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Legal basis for SEA in Ukraine



Capacity-building workshop on development of hydrogen
infrastructure
25 February 2021
Kyiv, Ukraine

Main legislative acts



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- Law of Ukraine "On Strategic Environmental Assessment"
- Resolution of the Cabinet of Ministers of Ukraine "On Amendments and Repeal of Certain Resolutions of the Cabinet of Ministers of Ukraine" of January 23, 2019, #128;
- Resolution of the Cabinet of Ministers of Ukraine "On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine" of January 23, 2019, #45;
- Resolution of the Cabinet of Ministers of Ukraine of December 16, 2020, #1272 "On approval of the Procedure for monitoring the effects of implementing the public planning document for the environment, including for human health";
- "Methodological recommendations for the implementation of the strategic environmental assessment of public planning documents" approved by order of the Ministry of Ecology and Natural Resources of Ukraine from 10.08.2018 #296.

Stages of the SEA procedure



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- 1) determining the scope of SEA (scoping);
- 2) preparation of SEA report;
- 3) carrying out consultations, including public consultations and transboundary consultations;
- 4) taking into account the SEA report and the results of the consultations in decision-making;
- 5) information on the adoption of the public planning document;
- 6) monitoring the effects of implementing the public planning document on the environment, including human health.

Recommendations



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- The SEA process of the future Hydrogen Concept/Strategy needs to include a reasonable timeframe (optimally, going beyond the legal requirements, which can be considered as a minimum) and ensure mandatory public participation and consultations with the state executive authorities.
- The consultations with the state executive authorities and public discussions should be carried out in parallel to the preparation of the Hydrogen Concept/Strategy to ensure the effective provision of comments and suggestions and ample opportunity for their integration in the draft Concept/Strategy.
- The notification on the draft Concept/Strategy and the SEA report's public disclosure should be published in the national media, which have coverage throughout the country.
- Given an increased interest in the production and use of hydrogen in Ukraine, it is recommended to hold public hearings as well as to use other forms of public discussions during the SEA process (round tables, open meetings, etc.) at the key stages of SEA (in particular in the scoping stage and on the draft Strategy and the SEA report).
- The Law on SEA envisions different approaches for calculating a time frame for the procedure. The time for publishing a notification of the disclosure of the draft public planning document and publication of the approved document is calculated in working days, and a time frame for public discussion can be calculated in calendar days. To prevent mistakes in using various approaches, it is recommended to calculate the schedule of the SEA procedure in terms of working days.
- The law on SEA does not include provisions on how to calculate the periods specified in the Law if the materials on the implementation of the SEA are sent both by official correspondence and electronically. To ensure a transparent SEA procedure, it's recommended to conduct official correspondence during the consultation process and calculate the terms of the procedure according to the date of receiving official correspondence.

Thank you

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