










Draft Law of Ukraine №2009a “On Environmental Impact Assessment”

What do you need to know?

<p>Achievement of EIA Directive goals</p>	 PARTIAL	<p>In general, draft law provides for an EIA model in line with EIA Directive 2011/92. At the same time, copy-pasting of various provisions represents its major weakness. The text is not aligned with Ukrainian legislation in environmental, construction and energy fields. Amisss defined key terms (definitions) is also a deficiency.</p>
<p>Administrative and financial burden on business</p>	 HIGH	<p>Introduces a new permitting procedure: environmental impact assessment. Majority of industrial and infrastructure projects will be subject to it; significantly prolongs permitting procedures, partially duplicates current review (<i>expertiza</i>) of construction projects.</p>
<p>Corruption risks</p>	 PRESENT	<p>Corruption risks were identified, a conclusion also supported by the outcome of the public anti-corruption review carried out by the Center of Political and Legal Reforms.</p>
<p>Integration of EIA into current development consent framework</p>	 LOW	<p>Does not establish clear link of the EIA process with current practice and legal framework in relation designing and construction of industrial objects.</p>
<p>Compliance with obligations under Energy Community</p>	 HIGH	<p>Almost all activities in energy field under EIA Directive are covered. Yet, some obligations relating to environmental impact assessment under Energy Community will not be met.</p>
<p>Ensuring proper public participation in EIA</p>	 HIGH	<p>Provides for detailed and sufficient requirements on informing and public consultations, while requires adoption of subordinated legal acts. Key positive factor is putting obligations to carry out public consultations on state authorities.</p>
<p>Financial consequences for state budget</p>	 SMALL	<p>Additional budgetary resources are primarily caused by setting up and operation of a public EIA register.</p>