



BENEFITS OF INTRODUCING MODERN STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) SYSTEM IN UKRAINE

Round Table for Heads of Departments within Executive Authorities

28 February 2017

Round Table Report



March 2017



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1. Background

Strategic Environmental Assessment (SEA) effectively promotes sustainable development by mainstreaming the environment into economic development at a national and local level. SEA is a well-established, practical and efficient planning and environmental governance tool / system set out in the UNECE Protocol on SEA to the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context (Espoo Convention). It ensures that new plans, programmes, and other strategic documents in the key sectors such as energy, water and waste management with likely significant adverse environmental and health impacts take into account environmental and health considerations. SEA, in particular, allows for the identification of the most sustainable and cost-effective strategic development alternatives, which can attract new investments alongside protecting the environment. SEA also helps strengthen the country's environmental governance through fostering transparency and consultation with relevant stakeholders and the public before plans and programmes are approved. SEA in a transboundary context can also facilitate regional cooperation on environmental matters.

Since 2004, the UNECE secretariat has provided technical assistance and capacity building support to foster ratification of, and accession to, the Espoo Convention and its Protocol on SEA in the countries of Eastern Europe, Caucasus and Central Asia. The secretariat has a broad experience in assisting the countries in improving their legislative and institutional frameworks for the implementation of both treaties. The tailor made training and pilot projects provided by the UNECE have proven to be efficient in building the necessary institutional and human capacities in countries for the effective application of EIA and SEA to their development projects, plans and programmes.

The Protocol on Strategic Environmental Assessment (Protocol on SEA) to the UNECE Espoo Convention entered into force in Ukraine on 1 March 2016, after its ratification by the country on 2 December 2015. In the meantime, since June 2013, the UNECE Secretariat to the Espoo Convention has assisted the Ministry of Ecology and Natural Resources of Ukraine in building capacities for institutionalization of a national environmental assessment system in line with the Espoo Convention and its Protocol on SEA. The activities have been implemented within the framework of the EU-funded programme 'Greening Economies in the Eastern Neighborhood' (EaP-GREEN).

2. Round Table objectives

The aim of the half-day round table was to promote the benefits of efficient application of SEA in order to support the establishment of the SEA system in Ukraine in line with the requirements of the Espoo Convention and its Protocol on SEA, as well as with the provisions of the EU Directive on SEA (2001/42/EC) as stipulated by the Association Agreement between Ukraine and the European Union, 2014-2017.



The objectives included:

- Present main principles of good SEA practice to the participants of the event and highlight the role of the SEA procedure as a tool for improving sectoral planning and promoting sustainable development principles.
- Present and discuss the examples of successful SEA cases in various economic sectors in different countries to support the theoretical background.
- Based on the presented benefits of SEA, discuss the roles of different sectoral ministries and authorities in SEA; the requirements of the Draft Law of Ukraine “On Strategic Environmental Assessment”, and the first priority measures to create a national SEA system in the country.

3. Summary of the Round Table outcomes

The half-day round table seminar was held in the Aarhus Centre of the Ministry of Ecology and Natural Resources of Ukraine, 35, Mytropol'na V. Lypkivskogo str., Kyiv, Ukraine.

The Agenda of the round table is attached in Annex 1 to this report.

The round table was attended by 33 participants, including the representatives of the Parliament of Ukraine, higher level officials from central executive authorities (10 sectoral ministries) that are responsible for economic and industrial development, energy, transport, agriculture, tourism, mining, forestry, as well as the representatives of environmental and health authorities, the State Environmental Academy of Postgraduate Education and Management, and public organizations (see photos below). The experts from UNECE and European Bank for Reconstruction and Development (EBRD) shared their experiences in practical application of SEA and in the development of national environmental assessment legislation.

The list of participants is enclosed in Annex 2 to this report.

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The following key topics were addressed and discussed:

Ms. Lesya Karnaukh, head of Department of Strategic Environmental Policy, Ministry of Ecology and Natural Resources of Ukraine, opened the Round Table with a welcoming speech. She outlined that environmental assessment is now used in almost all countries, and that attention to the application of SEA has been given by the society in Ukraine. She also stressed out that the Ministry of Ecology and Natural Resources of Ukraine, with the support of the public and international experts, carried out a lot of work to conduct an appropriate legal and institutional reform, e.g., the Protocol on SEA is already in force for one and a half year.

Ms. Lesya Karnaukh further stated that the Ministry of Ecology and Natural Resources of Ukraine is confident that SEA was becoming a truly effective tool for planning through coordination of economic and environmental priorities and objectives. She also informed the participants that the specialists of the Ministry of Ecology and Natural Resources of Ukraine, together with international experts, drafted the Methodological Recommendations on SEA for Ukraine, which had been distributed to all round table participants in hard copies and that would be discussed during the round table. She invited the participants to comment and provide suggestions on the Methodological Recommendations on SEA either based on the hard copies or the soft versions that would be disseminated immediately after the round table.

Ms. Tatyana Tevkun, assistant to Deputy Mr. Ostap Yednak, welcomed the participants on behalf of the Deputy and shared the latest news about the draft Law of Ukraine on SEA. In particular, she noted that the draft Law on SEA, signed by 21 deputies of the Parliament, was repeatedly registered in the Parliament (Verkhovna Rada).

Welcome remarks were also made by Mr. Oleksandr Klitko, project manager of the EU Delegation in Ukraine. He said that the Law on SEA was expected to be adopted and to enter into force to protect the environment and human health.

Mr. Martin Smutny, consultant of Secretariat to the Espoo Convention, greeted the participants on behalf of the UNECE. Following this, the working part of the round table commenced.

Mr. Martin Smutny, consultant to the Secretariat to the Espoo Convention and Dr. Maia Gachechiladze-Bozhesku, International SEA consultant to UNECE, presented the basic principles of a good SEA practice, emphasizing the role of SEA as a tool to improve sectoral planning and promote of sustainable development. A short video on SEA, prepared within the framework of the EaP GREEN programme, was displayed in Ukrainian to allow the participants grasp the key notions and ideas of SEA (the video is available at <https://www.youtube.com/watch?v=dLMN6eg9prA>).



Ms. Maryna Shymkus, Ministry of Environment and Natural Resources of Ukraine, presented the key aspects of the draft Law of Ukraine on SEA.

Afterwards, Mr. Martin Smutny introduced the participants to the case example of SEA of the national transport strategy in Slovakia and illustrated various benefits it allowed to bring about, including environmental and health criteria for selecting the transport corridor routing.

In her speech, Dr. Olena Borisova, EBRD, presented the EBRD practices on the use of SEA as a tool to facilitate investments in the sector of renewable energy in Ukraine (USELF). In addition, she also share EBRD's experience with a strategic assessment review of a similar programme conducted by EBRD in Kazakhstan (KazREFF).

The presentation on the benefits of SEA and the current state of the application of SEA in Ukraine initiated an active discussion on various issues that are outlined below:

- What should be the role of various ministries and departments in the SEA process;
- How the SEA initiator (a state body) should require the financial resources for carrying out an SEA;
- Who can be considered a relevant expert to conduct an SEA; whether SEA experts should be licenced;
- The extent to which the SEA recommendations can be and should be detailed;
- How to ensure the transparency of the SEA process;
- Whether different SEA methods can be used for different sectors;
- How the SEA process can be integrated into the Regulations of the Cabinet of Ministers;
- Who is responsible for the risk assessment of the implementation of the state planning document;
- How SEA can be implemented in the absence of the clear strategic planning system in Ukraine;
- How to distinguish between procedures for environmental impact assessment (EIA) and SEA.

Due to the evolving, active and interesting discussion, triggered by numerous questions posed by the participants, it was not possible to present the Methodological recommendations on SEA to the extent planned, however, during the discussion many practical aspects of the SEA recommendations were disclosed to the participants in the form of responses to their questions.



The discussion was summed up by Mr. Mykola Kuzyo, Deputy Minister on European Integration. He noted that SEA became a mandatory procedure for assessing strategic planning and development planning documents; however, there is one major problem that the environmental assessment system currently faces in Ukraine, namely, the interaction between stakeholders in SEA in terms of "horizontal" (sectoral planning) and "vertical" (local - regional - national level) planning. He stressed that the Ministry would make every effort to ensure that the legal foundations for SEA are established.

4. Conclusions

As planned, the round table fulfilled its objectives in that it:

- helped raise the awareness on SEA, the Protocol on SEA, the Draft Law on SEA and draft SEA recommendations across the nine sectoral ministries and other Ukrainian large state and non-state companies, such as UkrHydroEnergo and DTEK Energo;
- provoked an active discussion among the participants who started thinking about the practical application of SEA to their strategic planning documents; and
- allowed the participants to understand the roles and responsibilities in the SEA process.

The participants and organizers of the event agreed that:

- the organizers of the event would send the links to the round table materials, including the presentations and video on SEA, to all the participants;
- the organizers of the event, supported by the Ministry of Ecology and Natural Resources of Ukraine, would provide soft copies of the draft SEA Methodological Recommendations to all the participants so that the latter could comment on the draft document;
- the participants of the event would disseminate the obtained information in their host departments / divisions in order to spread further the knowledge about SEA; and
- Pilot projects on SEA should be implemented in order to better understand the ways SEA can be carried out.

5. Public visibility of the event

The information about the training event has been disseminated via various organizations and networks to reach a wider range of the interested public:



- News page of the Ministry of Ecology and Natural Resources of Ukraine (<http://www.menr.gov.ua/press-center/news/150-news28/5904-fakhivtsi-minpryrody-spilno-z-mizhnarodnymy-ekspertamy-rozroblyy-proekt-metodychnykh-rekomendatsii-z-provedennia-seo>),
 - State Ecological Academy of Postgraduate Education and Management, Ministry of Ecology and Natural Resources of Ukraine (http://dea.gov.ua/article/u_minpriodi_vidbuvsya_kruglii_stil_dlya_kerivnikov_strukturnix_pidrozdiliv_organiv_vikonavchoi_vladi),
 - Facebook page of the Ministry of Ecology and Natural Resources of Ukraine (<https://www.facebook.com/minpryrody/posts/1327133467342926>); and
 - Institute of Green Economics (<http://green-economics.org.ua/uk/u-minpriodi-vidbuvsya-kruglij-stil-dlya-kerivnikov-strukturnix-pidrozdiliv-organiv-vikonavcho%D1%97-vladi/>).
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Annex 1: Round Table agenda

BENEFITS OF INTRODUCING MODERN STRATEGIC ENVIRONMENTAL ASSESSMENT SYSTEM IN UKRAINE

Round Table for Heads of Departments within Executive Authorities

28 February 2017

Aarhus Centre, Kyiv, Ukraine

The aim of the half-day round table is to promote the benefits of efficient application of strategic environmental assessment (SEA) in order to support the establishment of the SEA system in Ukraine in line with the requirements of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on SEA that entered in force in Ukraine in March 2016, as well as with the provisions of the EU Directive on SEA (2001/42/EC) as stipulated by the Association Agreement between Ukraine and the European Union, 2014-2017.

Main principles of good SEA practice will be introduced to the participants of the event to highlight the role of the SEA procedure as a tool for improving sectoral planning and promoting sustainable development principles. The examples of successful SEA cases in various economic sectors in different countries will be presented to support theoretical backgrounds. The presentation of SEA benefits should initiate the discussion on the roles of different sectoral ministries and authorities in SEA. The participants will be invited to consider the requirements of the Draft Law of Ukraine “On Strategic Environmental Assessment” and suggest the first priority measures to create a national SEA system in the country. The experts from UNECE and European Bank for Reconstruction and Development (EBRD) will share their experiences in practical application of SEA and in the development of national environmental assessment legislation.

The event will host the representatives of the Parliament of Ukraine, higher level officials from central executive authorities that are responsible for economic and industrial development, energy, transport, agriculture, tourism, mining, forestry, as well as the representatives of environmental and health authorities.

The round-table is organized by the Ministry of Ecology and Natural Resources of Ukraine, together with the United Nations Economic Commission for Europe (UNECE) within the framework of the European Union (EU) funded Programme “Greening Economies in the Eastern Neighbourhood” (EaP GREEN). The logistical support is provided by Law-Making and Information Technologies Institute NGO (Ukraine).



AGENDA

Moderator: Ms. Lesya Karnaukh, Head of Department of Strategic Environmental Policy, Ministry of Ecology and Natural Resources of Ukraine

09:30-10:00	Welcome and registration of the participants
10:00- 10:20	<p>Welcome addresses</p> <p><i>Mr. Mykola Kuzyo</i>, Deputy Minister on European Integration, Ministry of Ecology and Natural Resources of Ukraine</p> <p><i>Mr. Martin Smutny</i>, Consultant, Secretariat to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA)</p> <p><i>Mr. Ivan Rybak</i>, Member of Verkhovna Rada of Ukraine</p> <p><i>Mr. Ostap Yednak</i>, Member of Verkhovna Rada of Ukraine</p> <p><i>Mr. Alexander Klitko</i>, Project Manager for Environmental Sector, Delegation of the European Union to Ukraine</p>
10:20 – 10:30	Introduction of the participants
10:30 – 11:00	<p>Session I: Strategic environmental assessment (SEA) as a systematic and anticipatory tool to assist national governments in safeguarding sustainable socio-economic development of their countries</p> <p>Presentations and video (20 minutes):</p> <ul style="list-style-type: none"> • The objectives of SEA and its benefits • Main principles of efficient SEA practice, • International commitments: the Espoo Convention and its Protocol on SEA and EU Directive on SEA • Main actors in SEA and role of sectoral planning authorities <p><i>Mr. Martin Smutny</i>, Consultant, Secretariat to the Espoo Convention, and <i>Dr. Maia Gachechiladze-Bozhesku</i>, International SEA Consultant to UNECE</p> <p>Questions and Answers (10 minutes)</p>
11.00 – 11:40	<p>Session II: Practical application of SEA in various countries: achievements, costs and perceptions</p> <p>Presentation (15 minutes): Application of SEA by EBRD as a tool for facilitating investments into the renewable energy sector</p> <p><i>Ms. Olena Borysova</i>, EBRD</p> <p><i>Questions and Answers (5 minutes)</i></p>



	<p>Presentation (15 minutes): Examples of SEA application <i>Mr. Martin Smutny, Consultant, Secretariat to the Espoo Convention, and Dr. Maia Gachechiladze-Bozhesku, International SEA Consultant to UNECE</i></p> <p><i>Questions and Answers (5 minutes)</i></p>
11:40 – 12:00	Coffee Break
12:00 – 12:25	<p>Session III: SEA system in Ukraine: current experience, challenges and a need for legal and institutional reforms</p> <p>Presentation (10 minutes):</p> <ul style="list-style-type: none"> - Current state of SEA application - Key requirements of the draft Law of Ukraine “On Strategic Environment Assessment” (with a focus on practical aspect) <p><i>Ms. Natalia Trofimenko and Ms. Maryna Shimkus, Ministry of Environment and Natural Resources of Ukraine</i></p> <p>Presentation (10 minutes): Methodological recommendations on SEA for Ukraine <i>Vyacheslav Potapenko, lead author of the Methodological recommendations on SEA for Ukraine and the National expert on SEO UNECE</i></p> <p><i>Questions and Answers (5 minutes)</i></p>
12:25 – 13:00	<p>Session IV: Way forward for establishing a national SEA system in Ukraine as per the requirements of the Protocol on SEA and the EU Directives</p> <p>Discussion (35 minutes):</p> <ul style="list-style-type: none"> - <i>What are the benefits and costs of application of SEA in Ukraine?</i> - <i>What are key challenges and ways to overcome them?</i>
13:00 – 13:10	Conclusion and closure of the event



Annex 2: List of Participants

Benefits of Introducing Modern Strategic Environmental Assessment System in Ukraine

Round Table for Heads of Departments within Executive Authorities

28 February 2017

List of Participants

Participants: 33

Female participants: 19

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