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## HIGHLIGHTS

### THE PARLIAMENT REJECTED THE LAW ON STRATEGIC ENVIRONMENTAL ASSESSMENT

On January 17, 2017, the Parliament rejected the law 'On strategic environmental assessment', which was vetoed by the President of Ukraine. MPs made several efforts to keep the law as a draft for further work, but the decision lacked several votes.

During the discussion the representative of the President of Ukraine in the Parliament, Mr.Gerasymov, supported the arguments for veto. The Minister of Environment O.Semerak called upon the MPs to keep the law as a draft for further improvements. This was a proposal by relevant parliamentary committee, which held that overcoming President's veto is not feasible. 'The committee does not support re-adoption of the law as such, or overcoming the veto, without re-drafting', said O.Yednak (MP and secretary at the environmental committee).

As a result, there are no legislative proposals at the Parliament relating to the strategic environmental assessment in Ukraine. Rejection of the law 'On strategic environmental assessment' was met by a disappointment among the EU and environmental NGOs, which expected the adoption of the law as part of the Association Agreement implementation.

One more vetoed environmental law, on environmental impact assessment, was not considered by the MPs in January. It will be considered at the next parliamentary session starting in February 2017.

### NEW HYDROPOWER PROJECTS ON DNISTER RIVER HIT BY CIVIL SOCIETY PROTESTS

Ukrainian and Moldovan NGOs sent a joint letter to several international organizations, including EU and EBRD, expressing their indignation about the plans by Ukraine to construct six additional hydropower plants on Dnister river. Meanwhile, the Government of Ukraine revealed the on-going bilateral negotiations with Moldova on this issue. Apparently, supply of electricity to this neighbouring country is a possible trade-off. Yet, Dnister is one of the main drinking water sources for Moldova, so any compromise will be hard for the Government of Moldova.

These plans became public in summer 2016, when the Government of Ukraine adopted a Program for Development of the Hydropower Energy till 2026. The Ministry of Environment did not approve the draft decision, requesting first strategic environmental assessment and environmental impact assessment conclusions. Civil society demands transboundary environmental and social impact assessment. In addition, NGOs called upon various international partners to suspend any funding for these projects.

The situation about construction of new hydropower plants may lead to a long bilateral conflict. The key factor shaping future scenarios is position of the Moldovan government and of civil society. Implementation in 2003-2004 of the Danube - Black Sea shipping canal project by Ukraine became a lasting conflict with Romania, which complicates its practical use by Ukraine even today. The official reasoning by Romania is based on environmental considerations. A similar scenario for Dnister could significantly hinder options for international loans, while Ukraine is unlikely to finance such huge development projects on its own.

## BLITZ-ANALYTICS

### ASSESSMENT OF THE EU-UKRAINE ASSOCIATION AGREEMENT IMPLEMENTATION IN ENVIRONMENTAL AREA

The beginning of 2017 was a traditional time to make some conclusions for 2016, to analyze achievement and failures. An interesting attempt was made to assess Association Agreement implementation progress for the last 6 months in the areas of energy and environment by using targeted indicators and scoring. Despite allegedly numerous efforts, the environment and renewable energy scored just 16 points out of 100.

The assessment methodology uses the following indicators: facts of non-compliance with EU acquis, the transposition level of EU acquis into national legislation, practical application of some instruments, statistical data.

So what made the assessment so low?

(1) 20 points were deducted due to the fact that Energy Community Secretariat initiated two infringement procedures in relation to Ukraine (lack of implementation of environmental impact assessment and Sulphur in fuels directives).

(2) Transposition remains at the stage of drafting legal acts, not their adoption. In particular:

- While the laws 'On Environmental Impact Assessment' and 'On Strategic Environmental Assessment' were adopted by the Parliament, the President vetoed both of them, therefore returning them back to the Parliament;
- Some laws adopted in the first reading will contribute to the effective implementation of the Birds Directive 2009/147/EU, while not directly implementing it. The same is true for Ministry of Environment's order 'On additional measures to protect rare and endangered species';
- Draft laws on amendments relating to access to environmental information and on protection of habitats and species were reported, but not released to the public;
- The Cabinet of Ministers has draft decision 'On approval of the concept for reforming state environmental monitoring system'. There are other drafts available: National Emissions Reduction Plan for Large Combustion Plants and National Emissions Reduction Plan for Extracting and Metallurgy Industry (not public). For the purpose of 1999/32/EU directive (Sulphur in liquid fuels) implementation the Ministry of Energy made public draft decision by the Cabinet of Ministers amending relevant technical regulation. Yet, the Government gave a temporary waiver for the use of fuels with high contents of Sulphur for defense and security purposes (fuels held by PrykarpattZakhidtrans company).

(3) As to practical steps, no SEA is carried out at national or local levels. The volume of accessible environmental information is not sufficient. Unified state web-portal of open data ([data.gov.ua](http://data.gov.ua)) includes 111 sets of information under "Ecology" section. The register of EIA/expertiza decisions (the old EIA procedure) is available at the web-page of the Ministry of Environment (61 decisions for July-December 2016). At the regional level, such decisions are only available in three oblast's (Poltavska, Zaporizhska and Zhytomyrska). As no special legislation was adopted, no special protection areas (SPAs) are being created for the protection of birds.

*Adapted from 'Energy reforms: monitoring report on progress made by Ukraine in implementing the EU-Ukraine Association Agreement in the areas of energy and environment', December 2016.*