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HIGHLIGHTS

ENVIRONMENT ON THE EASTERN PARTNERSHIP AGENDA

The Eastern Partnership summit, which took place in Brussels on Nov 24, 2017, adopted its Joint Declaration. This general political statement includes environmental issues, which indicates the increasing role of sustainable development, environmental protection and climate change threats in the national agendas of the EU member-states and countries of the Eastern Partnership region. In particular, the EU and EaP countries:

Support delivery on the key global policy goals set by the UN 2030 Agenda for Sustainable Development and by the Paris Agreement on Climate Change;

Promote inclusive sustainable growth and confirm commitment to transition towards greener, more efficient and sustainable economies and to enhanced climate change adaptation and mitigation efforts, as well as to addressing environmental challenges.

Stressed that timely implementation of multilateral agreements and comprehensive reforms in these areas remain key.

Recognized importance of '20 Deliverables for 2020' plan. The plan includes a number of key steps related to the environment: development of river basin management plans, identification of environmental risks for the Black Sea, development of legislation for strategic environmental assessments and impact assessments, improved access to environmental data and promotion of sustainable exploitation of marine living resources.

A key element for such declarations is the need for practical implementation. Recently, the Ministry of Environment of Ukraine presented a Roadmap for implementation of the Luxembourg Declaration on environmental governance in Ukraine.

A DRAFT LAW RELEASED ON OZONE DEPLETING SUBSTANCES AND FLUORINATED GREENHOUSE GASES

The Ministry of Environment of Ukraine made public a draft law, which sets new legal framework for production, export, placing on the market and management of ozone depleting substances, fluorinated greenhouse gases and goods, which contain or may contain, and which use makes impact on ozone layer and global warming.

The draft proposes to ban, starting Jan 1, 2018, any import and placing on market of goods and equipment, which contain or use ozone depleting substances (subject to exceptions to be set by the Government) and to gradually ban use of controlled substances by January 1, 2021. While the Association Agreement with the EU provides for full ban of hydrochlorofluorocarbons by 2015, the draft proposes to ban them by January 1, 2020 (in line with the Montreal Protocol). Currently their use in Ukraine significantly dropped from 93 tones in 2013 to 16 tones in 2016 (to meet relevant obligations under the Montreal Protocol).

The draft law also provides for a ban on production of so called controlled substances (ozone depleting substances and fluorinated greenhouse gases), auctions for permits to import such substances, setting up an electronic Register of controlled substances operators.

WIDE RANGING INSTRUCTIONS BY THE PRESIDENT OF UKRAINE ON THE ENVIRONMENT

On November 21, 2017, the President of Ukraine signed a decree ‘On Additional Measures for Development of Forestry, Rational Use of Natural Resources and Preservation of Protected Areas’ No.381/2017. Via this decree the President gave a number of instructions to the Cabinet of Ministers and other public authorities on issues related to forestry, water management, state environmental control and monitoring system, development of protected areas.

NGOs and experts gave cautious assessments to this decree. Clearly, it was a surprising move by the President given decree’s focus on these sectors. A likely reason for this decision was the willingness of the President to join in the process of key reforms in the areas of nature protection and natural resources use, in particular forestry. In addition, in his decree the President showed his position over a number of reforms, which is an important signal for preventing situations when, for example, laws adopted by the Parliament are subject to President’s veto or await president’s signature for a long time.

The decree, for example, highlights the importance of transparency in implementing the reforms (increasing public inspectors role, openness of information on forestry permits, including logging tickets, as well as information on land use changes in forestry). Other messages include: creation of state fund for development of forestry and state fund for water management, delegation of some controlling functions to local authorities, introduction of a unified electronic state system for wood circulation, including wood origin, adoption of ‘Ukraine Forests-2020’ program.

THE GOVERNMENT ADOPTS NATIONAL EMISSIONS REDUCTION PLAN FOR LARGE COMBUSTION PLANTS

On November 8, 2017, the Government approved National Emissions Reduction Plan for Large Combustion Plants (NERP), also authorizing the Ministry of Energy to coordinate its implementation. By December 1, 2017, the Ministry of Energy should submit a draft action plan for implementation of the NERP in 2017. Earlier, the Government put an obligation on the Ministry of Environment of Ukraine to amend technical regulations on allowed emissions for such plants within 3 months from adoption of NERP.

NERP was approved to comply with Ukraine’s obligations under the Energy Community (Directive 2001/80/EC) and aims at gradual reduction of emissions of sulphur dioxide, oxides of nitrogen and dust from large combustion plants (with rated thermal input exceeding 50 MW) by December 2033. The NERP represents intentions by Ukraine, as a member of Energy Community, to significantly reduce emissions of operating large combustion plants. There are 223 such plants operating in Ukraine, 90 of which are included into NERP for reduction of emissions, 135 should be decommissioned and only 3 will comply with emissions limits starting January 2018. NERP provides for a regular reporting to Energy Community Secretariat on implementation of the plan (to be done by Ministry of Energy).

One of the biggest operators of combustion plants in Ukraine – DTEK – welcomed the adoption of the NERP, while expressing its concern over the lack of the key element in the plan - financing sources.