

# Assessment of the Environmental Component of the EU-Ukraine Bilateral Cooperation

## Executive Summary



**ASSESSMENT OF THE  
ENVIRONMENTAL  
COMPONENT OF THE  
EU–UKRAINE BILATERAL  
COOPERATION**

**EXECUTIVE SUMMARY**

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# INTRODUCTION

## The Project

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The project «Assessment of the Environmental Component of the EU-Ukraine Bilateral Cooperation» is focused on providing independent monitoring of the environmental component of the EU-Ukraine Association Agenda and the Eastern Partnership Roadmap.

The project aim is to give precedence to environmental issues in the bilateral EU-Ukraine relations for (a) improving implementation of the environmental component of the Association Agenda and the Eastern Partnership Roadmap, (b) strengthening the capacity of the Working Group 3 of the Ukrainian National Platform of the Eastern Partnership Civil Society Forum to participate in assessment and monitoring of bilateral Ukraine-EU relations as well as to lobby environmental issues through the Association Agenda and the Eastern Partnership Roadmap, (c) promoting regular dialogue between the civil society, the government and the EU on environmental issues.

The independent public monitoring of the environmental component of the Association Agenda and the Eastern Partnership Roadmap is conducted in the frame of the project. It envisages progress assessment of the implementation of the environmental component and preparation of appropriate recommendations for improvement of the situation.

The project is implemented within the framework of Working Group 3 «Environment, Climate Change and Energy Security» of the Ukrainian National Platform of the Eastern Partnership Civil Society Forum. The Working Group 3 member organizations are active in the field of environmental issues, climate change, and energy efficiency. The environmental issues of the EU-Ukraine agenda, including implementation of environmental priorities of the EU-Ukraine Association Agenda, future Association Agreement, as well as implementation of environmental issues of the Eastern Partnership are priorities for the Working Group 3.

## The Monitoring Methodology

Monitoring of the environmental component of the EU-Ukraine Association Agenda and the Eastern Partnership Roadmap is based on the methodology developed by Milieu Environmental Law and Policy, WWF-European Policy Office (WWF-EPO) and by the Heinrich Boell Foundation-EU Regional Office (Hbf). The methodology is presented in the Handbook to Assess the Implementation of the Action Plans in the Field of Environment ([http://www.boell.eu/downloads/Greening\\_the\\_ENP\\_Handbook.pdf](http://www.boell.eu/downloads/Greening_the_ENP_Handbook.pdf)). The methodology was earlier used for assessment of the European Neighbourhood Policy Action Plans (Armenia, Azerbaijan, Georgia, Moldova, Ukraine) (2008-2009) ([www.rac.org.ua](http://www.rac.org.ua)) and evaluation of the Environmental Governance Eastern Partnership Flagship Initiative (Azerbaijan, Armenia, Belarus, Georgia, Moldova, Ukraine) (2010) ([www.mama-86.org](http://www.mama-86.org)).

According to this methodology, the subject of assessment/monitoring are specifically defined goals and tasks contained in relevant assessed document. The thematic scope of this assessment covers the goals of environmental protection and climate change of the EU-Ukraine Association Agenda and the Eastern Partnership Roadmap. Those goals are specified in a special list of priorities and for a defined period of time. Therefore the subject matter of our monitoring are the measures included in the List of Priorities of the EU-Ukraine Association Agenda for 2011-2012 ([http://www.kmu.gov.ua/control/uk/publish/article%3fshowHidden=1&art\\_id=244830477&cat\\_id=223345338](http://www.kmu.gov.ua/control/uk/publish/article%3fshowHidden=1&art_id=244830477&cat_id=223345338)) and relevant tasks related to environmental issues of the Eastern Partnership Roadmap (bilateral and multi-lateral dimension) ([http://ec.europa.eu/world/enp/docs/2012\\_enp\\_pack/e\\_pship\\_multi-lateral\\_en.pdf](http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_multi-lateral_en.pdf), [http://ec.europa.eu/world/enp/docs/2012\\_enp\\_pack/e\\_pship\\_bilateral\\_en.pdf](http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_bilateral_en.pdf)).

To measure the progress, the methodology applies the so-called «government performance indicators», which are used to determine the effectiveness, impact and results of the actions/activities in a particular policy field.

The progress towards achieving each of these goals is evaluated by using the so-called «Objectively Verifiable Indicators» (OVI), specifically developed for each issue. This approach was used by OPORA Civic NETWORK in assessment of the EU-Ukraine Association Agenda in the field of political dialogue ([http://oporaua.org/images/stories/interim\\_final.pdf](http://oporaua.org/images/stories/interim_final.pdf)).

Based on the defined indicators, a respective assessment table is prepared. The indicators are measured by a positive or negative statement: «yes» — «no». The answer «yes» contains three quality characteristics — «excellent», «good», and «satisfactory». The appropriate score from best to worst — «3», «2», «1», «0» — is assigned for each indicator. The result is expressed as a percentage of the maximum possible number of points. Each indicator is accompanied by brief explanations of specific actions or processes that explain why that assessment was chosen.

Additionally, the assessment contains conclusions regarding achievement or non-achievement of goals and recommendations to gain a better progress.





# GENERAL CONCLUSIONS AND RECOMMENDATIONS

The Assessment of the Environmental Component of the EU-Ukraine Association Agenda was carried out for the year 2012. The timeframe for monitoring the implementation of environmental priorities of the Eastern Partnership Roadmap (bilateral and multilateral dimension) covers the period from May 2012 (adoption of the Roadmap) to March 2013.

Detailed assessment tables for each of the assessed issues are available only in Ukrainian. This summary presents the overview of the results and findings, as well as the conclusions and recommendations, in English.

After completion of the monitoring and consultations on the draft report in the Internet, the project team received the assessment of the level of progress of the achieving priorities of the Association Agenda and the Eastern Partnership Roadmap measured by percentage. The results of the progress on the implementation of respective priorities are available in the Table 1.

**Table 1. General indicators**

No	Priority	Measured progress, %
<b>The EU-Ukraine Association Agenda</b>		
1	Implementation of the National Strategy of Environmental Policy and the National Environmental Action Plan	36 %
2	Development and implementation of Ukrainian environmental legislation, strategies and plans, in particular on environmental impact assessment, strategic environmental assessment, access to environmental information, and public participation	44 %
3	Convention on Persistent Organic Pollutants	57 %
4	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention)	44 %
5	Convention on Cooperation for the Protection and Sustainable Use of the Danube River	70 %
6	United Nations Framework Convention on Climate Change	42 %
7	The Kyoto Protocol to the United Nations Framework Convention on Climate Change	39 %
8	Convention on Biological Diversity	42 %
9	Convention on the Protection and Use of Transboundary Watercourses and International Lakes (the Water Convention)	55 %
10	Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention)	43 %
11	Vienna Convention for the Protection of the Ozone Layer	75 %
12	Convention on Long-range Transboundary Air Pollution	69 %
13	Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention)	35 %
14	Convention on the Conservation of Migratory Species of Wild Animals	56 %
15	Implementing the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group	21 %
16	Convention on the Protection of the Black Sea Against Pollution (the Bucharest Convention)	68 %
<b>The Eastern Partnership Roadmap</b>		
1	Convergence of environmental legislation	84 %
2	Multilateral dimension of the Eastern Partnership Roadmap (environment)	74 %

The average progress evaluation indicator towards reaching the EU-Ukraine Association Agenda priorities in field of environment protection is 49.7 %.

The average progress evaluation indicator towards fulfilment of the environmental component in the Eastern Partnership Roadmap is 79 %.

In relation to the Association Agenda, we obtained better results in area of the development of national implementation tools for the Vienna Convention for the Protection of the Ozone Layer (75 %), for the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (70 %) and for the Convention on Long-range Transboundary Air Pollution (69 %).

The following issues marked the lowest percentage: implementation of the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group (21 %), elaboration of national tools for implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (35 %) and Implementation of the National Environment Strategy and National Environmental Action Plan (36 %).

The average indicator for developing implementation tools for international Conventions and Protocols is 52 %.

The level of implementation of several conventions has been assessed as rather high due to a large number of indicators concerning the ratification of the protocols/amendments/agreements. In relation to conventions and protocols, the assessment table cluster on ratification of international regulatory instruments has the highest degree of progress. There are only a few protocols/amendments to the conventions pending ratification, in particular the Protocol on Pollutant Release and Transfer Registers to the Aarhus Convention, the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the Water Convention, the Protocol on Strategic Environmental Assessment to the Espoo Convention, several Protocols to the Convention on Long-range Transboundary Air Pollution, the Agreement on the Conservation of Albatrosses and Petrels, the Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land-based Sources and Activities to the Bucharest Convention and certain amendments to conventions.

Regarding the institutional aspects of implementation of the conventions, there are no relevant specific bodies established for the majority of the assessed international agreements. Therefore, the relevant governmental bodies do not have sufficient competences and resources to facilitate effective implementation of international conventions/protocols. State authorities often do not use the available resources in full, specifically, various projects and financial opportunity, to improve implementation of international regulatory instruments. The Ministry of Ecology and Natural Resources of Ukraine is the main authority responsible for the implementation of multilateral agreements in the field of environment; however it lacks human, financial and other resources for this work. The special contact persons (the so-called focal points) have been appointed for all international agreements. The work of the relevant authorities is not always open and not all necessary information is published on their official web pages.

Regarding implementation tools at the national level, for the majority of international regulatory instruments there exists a sufficiently developed legal framework, although there is a need to adopt some new legislation and make amendments and changes to existing laws in order to bring them in line with the EU environmental law. In addition, even in cases where necessary legislation, special plans and programs do exist, their implementation provides

room for improvement. Draft legislation developed for implementation or practical enforcement of international agreements often remains a draft. As a rule, the civil society is actively involved in the implementation of conventions and protocols in the area of environmental protection and climate change.

Regarding the cluster of compliance with the provisions of the conventions and protocols, the situation is not always reassuring. If a Convention/Protocol has a special compliance mechanism, Ukraine, as a rule, has been found in non-compliance. This is particularly relevant to the Aarhus Convention, the Espoo Convention, the Kyoto Protocol and the Bern Convention.

Regarding the implementation of the National Strategy of the Environmental policy of Ukraine and the National Environmental Action Plan, the state of the institutional capacity for environmental policy is critical (low priority of environmental policy, institutional weakness of the Ministry etc.). The situation is somewhat better in the European integration aspects of the National Strategy and the Action Plan, mainly due to fulfilment of requirements for implementation of the EU Sector Budget Support and adoption of the Basic Plan on Convergence of the Environmental Legislation of Ukraine with the EU Legislation. Measures to raise public awareness planned in the National Environmental Action Plan for 2011-2012 have virtually not been implemented.

On the issue of further development and implementation of Ukrainian legislation, strategies and plans in the field of environment, the most urgent issue is the need to introduce European standards of environmental impact assessment and the strategic environmental assessment. Moreover the issue of further implementation of the relevant EU directives in other fields requires attention.

The environmental issues of the Eastern Partnership Roadmap received high assessment score due to: (1) relevant actions towards building the groundwork for effective implementation of environmental law convergence process in the future, after the entry into force of the Association Agreement between Ukraine and the EU; (2) enhanced activity of the European Union towards the launching and implementation of projects on various environmental issues.

After completing the assessment of implementation of the environmental component of the EU-Ukraine Association Agenda and the Eastern Partnership Roadmap, we came to the following conclusions and recommendations that are common to all or most issues assessed.

- *Environment protection issues are not a political priority in Ukraine*

Environment protection issues are not a priority in the state policy of Ukraine. They are ignored when making important decisions in favour of economic, financial and other interests. That situation extrapolates to the implementation of bilateral EU-Ukraine commitments in the area of environmental protection.

Despite the adoption of the National Environment Strategy and setting out the important principles of good environmental governance in it, environmental policy is of secondary importance. Integrating environmental policy into sectoral and regional policies is not supported by relevant regulations and has a weak impact in the practical sense.

In the future, this situation can be corrected by giving relevant priority to the national environmental policy. With the implementation of bilateral commitments between Ukraine and the EU, especially with regard to the future Association Agreement, particular attention



should be given to raising the priority of environmental issues, environmental policy integration and strategic planning.

- *The lack of a comprehensive approach in the implementation of the commitments under the bilateral EU-Ukraine relations in the field of environment*

In the course of implementation of environmental commitments under the bilateral EU-Ukraine relations, a lack of a comprehensive understanding of problems is observed. The measures undertaken do not always correspond to the purposes set out in the Association Agenda and other documents. Certain issues are ignored.

In the future, a comprehensive approach must be taken to an effective implementation of the environmental component of bilateral relations between Ukraine and the EU. Particular attention should be paid to the implementation of the National Environmental Strategy and the National Environmental Action Plan.

- *The low level of implementation of legislation, plans, programmes, strategies and international agreements in the field of environment*

The big challenge for all matters assessed is a low level of practical implementation of legislation, strategies, programmes and plans in relevant areas. A similar situation is observed in relation to the implementation of international conventions and protocols in the field of environmental protection. Even in the areas where the necessary legislative provisions, programs or plans were adopted, there is a challenge of their practical implementation.

Further activities regarding the implementation of the commitments under the Association Agenda and other documents require a special attention to the practical application of the legal framework in a particular area, and search of tools for effective implementation and financial support.

- *The weak institutional approach to the implementation of priorities*

No coordination mechanisms between central bodies of executive power for purposes of implementation of the environmental policy have been created. The Ministry of Ecology and Natural Resources has a traditionally weak position in comparison to the other ministries, therefore it is unable to play a coordination role. The administrative reform of the environmental governance system was not always positive, leading to disruptions in performance of environmental protection functions, especially at the local level. Often there are no institutional frameworks for the implementation of the relevant issues, especially regarding implementation of international agreements.

Therefore in the future it is necessary to ensure that administrative reforms to deregulate and to reduce the pressure on businesses do not contradict responsibilities connected with performance of the environmental protection functions. It is necessary to create a special mechanism for coordination of integration of the environmental policy and strengthening of institutional capacity of the Ministry of Ecology and Natural Resources, which is responsible for environmental policy implementation. The development of relevant institutional framework for implementation of the respective international legal instruments also is required.

- *The need for new legislation, plans and programmes*

Despite the availability of a well-developed national legislation system of Ukraine in the field of environmental protection, there is a need for its improvement in relation to practically all monitoring matters.

In the course of elaboration of the new national legislation of Ukraine in the field of environment, special attention must be paid to the compliance of that legislation with the EU standards and norms, taking into account that the future Association Agreement between Ukraine and the EU is primarily focused on issues of convergence. In the process of developing the legal framework in the field of environment, it is necessary to move forward from planning of such convergence directly to the implementation process.

- *Complicated access to information*

Despite a rather advanced legislation on access to information, during this monitoring the expert team faced difficulties with the access to a number of relevant and updated information. Web pages of state authorities of Ukraine often do not contain the required information, or the information is updated with considerable delays.

In the future, a particular attention should be paid to ensuring full public access to environmental information. Governmental institutions must pro-actively inform the society on environmental issues and post maximum amount of relevant information on their web pages.



# CONCLUSIONS AND RECOMMENDATIONS ON SPECIFIC ISSUES

**THE EU–UKRAINE ASSOCIATION AGENDA**

## **Issue 1: Implementation of the National Strategy of Environmental Policy until 2020 and the National Environmental Action Plan for 2011-2015**

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In spite of many progressive provisions of the Strategy relating to the environmental governance reform and ensuring public participation and access to information, the implementation of these provisions leaves much to be desired. Throughout 2012, the environmental governance reform was rather regressive. The weak position of the Ministry of Ecology and Natural Resources in the system of executive authorities does not allow it to play a coordinating role, and no cross-sectorial mechanisms have been created for implementation of environmental policy integration with regard to a great demand to reach higher level of coordination and leadership. The priority of environmental policy in the state policies remains low.

The public participation in decision-making and implementation of environmental policy remains sporadic and fragmented. With regard to information policy in the environmental field, the situation is relatively satisfactory in terms of awareness-raising about the activities of the Ministry of Ecology. Nevertheless there is a lack of information about environmental conditions, dynamics of their changes, sources of pollution and the impact of environmental factors on human health.

There were rather ambivalent tendencies in the terms of European integration in the environmental field for the year 2012. On the one hand, the adoption of the Basic Plan on Convergence of the Environmental Legislation of Ukraine with the EU Legislation was a step forward. On the other hand, the requirements regarding the management of public finances were not fulfilled, which concludes the cancelation of the first payment from the EU Sector Budget Support (SBS). Therefore the number of measures of the Environmental Action Plan, which had been planned to be financed from SBS, were not implemented.

For effective implementation of this priority the integration of the environmental component into sectoral policy should be mandatory by law, through adoption of a regulatory framework, which envisages mandatory inclusion of environmental factors in strategies, national target programmes, etc., and in other decisions that have an impact on the environment.

The institutional capacity of the Ministry of Ecology and National Resources as key executive institution in the field of environment must be strengthened. The civil society should be involved in the development of Institutional Capacity Building Plan for the Ministry and ensure its further implementation.

It is necessary to ensure adequate funding for the implementation of the Strategy and the Plan and to develop and adopt a national strategy for the management of public finances in order to unlock the funds from Sector Budget Support and to create conditions for implementation of planned measures.

The information activities in the field of environment should be implemented in frames of measures planned, therefore the broad informational channels for awareness-raising and education should be enabled.

## **Issue 2. Further development and implementation of Ukrainian legislation, strategies and plans in the field of environmental protection, in particular the environmental impact assessment, strategic environmental assessment, access to information and public participation**

Regarding access to environmental information the active dissemination of environmental information by its holders remains to be a problematic area. Gaps in the legal framework of protection of personal data and commercial information (confidential information) considerably complicate access to environmental information.

The EU has been consistently working with Ukraine to provide technical assistance in the development of legislation as a component part of the convergence process. As a result, in the framework of various projects funded by the EU, draft laws on Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) were elaborated, although not adopted.

In most cases, planned activities — both on convergence and regulatory activities — place an emphasis on development of draft legal acts. As a result, all activities are related to development of draft acts, but not on adoption of specific regulations on their basis. In some cases it leads to inconsistency in understanding the nature of the environmental impact assessment in various draft laws, even if they are submitted by the same institution. As a result, the assessment as a tool to prevent the negative environmental impacts is underestimated.

There is no proper mechanism for ensuring the right to public participation in decision-making process on the issues that may affect the environment (no criteria for defining public concern, no time frames for different stages of public consultations and no requirements for the open and free access to all relevant documents on the basis of which the decision is taken etc.). Ensuring public participation in the EIA is responsibility of developer or project proponent, which are usually not interested in effective public participation. Therefore the public participation is a mere formality in Ukraine.

For effective implementation of this priority it is necessary to ensure consistent implementation of the provisions of the Law of Ukraine «On Access to Public Information» by all holders of information, to increase the amount of environmental information actively provided by the holders, to use ITs more widely and to improve the legal provisions concerning personal data protection and commercial information in order to avoid unreasonable restrictions on access to environmental information.

The basic principles and approaches for EIA and SEA should be defined by the framework legislation, namely by the Law of Ukraine «On Environmental Protection». Specific provisions should be introduced through adoption of specific Laws «On Environmental Impact Assessment» and «On Strategic Environmental Assessment». These laws should include clear guidelines, and the detailed procedures should be clarified by further regulations. The approaches for EIA and SEA should be in line with the EIA Directive 85 / 337 / EEC (Directive 2011 / 92 / EC), the SEA Directive 2001 / 42 / EC, the Espoo Convention and SEA Protocol.

It is necessary to introduce a clear mechanism for ensuring the effective participation in decision-making process that may have an impact on the environment. The public authorities should be responsible for taking into account the public opinion and integration of results of public consultations into the final permitting decision on the project.



### **Issue 3. Convention on Persistent Organic Pollutants (The Stockholm Convention)**

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In general, Ukraine has made some progress in the successful implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs). Nevertheless the further progress in implementing the Convention needs fulfilment of certain measures. The greatest achievement of the year 2012 in this area was the adoption by the Cabinet of Ministers of Ukraine of the Action Plan for implementation of the Stockholm Convention on Persistent Organic Pollutants, which envisaged measures for the period from 2012 to 2028 and is the main tool for the implementation of the Convention at all levels, including defined responsibilities at both the national and local levels.

At the same time, Ukraine seems to be the only country that so far has not taken advantage of the Stockholm Convention to address the problem of persistent organic pollutants in the country, including the access to the financial resources of Global Environment Facility (GEF) and other support designed for implementation of the Convention.

In order to implement the Stockholm Convention in Ukraine a special responsible agency should be established, similar to those created for implementation of the Basel and Rotterdam Conventions. Since these three chemicals conventions comprise a «synergetic solution», it could be a joint body.

Ukraine has to present the approved Action Plan of implementation of the Stockholm Convention to the Secretariat of the Convention as soon as possible, starting with the elaboration of the second Action Plan, which has to include measures regarding «new» POPs added to the list of POPs of the Stockholm Convention at the Fourth Meeting of the Conference of the Parties of the Stockholm Conference in May 2009 and effective since August 26, 2010.

The Ministry of Ecology and Natural Resources of Ukraine should make an effort to organize and establish the Centre for Implementation of the Basel, Stockholm and Rotterdam Conventions, the Strategic Approach to International Chemicals Management, as it was planned by the annual working plan of the Ministry of Ecology for 2012.

#### **Issue 4: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (The Aarhus Convention)**

Since the ratification of the Aarhus Convention, Ukraine has failed to bring its legislation and its practical implementation into compliance with the requirements of the Convention. Therefore, the rights defined under the Aarhus Convention have a declarative nature in Ukraine.

The only issue indicated as a progressive one is the access to the environmental information, although only in relation to provision of the information upon request. These changes resulted from the adoption of the general Law of Ukraine «On Access to Public Information». Active dissemination of environmental information by state authorities is still problematic. Since June 2011, Ukraine has no procedures for environmental impact assessment of planned industrial projects and no tools for public participation. The third pillar (access to justice) is the most complicated, as the Ministry of Ecology, being in charge of implementation of the Aarhus Convention, does not have sufficient powers and has no human resources to ensure implementation of this pillar.

The Ministry of Ecology and Natural Resources developed some draft legal acts aimed at implementation of the Aarhus Convention, only with the support of the EU experts.

For the effective implementation of this priority significant efforts are required to ensure fulfilment of the decisions II / 5b, III / 6f and IV / 9h by the Meeting of the Parties to the Aarhus Convention, when Ukraine was found to be in non-compliance with the Convention.

There is a need to review national decision-making procedures with regard to Article 6 of the Aarhus Convention and to develop and adopt legislative provisions that regulate the public participation in decision-making processes on specific projects that may have an impact on the environment, including construction projects.

The legal and institutional framework is necessary for the accumulation, storage and access to environmental information owned by public authorities in all forms, including electronic and online, as well as to develop and adopt regulations for proactive promotion and dissemination of the environmental information at the level not lower than that provided by the standards of the Aarhus Convention.

In implementing the Aarhus Convention due attention should be paid to the conclusions and recommendations of the Compliance Committee of the Aarhus Convention regarding Ukraine, its relevant case-law and the results of the two EU technical assistance projects.

The role played by the Ministry of Justice, the Ministry of Foreign Affairs and other relevant institutions in the development and implementation of legal and institutional measures for proper implementation of the Aarhus Convention in Ukraine should be enhanced.

### **Issue 5: Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Convention on Protection of the Danube River)**

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The implementation of the Convention on Protection of the Danube River on national level needs to be improved. There is no state agency responsible for implementation of the Convention; neither there is enough attention on part of Ministry of Ecology and Natural Resources and the State Agency of Water Resources. The Convention is not completely incorporated into the national legislation, particularly the Water Code, and the changes are introduced slowly. Because of the undefined legal status of river basin management plans, these plans cannot be implemented properly.

Implementation of the Convention on Protection of the Danube River on the local level requires financing and better coordination among public authorities, as well as political will. Any improvements on implementation of the Convention have been largely achieved due to support and initiatives by the public and donors. Positive changes in quality of water resources have been constrained due to legal, financial, corruption and management problems.

To improve the implementation of this priority the Ministry of Ecology and the State Agency of Water Resources have to develop amendments to the Water Code of Ukraine and other legislation to implement the Convention on the Protection of the Danube River; the Water Framework Directive, to ensure the legal, institutional, organizational and financial support for the implementation of the Convention and Directive, including the river basin management principle. The Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine should consider and adopt / approve relevant amendments. The Cabinet of Ministers of Ukraine has to take a decision and to establish the relevant agency that would be responsible for the implementation of the Convention for the Protection of the Danube River.

It is necessary to improve the water monitoring quality carried out by Ukraine in order to unify it with international procedures.

The government must secure the relevant funding and authorization of the experts from Ukraine for the development of Basin Management Plan of the Danube Delta, as well as revise the plans for construction of small hydropower plants in the Danube basin in terms of their compliance with the Convention on the Protection of the Danube River.

There is a need to provide territorial zoning of Ukraine on a basin principle, proceeding from which, basin management units and relevant procedures for them must be created.

Dniester-Prut Basin Water Resources Department, local governments and local authorities must approve the plan of the Prut River Basin Management.

## Issue 6. United Nations Framework Convention on Climate Change

Activities of State Environmental Investments Agency and the Ministry of Ecology and Natural Resources are primarily aimed at introduction of flexible mechanisms under the Kyoto Protocol and international emissions trading, while that it is not enough for reducing the impact of climate change by Ukraine.

Action plans for the implementation of the Framework Convention existed neither in 2012, nor in previous years. There are also no tools for implementation of the Framework Convention in the Priority Action Plan for Ukraine's Integration into the EU for 2012 approved by the Government.

The legislation of Ukraine in the field of climate change and implementation of the requirements of the Framework Convention is insufficient and provided only by secondary regulations, which cover a relatively narrow range of issues.

The climate protection policy remains weak, in part, lacking cooperation between state authorities on the issues of restriction, reduction and elimination of anthropogenic greenhouse gas emissions in all sectors that generate their highest amounts. Activities by relevant authorities have to be coherent with the requirements of the Framework Convention in the sphere of rational use of greenhouse gases sinks and reservoirs, including biomass, forests and other terrestrial, coastal and marine ecosystems.

Public authorities' cooperation with the civil society should be improved. Their activities should be more open and transparent; the state agencies should provide relevant information on their web-pages, to effectively involve civil society in commenting on draft legislation and to take the proposals and recommendations into account to the maximum extent possible. State agencies should also carry out educational and awareness raising events.

The effective implementation of this priority requires the improvement of legislation in line with Framework Convention. In particular: to develop and adopt the National Action Plan for Implementation of the Framework Convention; to develop and adopt the law on climate change; to develop and adopt National and regional action plans for climate change mitigations, which should include specific measures, deadlines, responsible agencies and the amount and sources of funding; to finalize and adopt the National and regional action plans for adaptation to climate change, which should include specific measures, deadlines, responsible agencies and the amount and sources of funding; to develop and adopt rules, standards and procedures in the field of greenhouse gas emissions, the procedures of issuing documents for obtaining permits for greenhouse gas emissions as well as to set forms of permissions and limits; to set up annual limits on greenhouse gas emissions for the whole country, in certain sectors and for specific pollutants, the rules of issuing and distribution of emission permits between companies and sectors of the economy, the registration procedures of firms, plants and factories producing greenhouse gas emissions and procedures on informing the public about the amount of such emissions; to develop and adopt a regulatory framework for a national emissions greenhouse gas trading market; to develop and adopt a Programme of education, training and public awareness on climate change; to develop and

adopt a Programme of educational activities for public authorities on implementation of the Framework Convention.

Statutory regulations of the authorities responsible for the implementation of the Framework Convention should contain clear definitions of their roles and responsibilities. The regulations issued for local authorities should define their functions in the sphere of implementation of the Framework Convention.

It is necessary to introduce the effective practices for involvement of public in commenting on the draft legal acts in the field of climate change through compliance with the requirements for publication of such comments and outcomes of public discussions; the public authorities should be obligated to give written answer on how public's feedback was taken into account.

In order to inform the public about the activities in the sphere of implementation of the Framework Convention it is necessarily to improve the procedures, content and regular updates of the web sites of the State Environmental Investment Agency of Ukraine and the Ministry of Ecology.

## **Issue 7. The Kyoto Protocol to the United Nations Framework Convention on Climate Change**

The implementation of the Kyoto Protocol is mainly related to the use of flexible economic tools to raise additional funding for environmental purposes.

The activity of the State Environmental Investment Agency of Ukraine is focused on implementation of flexible economic tools, nevertheless it should be enhanced through implementation of climate protection policy in line with to the UN Framework Convention on Climate Change and the Kyoto Protocol. There is not enough attention paid to the other elements of the Kyoto Protocol.

To improve the situation in this area Ukraine should establish closer cooperation with the EU in preparing for implementation of *acquis communautaire*.

Ukraine should take part in the second commitment period of the Kyoto Protocol. The decisions adopted at the Meeting of the Parties to the Framework Convention on Climate Change in 2012 indicate that the second commitment period includes stricter commitments for states in reducing emissions to keep the growth of temperature on the planet. Ukraine must declare more ambitious commitments to reduce greenhouse gas emissions, which means stabilization of emissions growth and the subsequent actual reduction compared to the current level.

Ukraine should establish closer cooperation with other countries in the sphere of implementation of article 2 of the Kyoto Protocol, including: raising energy use efficiency in relevant sectors of economy; protection and enhancement of greenhouse gases sinks and reservoirs; support measures for sustainable and rational agriculture in the context of adapting to climate change, step-by-step reduction or removal of market imbalances; introducing fiscal incentives; reduction of taxes, fees and subsidies that contradict the goal of the Framework Convention on Climate Change in all sectors, where the greenhouse gas emissions are produced and using free market approaches; conducting research, scientific experiments, supporting use and introduction of new and renewable energy sources, carbon dioxide sequestration technologies and advanced and innovative environmental technologies; supporting reforms in relevant spheres needed for better implementation of policies and measures on reducing or removing greenhouse gas emissions.

There is a need to establish procedure for coordination of climate change policy implementation by the Ministry of Ecology, including the implementation of the Kyoto Protocol by adopting relevant regulations. There is a need to further clarify the work of the Inter-Agency Commission on Implementation of the UN Framework Convention on Climate Change, as well as to define the procedure of consideration of its decisions/recommendations by the public authorities that are responsible for decision-making on climate change.

The State Environmental Investment Agency of Ukraine should approve the list of documents, which contain internal restricted information. On this basis it should ensure proper use of regulations on restricted information and make sure, that access to information will be provided according to the established rules and procedures.



The information about activities and measures in the field of implementation of climate change policy, including the Kyoto Protocol, should be presented on the web-page of the Ministry of Ecology. The international contracts on the sale of assigned amount units, including those signed between Ukraine and Japan and Spain in 2009 in the framework of implementation of the Kyoto Protocol, should be made public.

Revenues from the mechanism of international trading should be used efficiently for economy and environment and aimed at reduction of the greenhouse gases emissions.

## Issue 8. Convention on Biological Diversity

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The biological diversity for evolution and conservation of ecological systems is not the priority for the state environmental policy. Fragmented nature of legislation on the conservation of biological diversity, lack of complete regulations on liability for environmental damage and low qualification of civil servants working in field of environment and law-enforcement do not contribute to protection of biodiversity and sustainable use of biological resources.

There have been no significant investments in biodiversity conservation since the ratification of the Convention by Ukraine. Financing for those matters is allocated as the lowest priority. As a result, there is no national strategy for the protection and sustainable use of biological diversity, and national and regional programs are not implemented.

Procedures for approving the protected area status are bureaucratic; it takes decades, in contrast with urban development projects. The protection of the Red Book species beyond the protected areas is not ensured at all.

The implementation of plans to increase the territory under protected areas is implemented with significant delays; this is true for land planning documentation as well. The Programme on Establishing the Ecological Network is practically suspended.

In order to improve the implementation of this priority, it is necessary to ensure a permanent representation of Ukrainian officials in Subsidiary Body on Scientific, Technical and Technological Advice, and to ensure transparency of their activities.

The legislation should provide for the possibility for application of the Convention provisions in the national practice of the biodiversity protection. The budgetary policy must give the highest priority for biodiversity protection.

It is necessary to establish a single national executive agency under the Ministry of Ecology and Natural Resources of Ukraine that will be in charge of all protected areas of Ukraine.

A legal definition of «ecosystem services» shall be introduced into legislation and distinguished from widespread business category of «environmental services».

It is necessary to develop methodological approaches to the protection of structural elements of the ecological network related to legislation on land use as well as the legal status of supplementary areas of ecological networks (corridors, buffer zones and recovery areas). It is recommended to take measures to identify areas, valuable from the environmental perspective, for the purpose of their reservation (for possible inclusion into protected areas fund) as part of ecological network, and to introduce a comprehensive monitoring system of forest ecosystems within protected areas.

It will be useful to introduce systems of scientific monitoring and modelling of global (including climate) changes in order to study their impact on biodiversity and protected areas as potential objects of background monitoring on the impact of global processes on the state of the environment in Ukraine.

### **Issue 9. Convention on the Protection and Use of Transboundary Watercourses and International Lakes (The Water Convention)**

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Ukrainian water legislation still does not provide for basic principles and mechanisms for the implementation of the Water Convention, namely the integrated water resources management (IWRM) and river basin approach. Main river basins and joint management agencies as well as river basin management plans are not reflected on the level of legislation. Although since 1992 Ukraine has signed bilateral agreements on cooperation and use of transboundary water resources, they are essentially interdepartmental agreements on water management for relevant organizations and are not based on the basin principle and IWRM. The existing structures (basin departments) still only appear to be basin management agencies, as there are no legal basis and economic tools provided. The Agency of Water Resources of Ukraine made several attempts to promote IWRM and river basin approach, but there is no political support from the Ministry of Ecology. Nowadays the Ministry has no capacity and competences to provide the sufficient water management policy. In 2011, Ukraine met its first commitment — adopted National target indicators. Nevertheless, the further implementation of the Protocol commitments in 2012 was damaged by continuous administrative reforms, lack of initiative and capacity of Ministry of Ecology to coordinate the Inter-Agency Working Group.

Non-governmental organizations are active in informing and promoting the principles of the Water Convention and its Protocol, however such activities are not sufficiently effective due to limited capacity and lack of the state water policy.

To improve the implementation of this priority the relevant department of the Ministry of Ecology should be strengthened and activities of the coordinating authorities responsible for implementation of the Convention and Protocol must be improved. The implementation of the Basic Plan on Convergence of the Environmental Legislation of Ukraine with the EU Legislation should be the first priority. There is a need to speed up elaboration of the legal framework on introducing IWRM and basin approach. The financial mechanism for IWRM and the Protocol is also an urgent need.

Access to information should be improved through opening of web pages on the Water Convention and the Protocol of Water and Health on the web site of the Ministry of Ecology and other executive authorities responsible for implementation. Public consultations on a brief national report about progress in implementation of the Protocol should be organized. Additionally, there is a need to appoint a focal point representing the Sanitary-Epidemiological Service, who will work in cooperation with the focal point from the Ministry of Ecology.

### **Issue 10. Convention on Environmental Impact Assessment in a Transboundary Context (The Espoo Convention)**

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Ukraine has been a party to the Espoo Convention for many years, but has not implemented its provisions. While in previous years the problem was with unsatisfactory practice, nowadays neither legislation nor practices are not consistent with the objectives and provisions of the Convention. The most pressing issue is the absence of an effective mechanism for environmental impact assessment in Ukraine.

In recent years there has been a clear regression in the state of implementation of the Espoo Convention in Ukraine. This was caused primarily by the increasing role of construction and industrial lobby, which was able to approve a new permitting procedure for the construction of dangerous objects and abolish the procedure of state environmental review.

A number of central authorities openly ignore the need to respect international legal commitments of Ukraine under the Espoo Convention. They introduce projects without proper procedures as well as create obstacles to develop and adopt regulations.

For better implementation of this priority it is necessary to introduce an effective mechanism for environmental impact assessment of environmentally dangerous activities. Such a mechanism must also comply with the requirements of Directive 2011/92/EU (former 85/337/EEC), as it follows from Ukraine's commitments under the European Energy Community, as well as provide for effective transboundary impact assessment procedures that correspond to the Espoo Convention. It regards both — projects in which Ukraine is a party of origin and projects where Ukraine is an affected party.

With regard to strategic environmental assessment, it is necessary to implement all the procedures for strategic environmental assessment and ratify the SEA Protocol.

There is a need to take regular and effective measures for public involvement in the implementation and realization of the Espoo Convention, as well as regular training and information activities for civil servants, who will be engaged in procedures under the Espoo Convention, as well as for businesses, project developers, and local authorities.

### **Issue 11: Vienna Convention for the Protection of the Ozone Layer**

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While implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol has been highly estimated, there are several problems with the implementation of these instruments due to lack of technical resources, including non-compliance of state surveillance system for air pollution with the requirements of the monitoring systems (due to lack of automatic stations for measuring ground-level ozone and guidelines for content assessment), administrative and human resources, information management necessary for training and for dissemination of information.

Currently there is a need to make amendments to National Action Plan in relation to implementation and monitoring of the effectiveness indicators for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol.

There is a need to provide proposals for ozone monitoring, which could involve the EMEP programme, and use the European experience of its dissemination.

To improve the transparency of management decisions and inform the public about the activities on implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol it is necessary to enhance the dissemination of information on the official website of the Ministry of Ecology and to publish information on the import of ozone-depleting substances (in the frame of inter-agency information system).

Ukraine needs to implement the effective practice of involving the civil society in commenting on draft regulations on implementation of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol. This should be achieved through fulfilment of the requirements on the publication of such comments and feedback.

## **Issue 12. Convention on Long-range Transboundary Air Pollution**

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Despite the on-going activities of the Ministry of Ecology, the objectives on the prevention of the transboundary air pollution in neighbouring countries are not fully met in Ukraine.

As of today, the need for reduction of the negative impact by particulate matters (PM) on human health remains acute. Ukraine did not take part in the European plan on reduction of PM 10 and did not install the equipment to monitor the PM. This means that the country did not respond to appeals from the European Community to protect public health from air pollution from stationary and mobile sources.

The effective implementation of this priority requires renewal of the inter-ministerial activities on implementation of the Convention on Long-range Transboundary Air Pollution. Taking into account the amount of tasks to be fulfilled by the civil servants of the Ministry of Ecology, the number of staff members of the Ministry should be increased.

A stage-by-stage plan for the ratification and implementation of several Protocols should be developed: the Protocol Concerning the Control of Emissions of Volatile Organic Compounds or Their Transboundary Fluxes (Geneva, 1991), the Protocol on Further Reduction of Sulphur Emissions (Oslo, 1994), the Protocol on Heavy Metals (Aarhus, 1998), the Protocol on Persistent Organic Pollutants (Aarhus, 1998), and the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg, 1999).

Better involvement of non-governmental organizations in measures aimed at reducing the emission of pollutants, especially sulphur (in connection with the transfer of heat power facilities to use coal) would lead to positive results.



### **Issue 13: Convention on the Conservation of European Wildlife and Natural Habitats (The Bern Convention)**

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In 2012, Ukraine made some progress in implementing the Convention on the Conservation of European Wildlife and Natural Habitats in Europe, but those achievements have been damaged due to inefficient policy in the field of land management and urban planning. Information and public involvement in decision-making process is insufficient.

For better implementation of the Bern Convention at the national level a number of laws and/or regulations should be adopted, e.g.: a national classification of biotopes, improvement of land classification system, public access to general areas development plans and area settlement plans, that would allow public control for preventing constructions in the areas of importance for ecological networks; improving the system of public monitoring of biological and landscape diversity, including those based on GIS technology (with relevant indicators reflecting the implementation of the Bern Convention). Liability of citizens and civil servants for violations of the Convention should be introduced.

It is necessary to conduct an annual analysis of the current status, challenges and prospects of Ukraine's implementation of the Bern Convention requirements. The Ministry of Ecology must prepare a detailed public report on Ukraine's implementation of the requirements of the Convention on the Conservation of European Wildlife and Natural Habitats. The legislation of Ukraine on wildlife and natural habitats should be brought in line with the EU environmental law in this area, in particular with regards to the relevant EU directives according to the Basic Plan on Convergence of the Environmental Legislation of Ukraine with the EU Legislation.

It is necessary to take measures to complete the registration of the Emerald Network of areas of special conservation significance in Ukraine.

Public authorities of Ukraine have to resolve issues pending before the Standing Committee of the Bern Convention.

There is no open information on implementation of the Bern Convention available; therefore the website of the Ministry of Ecology must contain information on the implementation of the Convention at the national level, and Ukraine's participation in the activities at international level.

### **Issue 14: Convention on the Conservation of Migratory Species of Wild Animals (CMS, Bonn Convention)**

In regard to the implementation of resolutions and recommendations adopted by the Conference of the Parties to the Bonn Convention, as well as relevant agreements and memoranda, positive developments are proven by fulfilment of several framework measures, including the development of ecological networks and expansion of wetlands of national and international importance, and drafting regulations to implementation of strategic environmental assessment in Ukraine. The main challenge is the lack of programs or action plans, which should be the key tools for the implementation of requirements and which should create a system of interdependent practical measures and be the background for joint efforts of various organizations and agencies. Lack of policy documents creates a gap between the adopted regulatory documents and their practical application, direct conservation and protection of migratory species.

Public authorities — State Agency of Fisheries and the State Forest Resources Agency — carry out both management of use of resources and control over protection of living resources. Both agencies are coordinated by the Ministry of Agrarian Policy and Food of Ukraine. This combination of competences and responsibilities comprise a conflict of interest.

In May 2013 the regional departments of the Ministry of Ecology and Natural Resources of Ukraine are to be abolished and responsibilities transferred to the relevant departments of regional administrations. This causes a dependence of regulation entities on regional administrations, which threatens with failure to implement the national level priorities — requirements of international conventions.

Today there are no plans for any systematic practical measures to reduce poaching and restore sturgeon populations, and to regulate fisheries with the aim to reduce dolphins' losses in fishing nets.

Improvement of the implementation of the priority requires joining the Agreement on the Conservation of Albatrosses and Petrels, signing a Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, a Memorandum of Understanding on the Conservation of Migratory Sharks.

Regarding institutional developments, there is a need to create an inter-agency committee for coordination of the implementation of the Bonn Convention, to deprive the resource agencies from the power to control and protect (State Agency of Fisheries, State Forest Resources Agency), to strengthen the powers of State Ecological Inspectorate of control and protection of wildlife and biodiversity, combating poaching and ensure additional resources to implement these responsibilities, to conduct trainings at national, regional and local levels regarding requirements of the Bonn Convention.

It is necessary to develop and adopt the following action plans (programmes): the national framework plan (programme) for the implementation of the Bonn Convention in Ukraine for implementation of the Strategic Plan of the Convention for 2012-2014, the strategy and action plan (programme) for the conservation of biodiversity, as well as national action plans

(programmes) for the conservation of prey birds, bats, marine mammals, sturgeon, other species (less those already introduced to the action plan and initiatives under the Bonn Convention, agreements and memoranda of understanding). To introduce relevant funding under these plans (programmes) by using various financial sources and instruments. The definition of ecological corridor as separate category of protected areas should be introduced into the environmental legislation.

The protection of natural habitats (the Bern Convention, Directive 92/43/EC of 21 May 1992 «On the Conservation of Natural Habitats and Species of Natural Fauna and Flora») should be introduced into the environmental legislation of Ukraine or a new law on habitats protection must be developed.

### **Issue 15: Implementing the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group**

Implementation of the priority «Implementation of the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group on climate change on a new post 2012 agreement on climate change, on eligibility criteria for using the Kyoto mechanisms, and on developing measures to mitigate and adapt to climate change» may create opportunities not only for the environment, but also for economic development. Indeed, the EU has the world's largest carbon market — the Emission Trading Scheme, which is able to generate billion-dollar investments in Ukrainian industrial polluters.

In fact, the only identified positive measurable (not declared) achievement is the cooperation in development of new draft of rules for joint implementation projects, preparation of legislation towards implementation of national carbon market and a number of awareness raising seminars on adaptation to climate change. Those changes, however, are only marginally related to the implementation of the priority, as the new rules were developed within the United Nations Climate Change Negotiations and the two following rounds were conducted without the involvement of the EU representatives.

A number of announced common activity with the EU, have remained to be only declarations. A particular attention has to be paid to the lack of progress in low-carbon development strategies and the lack of compromise with the EU in international climate negotiations. Ukraine has not joined any of the EU climate protection initiatives.

In conclusion, Ukraine is not carrying out comprehensive activities towards addressing priorities, therefore, implementation of that priority is unsatisfactory.

Ukraine should accelerate and raise the efficiency of activities toward implementation of the priority of «Implementation of the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group on climate change on a new post 2012 agreement on climate change, on eligibility criteria for using the Kyoto mechanisms, and on developing measures to mitigate and adapt to climate change.» In particular, the following measures are required: (1) ratification of the amendments to the second commitment period of the Kyoto Protocol, (2) joining the EU Roadmap for moving to a low-carbon economy in 2050, (3) to implement the Roadmap large-scale work should be launched on preparing low-carbon development strategies with involving the EU experts, (4) Involving experts and EU officials to work on the elaboration of legislation on establishing national carbon market and its combination with the EU Emission Trading Scheme, (5) responsible performance of commitments taken by Ukraine within the European Energy Community framework.

## **Issue 16. Convention on the Protection of the Black Sea Against Pollution (The Bucharest Convention)**

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In general there is a positive situation with the implementation of the Bucharest Convention. First of all, it should be noted that Ukraine is a party to all international legal instruments in force under the Convention. Ukraine has undertaken a number of activities related to the implementation of the objectives of the Bucharest Convention, including a special national programme. All those, however, are achievements of previous years.

There are regressive developments in the field of institutional framework. First of all the special department of the Black Sea protection was eliminated, therefore the human resources responsible for implementation of the Convention have been reduced.

The measures indicated by the National Plan for Environment Protection for 2011-2015 are not implemented, which reveals a lack of priority and control. The annual working plan for 2012 of the Ministry of Ecology did not envisage any activities related to the Bucharest Convention.

The issue of non-compliance by Ukraine with commitments under the Bucharest Convention is raised neither by civil society nor by the other stakeholders. This is, in our opinion, related to the framework nature of the Convention and to the fact that the work under Convention is information and research oriented, and as well as to lack of reporting requirements and compliance review (compliance mechanism at the supranational level).

To improve the situation in this area it is necessary to ratify the Protocol on the Protection of the Marine Environment of the Black Sea from Land-Based Sources and Activities (2009), to urgently develop an action plan for implementation of the Strategic Action Plan for the Protection and Rehabilitation of the Black Sea in the framework of the Convention for the Protection of the Black Sea Against Pollution, to implement other related measures provided by the National Action Plan on Environment Protection for 2011-2015.

In the institutional area it is necessary to create (re-establish) a separate department within the Ministry of Ecology responsible for the protection of the Black and Azov seas.

Annual working plans of the Ministry of Ecology must include measures to implement the Bucharest Convention and the Strategic Plan for the Protection and Rehabilitation of the Black sea.

It is necessary to consider the feasibility of developing the concept of the state program for the Black and Azov seas, which would, in particular, contribute to fulfilment of the national action plan to implement the Strategic Action Plan by Ukraine.

Ukraine shall confirm its support for joining the Bucharest Convention by the EU and to public participation in the operation and implementation of the Convention.

# CONCLUSIONS AND RECOMMENDATIONS ON SPECIFIC ISSUES

THE EASTERN PARTNERSHIP ROADMAP

## **Issue 1. Convergence of Environmental Legislation of Ukraine to the Legislation of the European Union**

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Convergence of the legislation of Ukraine to the EU legislation is one of the main priorities in the EU — Ukraine cooperation. The convergence process was initiated in 1994 by the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States. Every next basic agreement between Ukraine and the EU gave a new impetus for approximation process development. The article 363 and Annex XXIX to the draft EU-Ukraine Association Agreement provide for convergence (approximation) of Ukrainian legislation to the EU legislation in field of environment. A number of other provisions of the Agreement also refer to environmental issues (e.g., in matters of cooperation in the Danube river basin, on fisheries, etc.).

Ukraine established the Coordination Council for Convergence of the Ukrainian Legislation to the Legislation of the EU and adopted several policy documents and plans on the process of convergence of the Ukrainian legislation to the EU legislation in the field of environment. These documents define measures for convergence to the specific sources of the European Law, implementation timeframes, responsible institutions and reporting mechanisms. However, in many cases deadlines were constantly postponed, and some sources of the European Law are moving from one annual plan to the next. There is a lack of systematic and comprehensive approach in the process of convergence of specific sources of the European Law to the Ukrainian legislation. This is true for the need of cooperation between professionals from different areas to ensure, first, the transposition of the EU sources of law into Ukrainian legislation and, second, professional analysis of various criteria, classifications, indexes, technical requirements used by the EU sources of law with those used by Ukrainian legislation. Unfortunately, such interaction is often conducted only formally. It is also clear that public authorities do not have enough resources for the effective implementation of the convergence process.

To increase the progress in this area it is necessarily to improve the quality and relevance of translation of the sources of the European Law into Ukrainian.

With regard to institutional issues there is a need to clarify and agree on functions and competencies of relevant central executive authorities of Ukraine in the field of the convergence of the Ukrainian legislation to the certain sources of the EU law; to provide interdepartmental and interagency coordination on convergence of Ukraine to the EU law through the establishment of working groups and coordination with the involvement of experts from various fields.

The financing under the Agreement on Financing the «Support to Implementation of Ukraine's National Environmental Policy Strategy» Programme should be unlocked. It means that the Decision of the Cabinet of Ministers of Ukraine № 411, dated 23.05.2012, on «Certain Aspects of the Use of Funds for the Implementation of Measures to Provide the Priorities of the Development of Environmental Protection for the year 2012» should be implemented.

Mid-term deadlines and check-lists by implementing programme and planning documents of the convergence process must be met.

The civil society should be more actively involved into planning of the process of convergence of the legislation of Ukraine to the legislation of the EU and providing specific measures on convergence. Special attention should be paid to the status of communication of information about the progress of convergence of the legislation in field of environment.



## **Issue 2: Multilateral dimension of the Eastern Partnership Road Map (environment)**

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Ukraine has implemented a number of initiatives in the framework of the implementation of the multilateral dimension of the Eastern Partnership Roadmap. However, except convergence of Ukrainian legislation to the EU legislation and, to some extent, cooperation in the field of climate change, the activities on the part of Ukraine are non-systematic and primarily project oriented. As a result, there are no legal, organizational and institutional framework provisions available for the implementation of multilateral level of the Eastern Partnership Roadmap, as well as there is no reporting system of executive authorities. Nevertheless, despite limited information on the Eastern Partnership activities in Ukrainian, civil society is actively participating in relevant implementation activities.

In order to ensure the efficient implementation of the multilateral level of the Eastern Partnership Roadmap it is necessary to create legal, organizational and institutional frameworks and systematic planning. The public authorities should be actively involved into Eastern Partnership initiatives. They should also introduce relevant measures on elaboration of programme and legislative documents into their working plans.

The elaboration and implementation of the Eastern Partnership initiatives should envisage wide public consultation, including through the National Platforms of Eastern Partnership Civil Society Forum.

The relevant information for initiatives within the multilateral dimension of the Eastern Partnership Roadmap should be accessible for the public in Ukrainian. This information should be available at web-pages of the executive authorities of Ukraine and the EU Delegation to Ukraine.



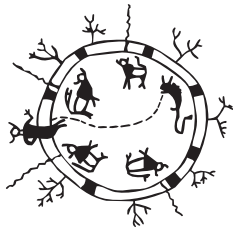
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