



‘ENVIRONMENTAL ASSESSMENT SYSTEM IN UKRAINE: THE BENEFITS AND WAY FORWARD’

Final event on SEA and EIA component within the EaP GREEN

25 January 2018

Hotel Express, Kiev, Ukraine



Event Report

February 2018

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Table of Content

1. Background information
2. Objectives of the event and approach
3. Minutes of the event
4. Conclusions
5. Public visibility of the event

Annex 1: List of participants

Annex 2: Agenda

1. Background information

Strategic environmental assessment (SEA) is seen as an essential planning tool for an environmentally sustainable economic development, which can support country's efforts in greening its economy. It is a step-by-step procedure to integrate green economy targets and other sustainability issues into strategic planning and decision-making to ensure that environmental and health implications of decisions are taken into account before they are made. A SEA is applied to governmental plans, programmes, or policy documents in accordance with requirements of the UNECE Protocol on Strategic Environmental Assessment to the Espoo Convention (Protocol on SEA) and the EU SEA Directive.

Ukraine signed the Protocol on SEA in 2003, and it entered into force in Ukraine on 1 March 2016, after its ratification by the country on 2 December 2015. Despite the increasing recognition of the SEA as a tool for sustainable development, SEA has been used in the country only on a pilot basis.

The “Greening Economies in the Eastern Neighborhood” (EaP GREEN) project was launched in 2013 to support the six European Union's Eastern Partnership (EaP) countries – Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine – to progress faster towards a green economy through better management of natural capital supporting a higher economic productivity and competitiveness. The above listed EaP GREEN countries made their commitments related to the transition towards a green economy in the 2011 and 2013 Declarations of the EU Eastern Partnership Summits and on other international fora.

The EaP GREEN has supported countries in developing methodological, legal, and conceptual material based on international good practice adapted to the country conditions and needs. The EaP GREEN has been jointly implemented by four international organizations: the Organization for Economic Co-operation and Development (OECD), the United Nations Economic Commission for Europe (UNECE), the United Nations Environment Programme (UN Environment), and the United Nations Industrial Development Organization (UNIDO). The project has been funded by the European Union, implementing organisations, and supported by several EU and OECD countries.

Since 2013, the UNECE secretariat to the Espoo Convention has been supporting the Ministry of Ecology and Natural Resources of Ukraine in the process of preparation of the legislation framework and in building capacities for application of SEA in order to support the country in developing its SEA system in line with requirements stipulated by the Protocol on SEA. UNECE secretariat in the framework of the EaP GREEN Programme has complemented the legal drafting process mainly by raising awareness among national, local and sectoral authorities about SEA process and its benefits; building national and local capacities on practical application of SEA; and assisting the country in defining roles and responsibilities of various authorities in the SEA process.

The seminar *Environmental Assessment System in Ukraine: The Benefits and Way Forward* was the final event on the SEA and EIA component of the EaP GREEN in Ukraine.

2. Objectives of the event, participants and approach

The final dissemination event was organized by the Ministry of Ecology and Natural Resources of Ukraine in cooperation with the UNECE within the framework of the EaP GREEN. The logistical support was provided by the Law-Making and Information Technologies Institute NGO (Ukraine). The event took place at hotel «Express», Kiev, Ukraine.

The objective of the final event were:

- To present the outcomes and results regarding SEA and EIA development activities achieved within the EaP GREEN;
- To summarize the key principles of efficient SEA and EIA practice;
- To raise awareness on benefits of SEA through presenting good practice examples from EU countries;
- To discuss priorities and needs regarding further development of SEA and EIA system in the country.

The half-day event was attended by 54 participants representing

- the central executive authorities (ministries) responsible for sectoral planning (in particular, the offices of economic development, strategic planning and legal departments) such as:
 - Ministry of Ecology and Natural Resources,
 - Ministry of Regional Development, Building and Housing of Ukraine,
 - Ministry of Agrarian Policy and Food,
 - Ministry of Infrastructure,
 - Ministry of Energy and Coal Industry,
 - Ministry of Temporarily Occupied Territories and Forced Migrants,
 - Ministry of Economic Development and Trade,
 - Ministry of Justice,
 - Ministry of Culture,
 - Ministry of Youth and Sports,
 - Ministry of Foreign Affairs.
 - Ministry of Education and Science,
- State agencies:
 - State Ecological Inspection,
 - State Environmental Service for Food Safety and Consumer Protection,
 - State Service for Emergency Situations,
 - State Fisheries Agency,
 - State Labor Service,
 - State Service of Geology and Subsoil,
 - State Agency of Water Resources, State Service for Geodesy,
 - Cartography and Cadastre,
 - State Agency for Exclusion Zone Management,
 - State Forest Resources Agency,
 - State Ecological Academy for Postgraduate Education and Management,

- RST support office of the Ministry of Ecology and Natural Resources,
- APENA project,
- and public organizations / NGOs.

The list of the participants is presented in Annex 1 to this report.

The agenda of the event (see Annex 2 to this report) combined presentation on SEA and EIA activities implemented in Ukraine within the EaP GREEN and summary of main achievements and result, introduction of two SEA cases examples from United Kingdom, with facilitated discussions on remaining challenges and actions need to establish a full-fledged SEA and EIA system in the country.

The event was jointly delivered by the experts from the Ministry of Ecology and Natural Resources of Ukraine and the international consultants to the UNECE.

3. Minutes of the event

Mr. Mykola Kuzio, Deputy Minister of Ecology and Natural Resources for European Integration, opened and moderated the event. Mr. Martin Smutny, EaP GREEN project coordinator and UNECE consultant, also addressed the participants with a welcoming speech. He presented a brief overview of the UNECE activities under the EaP GREEN project across the beneficiary countries with the focus on Ukraine.



Nataliya Trofymenko, Deputy Director of the Department of the Strategy and European Integration Department presented the overview of the activities delivered in Ukraine within the framework of the EaP GREEN project. She talked about the lessons learned in the implementation of SEA in Ukraine, as well as about the national seminars and trainings that took place in 2015 – 2017 and the evolution of the Draft Law of Ukraine *On Strategic Environmental Assessment*.

Ms. Olena Kramarenko, Deputy Director of the Department of Environmental Safety and Licensing of the Ministry of Ecology and Natural Resources of Ukraine, delivered her presentation where she provided a brief overview of the EIA legal framework. She explained the key principles of the Law on *Environmental Impact Assessment*, which entered into force on December 18, 2018, described the developed by-laws, as well as seminars and trainings on EIA conducted in 2017 for representatives of regional state administrations, business structures from eight regions of Ukraine. The information presented in the presentations was followed by a number of questions and a discussion on the practical application of EIA.

Dr. Matthew Cashmore, consultant to UNECE, presented good case examples of SEA implementation from the UK. He reviewed in detail the SEA procedure for the coastal wind farm development and local land use planning in England and Wales (where wind energy generation reaches 16.3%). He noted that when conducting the SEA of the potential wind power development initiative, the SEA and planning team focused on the definition of constraints (marine resources, national nature protection zones, etc.) and drew up the maps of such limitations. They gathered the appropriate amount of data and developed various scenarios. The second part of the presentation by Dr. Matthew Cashmore was devoted to the consideration of land use issues. Since 2004, local land use plans had been subject to SEA. This made the entire process transparent and open and served as a mechanism for good communication with all stakeholders.

The participants showed an increased interest in the presentation of Dr. Matthew Cashmore and asked many questions about the cases and the SEA practice in general. Additional comments and responses were provided

by Mr. Martin Smutny and Dr. Maia Gachechiladze- Bozhesku, consultant to UNECE. The participants were, in particular, interested in who prepared SEA / EIA on wind generators, how the processes were funded, what kind of methods could be used in SEA for various strategic planning documents. They also asked how the Strategy for wind energy was changed / modified due to SEA, how the consequences of implementing the Strategy were being monitored, how the risks of implementing it were assessed, for how many years the baseline research continued, how SEA helped private companies and the government, etc.

Following this, the participants were invited to hold discussions in groups on the following questions:

1. What are the main existing challenges related to SEA/EIA in Ukraine and the ways to overcome them?
2. What are the benefits and costs of application of SEA/EIA in Ukraine?
3. What needs to be done to make SEA and EIA operational (i.e. that is it applied as a standard tool)?

Based on the results of the group discussion, the participants were organised in three groups and were asked to provide:

- Up to three priorities for further capacity building on SEA/EIA;
- Up to three specific actions/activities to be organized in 2018 – 2020.

The results of the group discussions are summarised in the Conclusions section of this report.

In conclusion, Mr. Kuzio and Mr. Martin Smutny summarized the key points discussed during the seminar and expressed thanks to all participants. Mr. Kuzio also thanked all participants for their active work, as well as for the completed the questionnaires aimed to identify the directions for further development of SEA and EIA in Ukraine. The Deputy Minister noted that the policy of the Ministry of Ecology and Natural Resources was to reach the maximum openness and the ministry was working productively to improve the legislation on the EIA. For example, the first 33 applications for EIA were registered by applicants and accepted by the Ministry. Three by-laws were adopted and further four decrees of the Cabinet of Ministers of Ukraine were prepared to facilitate the implementation of the Law on the EIA. The Ministry of Natural Resources prepared recommendations on the implementation of EIA that are available at its site, and was in the process of preparing the guidelines for SEA. He noted that there were many challenges in Ukraine in present, however Ukraine had been taken all efforts to ensure that sustainability and "green growth" principles would become part of the planning culture. He emphasised that SEA was part of this culture and thus the Ministry would continue promoting it despite any difficulties.

4. Conclusions

The following conclusions can be summarized from the discussions held during the event:

1. Main problems regarding SEA:
 - The lack of the Law on SEA, by-laws, and methodological materials for various industries,
 - The absence of the information systems that would support SEA;
 - The lack of funding sources for SEA,
 - The lack of effective monitoring systems at the country level,
 - The lack of qualified specialists and proper experience of SEA in Ukraine,
 - Delayed planning and approval of documents due to the delays caused by stakeholders.
 - Lack of understanding by business entities of when EIA should be applied.
2. Benefits of SEA application:
 - Involvement of the public,
 - Development of the expert environment for SEA;
 - Implementation of EU legislation and standards.
3. Priorities for further development of SEA and EIA systems:
 - Adopt the legislative base for SEA;
 - Conduct trainings and information campaigns for SEA and EIA;
 - Conduct pilot projects for SEA.
4. Necessary steps:
 - Adopt the Law on SEA and by-laws, bring it in line with national environmental legislation;
 - Develop planning methods in accordance with the hierarchy of government planning documents;
 - Conduct trainings on SEA for the central executive authorities, the Ministry of Regional Development, first of all;
 - Assign responsibility for the recently established Directorates to control the implementation of SEA for strategic documents, to start with the Ministry of Ecology and Natural Resources;
 - Create an EIA awareness center for business entities;
 - Create a single electronic database of SEA, EIA, as well as standard basic documents (templates that can be used in SEA/EIA);
 - Attract international donors to support the launch of pilot SEA projects.

It was concluded that above proposals should be reflected in the capacity development strategy on SEA and EIA in Ukraine and in the project proposals for the EaP GREEN follow-up project (EU4Environment).



5. Public visibility of the event

The information about the workshop has been spread to reach a wider range of the interested public via the following sources:

- 1) Website of the Ministry of Ecology and Natural Resources: <https://menr.gov.ua/news/32088.html>;
- 2) State Ecological Academy of Postgraduate Education and Management: <http://dea.gov.ua/chapter/novini/>;
- 3) Aarhus Center of Ukraine (Facebook page): <https://www.facebook.com/OrhusCentrKyiv/posts/1532703046813099>;
- 4) Institute of Green Economy: <http://green-economics.org.ua/sistema-ekologichno%D1%97-ocinki-v-ukra%D1%97ni-perevagi-ta-shlyaxi-rozvitku-zaklyuchnij-zaxid-komponentu-z-seo-ta-ovd-v-ramkax-programi-eap-green/>;
- 5) Environment Conservation Program of New Country (Ukraine): <https://www.facebook.com/groups/1519277714993494/permalink/2003672616553999/>.

Annexes

Annex 1: List of participants

Environmental Assessment System in Ukraine: The Benefits and Way Forward

Final dissemination event on SEA and EIA component within the EaP GREEN

25 January 2018

Hotel Express, Shevchenko Boulevard, 38/40, Kiev, Ukraine

Start Date: Thursday, January 25, 2018

End Date: Thursday, January 25,

Participants: 54
31

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Annex 2: Agenda

Environmental assessment system in Ukraine: The benefits and way forward

Final dissemination event on SEA and EIA component within the EaP GREEN

25 January 2018

Venue: Hotel Express, Shevchenko Boulevard, 38/40, Kiev, Ukraine

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- To discuss priorities and needs regarding further development of SEA and EIA system in the country.

The event is organized by the Ministry of Ecology and Natural Resources of Ukraine in cooperation with the United Nations Economic Commission for Europe (UNECE) within the framework of the EaP GREEN. The logistical support is provided by the Law-Making and Information Technologies Institute NGO (Ukraine).

The workshop will invite representatives of all relevant stakeholders – environmental and health authorities, planning agencies and institutes, local authorities, experts and practitioners, as well as representatives of NGOs.

Agenda

09:30 – 10:00	Registration
10:00 – 10:10	Welcome addresses <i>Mykola Kuzio, Deputy Minister for European Integration, Ministry of Ecology and Natural Resources of Ukraine</i> <i>Representative of EU Delegation to Ukraine (tbc)</i> <i>Martin Smutny, EaP GREEN coordinator, consultant to UNECE</i>
10:10 – 11:00	UNECE technical assistance on SEA and EIA in Ukraine

¹ The EaP GREEN programme is implemented with the financial support of the European Union and other donors, and is jointly implemented by the four partner organisations: OECD, UN Environment, UNECE and UNIDO. More information can be found at <http://www.green-economies-eap.org/>.

	<p>A brief introduction of UNECE activities within the EaP GREEN <i>Martin Smutny, EaP GREEN coordinator, consultant to UNECE</i></p> <p>Summary of national activities and lessons learned on the implementation of SEA and EIA under the EaP GREEN <i>Natalia Trofimenko, Ministry of Ecology and Natural Resources of Ukraine</i> <i>Maia Gachechiladze-Bosjescu, consultant to UNECE</i></p> <p>Legislative framework for SEA and EIA <i>Natalia Trofimenko, Olena Kramarenko, Maryna Shymkus, Ministry of Ecology and Natural Resources of Ukraine</i></p>
11:00 – 11:20	Coffee break
11:20 – 12:00	<p>Good SEA practice – case examples from EU countries <i>Matthew Cashmore, consultant to UNECE</i></p> <p><i>Presentation and discussion</i></p>
12:00 – 12:50	<p>What needs to be further enhanced – remaining challenges for establishing a fully-fledged SEA and EIA system and way forward <i>Moderators Martin Smutny and Maia Gachechiladze-Boshesku, consultants to UNECE</i></p> <ul style="list-style-type: none"> • <i>Introduction to the SEA and EIA capacity development strategy</i> • <i>Discussion in groups – identification of priorities and needs to further develop national SEA and EIA system</i> • <i>Presentation of results</i> <p><i>Interactive discussion</i></p>
12:50 – 13:00	<p>Closing remarks – way forward <i>Mykola Kuzio, Deputy Minister for European Integration, Ministry of Ecology and Natural Resources of Ukraine</i> <i>Martin Smutny, EaP GREEN coordinator, consultant to UNECE</i></p>
13:00	Lunch