

Plan of action for a decision VII/8r (Ukraine) (Draft)

A. Description of the process by which the plan of action has been prepared

In accordance with the order of the Ministry of Environment dated November 1, 2022 No. 456, the composition of the Working Group on the development of measures to implement Decision VII/8r of the seventh session of the Meeting of the Parties to the Aarhus Convention on Ukraine's compliance with its obligations was approved. Changes were made to the composition of the Working Group by orders of the Ministry of Environment dated January 19, 2023 No. 30 and February 21, 2024 No. 191. Representatives of the public participate in the meetings of the Working Group and submit their proposals to the Action Plan for the implementation of decision VII/8r, which are considered at the meetings.

B. General character of the measures that will be needed to implement the recommendations in the MOP decision

In order to implement the recommendations of the Committee, it is considered necessary to amend the legislation for subsoil areas (mineral deposits) so that public participation is ensured at an early stage of decision-making, namely before the signing of the production-sharing agreements and before the auction (electronic bidding) for obtaining special permit for subsoil use.

Elaboration of the current legislation of Ukraine with article-by-article analysis of its compliance with Art. 9 of the Aarhus Convention.

C. Detailed plan of action	
Recommendation: 2 (a)	In paragraph 2 (a) of decision VII/8r, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative or other measures to ensure that: (a) Subject to any redactions made in accordance with article 4 (3) and (4) of the Convention, the texts of production-sharing agreements are to be provided in full to members of the public upon request in accordance with article 4 of the Convention;
Proposed measures to fulfil recommendation	<ol style="list-style-type: none"> 1. Provision of the texts of the production-sharing agreements, which will be mined within the Yuzivska and Oleska oil fields, to the applicant, in the part that contains environmental information in accordance with the procedure established by the Law of Ukraine "On Ensuring Transparency in Extractive Industries" and the Aarhus Convention - 2024. 2. Conducting training among civil servants on the clarification of the provisions of the Aarhus Convention - 2024.
Outline of the steps necessary to implement the proposed measures	<ol style="list-style-type: none"> 1) To disclose the texts of the production-sharing agreements, which will be mined within the Yuzivska and Oleska oil fields, in the part that contains environmental information in accordance with the procedure established by the Law of Ukraine "On Ensuring Transparency in Extractive Industries". 2) Provide the applicant with access to environmental information of the production-sharing agreements Yuzivska and Oleska oil fields, which is provided for in Art. 4 of the Aarhus Convention and Art. 11 of the Law of Ukraine "On Ensuring Transparency in Extractive Industries", before the removal of the "For official use only" seal imposed on the texts of the production-sharing agreements of the Yuzivska and Oleska oil fields. 3) Conduct trainings for civil servants involved in the development of production sharing agreements on the clarification of the provisions of the Aarhus Convention and the conclusions and recommendations of the Meeting of the Parties to the Convention.
Actors involved	Ministry of Energy of Ukraine, Ministry of Environmental Protection of Ukraine, State Geology and Subsoil Service, Ministry of Economy of Ukraine, other central executive authorities
Final date by when implementation of recommendation will be completed	2026

Recommendation: 2 (b)	<p>In paragraph 2 (b) of decision VII/8r, the Meeting of the Parties recommends that the relevant Party take the necessary legislative, regulatory, administrative or other measures to ensure that:</p> <p>(b) Public participation meeting the requirements of article 6 of the Convention is to be carried out regarding draft production-sharing agreements prior to their approval, at an early stage when all options are open and effective public participation can take place;</p>
Proposed measures to fulfil recommendation	<ol style="list-style-type: none"> 1. Bringing the legislation into compliance with Art. 6 of the Aarhus Convention - 2026 2. To conduct trainings for interested parties involved in the development of agreements on product distribution and passing the environmental impact assessment procedure. - 2024
Outline of the steps necessary to implement the proposed measures	<ol style="list-style-type: none"> 1) At the legislative level, ensure public participation at the early stage of decision-making, namely to provide for the conduct of an environmental impact assessment for subsoil areas (mineral deposits) before signing the production-sharing agreements and before holding an auction (electronic bidding) for obtaining a special permit for the use of subsoil, which will be carried out part 4 of Art. 6 of the Aarhus Convention. 2) Agree on the draft law with the interested bodies and submit it for consideration by the Verkhovna Rada of Ukraine. 3) To conduct trainings for interested parties involved in the development of production-sharing agreements, conducting electronic auctions) and passing the environmental impact assessment procedure of the provisions of Art. 6 of the Aarhus Convention with the involvement of the Committee on Observance of the Aarhus Convention.
Actors involved	Ministry of Energy of Ukraine, Ministry of Environmental Protection of Ukraine, State Geology and Subsoil Service, Ministry of Economy of Ukraine, other central executive authorities
Final date by when implementation of recommendation will be completed	2026

Recommendation: 2 (c)	<p>In paragraph 2(c) of decision VII/8r, the Meeting of the Parties recommends that the relevant Party take the necessary legislative, regulatory, administrative or other measures to ensure that:</p> <p style="text-align: center;">(c) non-governmental organizations that meet the requirements of Article 2(5) are considered eligible during review procedures under Article 9(2) of the Convention;</p>
Proposed measures to fulfil recommendation	1. To conduct an analysis of Ukrainian legislation regarding compliance with the requirements of Art. 9 of the Aarhus Convention -2024
Outline of the steps necessary to implement the proposed measures	<p>1) Provide positions with article-by-article justification regarding the compliance of the legislation of Ukraine with the requirements of Art. 9 of the Convention, in terms of giving the interested public the right to appeal in procedures for revising decisions;</p> <p>2) If necessary, prepare appropriate amendments to the legislation and submit them to the Verkhovna Rada of Ukraine for consideration.</p>
Actors involved	Ministry of Environmental Protection and Natural Resources of Ukraine, Ministry of Justice of Ukraine, other central executive authorities
Final date by when implementation of recommendation will be completed	2024

Recommendation: 2 (d)	<p>In paragraph 2 (d) of decision VII/8r, the Meeting of the Parties recommends that the relevant Party take the necessary legislative, regulatory, administrative or other measures to ensure that:</p> <p style="text-align: center;">(d) The time frame for filing a cassation appeal within the scope of article 9 (2) of the Convention is calculated from the date on which the claimant receives the full text of the contested judgment;</p>
Proposed measures to fulfil recommendation	<p>1. To conduct an analysis of Ukrainian legislation regarding compliance with the requirements of Art. 9 of the Aarhus Convention -2024</p>
Outline of the steps necessary to implement the proposed measures	<p>1) Provide positions with article-by-article justification regarding the compliance of the legislation of Ukraine with the requirements of Art. 9 of the Convention, in terms of determining the time limit for filing a cassation appeal;</p> <p>2) If necessary, prepare appropriate amendments to the legislation and submit them to the Verkhovna Rada of Ukraine for consideration.</p>
Actors involved	Ministry of Environmental Protection and Natural Resources of Ukraine, Ministry of Justice of Ukraine, other central executive authorities
Final date by when implementation of recommendation will be completed	2024

Recommendation: 2 (e)	<p>In paragraph 2(e) of decision VII/8r, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative or other measures to ensure that:</p> <p style="text-align: center;">(e) Adequate and effective remedies are put in place to ensure that orders by the courts to public authorities to disclose environmental information are promptly complied with;</p>
Proposed measures to fulfil recommendation	1. To conduct an analysis of compliance of the legislation with the requirements of the Convention. - 2024
Outline of the steps necessary to implement the proposed measures	<ol style="list-style-type: none"> 1) To provide positions with article-by-article justification regarding the compliance of the legislation of Ukraine with the requirements of the Convention, in terms of the availability of effective legal remedies to ensure the immediate execution of court orders to state bodies regarding the disclosure of environmental information; 2) If necessary, prepare appropriate amendments to the legislation and submit them to the Verkhovna Rada of Ukraine for consideration.
Actors involved	Ministry of Environmental Protection and Natural Resources of Ukraine, Ministry of Justice of Ukraine, other central executive authorities
Final date by when implementation of recommendation will be completed	2024