

**To:** Compliance Committee  
of the UN ECE Convention on Access to  
Information, Public Participation in  
Decision- Making and Access to Justice in  
Environmental Matters

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

**From:** Yelyzaveta Aleksyeyeva,  
Environment-People -Law

***Regarding the progress in implementing  
the Recommendations on the request for advice ACCC/A/2022/3 by Ukraine***

Environment-People-Law expresses its great respect to the Aarhus Convention Secretariate and the Compliance Committee and wishes to submit the following update regarding the implementation by Ukraine of the ACCC Recommendations with regard to request for advice ACCC/A/2022/3 by Ukraine on whether its adoption of certain measures in connection with the military aggression by the Russian Federation was compatible with its obligations as a Party to the Aarhus Convention.

Environment-People-Law submits that Ukraine has achieved (or is in a process of achieving) a substantive level of implementation of the abovementioned recommendations, in particular with regard to the following issues:

**(a) Access to environmental information contained in the unified EIA register solely upon request**

Despite the fact the ACCC did not find a violation of the Aarhus Convention in this respect, Ukraine is going to renew an open public access to the online EIA register. As part of the implementation of the Law of Ukraine No. 3227-IX "On Amendments to Certain Laws of Ukraine Regarding the Improvement and Digitization of the Environmental Impact Assessment Procedure" (adopted on July 13, 2023)<sup>1</sup> the Ministry of Environmental Protection and Natural Resources of Ukraine (MEPR) is currently working on improving the software of the EIA register. On the day of entry into force of this law (December 29, 2023), the functionality of the register – as officially promised by MEPR – will again allow the public to freely access the EIA documentation directly in the EIA register (via its web-portal), without the need to submit a request.

The Law No. 3227-IX also provides for the creation of technical possibilities for the members of the public to register in (subscribe to) the EIA Register, as well as their submission of comments and suggestions in electronic form by means of the Register's web-portal.

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<sup>1</sup> The official text of the Law in Ukrainian <https://zakon.rada.gov.ua/laws/show/3227-20#n6>

**(b) The forms the public must complete to request access to documentation in the EIA register**

Meanwhile, the requirement to indicate the IP address was removed from the request form for the provision of EIA documentation. Other identification documents in addition to the passport were listed in the request form to be provided by a requestee as a means of their identification. The new request form is available on the MEPR web-page.

**(c) The time-frame for the public to submit comments in pending EIA procedures;**

In practice in 2023 MEPR provided EIA materials upon requests by email within 1-2 working days and has addressed the local authorities conducting EIA at the regional level with a similar instruction.

**(d) The redaction from EIA documentation of all information related to the location of the proposed activity**

According to MEPR official position, in order to avoid damage or destruction by the enemy of operational facilities undergoing the EIA procedure, MEPR will, in exceptional cases, remove information on precise location of the planned activity, while at the same time providing the general location of the proposed activity for the purpose of public discussion. MEPR has addressed the local authorities conducting EIA at the regional level with a similar instruction.

**(e) Access to EIA conclusions issued prior to 24 February 2022**

According to the official position of MEPR, it is now possible to obtain any EIA conclusion, including those issued prior to a full-scale war in Ukraine. The respective documents are provided upon a written request addressed to MEPR or via direct access to the EIA register starting from December 29, 2023.

**(f) Exclusion of “restoration works” from public participation**

With the entry into force of the Law of Ukraine No. 3227-IX (December 29, 2023), the updated version of Article 3 part 2 of the Environmental Impact Assessment Law (Scope of Application of Environmental Impact Assessment) will enter into force and no longer exclude restoration work during the reconstruction period from the scope of the law. At the same time, there will be a provision allowing not to conduct an EIA in relation to planned activities aimed exclusively at ensuring the national defence, remedying the consequences of emergency situations, restoration works to remedy the consequences of armed aggression during martial law, in accordance with the criteria approved by the Cabinet of Ministers of Ukraine.

Environment-People-Law is deeply grateful to the Aarhus Convention Compliance Committee and the Secretariate for swift consideration of the request for advice on application of the Aarhus Convention in the times of war that led to significant improvement of the situation in the country where civil society exercise its Aarhus rights and advocates for environmental reforms even in the most drastic times as the current war.



Yelyzaveta Aleksyeyeva,  
November 29, 2023