

**Training Workshop on Current Issues of the Strategic Environmental
Assessment Procedure in Ukraine: Legal Aspects**

Online event, 25 May 2023

TRAINING REPORT

Action implemented by:



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1. Background

Within the framework of the European Union-funded EU4Environment programme, UNECE is assisting the Eastern Partnership (EaP) countries, including Ukraine, in comprehensive capacity-building and institutional building on Strategic Environmental Assessment (SEA) and transboundary Environmental Impact Assessment (EIA) and in finalizing legal reforms in this area.

SEA is a relatively new tool for implementing the country's environmental policy based on a simple principle: it is easier to prevent negative environmental effects at the planning stage of a strategic document rather than identifying and remedying them during its implementation. The SEA of state planning documents, particularly urban planning documents, enables a comprehensive evaluation of the likely environmental, including health, effects of the plans and using evaluation results to prevent or mitigate adverse effects on the environment in the spatial planning process.

The objective of SEA is to promote sustainable development of territories/areas by providing for a high level of protection of the environment, including health of the population, and integration of environmental considerations into the development and adoption of state planning documents.

At the same time, in Ukraine, SEA tends to be underestimated due to stakeholders' lack of understanding of the purpose of the SEA procedure and of their roles in the SEA process.

The event was the first one in a set of two back-to-back trainings organised by the Ministry of Environmental Protection and Natural Resources of Ukraine and UNECE under the EU4Environment¹, aiming at raising awareness of the audience on the specifics of the SEA procedure for urban planning documentation in accordance with Ukrainian legislation, strengthening the institutional capacity of the regional and Kyiv city state administrations, as well as of the local governments.

¹ The "European Union for Environment" (EU4Environment – Green Economy) Action helps the Eastern Partnership countries preserve their natural capital and increase people's environmental well-being, by supporting environment-related action, demonstrating and unlocking opportunities for greener growth, and setting mechanisms to better manage environmental risks and impacts.

It is funded by the European Union and implemented by five Partner organisations - OECD, UNECE, UNEP, UNIDO, and the World Bank – over 2019-2024 period, with a budget of EUR 20 million.

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For more information please visit our website: www.eu4environment.org.

2. Objectives and structure of the training

The main goal of the event was to highlight the legal aspects of the SEA procedure in Ukraine. The tasks to be implemented within the framework of the training were as follows:

- To familiarize the target audience with Ukraine's international commitments to implement SEA, and to discuss how the SEA is specifically embedded within the Ukrainian legal system;
- To introduce the main regulatory and legal requirements for SEA and related current amendments;
- To present the latest changes and developments in urban planning legislation.

A detailed agenda of the event is in Annex 1.

As noted above, the training participants were mainly representatives of the relevant environmental, health, urban planning and architecture departments of the regional and Kyiv city state administrations, as well as representatives of local self-government bodies. According to registration forms and Zoom recordings, the event was attended by more than 500 participants from different regions of Ukraine.

Prior to the event, invitation letters had been sent out to the regional and Kyiv city state administrations, as well as regional councils. Participants were pre-registered as they filled out Google forms.

The event was organised as a virtual event using Zoom, a video conferencing platform. All registered participants were provided with connection details to participate in the event.

The event made use of Mentimeter, an application that focuses on online communication between event organizers, speakers and participants, enabling the participants to participate anonymously in snap polls throughout the event with a view to enhancing interaction in a guided discussion.

3. Summary of discussions and results

Welcome words:

The participants were welcomed by:

Ms Olena Kramarenko, Deputy Minister of Environmental Protection and Natural Resources of Ukraine, stressed the relevance of the SEA procedure as a key tool for Ukraine's post-war recovery and its crucial role in making sustainable decisions for the country's further development. In addition, Ms Kramarenko expressed her gratitude to the EU4Environment programme, the Delegation of the European Union to Ukraine and UNECE representatives.

Ms Olha Simak, Sector Manager, Environment, Delegation of the European Union to Ukraine, underlined that the application of environmental assessment procedures, including SEA, is one of the priorities of cooperation between the European Union and Ukraine. According to Ms Simak, taking into account environmental considerations will help find optimal solutions in the process of the country's post-war reconstruction. Ms Simak thanked the Ministry of Environmental Protection and Natural Resources of Ukraine for its active position on the way to implementing SEA in strategic planning processes and suggested that an awareness-raising event on the role of SEA in post-war reconstruction should be organised for a wider audience.

Mr Leonid Kalashnyk, EU4Environment Project Manager at UNECE, welcomed the participants and expressed his sincere gratitude to the European Union for supporting the event under the EU4Environment programme. He emphasised that the UNECE Protocol on SEA and the European Union's SEA Directive provide a robust legal and institutional framework that will help the country make post-war reconstruction green and take into account public health issues, as well as contributing to the achievement of the Sustainable Development Goals and Ukraine's climate commitments.

Survey:

In order to establish communication with the audience and identify its needs, the participants were asked to complete a short survey using the Mentimeter application. The vast majority of participants (about 300 people) took part in the survey. Based on the survey results, it could be concluded that the majority of the training participants were representatives of local governments, who are potential customers of the SEA procedure. Unfortunately, the lowest number of representatives of structural units responsible for health in the regional state administrations was recorded. Regarding the respondents' experience in implementing SEA, approximately 50 per cent of them indicated they had already been involved in the implementation of the SEA procedure. An extremely important marker was the question about the need for the SEA procedure for state planning documents in general. The vast majority of the survey respondents (over 90 per cent) identified the SEA as a necessary procedure. At the same time, according to more than half of the respondents, there are currently some problems with a clear understanding of SEA related legislation. The biggest

difficulties have to do with monitoring the effects of the implementation of state planning documents and determining the need for SEA and its scope.

Detailed results of the survey are in Annex 2.

The main part:

At the beginning of the main part of the training, the participants were offered to watch a short video introduction to SEA in line with the SEA Protocol on SEA. It presented the SEA process, its benefits, and the potential of SEA as a tool for greening strategic planning processes².

The main part of the training was devoted to a set of presentations by consultants to UNECE and representatives of the Ministry of Environmental Protection and Natural Resources on the current legal aspects of the SEA procedure in Ukraine.

In particular, ***Mr Dmytro Skrylnikov***, consultant to UNECE, presented the goals of SEA in the light of Ukraine's international commitments.

Mr Skrylnikov gave the audience a brief overview of the origin and development of environmental assessments in general, focusing on their role in strategic planning processes. He reviewed in detail the correlation between the types of environmental assessments and planning levels in accordance with the so-called "levels/layers" concept. In his presentation, Mr Skrylnikov paid special attention to the main provisions and areas of application of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

In her turn, the main provisions of the Ukrainian legislation on strategic environmental assessment were presented to the audience by ***Ms Natalia Trofymenko***, consultant to UNECE.

Ms Trofymenko started by reviewing the legal basis for SEA in accordance with the provisions of the Law of Ukraine "On Strategic Environmental Assessment". She then went on to detail the legal aspects and timing of all stages of SEA implementation. The consultant focused on the definition of SEA related actors, their powers and areas of responsibility. At the end of her presentation, Ms Trofymenko introduced a number of secondary implementing legislation acts adopted in recent years to support legislative initiatives in the field of SEA.

After a short break, ***Mr Skrylnikov*** and ***Ms Trofymenko presented*** amendments made to the general provisions of the Law of Ukraine "On Strategic Environmental Assessment". For a better understanding, the presentation was formulated in the form of a comparative table of

² The video was produced by the UNECE secretariat with the financial support of the European Union funded Greening Economies in the European Union's Eastern Neighbourhood (EaP GREEN) programme implemented in 2013-2018 to support, inter alia, the establishment of national SEA systems and their use by stakeholders in the EaP countries, namely Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine.

the Law's provisions before and after the amendments. This format made it possible to gradually familiarize the audience with the amendments and additions made to certain articles of the Law and parts thereof, allowing a sufficient level of granularity. This presentation further focused on the introduction of liability for violating SEA legislation as an important aspect of greening state planning processes.

As part of an analysis of SEA related changes in recent years, **Ms Maryna Shymkus**, *Director of the Environmental Assessment Department of the Ministry of Environmental Protection and Natural Resources of Ukraine*, announced the launch of the Unified SEA Register and briefly presented the main provisions of the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Maintaining the Unified Register of Strategic Environmental Assessment".

Taking into account the fact that a significant share of strategic planning documents is made of spatial planning documentation, and almost half of the invited participants were from local governments and structural units responsible for urban planning and architecture in the regional administrations, **Ms Maryna Zerkal**, *consultant to UNECE*, presented the main changes and developments in urban planning legislation. In particular, the conceptual changes made to the Law of Ukraine "On Regulation of Urban Development" in accordance with the Laws of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Land Use Planning" No. 711-IX and "On Amendments to Certain Laws of Ukraine on Priority Measures for Reforming the Sphere of Urban Development" No. 2254-IX were reviewed. The key focus was on the changes that had taken place in the system of local-level urban planning documentation: the implementation of Comprehensive Plans for Spatial Development of Communities. The consultant drew attention to the fact that urban planning documentation includes a SEA report, which is an integral part of the project, and reviewed various models for integrating SEA into the urban planning process.

Closing the event and summing up

Mr Leonid Kalashnyk, *UNECE*, informed the participants about the possibility of making further use of the training materials available on the UNECE website and invited them to take a short survey to determine an overall assessment of the event.

Ms Maryna Shymkus, *Ministry of Environmental Protection and Natural Resources of Ukraine*, thanked the speakers and training participants and announced an agenda of the next "Training Workshop on Current Issues of the Strategic Environmental Assessment Procedure in Ukraine: Practical Application Aspects". In addition, Ms Shymkus invited the participants to join operational channels of communication on SEA issues established by the Ministry's representatives.

4. Evaluation.

An electronic questionnaire was made available to the participants of the training via a separate link at the end of the event. They were asked to evaluate (on a five-point scale where five is the highest rating) the six aspects listed below and give a score. The results of the evaluation are as follows:

- ✓ Training format: 4,85
- ✓ Time of the training: 4.29
- ✓ Presentations by the experts who moderated the training and made presentations: 4.85
- ✓ Quality of presentations: 4.78
- ✓ Quality of discussions: 4.39
- ✓ General organisation: 4.71
- ✓ Overall rating: 4.65

5. Conclusions

Ukraine, as it shares European environmental values and aspires to embrace best environmental practices, has been actively implementing environmental assessment procedures (both SEA and EIA and environmental impact assessments) at all levels of planning. The period of the country's post-war recovery will see the production of a significant number of strategic planning documents at all levels. The most effective tool for integrating the environmental considerations into planning processes will be SEA.

The UNECE SEA Protocol, the European Union's SEA Directive and relevant national legislation provide legal and institutional frameworks to help Ukraine to make its post-war reconstruction green and take into account public health issues, as well as contribute to the achievement of the Sustainable Development Goals and the country's climate commitments.

Undoubtedly, the spatial component in strategic planning processes in Ukraine is a key one. For this reason, the training has focused on optimizing the SEA procedure for spatial planning documents (including urban planning documents). In accordance with current Ukrainian legislation, the SEA Report is an integral part of draft urban planning documents at all levels.

In its turn, the Ministry of Environmental Protection and Natural Resources of Ukraine continues to make all state procedures digital/electronic with a view to optimizing environmental public services and ensuring public access to environmental information (as provided for by the Aarhus Convention and relevant EU directives). A milestone is the recent introduction of the Unified SEA Register, which was developed with the assistance of the EU-funded Apena 3 project.

An unprecedented activity of the training participants during the event has showed that, despite the military aggression of the Russian Federation in Ukraine, there is a significant demand for information on the details of the SEA procedure from both state authorities and representatives of local self-government bodies.

Taking into account the participants' feedback during the event, numerous post-training requests for presentation materials and recordings, as well as the evaluation results, this training can be considered successful as it has, contributed to covering the main conceptual and legal frameworks of the SEA institutions in Ukraine and demonstrated the need for SEA related capacity building activities for various stakeholders.

Annex 1: Training agenda

Training Workshop on Current Issues of the Strategic Environmental Assessment Procedure in Ukraine: Legal Aspects 25 May 2023

AGENDA

14:00 - 14:10	Connection testing
14:10 - 14:20	Goals and agenda of the event, tour de table <i>Facilitated by Mr. Dmytro Skrylnikov, legal expert to the United Nations Economic Commission for Europe (UNECE)</i>
14:20 - 14:40	Opening and welcome remarks <i>Ms. Olena Kramarenko, Deputy Minister of Environmental Protection and Natural Resources of Ukraine</i> <i>Ms. Olga Simak, Sector Manager, Environment, Delegation of the European Union to Ukraine</i> <i>Mr. Leonid Kalashnyk, EU4Environment Project Manager at the United Nations Economic Commission for Europe (UNECE)</i>
14:40 - 14:50	Get-to-know-you survey <i>Ms. Maryna Zerkal, urban planning consultant to UNECE</i>
14:50 - 15:00	Video "UNECE Protocol on Strategic Environmental Assessment" <i>Facilitated by Dmytro Skrylnikov, legal expert to UNECE</i>
15:20 - 15:40	Objectives of SEA in the light of Ukraine's international commitments <i>Mr. Dmytro Skrylnikov, legal expert to UNECE</i>
15:40 - 16:00	Key provisions of Ukrainian legislation on SEA <i>Ms. Natalia Trofymenko, SEA consultant to UNECE</i>
16:00 - 16:10	Break
16:10 - 16:30	Amendments to the general provisions of the Law "On Strategic Environmental Assessment" <i>Ms. Natalia Trofymenko, SEA consultant to UNECE</i> <i>Mr. Dmytro Skrylnikov, legal expert to UNECE</i>
16:30 - 16:40	On the unified register of strategic environmental assessment <i>Ms. Maryna Shymkus, Director of the Environmental Assessment Department at the Ministry of Environmental Protection and Natural Resources</i>
16:40 - 17:00	Key changes in urban planning legislation <i>Ms. Maryna Zerkal, urban planning consultant to UNECE</i>
17:00 - 17:10	Summing up and closing the event <i>Maryna Shymkus, Director of the Environmental Assessment Department at the Ministry of Environmental Protection and Natural Resources</i>

Annex 2: Survey results



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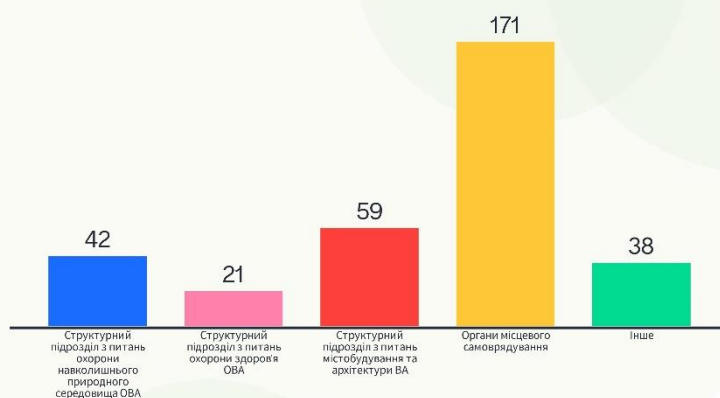
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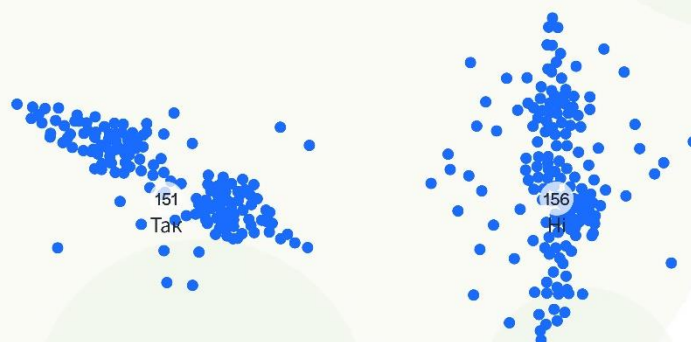
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Чи мали Ви досвід здійснення процедури SEO?

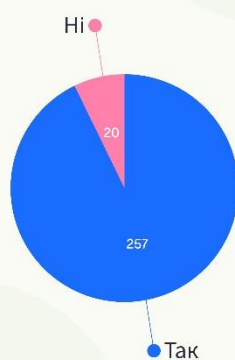
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Чи потрібна на ваш погляд процедура SEO документів державного планування?

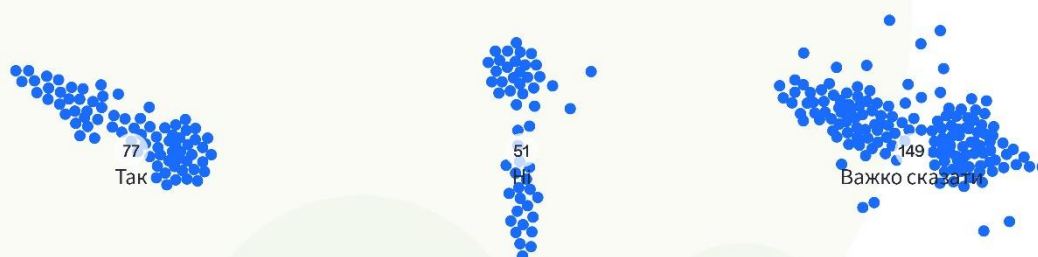
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Чи достатньо прозорим та зрозумілим на Вашу думку є законодавство в сфері SEO?

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