

Environmental POLICY AND LAW

UA REVIEW

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HIGHLIGHTS

UKRAINE PREPARES A STRATEGY TO COMBAT WITH INVASIVE ALIEN SPECIES

May 2, 2019: The Ministry of Environment of Ukraine released draft decision of the Government of Ukraine on the National Strategy for Management of Invasive Alien Species of Flora and Fauna till 2030.

The draft envisages adoption of a strategy to prevent introduction, combat, control and mitigate negative impact of invasive alien species on natural ecosystems, economy and human health. The strategy implementation plans comprises two periods, as well as development of a national and local action plans.

The policy proposal, accompanying the draft, indicates that all Ukraine's territory is currently affected, to some extent, by the impact of invasive alien species. This poses a serious problem for social, economic and environmental interests, including trade, health protection, agriculture and water management.

The EU enacted a Regulation 1143/2014 on this issue and, accordingly, keeps a list of Invasive Species of Union Concern. Development of such list is also part of the proposed strategy in Ukraine.

OPEN ENVIRONMENT PORTAL IS NOW WORKING IN TEST MODE

As many as 11 public authorities in Ukraine are responsible for environmental monitoring. Most of them are not under the Ministry of Environment. On May 31, 2019, the Ministry of Environment together with Open Society Foundation presented a geoinformation system "Open Environment". The system allows to access all environmental information in one place. A single platform for environmental information will facilitate citizens' access to reliable information about the state of the environment. It will also serve as information basis for decision-making in environmental matters.

The system is now working in a test mode. Currently, it offers three interactive maps: Water, Air and Eco-finance. All information is provided in open data format. Moreover, the portal allows a user to create its own information cluster by

selecting data based on criteria of geography, year and pollutants, then creating a diagram and downloading the data in a friendly format.

The portal has rather ambitious further development plans. In particular, an update of air module, adding new modules on forests, biodiversity, soils. In addition, the developers announced the portal will allow in the future access to data from non-governmental monitoring organization.

To recall, the Concept for Developing National Automatic Information System provides, among its five key elements, for developing of such information system to bring together environmental data from national and local authorities.

NUMBER OF THE MONTH

by

64,3%

**Ukraine has cut
its CO₂ emissions
in 2016 from its 1990 level**

Data by National GHG Emissions Cadaster (updated)

EU-UKRAINE ASSOCIATION AGREEMENT: TIME FOR A CHANGE

The EU-Ukraine Association Agreement is a powerful instrument for reforms, including in the areas of environment and climate change. As of today, some of its provisions have been implemented already and work in practice, some are still on the waiting list.

Yet, there are at least three reasons why Annexes XXX and XXXI should be revised and one good practice example in the energy sector to support that. First, some of the EU directives and regulations listed in Annex XXX have been subject to amendments and revisions, some have been replaced with new versions. Climate change policy has been developing quickly after the new Paris Agreement on climate change was signed. Second, important environmental directives and regulations were left out of the Association Agreement scope during the negotiations but they should be included for implementation by Ukraine. Third, implementation of the Association Agreement by Ukraine faces serious challenges related to the legal nature of EU law and to the non-membership of Ukraine in the EU.

What we recommend?

- 1) To replace the list of directives and regulations in the Annex XXX of the Association Agreement with the latest versions or new acts (adopted to replace) the legal acts already included in the Annex XXX. For example, Directive 1999/32/EC on reduction of sulphur content of certain liquid fuels and amending Directive 93/12/EC as amended by Regulation (EC) 1882/2003 and Directive 2005/33/EC should be replaced with Directive (EU) 2016/802 relating to a reduction in the sulphur content of certain liquid fuels (codification).
- 2) To include three new topics into the Annex XXX: "Noise pollution", "Chemicals" and "Animal welfare" covering relevant EU directives, as well as to widen other topics with important legal acts, such as: Directive on environmental liability, Directive on waste electrical and electronic equip-

ment, Directive on the reduction of the impact of certain plastic products on the environment, Directive on relating to the keeping of wild animals in zoos, Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and others.

- 3) Future climate policy as a cooperation area for Ukraine and the EU should be based on principles and goals of the Paris Agreement and should address nationally determined contributions by Ukraine, implementation of low carbon development strategy, adaptation to climate change, integration of climate policy into other policy sectors.
- 4) To develop provisions improving implementation mechanisms. In particular relevant issues are: updating the legal acts listed; empowering the Association Council to set special rules for implementation of some directives and regulations; monitoring and enforcement of EU environmental acquis in Ukraine.

For further information consult English version of the position paper by Resource and Analysis Center "Society and Environment":

<http://www.rac.org.ua/en/priorities/environmental-dimension-of-european-integration/updating-and-amending--annexes-xxx-and-xxxi-of-the-eu-ukraine-association-agreement-2019>

QUOTE OF THE MONTH

"We can reach effective implementation of the EU legislation only by making it's a priority of national policy, a part of national policy "

Mykola Kuzio, Vice Minister of Environmental Protection of Ukraine,
speech at Environmental Journalism School

EVENT OF THE MONTH

May 22, 2019

the Government of Ukraine adopted a Concept for Implementing State Policy in the Area of Industrial Pollution for 10-year period