

Questionnaire for the report of Ukraine on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Protocol (for example, Strategic Environmental Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 3

General provisions

I.3. According to article 3 (1) of the Protocol: “Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.” Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):

(a) Law on strategic environmental assessment (please provide exact title/reference number/year/access link, if any):

Law of Ukraine “On Strategic Environmental Assessment” (20.03.2018 # 2354-VIII; <https://zakon.rada.gov.ua/laws/show/2354-19?lang=en#Text>).

According to the Law:

the Cabinet of Ministers of Ukraine by its Resolution #1272 of December 16, 2020 approved the Procedure for Monitoring the Effects of the Implementation of State Planning Document on the Environment, Including Public Health;

the Ministry of Environmental Protection and Natural Resources of Ukraine by its Order # 213 of October 28, 2020 approved the Criteria of Impact Assessment for the Environment, as well as for Public Health.

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any):

Law of Ukraine “On Regulation of Urban Planning Activities” (07.02.2011 #3038; <https://zakon.rada.gov.ua/laws/show/3038-17?lang=en#Text>);

Land Code of Ukraine (25.10.2001 # 2768-III; <https://zakon.rada.gov.ua/laws/show/2768-14?lang=en#Text>);

Law of Ukraine “On Environmental Protection” (25.10.1991 # 1264-XII; <https://zakon.rada.gov.ua/laws/show/1264-12?lang=en#Text>);

Law of Ukraine “On State Targeted Programs” (18.03.2004 # 1621-IV).

(d) Administrative rule (please indicate title/reference number/year/access link, if any):

Procedures for Elaboration, Updating, Making Amendments and Approval of Urban Planning Documentation (Resolution of the Cabinet of Ministers of Ukraine #926 of September, 1, 2021);

Procedures for Public Hearings Relating to Draft Urban Planning Documentations at local level (Resolution of the Cabinet of Ministers of Ukraine #555 of May 25, 2011).

(e) Other (please specify):

Please explain:

Article 4

Field of application concerning plans and programmes

I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country's legislation?

List the types of plans and programmes that require strategic environmental assessment in your country's legislation and provide references to the relevant legislation:

Plans and programmes prepared for:

Agriculture +

Forestry +

Fisheries +

Energy +

Industry including mining +

Transport +

Regional development

Waste management +

Water management +

Telecommunications +

Tourism +

Town and country planning +

Land use +

Other (including those falling under article 4 (3)–(4)), please list

Protection of the environment

Please explain:

Law of Ukraine “On Strategic Environmental Assessment” (20.03.2018 # 2354-VIII; <https://zakon.rada.gov.ua/laws/show/2354-19?lang=en#Text>).

A strategic environmental assessment shall be carried out for draft public planning documents in the field of agriculture, forestry, fisheries, energy, industry, transport, waste management, water use, environmental protection, telecommunications, tourism, urban planning and land management (schemes) and implementation of which set the framework for types of activity (or which contain types of activity and projects) that under legislation require an environmental impact assessment, as well as for draft public planning documents which require an assessment in view of the likely effects on sites or objects of the nature reserve fund or ecological network.

I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)):

There is no definition of the term “set the framework for future development consent” in the national legislation of Ukraine.

But one of the main laws in this area is the Law of Ukraine “On State Targeted Programs”, which defines the types and goals of such programs. And each targeted programme or plan can set the framework for the future development consent in a separate sphere. That is why article 2 of the Law of Ukraine “On Strategic Environmental Assessment” defines a wide range of plans and programs that could be an object to such an assessment.

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 2) this Law shall apply to state planning documents for which the legislation provides for an environmental impact assessment procedure or which requires an assessment, taking into account possible effects on territories and objects of the natural reserve fund and the

ecological network other than those related to the creation or expansion of areas and objects of the natural reserve fund.

I.4.3. Explain how the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)) is interpreted in your country’s legislation:

There are no special provisions relating to “plans and programmes ... which determine the use of small areas at local level” in the national legislation of Ukraine.

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 2) this Law shall apply to the following state planning documents: strategies, plans, schemes, urban planning documentation, nationwide programmes, state target programmes and other programmes and programme documents, including changes therein to be prepared and/or subject to approval by the state authority or local self-government (municipality).

I.4.4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4 (4)):

The Ministry of Environmental Protection and Natural Resources of Ukraine by its Order # 213 of October 28, 2020 approved the Criteria of Impact Assessment for the Environment, as well as for Public Health.

These Criteria include “Recommendations on the need to carry out a strategic environmental assessment of minor changes in the state planning document previously covered by the strategic environmental assessment” (Annex 2) <https://zakon.rada.gov.ua/laws/show/z0009-21#Text>

Point 4 and Annex 2 of the Criteria defines the list of cases when changes to the state planning document are subject to a strategic environmental assessment.

In particular, the above-mentioned list includes the cases when:

- 1) Implementation of changes will lead to implementation of new (additional) activity not provided for in the state planning document, in respect of which the legislation requires an environmental impact assessment.
- 2) Implementation of changes will lead to changes in implementation of activity defined in the state planning document, for which the legislation requires an environmental impact assessment: characteristics and size (scale) of activity; place of activity (location); conditions of activity; allocated natural and/or material resources.
- 3) Implementation of changes will lead to changes in implementation of activity defined in the state planning document, which was not subject to an environmental impact assessment and which, as a result of such changes, will require an environmental impact assessment.
- 4) Changes require a strategic environmental assessment, taking into account their possible effect on areas with nature conservation status: territories and objects of the nature reserve fund, ecological network, Emerald network.
- 5) Changes effect on the other related state planning documents, which are adopted to implement the state planning document to which changes are made, taking into account the criteria specified in point 7.
- 6) Implementation of changes to the state planning document may worsen existing environmental problems, including risks of impact on human health, related to the state planning document.
- 7) Implementation of changes is likely to have significant effect on the environment, including human health, taking into account:
 - probability, duration, frequency and reversibility of effect;
 - cumulative nature of effect;
 - transboundary nature of effect;
 - risks to human health and the environment (for example, caused by accidents);

size and spatial distribution of effect (geographical territory and population likely to be affected);

effect on territories or landscapes that have conservation status at the national or international level.

8) Changes will require revision or amendments of measures that were supposed to be taken to prevent, reduce and mitigate the negative effect of implementation of the state planning document.

9) Changes will require revision or amendments of measures provided for monitoring the effect of implementation of the state planning document for the environment, including public health.

Article 5 Screening

I.5.1 According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.”

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes +
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation: +
- (c) Other (please specify)

Please explain:

I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

No

Yes +

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority +
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

Law of Ukraine “On Strategic Environmental Assessment” (article 2) defines which draft public planning documents are subject to a strategic environmental assessment.

In particular, a strategic environmental assessment shall be carried out for draft public planning documents in the field of agriculture, forestry, fisheries, energy, industry, transport, waste management, water use, environmental protection, telecommunications, tourism, urban planning and land management (schemes) and implementation of which set the framework for types of activity (or which contain types of activity and projects) that under legislation require an environmental impact assessment, as well as for draft public planning documents which require an assessment in view of the likely effects on sites or objects of the nature-reserve fund or ecological network.

The Cabinet of Ministers of Ukraine approved the Resolution #996 of November 3, 2010 “On Ensuring Public Participation in the Formation and Implementation of State Policy” including the Procedures for Conducting Consultations with the Public on Issues Related to Formation and Implementation of State Policy.

The above-mentioned Procedures envisage, among others, the electronic consultations with the public.

According to the Law of Ukraine “On Regulation of Urban Planning Activities” (articles 16, 17 and others) and the Procedures for Elaboration, Updating, Making Amendments and Approval of Urban Planning Documentation (Resolution of the Cabinet of Ministers of Ukraine #926 of September, 1, 2021) the customer shall make public (through the local media, web-sites of municipalities etc) information about the beginning of the development of the Urban Planning Documentation and determine the procedure and terms for the submission of proposals thereto by individuals and legal entities.

Article 6 Scoping

I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”

Please explain how you determine the relevant information to be included in the environmental report.

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 11) the report on strategic environmental assessment shall be drawn prior to the approval of the state planning document and, taking into account the content and level of the state planning document detail, current knowledge and methods of assessment, shall contain the following information:

- 1) content and main objectives of the state planning document and its relationship to other state planning documents;
- 2) description of the current state of the environment, including public health and predicted changes in this state if the state planning document is not approved (based on administrative data, statistical information and research);
- 3) the characteristic of environmental conditions, living and health conditions of the population in the territories likely to be affected (based on administrative data, statistical information and research);
- 4) environmental issues, including public health risks, related to the state planning document, in particular with regard to areas with the conservational status (based on administrative data, statistical information and research results);
- 5) environmental obligations, including those related to the prevention of adverse effects on public health, established at the international, state and other levels, related to the state planning document, as well as ways of including such commitments in the drafting of the state planning document;

6) description of the effects on the environment, including public health, secondary, cumulative, synergistic, short, medium and long-term (1, 3–5 and 10–15 years, respectively, and if necessary 50–100 years), permanent and temporary, positive and negative effects;

7) measures to be taken to prevent, reduce and mitigate the negative effects of the state planning document implementation;

8) substantiation of the choice of justified alternatives under consideration, description of the manner of the completed strategic environmental assessment, including any complications (insufficient information and technical means to conduct such an assessment);

9) measures envisaged to monitor the consequences of state planning document implementation for the environment, including public health;

10) description of possible transboundary environmental effects, including public health effects (if any);

11) summary of non-technical information referred to in paragraphs 1 to 10 of this part for a wide audience.

The above mentioned provisions of the Law of Ukraine “On Strategic Environmental Assessment” are in line with Annex 4 of the Protocol.

I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.

Please explain whether your country’s legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation: +
- (c) Other (please specify)

Please explain:

I.6.3 According to article 6 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.”

Please indicate whether your country’s legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No

Yes +

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority +
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

Article 7

Environmental report

I.7.1. According to article 7 (2): “The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives.”

How do you determine “reasonable alternatives”? Please specify (more than one option may apply):

- (a) On a case-by-case basis +
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): +

Please explain:

Authority responsible for the development of state planning document shall ensure that environmental report meets the requirements of the Law of Ukraine “On Strategic Environmental Assessment” (article 11) which are in line with annex IV of the Protocol.”

During consultation, environment authority also checks whether environmental report is of sufficient quality to meet the requirements of the Law of Ukraine “On Strategic Environmental Assessment and the Protocol.

Article 8 Public participation

I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media +
- (b) Through electronic media
- (c) Placing copies in public offices for the public +
- (d) Through other means:

Please explain:

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 12) the draft state planning document and the report on a strategic environmental assessment shall be published on the official website of authority responsible for the development of state planning document.

The notice of publication of the draft state planning document and the report on strategic environmental assessment shall be published in the printed media (at least in two) designated by the customer and shall be posted on the customer's official website. The customer shall ensure the publication of the notification and access to the draft state planning document, as well as to the report on strategic environmental assessment during the period of public discussion.

I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”

How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes +
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned +
- (d) By other means:

Please explain:

I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point +
- (b) By completing a questionnaire
- (c) By taking part in a public hearing +
- (d) Other (please specify):

Please explain:

I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify:

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition): +

According to the Law of Ukraine “On Strategic Environmental Assessment” (articles 10, 12):

the deadline for public discussion of the statement on determining the scope of strategic environmental assessment shall be set by the authority responsible for the development of state planning document and may not be less than 15 days from the date of its publication;

the time frame for public discussion of the draft state planning document and the report on strategic environmental assessment shall be set by the authority responsible for the development of state planning document and may not be less than 30 days following the publication of the notice.

- (c) Other (please specify):

Please explain your selection:

Article 9

Consultation with environmental and health authorities

I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”

How are the environmental and health authorities identified? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation: +
- (c) Other (please specify)

Please explain:

I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation: +
- (c) Other (please specify)

Please explain:

I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”

Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes (please refer to specific provisions and provide citations in order to clarify the issue) +

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 13):

The draft state planning document, report on strategic environmental assessment and notification of the publication of these documents shall be submitted by the authority responsible for the development of state planning document in hard and soft copies to the environmental and health authorities.

Within five working days, the environmental and health authorities shall post notification on the publication of the draft state planning document on their official websites (after receiving the draft state planning document and the report on the strategic environmental assessment); for a period of at least 30 days from the date of receipt, they shall submit the authority responsible for the development of state planning document written comments and proposals to the draft state planning document and report on strategic environmental assessment.

If no such comments and proposals were submitted within the specified period, comments and proposals shall be deemed missing.

All comments and proposals received within the period set in this article shall be subject to mandatory review by the authority responsible for the development of state planning document. Based on the review results, the authority responsible for the development of state planning document shall take into account received comments and suggestions or justifiably reject them.

Based on the result of consultations, the authority responsible for the development of state planning document shall prepare a report on consultations summarizing the received comments and proposals and shall indicate how the state planning document and the report on strategic environmental assessment take into account comments and proposals submitted; and shall justify the selection of this particular state planning document as proposed for approval among other reasonable alternatives submitted for consideration. Received written comments and suggestions shall be attached to the report on consultations. The report on consultations shall be considered as public information.

- (b) No

Please explain:

I.9.4. How can the environmental and health authorities express their opinion?

- (a) By sending comments +
- (b) By completing a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Please explain:

Article 10

Transboundary consultations

I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”

As a Party of origin, when do you notify the affected Party?

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared +
- (c) At other times (please specify):

Please explain:

Where the authority considers that the public planning document is likely to have effects on the environment, including human health in the affected state, or where the affected state so requests, the authority shall forward a copy of the draft public planning document together with the strategic environmental assessment report (or a part thereof, which does not contain the classified information) to the affected state and specify the time frame within which the affected state shall indicate whether it wishes to enter into transboundary consultations. Such the time frame shall not be less than 30 days from the day of notification of the affected state.

I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:

- (a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and**
- (b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”**

As a Party of origin, what information do you include in the notification? Please specify:

- (a) The information required by article 10 (2) +
- (b) The information required by article 10 (2), plus additional information (please specify):

Please explain:

I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

- (a) No
- (b) Yes (please indicate how long): +

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 14) this period may not be less than 30 days from the date of informing of the affected Party.

I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.

How do the Parties agree on detailed arrangements?

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) On a case-by-case basis +
- (d) In accordance with existing arrangements (for example, bilateral agreement) +
- (e) Other (please specify):

Please explain:

Article 11 Decision

I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report +
- (b) Mitigation measures +
- (c) Comments received in accordance with articles 8–10 +

Please explain:

I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”

How and when do you inform your own public and authorities?

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed): +

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 16) within five working days from the date of the state planning document approval the authority responsible for the development of state planning document shall publish the approved state planning document on its official website as well as measures envisaged to monitor the consequences of the state planning document implementation, the report on consultations and public discussion and shall inform the environmental authority in writing.

- (b) Other (please specify):

Please explain:

I.11.3. Does the information provided to the public and authorities include?

- (a) Plan or programme: +

(b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account: +

(c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered: +

I.11.4. How do you inform the Parties consulted (art. 11 (2))?

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify): +

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 16) within five working days from the date of the state planning document approval the the authority responsible for the development of state planning document shall publish the approved state planning document on its official website as well as measures envisaged to monitor the consequences of the state planning document implementation, the report on consultations and public discussion and shall inform the environmental authority in writing.

Your comments:

Article 12

Monitoring

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”

I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes:

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 17) the authorities responsible for the development of state planning document shall, within the limits of their competence, monitor the effects of the implementation of the state planning documents on the environment, including public health; shall publish the results once a year on the official website on the Internet; if negative effects on the environment, including public health, are identified, that are not covered by the report on strategic environmental assessment, the authorities responsible for the development of state planning document shall take measures to eliminate them.

The Cabinet of Ministers of Ukraine by its Resolution #1272 of December 16, 2020 approved the Procedure for Monitoring the Effects of the Implementation of State Planning Document on the Environment, Including Public Health.

Policies and legislation

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.

(a) Yes (please specify which articles of the Protocol apply): +

Provisions of the Protocol as regards policies are integrated in the the Law of Ukraine “On Strategic Environmental Assessment”

(b) No

Please explain:

Part two Practical application during the period 2019–2021¹

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation^a by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice...".^c

^a United Nations publication, ECE/MP.EIA/SEA/14.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:

- (a) Yes +
(b) No, only when potential health effects are identified

II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes +
(b) No, only when potential transboundary effects are identified

B. Example of application of the Protocol in your country during the period 2019–2021

II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.

Approximate number of domestic strategic environmental assessment procedures:
2019 - 530

Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

2020 - 1038

2021 – 1039.

There is no reliable data on average duration and costs of strategic environmental assessment procedures, which depend on different factors, including type of the state planning document, particular conditions of concrete region etc.

It takes from 45 to 90 day for consultations with environmental and health authorities and public discussions during a strategic environmental assessment depending on whether they are conducted in parallel or consequently.

II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration. -

II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input type="checkbox"/>	(a) Yes <input type="checkbox"/>
(b) No +	(b) No +
If so, please provide the access link to the register:	If so, please provide the access link to the register:

II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,² the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain:	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain:
(b) No (no objection) +	(b) No (no objection) + <input type="checkbox"/>

C. Experience with the strategic impact assessment procedure in 2019–2021

II.7. Please list the benefits of strategic environmental assessment that are identified by your country:

- (a) Cost effectiveness
- (b) More focused and informed planning +
- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies +
- (d) Environmental and health benefits +
- (e) Other

Please provide your comments:

II.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?

- (a) No +
- (b) Yes (please indicate which ones):

II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets:

II.10. With regard your country's experience with domestic and/or transboundary procedures:

- (a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3

According to the Law of Ukraine "On Strategic Environmental Assessment" (articles 7, 8, 10, 11, 13):

the health aspects shall be incorporated into the environmental report;

the health authorities (the Ministry of Health Protection of Ukraine and the healthcare units of the oblast state administrations, Kyiv city state administration), shall be consulted to ensure that the health aspects are properly incorporated into the environmental report.

- (b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

Biodiversity

Circular economy

Energy transition

Development cooperation +

Smart and sustainable cities +

Sustainable infrastructure +

Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or climate objectives. When providing an example, you may also make use of the template in annex III to the present questionnaire.)

Relevant information is laid down in annex III.

(c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals

+ Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals

No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

If “Yes”, please list the most relevant Sustainable Development Goals (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement

SDGs 2, 3, 5, 6, 8, 9, 11, 12, 13, 14, 15.

Information about an example is provided in annex III.

II.11. Please indicate whether your country has been carrying out monitoring according to article 12.

(a) No

(b) Yes +:

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available

Monitoring shall be carried out with regard to all types of state planning documents which are subject to a strategic environmental assessment.

According to the Law of Ukraine “On Strategic Environmental Assessment” (article 17) the authorities responsible for the development of state planning document shall, within the limits of their competence, monitor the effects of the implementation of the state planning documents on the environment, including public health; shall publish the results once a year on the official website on the Internet; if negative effects on the environment, including public health, are identified, that are not covered by the report on strategic environmental assessment, the authorities responsible for the development of state planning document shall take measures to eliminate them.

II.12. With regards to your country’s experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country’s general experience. You might also want to include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

(ii) Other issues

(b) What elements of the environmental report and other documentation does your country usually translate as a Party of origin?

(c) As an affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):

(i) No

(ii) Yes (please indicate how):

(d) What has your country’s experience been of the effectiveness of public participation?

(e) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?

(i) No +

(ii) Yes (please describe):

D. Experience regarding guidance in 2019–2021

II.13. Has your country used in practice the following documents:

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE/MP.EIA/SEA/2014/2)

Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)

Yes+

No

Please specify reasons for not using the Good Practice Recommendations:

(i) Lack of awareness about the document

(ii) The document is not relevant

(iii) The document is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations:

Yes +

No

Please specify reasons for not using the Manual:

(i) Lack of awareness about the document

(ii) The Manual is not relevant

(iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Resource Manual:

E. Contributions to the funding of the workplans

II.14. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Convention and covered both the Convention and the Protocol:

(i) Yes

(ii) No +

If your response is “No”, please provide the information regarding the contributions to the trust fund below.

Delay in payment of the contributions of Ukraine to the trust fund was caused by the circumstances relating to the military aggression of the Russian Federation against Ukraine.

The Ministry of Environmental Protection and Natural Resources of Ukraine is taking the necessary measures to ensure the payment of contributions for the intersessional period 2021–2023 (6000 USD) in 2023.

II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,³ applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “Urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties.” For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/14, regarding funding of the adopted workplans, the Meeting of the Parties decided that: “All the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget.”

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

(i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

(ii) Individual contribution in 2019

Yes Amount and currency:

No + Please explain the reason:

Financial and budget constraints

(iii) Individual contribution in 2020:

Yes Amount and currency:

No + Please explain the reason:

Financial and budget constraints

(iv) Individual contribution in 2021:

Yes Amount and currency:

No + Please explain the reason:

Financial and budget constraints

(v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes + Please describe how:

Sharing the experience and knowledge during the Subregional Workshop on the Practical Application of Strategic Environmental Assessment and Transboundary Environmental Impact Assessment

No Please explain the reason

Contributions of Ukraine in the reporting period were limited due to the circumstances relating to the military aggression of the Russian Federation against Ukraine

F. Suggested improvements to the report

II.16. Please provide suggestions for how this report could be improved:

3 ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.
4 ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

Annex I

List and number of domestic strategic environmental assessment procedures initiated in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,* months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):					

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments:

Annex II

List and number of transboundary strategic environmental assessments in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,* months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):					

Annex III

Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

I. General information

1. Title of plan/programme: Strategy of Development of Industrial Parks for 2023-2030

2. Authority responsible for the plan's/programme's development Ministry of Economy of Ukraine

3. Nature of the related strategic environmental assessment procedure:

(a) Domestic +

(b) Transboundary

4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:

The entire procedure

Screening (art. 5)

Scoping (art. 6)

Environmental report (art. 7)

Public participation (art. 8)

Consultation with environmental and health authorities (art. 9) +

Transboundary consultations (art. 10)

Decision (art. 11) +

Monitoring (art. 12)

5. Please indicate to which topic(s) of the 2021–2023 workplan the example is related:

Biodiversity

Circular economy

Development cooperation +

Energy transition

Smart and sustainable cities+

Sustainable infrastructure +

II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

The Law of Ukraine “On Industrial Parks” (21.06.2012 # 5018-VI, <https://zakon.rada.gov.ua/laws/show/5018-17?lang=en#Text>) provides for establishing and operating the industrial parks within the territory of Ukraine.

Industrial park – is the territory designated by the initiator of the creation of the industrial park in accordance with the urban planning documentation and equipped with the appropriate infrastructure, within which the participants of the industrial park can carry out economic activities in the field of processing industry, processing of industrial and/or household waste (except disposal of waste), as well as scientific and technical activities (article 1).

The creation and operation of industrial parks on the territory of Ukraine shall be carried out on the following basis:

- 1) free access to information about the possibility of using land for the creation of industrial parks;
- 2) competitiveness in the selection of a management company on state and municipal lands;
- 3) guaranteeing the rights to land plots within the industrial park;
- 4) state stimulation of the creation of industrial parks;
- 5) state stimulation of investment in industrial parks.

The functioning of industrial parks is aimed at:

- 1) attraction of investments and development of the economy of Ukraine;
- 2) leveling the economic development of regions and improving the quality of life of the population of Ukraine;
- 3) introduction of innovative and energy-saving technologies;
- 4) creation of new jobs;
- 5) sustainable development and protection of the environment

(article 4).

The Ministry of Economy of Ukraine is responsible for the state governance in the field of creation and operation of industrial parks on the territory of Ukraine.

Therefore, the Ministry of Economy of Ukraine elaborated the draft Strategy of Development of Industrial Parks for 2023-2030 (here and after - the Strategy), which was subject to a strategic environmental assessment in accordance with the Law of Ukraine “On Strategic Environmental Assessment”.

III. Procedure under the protocol on strategic environmental assessment and elements of good practice

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

III.1. Field of application (art. 4)

III. 2. Screening (art. 5)

III. 3. Scoping (art. 6)

III.4. Environmental report (art. 7)

III.5. Public participation (art. 8)

III.6. Consultation with environmental and health authorities (art. 9)

The Strategy, the Report on the strategic environmental assessment and the Notice of publication of these documents were submitted by the Ministry of Economy of Ukraine to the environmental and health authorities, including the Ministry of Environmental Protection and Natural Resources of Ukraine, for consultations.

The purpose of the consultations was to integrate the environmental requirements during the development and approval of the Strategy.

In order to address this purpose the Ministry of Environmental Protection and Natural Resources of Ukraine prepared and sent the written comments and proposals to the Ministry of Economy of Ukraine.

Then, several additional working consultations and meetings among the Ministries and other stakeholders took place.

The Strategy envisages the following expected outcomes by the beginning of 2031:

- 1) creation and operation of at least 30 industrial parks, including at least five industrial parks in coal regions;

- 2) more than 10 participants will be involved in five industrial parks, the functioning of which corresponds to the eco-industrial park model;
- 3) creation of at least one science park in industrial parks, implementation of science park projects;
- 4) financing of industrial park infrastructure projects and their arrangement at the expense of state and local budgets in the amount of at least 12 billion hryvnias;
- 5) attraction of investments within industrial parks in the amount of at least 8 billion US dollars.

As a result of the consultations during the strategic environmental assessment, the Strategy was revised and supplemented with a number of environmental provisions.

In particular, it contains strategic objective 9 “Promotion of the development (transformation) of industrial parks based on the eco-industrial park model”.

To achieve this strategic objective, it is among others envisaged:

to ensure the development of industrial parks, taking into account the priority of environmental safety, preservation and development of nature-protected territories and objects;

to approve at the legislative level of the eco-industrial park model, state stimulation of the development of eco-industrial parks and the transformation of industrial parks into eco-industrial parks;

to ensure the creation of new industrial parks based on the eco-industrial park model;

to establish the cooperation with international financial organizations, governmental and non-governmental organizations of foreign countries, which may be interested in the implementation of projects for the creation and development of eco-industrial parks.

III.7. Transboundary consultations (art. 10)

III.8. Decision (art. 11)

The Cabinet of Ministers of Ukraine approved the Strategy of Development of Industrial Parks for 2023-2030 by its Resolution #176 of February 24, 2023).

III.9. Monitoring (art. 12)

IV. Lessons learned and advice to other parties:

IV.1. Please indicate:

- (a) Challenges in carrying out the procedure, if any, and how those were tackled
- (b) Lessons learned

It is important that consultations with environmental and health authorities during a strategic environmental assessment will not be limited to just some formal steps (submission of written comments etc.). Depending on concrete situation, other necessary steps (like organisation of working meetings to clarify and accommodate different views and positions) need to be taken as well.

IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals

Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
 Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (target 9.4);
 Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets: 11.6 and 11.a–11.b);
 Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
 Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3).