

Decision IX/4k on compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta

The Meeting of the Parties,

Recalling articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decisions IV/2, paragraphs 7–14,¹ V/4, paragraphs 17–26,² VI/2, paragraphs 15–28,³ IS/1f⁴ and VIII/4d, paragraphs 10–16⁵ concerning compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (Bystroe Canal Project),

Having considered the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session (Geneva, 12–15 December 2023),⁶ in particular, the section concerning the steps taken by Ukraine further to decision VIII/4d,

Condemning strongly the war of aggression being waged by the Russian Federation against Ukraine, being conscious of the ensuing difficulties for Ukraine to implement the Convention,

Recalling the road map developed by Ukraine in 2018 to bring the Bystroe Canal Project into compliance with the Convention, which contained a non-exhaustive list of measures with regard to Phases I and II of the Project, including: stopping works, repealing the final decision, conducting an assessment of the damage to the environment, and developing a plan for compensatory or mitigation measures,

Noting the steps taken by Ukraine to develop a new project for a “Bystroe Route” and to carry out a transboundary environmental impact assessment procedure on the new project in accordance with the Convention, starting with its notification to Romania on 22 June 2020,⁷

Taking note of the information provided by Ukraine further to paragraph 4 of decision VIII/4d concerning the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta,

Welcoming the statements by the delegations of Ukraine and Romania on the completion of the transboundary environmental impact assessment procedure in accordance with the Convention with respect to the “Bystroe Route” project and the bilateral agreement between Ukraine and Romania,

1. *Welcomes* the collaborative endeavours undertaken by Ukraine and Romania, fostering open and transparent consultations aimed at resolving all outstanding issues pertaining to the new project for a “Bystroe Route”;

2. *Welcomes also* the conclusion of a bilateral agreement between Ukraine and Romania on the implementation of the Convention on 18 November 2022, further to paragraph 13 (a) of decision VIII/4d, as well as its entry into force on 15 July 2023 as an important step forward in improving cooperation and coordination between the two countries in assessing transboundary environmental impacts;

¹ ECE/MP.EIA/10.

² ECE/MP.EIA/15.

³ ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4/Add.1.

⁴ ECE/MP.EIA/27/Add.1–ECE/MP.EIA/SEA/11/Add.1.

⁵ ECE/MP.EIA/30/Add.2–ECE/MP.EIA/SEA/13/Add.2.

⁶ ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

⁷ *Ibid.*

3. *Welcomes further* the progress made by Ukraine in bringing the Bystroe Canal Project into compliance with the Convention, further to requests contained in decision VIII/4 d (paras. 4–6 and 12) and in preceding decisions;

4. *Decides* to lift the caution issued to the Government of Ukraine at its fourth session (Bucharest, 19–21 May 2008) on the condition that the Implementation Committee at its fifty-eighth session (27 February–1 March 2024) confirms that Ukraine has taken all the necessary measures to bring the Bystroe Canal Project into full compliance with the Convention;

5. *Requests* the Implementation Committee to evaluate at its upcoming session the newly submitted information from Ukraine;

6. *Encourages* the Governments of Ukraine and Romania to cooperate closely on monitoring and post-project analysis, according to article 7 of the Convention;

7. *Welcomes* the participation of Romania in the procedure under the Convention with regard to the new project and its readiness to closely cooperate with Ukraine concerning the assessment of the damage to the environment resulting from already implemented works related to Phases I and II of the Bystroe Canal Project and the development of compensatory or mitigation measures;

8. *Requests* the Implementation Committee to report on the fulfilment of the condition referred to in paragraph 5 above after its fifty-eighth session in February 2024.
