

To:
Compliance Committee
of the Protocol on Pollutant Release and Transfer Registers
through the Secretary to the Aarhus Convention
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH-1211 Geneva 10, Switzerland

Cc:
Ministry of Environmental Protection and Natural Resources of Ukraine
gr_priem@menr.gov.ua

From:
Yelyzaveta Aleksyeyeva,
Environment-People-Law

Opening statement for the hearing on communication PRTRPCC/C/2020/1

Chairman, members of the committee, observers, colleagues and delegation from Ukraine,

I would like to begin by thanking the Compliance Committee for the invitation to participate in the hearing in communication concerning Ukraine's compliance with the PRTR Protocol.

I would also like to thank the Party concerned for agreeing to continue this procedure, as well as for making a significant progress in implementing the PRTR Protocol, namely for adopting the Law on National PRTR in the midst of the Russian aggression against Ukraine and for submitting its text for the review by the Compliance Committee.

Communication PRTRPCC/C/2020/1 concerned a general failure of Ukraine to take the necessary legislative, regulatory and other measures to establish and maintain a publicly accessible national PRTR in Ukraine by the end of the second year (2019) from the end of its respective first reporting year (2017) from ratification of the PRTR Protocol in 2016. At the time of submission of this communication apart from adoption of the Law on ratification of the PRTR Protocol and translation of the Protocol into Ukrainian language, Ukraine failed to take any other measures to comply with its obligations under the Protocol. In absence of any domestic remedies this failure to act on the part of the Government made the communicant to turn to the Compliance Committee.

In September 2022 Ukraine adopted the Law on National PRTR. However, adoption of the framework law itself does not amount to fulfilling the obligations under the Protocol. For that reason, we believe that Ukraine still remains in the state of non-compliance.

According to the PRTR Law the first reporting year will be 2023, the first reports on pollutants releases and transfers would have to be submitted by March 31, 2024. If the Law is implemented as planned the first PRTR data will become available to the public five years later than Ukraine committed to when ratified the PRTR Protocol in 2016.

Furthermore, given the current situation of war and unpredictability of its prospects, we believe that the PRTR Law might not be implemented as planned depriving the public of Ukraine of crucial environmental information for even longer. According to the Law on National PRTR (section VII para 5 subpara 1) the Cabinet of Ministers of Ukraine shall ensure the adoption of normative legal acts necessary for the implementation of the provisions of the Law within six months from the date of entry into force of the Law (April 8th, 2023). As of the day of submission of this statement to the Secretariat the communicant is not aware of any efforts on the part of the Government of Ukraine to develop and adopt the said subsidiary legislation.

It is our view that in the given situation Ukraine will benefit significantly from any assistance from the Compliance Committee in its efforts to reach compliance with the Protocol, including

- assessing of the Law on National PRTR,
- making any recommendations on a plan of action to bring Ukraine in compliance with the Protocol;
- assessing any further steps Ukraine takes in developing legislative, regulatory and other measures to establish and maintain national PRTR, and steering them in the right direction if necessary.

This concludes our opening statement, but I remain at your disposal to answer any questions to enable the Committee to be as fully informed as possible before you make your findings and recommendations.

February 10, 2023