

**Secretariat to the Convention on
Access to Information, Public
Participation in Decision-making
and Access to Justice in
Environmental
Matters**

With regard to the report being sent

The Ministry of Ecology and Natural Resources of Ukraine presents its compliments to the Secretariat to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and has the honour to inform it of the following.

In the aim of implementing the provisions of the Aarhus Convention and of Decision V/9m on compliance by Ukraine with its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted by the fifth session of the Meeting of the Parties to the Convention, the Ministry of Ecology and Natural Resources of Ukraine is providing a report on activities relating to the proposed process of legislative reform.

The Ministry avails itself of this opportunity to renew assurances of its highest regard.

Annexed: the above-mentioned report, 2 pages in one copy

**Deputy Minister and Head
of Administration**



A.G. Nastasenko

Report

By Order No. 847-r of 17 September 2014 of the Cabinet of Ministers of Ukraine on implementing the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, the Cabinet approved the Action Plan for Implementation of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, ('the Implementation Action Plan') and designated the main executive authorities responsible for the Plan.

With a view to ensuring that the Implementation Action Plan approved by Cabinet of Ministers' Order No. 847-r is carried out, the Ministry of Ecology and Natural Resources of Ukraine ('the Ministry of the Environment') has drawn up plans for implementing environmental directives and regulations. Under the national procedure for adoption of laws and regulations, the Ministry of the Environment, by letter of 24 October 2014 (Ref. No. 5/3-6/13016-14), sent these plans to central government bodies for agreement and, by letter of 10 November 2014 (Ref. No. 5/3-6/13626-14), to the Ministry of Justice of Ukraine for a legal opinion.

Paragraph 236 of the Implementation Action Plan provides for draft laws and regulations to be prepared and submitted to the Cabinet of Ministers for examination with a view to implementing the provisions of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification). The deadline for this element of the Plan to be carried out is August 2016.

The plan drawn up by the Ministry of the Environment for implementation of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 includes the following actions to be taken by policymakers:

- 1) a draft law to be prepared and submitted to the Cabinet of Ministers, establishing clear requirements for the EIA procedure, including for cases with transboundary impact, and, in connection with the adoption of this law, introducing amendments and additions to legislation in force (deadline – June 2015);
- 2) a draft legislative instrument to be prepared and submitted to the Cabinet of Ministers, defining projects and types of activities subject to EIA in accordance with Annexes I-III of the Directive (deadline – October 2015);
- 3) draft secondary legislation to be prepared and submitted to the Cabinet of Ministers, pursuant to the law establishing requirements for the EIA procedure (deadline – within 6 months of the date of publication of the law establishing requirements for EIA procedure)
- 4) training courses, seminars and other educational activities for stakeholders (business organizations, NGOs, etc.) to be planned jointly with representatives of business and civil society, taking into account the focus of activity of leading NGOs in the sphere of European integration (during 2015-2016).

Public consultations on issues of implementing the provisions of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 will take place according to the relevant national procedure for the conduct of public consultations, which is governed by Cabinet of Ministers' Decision No. 996 of 3 November 2010 approving a Procedure for the conduct of public consultations on issues relating to the formulation and implementation of government policy.

Under the Procedure for the conduct of public consultations on issues relating to the formulation and implementation of government policy, approved by Cabinet of Ministers' Decision No. 996 of 3 November 2010, government bodies are to produce an annual outline plan for conducting public consultations ('the Outline Plan'), with due regard to the main tasks defined by the Programme of Activities of the Cabinet of Ministers of Ukraine and by the government's Programme for the Economic and Social Development of Ukraine, as well as to the planned drafting of legislation and other documents; it should also take into account the results of any preliminary public consultations conducted.

The Outline Plan is to be approved at the start of the year, then released on the official website of the government body concerned and by other acceptable methods.

It is mandatory for public consultations to be conducted in the form of open public discussion of draft regulatory documents.

The Ministry of the Environment is also taking other forms of action to implement the provisions of the Aarhus Convention in Ukraine. In particular, by agreement with the Ministry for Foreign Affairs of Ukraine, it is working on a project entitled 'Enhancing public awareness of environmental issues', which will be implemented by the Ministry of the Environment with the support of the Organization for Security and Co-operation in Europe (OSCE).

The project will focus on achieving the following outcomes: 1) improving understanding of key standards for access to environmental information by the Ukrainian mass media, politicians and environmental activists, 2) building the capacity of the Aarhus Centre in Kyiv and regional environmental departments to provide information on environmental issues, 3) raising awareness among young people in Ukraine of environmental rights stemming from the Aarhus Convention, 4) building judges' capacity to handle cases relating to implementation of the Aarhus Convention, 5) improving co-operation between the Ukrainian Aarhus Centre and Aarhus Centres throughout the OSCE region.

We would further like to inform you that the Ministry of the Environment will provide the Aarhus Convention Secretariat with the texts of draft legislation by 1 March 2015.