Cover note of Ukraine to the issue of its status of noncompliance of its national legislation to the provision of the Convention

The Government of Ukraine wishes to state that its obligations to make its national legislation comply with the provisions of the Convention are completed in full.

Paragraph 33 of the Report of the Implementation Committee on its forty-first session [doc. ECE/MP.EIA/IC/2018/2] establishes that “According to the Ukrainian delegation, the Law on Environmental Impact Assessment together with all the five secondary acts would ensure the full compliance of Ukrainian national legislation with the Convention.”

Paragraph 20 of the Report of the Implementation Committee on its forty-second session [doc. ECE/MP.EIA/IC/2018/4] states that “The Committee noted the information provided by Ukraine on 30 July 2018 that, following the entry into force of its Law on Environmental Impact Assessment in December 2017, Ukraine had adopted four pieces of secondary legislation and that the adoption of the secondary legislation on transboundary environmental impact assessment procedure was still pending.” Thus the above CMU Resolution makes the list of secondary acts complete and accepted by the Implementation Committee, namely:

- CMU Resolution “On approving the criteria for the proposed activity and minor changes thereto which do not require EIA” of 13 December 2017 (https://zakon.rada.gov.ua/laws/show/1010-2017-%D0%BF#n20)
- CMU Resolution “On approving the Procedure for public hearings in the process of EIA” of 13 December 2017 (https://zakon.rada.gov.ua/laws/show/989-2017-%D0%BF#n10)
- CMU Resolution “On approving the Procedure for the documents submission for an EIA conclusion, financing the EIA and the Procedure for maintaining of the Integrated EIA Registry” of 13 December 2017 (https://zakon.rada.gov.ua/laws/show/1026-2017-%D0%BF#n12)

On September 23, 2020 the Cabinet of Ministers of Ukraine has adopted a Resolution #877 “Procedure of decision-making on the implementation of transboundary environmental impact assessment” (https://zakon.rada.gov.ua/laws/show/877-2020-%D0%BF#Text). This piece of legislation completes the list of secondary legislation required by the provisions of the Convention. Please see the English translation of the legislative act in the Annex I.

In this respect Ukraine wishes to make changes to paragraphs 9 and 13 (a) of the draft Decision VIII/4d on compliance by Ukraine with its obligations under the Convention in respect of the Danube - Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta [doc. ECE/MP.EIA/2020/14] and paragraphs 3 and 6 (a) of the draft Decision VIII/4e on compliance by Ukraine with its obligations under the Convention in respect of extension of the lifetime of the Rivne nuclear power plant [doc. ECE/MP.EIA/2020/15] and to take away sentences about its noncompliance.

Please see the detailed comments to draft Decision VIII/4d and draft Decision VIII/4e in separate files.