

Dear Fiona!

The Ministry of Environmental Protection and Natural Resources of Ukraine, in order to implement Decision VII/8r of the Meeting of the Parties to the Aarhus Convention on Ukraine's violation of its provisions, sends the developed draft Action Plan for the implementation of Decision **VII/8r**.

The Ministry of Environment has been working on the implementation of the above decision for 2 years. First of all, a Working Group was created to develop an Action Plan for the implementation of the decision. The approved composition of the Working Group includes representatives of civil society and representatives of executive authorities whose competence includes the issues raised in the decision.

In the process of developing the Action Plan, many controversial issues arose and it was very difficult to come up with proposals that would satisfy all interested parties.

In this regard, we ask the Committee to analyze our draft Action Plan for compliance with the requirements of the Aarhus Convention and to inform Ukraine about the results of the analysis, for the possibility of its further placement on the official website of the Ministry of Environment for a full public discussion.

We also inform you that the current legislation of Ukraine, namely the Law of Ukraine "On Ensuring Transparency in Extractive Industries", establishes clear requirements for the openness and transparency of extractive activities, while delimiting the amount of information that must be disclosed, taking into account the interests of investors/the state and taking into account the provisions stipulated by the concluded agreements on the distribution of products.

The Law of Ukraine "On Ensuring Transparency in the Extractive Industries" defines the legal basis for regulating and organizing the collection, disclosure and dissemination of information with the aim of ensuring transparency and preventing corruption in the extractive industries in Ukraine and applies to all business entities operating in the extractive industries. parent companies in the extractive industries, regardless of their organizational and legal forms and forms of ownership, to the central body of executive power, which ensures the formation and implementation of state policy in the fuel and energy complex, the central body of executive power, which implements state policy in the field of geological study and rational use of subsoil, as well as on the recipients of payments.

In accordance with the second part of Article 11 of the Law, the central executive body, which ensures the formation and implementation of state policy in the fuel and energy complex, is obliged to publish on its official website information about the essential terms of contracts (agreements) regarding the use of subsoil of all entities enterprises operating in the extractive industries concluded before the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Ensuring Transparency in the Extractive Industries"), together with relevant extracts from such contracts (agreements), as well as a list of all such contracts (agreements) indicating their details (name, number, parties, date of conclusion).

The fourth part of Article 11 of the Law specifies that the central executive body, which ensures the formation and implementation of state policy in the fuel and energy complex, is obliged to publish on its official website copies of contracts (agreements) regarding the use of subsoil of all economic entities, that carry out activities in the extractive industries, concluded from the date of entry into force of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Ensuring Transparency in the Extractive Industries", as well as amendments thereto.

The specified norms of Article 11 of the Law were implemented in 2021 through the adoption of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Ensuring Transparency in Extractive Industries" No. 1974-IX dated December 16, 2021.

Taking into account that in the signed agreements on the distribution of hydrocarbons there is a norm of guarantee regarding the stability of the norms of the legislation of Ukraine, the norms of the second part of Article 11 of the Law apply to all these agreements.

All agreements on the distribution of products or changes to existing agreements concluded by the Cabinet of Ministers of Ukraine after 2021 will be made public, in accordance with the fourth part of Article 11 of the Law.

Regarding the amount of information that must be disclosed regarding agreements on the distribution of hydrocarbons that will be mined within the boundaries of the Yuzivska and Oleska areas, we note that based on the above, since the specified agreements were concluded in 2013, the norms of part three of Article 11 apply to the disclosure of information on them of the law.

At the same time, we note that the conditions of the competition for the conclusion of an agreement on the distribution of hydrocarbons to be extracted within the Oleska site (appendix to the resolution of the Cabinet of Ministers of Ukraine "On holding a competition for the conclusion of an agreement on the distribution of hydrocarbons to be extracted within the Oleska site" dated November 30, 2011 . No. 129), and the terms of the tender for the conclusion of an agreement on the distribution of hydrocarbons to be produced within the Yuzivska site (addendum to the resolution of the Cabinet of Ministers of Ukraine "On conducting a competition for the conclusion of an agreement on the distribution of hydrocarbons to be produced within the Yuzivska site" dated November 30, 2011 r. No. 1298), provided that during the competition, the creation of equal conditions for all competition participants and confidentiality is ensured (paragraph two of clause 6).

In accordance with the current requirements of the Law, the conditions for conducting the competition in relation to the Yuzivska and Oleska sites, and taking into account the fact that the agreements on the distribution of hydrocarbons to be extracted within the Yuzivska and Oleska sites were concluded until 2021 (the year of amendments to the Law), the Ministry of Energy of Ukraine has to disclose exclusively information about the essential terms of such agreements, in accordance with part three of Article 11 of the Law.

In addition, we inform you that the preparation of the first progress report is currently being completed, which will be sent to the Secretariat of the Committee in the near future.

Best regards,
Ruslana Koretska