

Environmental POLICY AND LAW

UA REVIEW

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HIGHLIGHTS

THE ESPOO CONVENTION PREPARES FOR EXTRAORDINARY MEETING OF THE PARTIES

The [Espoo Convention EIA/SEA Working Group](#) met in Geneva on May 28-30 2018 (the Convention on Environmental Impact Assessment in a Transboundary Context). The key task of the meeting was to prepare draft decisions for consideration by the intersessional (extraordinary) Meeting of the Parties (i-MOP).

The last session of the Meeting of the Parties (Minsk, 2017) was unable to adopt key decision on compliance and implementation by the parties to the Convention, to the large extent due to the different views in relation to the UK case (Hinckley Point C nuclear power station). This time, the extraordinary meeting will consider split separate decisions on each compliance case. For example, two draft decisions on non-compliance by Ukraine were prepared and discussed at the Working Group meeting for further consideration by i-MOP. One draft decision concerns long

lasting case on Danube-Black Sea shipping canal, the other – life time extension of the two units at Rivne nuclear power plant.

The Working Group also extended mandate of the special ad-hoc group, which is developing guidance on application of the Espoo Convention to life time extensions of the nuclear power plants. The Working Group approved the terms of reference for this group, a draft guidance should be presented for consideration by regular Meeting of the Parties in 2020. This special ad-hoc group comprises representatives of the interested parties. The ad-hoc group should provide for timely and appropriate formats for participation by the public concerned.

The intermediary Meeting of the Parties of the Espoo Convention is scheduled for February 5-7, 2019, in Geneva.

WATER QUALITY DATA ARE NOW AVAILABLE TO EVERYONE

The unified state open data portal (data.gov.ua) got a new database on May 23, 2018. The State Water Agency of Ukraine made public data of the [state monitoring of surface waters](#), which includes data from 435 monitoring stations using 16 quality indicators over eight water basins gathered in 2008-2018. The data are to be updated every 85 days. This public information is accessible in machine-usable format, i.e. it can be recognized and processed by a computer software. Thus, citizens will be able to access relevant information on water quality in their region, and also make use of it for control purposes.

Global Open Data Index reports that water quality data are among the most closed in the world - only 15 countries (out of 94 studied) made water quality information accessible in machine-

usable format. Now Ukraine is among those countries.

Another and more friendly way for a regular Ukrainian to access water quality information is interactive [portal](#) "Monitoring and Water Quality Assessment in Ukraine", which State Water Agency launched on a pilot basis recently. The portal allows assessing water quality based on actual monitoring data and relevant maximum acceptable concentrations of water pollutants at each of the monitoring stations.

On December 2017 the Government of Ukraine amended its decision N0.835 on data bases to be made public, in particular to increase the range of data bases and introducing requirement as to their accessibility in machine-usable formats.

NUMBER OF THE MONTH

100

**million Ukrainian hryvnas were allocated
for national parks budgets**

DRAFT ENVIRONMENTAL STRATEGY OF UKRAINE – CAN WE ASSESS ITS FUTURE IMPLEMENTATION?

The Parliament of Ukraine is considering draft law on Fundamentals (Strategy) of the State Environmental Policy of Ukraine till 2030 (No.8328 of 26/04/2018, submitted by the Government of Ukraine) (hereinafter Draft environmental strategy). The submission of the Draft environmental strategy to the Parliament was a logical step in long lasting efforts by the public authorities and the public to update the strategy (the Law of Ukraine No.2818-VI of 21/12/2010).

The Draft environmental strategy in general kept the basic structure of the current strategy (except for the Section II, which combined sections 2 and 4). Serious changes were introduced, among others, to the section on strategic goals and tasks of the state environmental policy. It lists 5 strategic goals and 51 tasks.

<i>Strategic goal</i>	<i>Tasks</i>
Goal 1. Building environmental values in the society and fundamentals of sustainable consumption and	5
Goal 2. Ensuring sustainable development of natural	16
Goal 3. Ensuring integration of environmental policy into decision-making on economic and social development	7
Goal 4. Decreasing environmental risks for ecosystems	11
Goal 5. Improving and developing state environmental	12

The main change proposed in the Draft environmental strategy is a framework of target indicators. On a positive side, the indicators have clear definitions and measurement units, as well as specific targets for timeline milestones (2020, 2025 and 2030). This allows for measureable final outcomes of the state environmental policy and assessing progress to achieve them. In addition, the indicators framework would serve as a basis for monitoring and assessment of the state environmental policy implementation.

The indicators framework is important for monitoring, assessment and understanding actual achievement of the strategic goals and tasks of the future environmental strategy. Therefore, the proposed

framework raises some questions and concerns, in particular:

1. Coverage by indicators of all tasks envisaged for a specific strategic goal. As mentioned, the Draft environmental strategy includes 51 tasks, while there're only 30 indicators proposed. The problem is not only to match the number of tasks, but to cover in substance the tasks set. For example, the Goal 2 includes a task to combat illegal trade in wild species, while there is no indicator to measure progress/success.
2. Comprehensiveness/sufficiency of the indicators to assess achievement of the strategic goals. The proposed indicators framework proposes – unlike previous draft – no links between indicators and specific strategic goals. This approach has pro's and contra's, of course, but it does not allow to judge whether a strategic goal was achieved or not. In addition, some strategic goals have miserable number of indicators (in particular, Goal 1 related to building environmental values and sustainable consumption and production practices). Therefore, achievement of such goals is hardly measureable in the future.
3. Some indicators are not aimed to measure strategic goals or tasks. For example, the draft proposes an indicator "Reports on implementation of state environmental policy". In reality, this is not an indicator for environmental policy, but an obligation of the Ministry of Environment to prepare and made public a report on implementation of the state environmental policy. An obligation foreseen in the Draft environmental policy (section V 'Monitoring and implementation assessment'). Relevant target indicators just support this conclusion – one report in 2020, 2025 and 2030, while the obligation to report is annual. Therefore, this indicator is not setting a target for environmental policy, but measures the compliance with an obligation to report.

The Draft environmental policy proposes ambitious targets, which is obviously a strength. Since the overall goal is to ensure environment safe for life and well-being of the citizens, the strategy needs additional overarching indicators. In particular, it would benefit from inclusion of such indicator as "deaths attributable to PM pollution" or "deaths attributable to environmental factors". Indeed, the EU member states are using PM pollution caused deaths as one of the key indicators to measure the negative impact of environmental pollution on human health. This would also allow to raise the awareness and citizens support to environmental policy.

QUOTE OF THE MONTH

"Regarding the involvement [of the regions]... Sometimes they are not properly involved, sometimes they do not wish to. This is a two-ways street. Of course, we need to learn how to cooperate more effectively, to ensure the inter-institutional cooperation mechanism is a reality, not just formality... Yet, without successful projects no cooperation will be built. We need success stories as a base for effective institutions"

Mykola Kuzio, Vice-Minister of Environment for European Integration,
interview for UNIAN information agency

EVENT OF THE MONTH

May 22 – 15th anniversary of the Carpathian Convention

Carpathian Convention is a multilateral treaty between Czechia, Hungary, Poland, Montenegro, Romania, Serbia, Slovakia and Ukraine to foster the sustainable development and the protection of the Carpathian region.