

**On the Position of Ukraine Regarding Consideration of  
Draft Decision V/4 by the  
Fifth Session of the Meeting of the Parties to the Espoo Convention.  
20-23 June 2011, Geneva**

On the proposal of the Implementation Committee, Decision V/4 of the Fifth session of the Meeting is dedicated to the review of compliance.

In particular, it deals with the issue of the implementation of the project on the Deep Navigable Route in the Ukrainian sector of the Danube Delta (so called “Danube-Black Sea Water Navigation Canal”), as the follow-up to Decision IV/2 regarding Ukraine.

Upon the recommendations contained in Decision IV/2 of the Meeting of the Parties to the Espoo Convention, Ukraine has undertaken sizeable efforts in order to meet those recommendations and to implement its obligations under the Convention.

Given below is the comparative table of actions taken by Ukraine in order to fulfill the abovementioned recommendations, which is self-explanatory.

<b>Provisions of the decision IV/2</b>	<b>Actions of Ukraine</b>
9. “Urges the Government of Ukraine to repeal without delay the Final Decision of 28 December 2007 concerning the implementation of the project for the Danube-Black Sea Water Navigation Canal in the Ukrainian sector of the Danube Delta”.	On 10 June 2008 the Interagency Coordinating Council of Ukraine, established by the Government on 2 April 2008, repealed the Final Decision of 28 December 2007 concerning the implementation of the project for the “Danube-Black Sea Water Navigation Canal” in the Ukrainian sector of the Danube Delta.
9. “Not to implement Phase II of the project before applying fully the provisions of the Convention to the project, taking into account the findings of the Implementation Committee”.	Ukraine has not implemented Phase II of the project, in particular before applying fully the provisions of the Convention to the project, with full respect to the findings of the Implementation Committee. In connection with the adoption by Ukraine of the Final Decision dated 25 January 2010, the provisions of the Convention to the project have been fully implemented.
9. “To report to the Committee at its fifteenth meeting (October 2008) and at subsequent meetings if necessary”.	The Ukrainian side reported to the Fifteenth meeting of the Implementation Committee on the status of the implementation of the recommendations in due course.
10. “Decides to issue a caution to the Government of Ukraine to become effective on 31 October 2008 unless the Government of Ukraine stops the works, repeals the final decision and takes steps to comply with the relevant provisions of the Convention”.	The Government of Ukraine did not carry out the works, repealed the Final Decision of 28 December 2007 and took respective steps to comply with the relevant provisions of the Convention which are described in the table cell against items 11-12, 14.
11. “Requests the Government of Ukraine to ensure that its legislation and administrative measures are able to implement fully the provisions of the Convention, and agrees to support the Government of Ukraine in the undertaking of an independent review of its legal, administrative and other measures to implement the provisions of the Convention for consideration by the Implementation Committee in the first half of 2009. This independent review shall be undertaken by a consultant to be nominated by the Committee and financed from the budget of the Convention”.	The Government of Ukraine approved the “Strategy on the Implementation of Provisions of Espoo Convention by the Government of Ukraine worked out to implement Para. 11-12 of Decision IV/2”. In the force of this Strategy the following legislation and administrative measures have been developed: - Draft of the Law of Ukraine on Amendments to Some Laws of Ukraine on implementation of the Espoo Convention; -the Environmental Impact Assessment in Transboundary Context routine has been provided within the framework of the Scientific Research and Design Works Plan under the Budget 2011; -on 9 February 2011 the Government has introduced appropriate amendments to the Regulations on the Interagency Coordinating Council for implementation

	<p>in Ukraine of the Convention on Environmental Impact Assessment in a Transboundary Context;</p> <p>-Within the Ministry of Environment of Ukraine, the working group on the implementation of the Espoo Convention has been established and the national coordinator has been appointed.</p> <p>The Government of Ukraine has been supported by the EU project on the implementation of the Espoo Convention in Ukraine.</p>
<p>12. "Also requests the Government of Ukraine to submit to the Implementation Committee by the end of 2009 a strategy, taking into account the efforts by the Government of Ukraine to implement the provisions of the Convention and based on the outcome of the independent review, including its time schedule and training and other actions to bring about compliance with the Convention, and thereafter to report to the Committee on the implementation of the strategy".</p>	<p>In December 2009 the Government of Ukraine has submitted to the Implementation Committee "Strategy on the Implementation of Provisions of Espoo Convention by the Government of Ukraine worked out to implement Para. 11-12 of Decision IV/2".</p> <p>This Strategy, in particular, took into account the output of the independent review mentioned in item 12 of the Decision.</p>
<p>14. "Invites the Government of Ukraine to enter into negotiations with its neighboring Parties to cooperate in the elaboration of bilateral agreements or other arrangements in order to support further the provisions of the Convention, as set out in Article 8, and to seek advice from the secretariat. The Government of Ukraine is invited to report on progress with the elaboration of such agreements, particularly with Romania, to the Implementation Committee by the end of 2010 and to the fifth meeting of the Parties".</p>	<p>The Ministry of Environment of Ukraine has prepared and sent out the invitations to six neighboring countries with the purpose to enter into the negotiations to cooperate in the elaboration of bilateral agreements in order to support further the provisions of the Convention, as set out in Article 8.</p> <p>The Ukrainian side sent letters dated 12.11.2010 to the Belarusian side and dated 07.12.2010 to Moldova, Poland, Slovakia, Hungary, Romania with the draft of bilateral agreement in accordance with Article 8 of the Espoo Convention.</p> <p>In particular, the negotiations with Belarus, Poland and Slovakia have been accomplished. The agreement has been reached with Romania to hold such negotiations during May 2011 in Kyiv.</p>

As could be seen from this table, the recommendations of the Meeting of the Parties have been duly fulfilled by relevant actions of Ukraine, which were implemented in full scope. Information on these actions was reported by Ukraine to the respective sides and bodies.

With the adoption by Ukraine of the Final Decision on 25 January 2010, the issue of implementation of the project on the Deep Navigable Route in the Ukrainian sector of the Danube Delta has been put in full compliance with the provisions of the Convention. In the spirit of transparency and sincere cooperation, Ukraine has demonstrated its unreserved commitment to the principles and provisions of the Convention and its sincere desire to unblock the stalemate over this controversial issue in the region of Danube.

We hope to enjoy the support of this position by the Parties to the convention at their Fifth session of the Meeting of the Parties due next June in Geneva.