

STATEMENT

of the National Platform of the Eastern Partnership Civil Society Forum on the Necessity to Introduce the Environmental Impact Assessment in Ukraine

Administration of the President of Ukraine

Ministry of Environment and Natural Resources
of Ukraine

Ministry of Regional Development, Construction
and Housing and Communal Services of Ukraine

Ministry of Health of Ukraine

Ministry of Infrastructure of Ukraine

The Committee on Environmental Policy,
Natural Resources and Elimination of
Consequences of Chornobyl Catastrophe of the
Parliament of Ukraine

Delegation of the European Union to Ukraine

Ukraine is the only country in Europe with no proper system of environmental and public health impact assessment of potentially hazardous industrial and infrastructure projects. In the past, state sanitary-epidemiological and state environmental reviews played a major role in the assessment of possible negative effects of their activity. **With the adoption of the Law "On Regulation of Urban Development" state sanitary-epidemiological and state environmental reviews were almost abolished.**

The current system of regulation of urban development, including the EIA as stage of designing, cannot provide the assessment and prevention of dangerous consequences that can be caused by a variety of industrial activities, nor it can ensure public involvement in the decision-making process. It includes a number of risks for Ukraine in the field of environmental protection, public health, democratic decision-making process, the European integration aspirations, international commitments and the investment climate. The lack of effective environmental impact assessment poses risk to success of specific projects.

The implementation of the European model of environmental impact assessment as an integrated and common system is the best way to solve the problem of environmental impact assessment in Ukraine. There is sufficient political and legal framework in Ukraine for the implementation of the European model of environmental impact assessment (provisions of bilateral agreements with the EU and political documents, international obligations and national policy documents on the convergence with the EU legislation, in particular in the field of environmental protection).

Convergence with the Directive 2011/92/EU on the Assessment of the Effects of Certain Public and Private Projects on Environment is among the tasks of the Action Plan on the Convergence of the Legislation of Ukraine with the Legislation of the European Union. The implementation of aforementioned Directive is also one of the obligations of Ukraine in the framework of the European Energy Community.

In April 2012 the Ministry of Environment made public the Draft Law of Ukraine "On the Environmental Impact Assessment".

The law may solve a number of problems, both new and old:

- the law can be considered as the implementation of the EU Directive on environmental impact assessment. Ukraine is obliged to implement the Directive before January 1, 2013 in connection with the accession to the European Energy Community;
- the law can ensure compliance with the Convention on Environmental Impact Assessment in Transboundary Context (Espoo Convention);
- the draft law envisages procedures for taking public opinion into account that helps to ensure implementation of the main requirements for public participation under the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-making Process and Access to Justice in Environmental Matters);
- the law will create a positive climate for investment, attracting funds from international financial institutions, foreign capital without creating additional licensing steps or tightening existing licensing procedures.

The process of environmental impact assessment should start at the stages of strategic decision-making. **Ukraine should join the Protocol on Strategic Environmental Assessment which was signed in 2003 and develop relevant national procedures for strategic environmental assessment.** For this purpose it is necessary to complete the draft regulations of the Ministry of Environment to provide an effective model for environmental impact assessment of plans, programs and policies at different levels.

We consider the introduction of an effective system of environmental impact assessment as a priority tool for implementing national environmental policy and propose:

1. To finalize and adopt the law on environmental impact assessment, based on the proposed by the EU experts Draft Law "On the Environmental Impact Assessment".
2. To create all the necessary conditions for the immediate commencement of procedures for environmental impact assessment of the commercial projects through appropriate regulations, administrative and educational measures.
3. To complete the process of ratification of the Protocol on Strategic Environmental Assessment in the near time, and to finalize and adopt the law on the introduction of strategic environmental assessment in Ukraine.
4. To start developing necessary conditions for the implementation of the strategic environmental assessment of plans, programs and policies through appropriate regulations, administrative and educational measures.