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## HIGHLIGHTS

### UKRAINE'S PROGRESS IN IMPLEMENTING THE AARHUS CONVENTION UNDER EVALUATION IN GENEVA

On February 28 – March 3, 2017, 56th meeting of the Aarhus Convention Compliance Committee took place in Geneva. This session focused on progress achieved by relevant parties in implementing so called non-compliance decisions by the Meeting of the Parties, including in relation to Ukraine.

The discussion included a report by the committee member-rapporteur, interventions by representatives of the government and the public (the latter two participated via audio conferencing). The Committee decided to postpone the deadline for final reporting for Ukraine till April 1, 2017. The beginning of April was chosen for practical reasons – this is the latest time when the Committee can take into account steps taken by Ukraine since preparation of draft decisions to the Meeting of the Parties (MOP) in September is subject to timing limitations. At this stage, the Committee is satisfied with steps taken in relation to access to environmental information, but insists on adoption of a law on environmental impact assessment as a framework for public participation in decision-making. The representative of the Ministry of Environment informed about Ministry's expectations regarding re-consideration of the draft law on EIA by the Parliament by the end of March. The representative of the public also expressed positive forecasts for this and said she agrees with Committee's position that unless the law is adopted, the MOP should consider suspending special rights and privileges of Ukraine under the Convention.

The decision on Ukraine's non-compliance with the Aarhus Convention, establishing environmental rights for citizens, has a long history back to 2003, when Ukraine started to build a canal to connect Danube and Black Sea. Key recommendation to Ukraine is to fill systemic gaps in the legislation in relation to access to environmental information and public participation in environmental decision-making.

### CHURCH'S GROWING ROLE PROTECTING UKRAINE'S ENVIRONMENT

Environmental protection is a part of various social and political activities, in particular the church. In recent years Ukraine demonstrates a growing role of the church in protecting the environment and raising environmental awareness of a person, responsible for environment as a God's creature. This trend can be tracked by theoretical research papers by the church, special bodies established within churches (such as Environmental Bureau of the Ukrainian Greek Catholic Church), implementation of eco-initiatives in the field, including in cooperation with public authorities, local communities, academia, etc.

2017 confirms these trends. Churches raised voice against grass burning, destroying and trade of primroses, use of plastic flowers at cemeteries. On March 11, 2017, Ostap Semerak (Minister of Environment), Yevgen Nishchuk (Minister of Culture) and His Beatitude Sviatoslav started a national campaign "Sprouts of Unity".

In addition, public opinion surveys by KIIS, INPOLIT, Ilko Kucheriv Democratic Initiatives Foundation point to the church as one of the institutions most trusted by Ukrainians. For this reason, environmental initiatives by the church will have significant positive impact for the environment, in some cases – determinative impact.

## **IMPLEMENTATION OF THE EU-UKRAINE ASSOCIATION AGREEMENTS: THE YEAR 2016**

On March 2, 2017, Government Office for European & Euroatlantic Integration released its Report on Implementation of the EU-Ukraine Association Agreement in 2016. Government listed the following main achievements in relation to environmental protection area:

- Adoption of the laws of Ukraine on basin approach water resources management, on environmental impact assessment, and on strategic environmental assessment (our comment: the latter two were vetoed by the President of Ukraine, so we doubt this to be an achievement);
- Ratification by Ukraine of the Paris Agreement and adoption of the Concept for Implementation of the State Policy of Ukraine in Climate Change;
- Preparation of draft National Waste Management Strategy, draft Concept for Reforming State Monitoring System, draft National Emissions Reduction Plan for Large Combustion Plants, draft laws on state biosafety system and supply of safe and high quality drinking water.

Taking into account that deadlines for implementation of some EU directives and regulations passed, the report focuses on steps to be taken in 2017. These include:

- Adoption of the National Emissions Reduction Plan for Large Combustion Plants;
- Adoption of the National Waste Management Strategy and the Law on Packaging and Packaging Wastes;
- Further elaboration of the draft law on State System of Biosafety During Development, Testing, Transporting and Using Genetically Modified Organisms, as well as development of a road map for future steps needed to regulate this area.

Release of the reports on implementation of the EU-Ukraine Association Agreements is an important source of information for public monitoring.

We believe that effective implementation of the Association Agreement requires, first of all, precise and timely implementation of relevant implementation plans for each directive and regulation. This should have been taken as a basis for reporting, while the report sporadically covers measures taken in some sectors (e.g, development of a draft law). Yet, such information does not give a comprehensive outlook of the situation and progress made, does not allow to assess where Ukraine is now in the implementation process.

The report should have included analysis of the achievements and challenges, not just factual statements. The report includes information on achievements (development/adoption of legal acts, signature of relevant international treaties), but is silent about those sectors, which face difficulties. In particular, the report selectively focuses on those EU legal acts where respective deadlines are close, while acts with deadlines over, are left out of the report scope. For example, in environmental area this is true for the Birds Directive 2009/147/EU.

While we agree that Ukraine is working hard on implementing Association Agreement, we stress lack of transparency in working groups operation, lack of communication among stakeholders. This is also true for reporting itself. That's why we believe preparation of the implementation reports should include public participation. Such a mechanism would allow different opinions to be taken into account, ensuring maximum objectivity of the information and serve as an instrument for cooperation with the public.