.

4. Where after the environmental impact assessment Decision no other decisions (permits) are required for the proposed activity to commence, the environmental impact assessment Decision shall be considered the final decision.

5. Public authorities shall make the information on the final decision public and shall ensure opportunities for the public to examine the final decision.

6. Public authorities shall within 5 working days of taking the final decision inform thereof the competent authorities which have granted the environmental impact assessment Decision. Information on the final decision shall be added by them to the Single environmental impact assessment registry.

Article 12. Challenging decisions, acts and omissions in the process of environmental impact assessment

1. The final decision, the environmental impact assessment Decision, other decisions, acts or omissions of public authorities in the process of the environmental impact assessment may be challenged by any natural or legal person through a judicial procedure on the grounds of violation of the material law provisions and (or) the procedure for carrying it out established by the law, in particular on the grounds of non-consideration or improper taking into account of the results of public participation.

2. Infringement of the environmental impact assessment procedure, non-consideration or improper taking into account of the results of public participation shall form the grounds for cancellation of the environmental impact assessment Decision and the final decision.

Article 13. Post-project monitoring

1. Where envisaged by the environmental impact assessment Decision, the developer shall ensure the post-project monitoring with a view to identify any discrepancies and deviations of predicted levels of exposure and efficiency of measures aimed at preventing and mitigating environment pollution. The procedure, time frames and requirements for the post-project monitoring and taking the results thereof into account shall be established in the environmental impact assessment Decision.

2. If the economic activity that underwent the environmental impact assessment turns out to cause adverse impact on the public health or environment and such impact was disregarded in the environmental impact assessment and/or changed materially the environmental impact score of the economic activity in question, the final decision in relation to such an activity shall be repealed by the court decision and the activity – terminated.

3. In case referred to in paragraph 2 of this Article, where applying for the new final decision, the environmental impact assessment shall be re-conducted pursuant to Articles 1-10, 14 of this Law taking into account the revealed information.

Article 14. Transboundary environmental impact assessment

1. The proposed activity likely to cause a significant adverse transboundary environmental impact shall be made subject to the transboundary environmental impact assessment pursuant to the valid international treaties of Ukraine before the final decision on such an activity is taken.

2. The transboundary environmental impact assessment shall be carried out on the decision of the competent central authority. In considering and determining the likely significant adverse transboundary environmental impact, the scope, location as well as the likely effects of the proposed activity shall be taken into account. The decision to carry out the transboundary environmental impact assessment shall be made on the basis of any information on the proposed activity which is available to the competent central authority, or on the request of a foreign state.

3. Depending on the location of the proposed activity the transboundary environmental impact assessment shall be carried out pursuant to:

a) the state of origin procedure – with respect to the proposed activity to be carried out in Ukraine;

b) the affected state procedure – with respect to the proposed activity to be carried out on the territory of a foreign state.

4. In case of the transboundary environmental impact assessment pursuant to the state of origin procedure the competent central authority within 3 working days of taking the relevant decision shall officially notify the states whose environment is likely to be adversely affected by the proposed activity.

5. The notification shall include information on the proposed activity, including any available information on its possible transboundary impact, possible decision and the procedure for the transboundary environmental impact assessment of the proposed activity. The notification shall indicate time within which the affected state shall respond as regards its participation in the transboundary environmental impact assessment, which shall be no less than 30 days. This time frame shall be calculated from the date of receipt of the notification by the affected state.

6. The competent central authority shall terminate the procedure of transboundary environmental impact assessment if all affected states refuse to participate in this assessment or fail to respond within the specified time.

7. In case of the transboundary environmental impact assessment pursuant to the state of origin procedure the conditions for the scope of assessment and the level of detail of the information to be included into the environmental impact assessment Report shall be coordinated with the competent central authority. In this case the environmental impact assessment Report shall include the transboundary impact assessment (chapter on the transboundary impact assessment), and the Report on public consultations – a chapter on public consultations with the public of other states. The environmental impact assessment Report shall be supplemented with the protocols (letters) resulting from consultations with the state (or states) concerned.

8. The developer shall ensure the preparation and translation into foreign language(s) of the draft notification of the affected states, the environmental impact assessment Report and other documentation which shall be determined in each case by the competent central authority.

9. The competent central authority shall enter into consultations with the affected state(s), as well as jointly with the states concerned ensure public consultations with the public of these states on the proposed activity and the environmental impact assessment Report.

10. The Decision on taking into account of the outcome of the transboundary environmental impacts assessment shall be approved by the Interagency Coordination Council on the Implementation in Ukraine of the Convention on Environmental Impact Assessment in a Transboundary Context, the composition and functioning of which shall be determined by the Cabinet of Ministers of Ukraine, and shall be binding for implementation on the territory of Ukraine. The Decision on taking into account of the outcome of the transboundary environmental impacts assessment, after the approval by the Interagency Coordination Council on the Implementation in

Ukraine of the Convention on Environmental Impact Assessment in a Transboundary Context, shall be adopted by the competent central authority and shall form an essential part of the environmental impact assessment Decision.

11. The Decision on taking into account of the outcome of the transboundary environmental impacts assessment shall be added by the competent central authority to the Single environmental impact assessment registry according to the procedure established by paragraph 7 of Article 9 of this Law.

12. The competent central authority shall inform all the states concerned of the final decision on the proposed activity, which underwent the transboundary environmental impact assessment, and shall publish the information on it on its official website in the Internet.

13. The participation of Ukraine in the affected state procedure as regards the proposed activity shall be ensured by the competent central authority and shall include:

- 1) the request to the foreign state regarding the need to carry out the transboundary environmental impact assessment;
- 2) response to the notification indicating the intention (disinterestedness) to participate in the transboundary environmental impact assessment;
- 3) participation in the consultations between the state of origin and the affected state(s) on the provided materials of the transboundary environmental impact assessment;
- 4) joint arrangements with the states concerned for public participation;
- 5) other acts and measures.

14. The competent central authority shall disclose its decision to carry out the transboundary environmental impact assessment pursuant to the affected state procedure, shall facilitate public consultations on the materials of the transboundary environmental impact assessment and taking them into account, as well as inform the public on the final decision taken by the state of origin.

15. Temporary or permanent joint bodies with other states may be established with a view to improve the management of the transboundary environmental impact assessment. The status and the procedures of such bodies shall be determined by the relevant bilateral or multilateral agreements.

Article 15. Responsibility for the infringement of legislation on environmental impact assessment

1. The infringements in the sphere of environmental impact assessment shall be the following:

- 1) deliberate provision of false or incomplete information on the environmental impact of the proposed activity;
- 2) violation of the established by the legislation procedure of environmental impact assessment, including the procedure for informing the public and the procedure for public consultations and taking into account the results thereof;
- 3) failure to take into account according to the established procedure the results of the environmental impact assessment in a final decision;

4) preparation of the knowingly false environmental impact assessment Report or knowingly false environmental impact assessment Decision;

5) illegal interference of anyone in the preparation and granting of the environmental impact assessment Decision;

6) carrying out of the proposed activity likely to cause impact on the environment and subject to the environmental impact assessment, without such an assessment and a positive final decision;

7) failure to comply, when carrying out the economic activity, putting into operation of objects, intervening in other manner into the environment and landscapes, including mining, with environmental conditions and measures envisaged by the environmental impact assessment Decision, the final decision and the projects of construction, expansion, reconstruction, conversion, technical modernization, elimination of objects, or in the materials of revision or renewal of conditions for carrying out the activity, which require a decision of a public authority or a permit to carry it out. The legislation of Ukraine may establish responsibility for other infringements in the field of environmental impact assessment.

2. Persons violating legislation on environmental impact assessment shall be brought respectively to the disciplinary, administrative, civil or criminal liability.

Article 16. Restrictions, temporary ban (suspension) and termination of activities of enterprises in the case of infringement of the legislation on environmental impact assessment

1. The activity of business entities regardless of ownership in violation of the legislation on environmental impact assessment may be:

1) restricted – reduced emissions and discharges of pollutants and waste disposal as a whole or for individual units (sections) and pieces of equipment shall be imposed for a certain period (until the compliance with established environmental conditions or specified measures is achieved);

2) temporarily banned (suspended) – until the compliance with established environmental conditions or specified measures is achieved the operation of the enterprise or its individual units (sections) or pieces of equipment shall be suspended;

3) terminated – the operation of the enterprise or its individual units (sections) and pieces of equipment shall be completely ceased.

During the temporary ban (suspension) or termination of operations of enterprises all emissions and discharges of pollutants and disposal of waste of enterprises as a whole or their individual units (sections) and pieces of equipment shall be prohibited.

2. The operation of enterprises shall be restricted or temporarily banned (suspended) according to the procedure established by the Cabinet of Ministers of Ukraine, in case of infringements of the legislation on environmental impact assessment, such as:

1) carrying out of the proposed activity likely to cause impact on the environment and subject to the environmental impact assessment, without such an assessment and a positive final decision – until such an assessment is conducted and the positive final decision is granted;

2) failure to comply, when carrying out the economic activity, putting into operation of objects, intervening in other manner into the environment and landscapes, including mining, with environmental conditions and measures envisaged by the environmental impact assessment Decision, the final decision and the projects of construction, expansion, reconstruction, conversion, technical modernization, elimination of objects, or in the materials of revision or renewal of conditions for carrying out the activity, which require a decision of a public authority or a permit to carry it out – until the compliance with such environmental conditions and the implementation of measures is ensured.

3. Systematic infringements in the sphere environmental impact assessment, which cannot be removed for technical, economic or other reasons shall form the basis for the termination of the operation of an enterprise or its individual units (sections) and pieces of equipment.

4. The decision to restrict and put a temporary ban (suspend) the operation of an enterprise for infringements of the legislation on environmental impact assessment shall be taken within its competence by the central state executive authority implementing the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources or its local authorities.

5. The decision to terminate the activities of enterprises in violation of the legislation on environmental impact assessment shall be made exclusively by the court on the motion (claim) by the central state executive authority implementing the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources or its local authorities or on the motion (claim) by other persons whose rights and interests have been violated.

Article 17. Final and transitional provisions

1. This Law shall enter into force on the day following the date of its publication and shall take effect in six months after the day of its entry into force.

2. Until reconciled with this Law the legal acts shall be applied in part which is not in conflict with this Law.

3. Repeal the Law of Ukraine “On ecological expertise” (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 8, art. 54; 2000, № 27, art. 213; 2003, № 4, art. 31; 2007, № 34, art. 444; 2009, № 30, art. 428; 2011, № 34, art. 343; 2012, № 2-3, art. 3; 2013, № 46, art. 640).

4. Amend the following legislative acts of Ukraine:

1) in the List of Authorization Documents in the Area of Economic Activity, approved by the Law of Ukraine “On the List of Authorization Documents in the Area of Economic Activity” (Vidomosti of the Verkhovna Rada of Ukraine, 2011, № 8, art. 532; 2012, № 17, art. 155; 2012, № 23, art. 238; 2013, № 2, art. 4; 2013, № 2, art. 10; 2013, № 8, art. 75; 2013, № 14, art. 92; 2013, № 15, art. 104; 2013, № 15, art. 105; 2013, № 15, art. 116; 2013, № 41, art. 550);

replace the words “Conclusion of the state ecological expertise” with the words “environmental impact assessment Decision” and the words “Law of Ukraine

“On ecological expertise”” with the words “Law of Ukraine “On environmental impact assessment”” in point 4.

2) In the Law of Ukraine “On environmental protection” (Vidomosti of the Verkhovna Rada of Ukraine, 1991, № 41, art. 546; 2000, № 5, art. 34; 2001, № 48, art. 252; 2003, № 4, art. 31; 2009, № 30, art. 428; 2011, № 23, art. 160; 2013, № 46, art. 640):

point «є» of paragraph one of Article 3 formulate as follows: “binding character of the environmental impact assessment”;

point «е» of paragraph one of Article 9 formulate as follows: “participation in public consultations on the impact of the proposed activity on the environment”;

delete point «ж» of paragraph one of Article 15;

replace the words “ecological expertise” with the words “environmental impact assessment” in paragraph one of Article 16;

replace the words “ecological expertise” with the words “environmental impact assessment” in point «з» of paragraph one of Article 18;

delete point «и» of paragraph one of Article 20;

add point «п» to paragraph one of Article 20 as follows: “coordination and ensuring the environmental impact assessment and granting the environmental impact assessment Decision”;

delete the words “and imposed on it by the acts of the President” in paragraph 2 of Article 20;

point «б» of paragraph one of Article 20-1 formulate as follows: “implement powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment”;

add the words “on the environmental impact assessment;” after the words “on environmental and radiation safety;” in point «а» of paragraph one of Article 20-2;

add the words “legislation on environmental impact assessment;” after the words “environmental legislation” in point «б» of paragraph one of Article 20-2;

point «г» of paragraph one of Article 20-3 formulate as follows: “implementation of powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment”;

point «г» of Article 20-4 formulate as follows: “implementation of powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment”;

delete point «г» of paragraph one of Article 21;

delete Chapter VI;

replace the words “Conclusion of the state ecological expertise” with the words “environmental impact assessment Decision” in paragraph four of Article 52;

point «б» of paragraph two of Article 68 formulate as follows: “infringement of the legislation of Ukraine when carrying out the environmental impact assessment, including the submission of the knowingly false environmental impact assessment Report or knowingly false environmental impact assessment Decision”;

point «г» of paragraph two of Article 68 formulate as follows: “failure to take into account according to the established procedure the results of the environmental

impact assessment and the failure to implement the environmental conditions determined in the environmental impact assessment Decision”.

3) In the Law of Ukraine “On the regulation of urban planning activity” (Vidomosti of the Verkhovna Rada of Ukraine, 2011, № 34, art. 343; 2014, № 1, art. 4):

indent three of paragraph one of Article 31 formulate as follows:

“The project documentation for the construction of objects subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment” shall be supplemented by the results of the environmental impact assessment.”

add the words after indent 3) in paragraph 4 of Article 31 as follows:

“4) shall be made subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment”;

add the words “or subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment”” after the words “belonging to the complexity category IV and V” in indent 3) of paragraph one of Article 34;

add the words “or subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment”” after the words “belonging to the complexity category IV and V” in paragraph one of Article 37;

add the words in indent two of paragraph four of Article 37 as follows:

«4) results of the environmental impact assessment».

4) In the Law of Ukraine “On the use of nuclear energy and radiation safety” (Vidomosti of the Verkhovna Rada of Ukraine, 1995, N 12, art. 81):

replace the words “ecological expertise” with the words “environmental impact assessment” in indent two of paragraph one of Article 20;

replace the words “on humans and surrounding natural environment” with the word “environment” in indent two of paragraph four of Article 37;

add the words “environmental impact assessment,” after the words “The decision shall be made on the basis” in paragraph five of Article 37;

add the words “environmental impact assessment,” after the words “subject to” in paragraph one of Article 40;

add the words “environmental impact assessment,” after the words “taking into account” in paragraph two of Article 40;

add the words “and the environmental impact assessment Decision” after the words “Conclusions of state expertises” and replace the words “conclusions of ecological expertise” with the words “the environmental impact assessment Decision” in paragraph seven of Article 40;

add the words “environmental impact assessment” after the words “carrying out” and delete the words “including the ecological” in Article 83.

5) In the Law of Ukraine “On decision-making procedure regarding the placement, projecting, construction of nuclear installations and objects of the all-state

importance for the radioactive waste management” (Vidomosti of the Verkhovna Rada of Ukraine, 2005, № 51, art. 555; 2013, № 14, art. 90):

indent two of paragraph one of Article 5 formulate as follows: “results of the environmental impact assessment;”.

6) In the Law of Ukraine “On radioactive waste management” (Vidomosti of the Verkhovna Rada of Ukraine, 1995, N 27, art. 198):

replace the words “ecological expertise” with the words “environmental impact assessment” in indent two of paragraph one of Article 8;

replace the words “conclusions of the state ecological expertise” with the words “results of the environmental impact assessment” in indent two of paragraph three of Article 22;

paragraph four of Article 22 formulate as follows:

“Results of the environmental impact assessment and conclusions of the expertises shall be made accessible for the public.”;

add the words “environmental impact assessment Decision and” after the words “In case of a positive” in paragraph three of Article 24;

add the words “the environmental impact assessment and” after the words “infringement of the legislative requirements on” in indent five of paragraph one of Article 29.

7) In the Law of Ukraine “On the state system of biosafety when creating, testing, transporting and using the genetically modified organisms” (Vidomosti of the Verkhovna Rada of Ukraine, 2007, № 35, art. 484; 2010, № 9, art. 90; 2013, № 46, art. 640):

replace the words “carry out the state ecological expertise” with the words “ensure the environmental impact assessment” in subpoint two of paragraph one of Article 9;

add the words “without the environmental impact assessment and” after the words “The deliberate release of GMOs shall be prohibited” in paragraph three of Article 13.

8) In the Law of Ukraine “On wastes” (Vidomosti of the Verkhovna Rada of Ukraine, 1998, № 36-37, art. 242; 2002, № 31, art. 214; 2010, № 10, art. 107; 2011, № 23, art. 160; 2013, № 31, art. 361, № 40, art. 537, art. 539, № 46, art. 640):

subpoint «a» of paragraph two of Article 20 formulate as follows:

“ensuring the environmental impact assessment and the environmental impact assessment Decision for the scientific-research and technological developments and the project documentation for the construction and reconstruction of enterprises, installations, landfills, complexes, dwellings, other specially assigned sites or objects pursuant to the legislation on the environmental impact assessment;”;

subpoint «a» of paragraph one of Article 21-1 formulate as follows:

“ensuring the environmental impact assessment and the environmental impact assessment Decision for the scientific-research and technological developments and the project documentation for the construction and reconstruction of enterprises, installations, landfills, complexes, dwellings, other specially assigned sites or objects pursuant to the legislation on the environmental impact assessment;”;

subpoint «B» of paragraph one of Article 23 formulate as follows:

“ensuring the environmental impact assessment and the environmental impact assessment Decision for the scientific-research and technological developments and the project documentation for the construction and reconstruction of enterprises, installations, landfills, complexes, dwellings, other specially assigned sites or objects pursuant to the legislation on the environmental impact assessment;”;

add Article 7-1 to the Law as follows:

“Article 7-1. Environmental impact assessment

The granting of permits referred to in this Law for types of activity and objects subject to the environmental impact assessment shall be carried out taking into account the results of the environmental impact assessment of such an activity pursuant to the Law of Ukraine “On environmental impact assessment”.

9) In the Forest Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2006, № 21, art. 170):

replace the words “ecological expertise” with the words “environmental impact assessment” in point 9 of paragraph one of Article 29;

replace the words “ecological expertise” with the words “environmental impact assessment” in point 3 of Article 29;

add point five to paragraph eight of Article 69 as follows: “results of the environmental impact assessment”.

10) In the Code of Ukraine on Bowels (Vidomosti of the Verkhovna Rada of Ukraine, 1994, № 36, art. 340):

add Article 15-1 as follows:

“Article 15-1. Environmental impact assessment

Where the use of bowels is related to the activity determined by the Law of Ukraine “On environmental impact assessment” the renting thereof shall be carried out taking into account the results of the environmental impact assessment”;

replace the word “ecological” with the words “environmental impact assessment” in paragraph three of Article 48.

11) In the Law of Ukraine “On oil and gas” (Vidomosti of the Verkhovna Rada of Ukraine, 1994, № 36, art. 340):

add subpoint eight to paragraph one of Article 12 as follows: “taking into account of the results of environmental impact assessment”;

add paragraph three to Article 14 as follows: “The granting of special permits to use oil- and gas-bearing bowels shall be carried out taking into account the results of environmental impact assessment.”;

add the words “environmental impact assessment and” after the words “pursuant to the established procedure” in paragraph two of Article 41;

replace the words “ecological expertise” with the words “environmental impact assessment” in paragraph two of Article 45.

12) In the Law of Ukraine “On production sharing agreements” (Vidomosti of the Verkhovna Rada of Ukraine, 1999, № 44, art. 391):

add the words “environmental impact assessment and” after the words “subject to” and delete the words “nature protection” in paragraph two of Article 11.

13) In the Law of Ukraine “On pipeline transportation” (Vidomosti of the Verkhovna Rada of Ukraine, 1996, N 29, art. 139):

replace the words “Ecological expertise” and “mandatory state ecological expertise” with the words “environmental impact assessment” in Article 15.

14) In the Water Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 24, art. 189):

delete point 4 of Article 11;

point 4 of paragraph one of Article 15-1 formulate as follows:

“implementation of powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment”;

replace the words “Ecological expertise” with the words “Environmental impact assessment” in the title of Article 22 and the words “state, public and other ecological expertise” with the words “environmental impact assessment” in Article 22.

15) In the Law of Ukraine “On ambient air protection” (Vidomosti of the Verkhovna Rada of Ukraine, 1992, N 50, art. 678):

replace the words “state ecological” with the words “environmental impact assessment” in Article 25.

16) In the Law of Ukraine “On fauna” (Vidomosti of the Verkhovna Rada of Ukraine, 2002, N 14, art. 97):

replace the words “conclusions of ecological expertise on” with the words “results of the environmental impact assessment” in indent nine of paragraph one of Article 9;

replace the words “carrying out of ecological expertise of impact of objects of expertise” with the words “carrying out of the environmental impact assessment” in the title of Article 41 and the words “conducting ecological expertise of the functioning objects” with the words “carrying out the environmental impact assessment” in Article 41;

replace the words “positive conclusions of the state ecological expertise” with the words “positive environmental impact assessment Decision” in Article 51;

replace the words “requirements of the state ecological expertise” with the words “environmental conditions established in the environmental impact assessment Decision” in indent six of paragraph two of Article 63.

17) In the Law of Ukraine “On flora” (Vidomosti of the Verkhovna Rada of Ukraine, 1999, N 22-23, art. 198)

replace the words “conducting of ecological expertise” with the words “carrying out the environmental impact assessment” in point three of paragraph one of Article 26;

add the words “and environmental impact assessment” after the word “expertise” in the title of Article 28, delete the word “ecological” in the title and the text of Article 28, replace the word “calculations,” with the words “in carrying out the environmental impact assessment” in Article 28.

18) In the Law of Ukraine “On the Red Book of Ukraine” (Vidomosti of the Verkhovna Rada of Ukraine, 2002, N 30, art. 201):

replace the words “conducting of ecological expertise” with the words “carrying out the environmental impact assessment” in indent eight of paragraph two of Article 11.

19) In the Law of Ukraine “On aquaculture” (Vidomosti of the Verkhovna Rada of Ukraine, 2013, № 43, art. 616)

replace the words “ecological expertise” with the words “environmental impact assessment” in indent three of paragraph one of Article 4.

20) In the Law of Ukraine “On chemical sources of current” (Vidomosti of the Verkhovna Rada of Ukraine, 2006, N 33, art. 279)

add the words “environmental impact assessment,” after the words “subject to” in paragraph two of Article 14;

add the words “environmental impact assessment,” after the words “subject to” in paragraph two of Article 20.

21) In the Land Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2002, № 3-4, art. 27)

replace the words “conducting the state ecological expertise” with the words “coordination and ensuring the environmental impact assessment” in point «B» of paragraph one of Article 14-1.

22) In the Law of Ukraine “On the protection of lands” (Vidomosti of the Verkhovna Rada of Ukraine, 2003, N 39, art. 349)

replace the words “conducting the state ecological expertise” with the words “carrying out the environmental impact assessment” in paragraph two of Article 49.

23) In the Law of Ukraine “On redemption, processing, utilisation, destruction and further use of defective and hazardous products” (Vidomosti of the Verkhovna Rada of Ukraine, 2000, N 12, art. 95)

replace the words “conducting the state ecological expertise” with the words “coordination and ensuring the environmental impact assessment and the environmental impact assessment Decision as regards” in indent two of Article 16.

24) In the Law of Ukraine “On children’s food” (Vidomosti of the Verkhovna Rada of Ukraine, 2006, N 44, art. 433):

replace the words “conclusion of the state ecological expertise” with the words “results of the environmental impact assessment” in paragraph three of Article 8.

25) In the Law of Ukraine “On drinking water and drinking water supply” (Vidomosti of the Verkhovna Rada of Ukraine, 2002, N 16, art. 112):

replace the words “state ecological” with the words “environmental impact assessment” in indent eleven of paragraph one of Article 6;

replace the word “ecological” with the words “environmental impact assessment” in indent eight of paragraph one of Article 7;

delete the words “state ecological and” in indent five of paragraph one of Article 13;

delete indent three of paragraph three of Article 45.

26) In the Code on Administrative Violations of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2001, № 25):

add article 91-5 as follows:

“Article 91-5. Infringement of the legislation in the field of environmental impact assessment

1. The deliberate provision of false or incomplete information on the environmental impact of the proposed activity; violation of the established by the legislation procedure of environmental impact assessment, including the procedure for informing the public and the procedure for public consultations and taking into account the results thereof; failure to take into account according to the established procedure the results of the environmental impact assessment in a final decision; preparation of the knowingly false environmental impact assessment Report or knowingly false environmental impact assessment Decision; illegal interference of anyone in the preparation and granting of the environmental impact assessment Decision, -

shall entail the imposition of a fine on officials, citizens-entrepreneurs – from fifty to two hundred tax-free minimum citizen incomes.

2. The failure to comply, when carrying out the economic activity, putting into operation of objects, intervening in other manner into the environment and landscapes, including mining, with environmental conditions and measures envisaged by the environmental impact assessment Decision, the final decision and the projects of construction, expansion, reconstruction, conversion, technical modernization, elimination of objects, or in the materials of revision or renewal of conditions for carrying out the activity, which require a decision of a public authority or a permit to carry it out – until the compliance with such environmental conditions and the implementation of measures is ensured, -

shall entail the imposition of a fine on officials, citizens-entrepreneurs – from fifty to two hundred tax-free minimum citizen incomes.”

indent 29 of point 1 of paragraph 1 of Article 255 formulate as follows:

the central state executive authority implementing the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources (paragraphs two, four and five of Article 85, Articles 85-1, 88, 88-1, 88-2, 90, 91, 91-5, 164 – as regards the infringement of the procedure for carrying out of economic activity, related to the rational use, reproduction and protection of natural resources (land, bowels, surface waters, air, fauna and flora, natural resources of the territorial sea, continental shelf and exclusive (sea) economic zone of Ukraine, fisheries and use of fish and other living aquatic resources), waste management (except for the radioactive waste management), hazardous chemicals, pesticides and agrochemicals”.

27) In the Criminal Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine of USSR, 1984, № 51):

replace the words “ecological expertise” with the words “environmental impact assessment” in paragraph one of Article 236.

5. Within six months of the entry into force of this Law the Cabinet of Ministers of Ukraine shall:

ensure adoption of legal acts, envisioned by this Law;

reconcile its legal acts with this Law;

ensure the reconciliation by ministries and other central state executive authorities of their legal acts with this Law.

**Head of the Verkhovna Rada
of Ukraine**