

Aarhus Convention National Implementation Report 2017–2020

**The following report is submitted on behalf of
Ukraine by the Ministry of Environmental Protection and Natural Resources**

Name of officer responsible for submitting the national report:	Minister of Environmental Protection and Natural Resources of Ukraine
Signature:	Roman ABRAMOVSKYY -
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Report preparation information

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I. Process by which the report has been prepared

QUESTION:

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcomes of the public consultation were taken into account, as well as on the material that was used as a basis for preparing the report

ANSWER:

Pursuant to Ukraine's international obligations as to the implementation of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (usually known as the Aarhus Convention), the Ministry of Environment and Natural Resources of Ukraine (hereinafter referred to as "Ministry of Environment") has arranged the preparation of Aarhus Convention National Implementation Report 2017–2020 for Ukraine (hereinafter referred to as "2021 National Report").

The 2021 National Report has been updated taking into consideration the previous report issued in 2017.

Public consultation was planned during the preparation of the 2021 National Report.

II. Particular circumstances relevant for understanding the report

QUESTION:

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional)

ANSWER:

Article 9 of the Constitution of Ukraine states that any valid binding international treaties approved by the Verkhovna Rada of Ukraine are part of Ukraine's national legislation. The Constitution of Ukraine is the only directly applicable set of principles in the national legal system.

However, a number of regulations were adopted in Ukraine following the ratification of the Aarhus Convention to allow creating a framework for the Convention implementation.

Access to information is regulated by Law of Ukraine "On Access to Public Information" of 13 January 2011, No. 2939-VI; Law of Ukraine "On Information" of 02 October 1992, No. 2657-XII; Law of Ukraine "On Public Appeals" of 02 October 1996, No. 393/96-VR and a number of by-laws.

There is no separate decision-making entity in Ukraine. Public authorities guarantee implementation of the Convention by performing their functions.

The Cabinet of Ministers of Ukraine renamed the Ministry of Energy and Environmental Protection of Ukraine to the Ministry of Energy of Ukraine by its Decree of 27 May 2020, No. 425 "Some issues of optimisation of the central executive system". The Ministry of Environmental Protection and

Natural Resources of Ukraine was also established by the aforesaid Decree.

In accordance with the Decree, the Ministry of Environmental Protection is the main body in central executive system having the following duties:

to form and implement the public policy in the areas such as nature conservation, environmental protection and, within the legal powers, biological and genetic safety;

to form and implement the forestry and hunting public policy within the legal powers;

to form the public policy in the following areas:

- water sector development, surface water resources management, use and renewal;

- exploration and sustainable utilisation of subsoil;

- management of the Exclusion Zone and Unconditional (Mandatory) Resettlement Zone, overcoming the consequences of the Chornobyl disaster, decommissioning of the Chornobyl NPP and making the Shelter Structure environmentally safe; and public administration of radioactive waste management at the long-term storage and disposal stage (hereinafter referred to as “radioactive waste management”);

- implementation of public oversight (control) of environmental protection, sustainable utilisation, renewal and protection of natural resources.

Please see the full text of the Decree at <https://www.kmu.gov.ua/npas/deyaki-pitannya-optimizaciyi-sistemi-centralnih-organiv-vikonavchoyi-t270520>

The national report was prepared behind the schedule set by the Convention Secretariat.

III. Legislative, regulatory and other measures implementing the general provisions in Article 3, Paragraphs 2, 3, 4, 7 and 8

QUESTION:

a) With respect to Paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance

ANSWER:

Article 14 of Law of Ukraine “On Access to Public Information” of 13 January 2011, No. 2939-VI, requires that public bodies disclose their activities and decisions; keep regular records of documentation at their disposal; keep records of information requests; define locations for applicants to work with documents or copies thereof, and permit applicants to make extracts from, take photos, copy, scan and record documents on any data carriers, etc.; have special organisational units or appoint persons in charge of applicants’ access to information; provide reliable, accurate and complete information, and check the accuracy and relevance of the information as necessary.

Article 15 of Law of Ukraine “On Access to Public Information” (read more at: http://www.kmu.gov.ua/control/publish/article?art_id=244981047) contains the list of information which must be disclosed immediately.

The information mentioned in Part 1 Article 15 of Law of Ukraine “On Access to Public Information” must be disclosed within five working days of approval of the document. If such information is available to the official website’s information administrator, it shall be published on the website together with the document publication date and information update date.

Respective information administrators must publish draft regulations and local government decisions developed by them at the latest 20 working days before the date of review for their approval (Part 3 Article 15 of Law of Ukraine “On Access to Public Information”).

In order to facilitate a regular dialogue between the government and the public, to improve the quality of the preparation of decisions on important issues taking into account public opinion, to

enable public participation in such decisions, on 24 April 2019 the Cabinet of Ministers of Ukraine adopted Decree No. 353 "On Amendments to Decree No. 996 issued by the Cabinet of Ministers of Ukraine on 03 November 2010" to amend Paragraph 6 as follows:

"6. In order to take public opinion into account during the preparation and enforcement of the decrees of the Cabinet of Ministers of Ukraine, to shape and implement the national policy and to address local issues the following meetings shall be held:

heads of ministerial public councils, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, and Kyiv and Sevastopol city state administrations with the Prime Minister of Ukraine, other members of the Cabinet of Ministers of Ukraine, State Secretary of the Cabinet of Ministers of Ukraine, ministerial State Secretaries;

heads of district public councils, district public councils of Kyiv and Sevastopol state administrations, respectively, with the Chairperson of the Council of Ministers of the Autonomous Republic of Crimea, heads of regional state administrations, and Kyiv and Sevastopol city state administrations at least twice a year".

Additionally, the Open Government Partnership international initiative (hereinafter referred to as "Initiative") was launched in Ukraine on 20 September 2011 by signing the Declaration of Partnership at the UN General Assembly session in Ukraine of 8 founding countries (Brazil, the United States, Indonesia, Mexico, Norway, the Philippines, South Africa, and the United Kingdom). The President of Ukraine took part in the inauguration ceremony of the Initiative in New York and reiterated Ukraine's readiness to join the Initiative.

As part of the Initiative, the governments of the participating countries working closely with civil society institutions develop two-year Initiative implementation action plans, ensure the transparent implementation process and carry out public consultations, have independent performance assessments.

As of 01 January 2021, **78 countries and 76 subnational governments** have joined the Initiative.

The key principles of the Initiative:

transparency: information on governmental activities is open, comprehensive, timely, freely accessible to the public and compliant with basic open data standards;

citizen input: the government invites citizens to take part in discussions, which promotes decisions that take public opinion into account, are more innovative and effective;

accountability: the rules, norms and mechanisms in place that make the government substantiate its actions, work in line with set requirements, respond to criticism, assume responsibility for non-compliance with laws or obligations;

technology and innovations for transparency and accountability: the government recognises the importance of giving citizens open access to technology, the role of high-end technology in promoting innovation and the importance of empowering citizens.

Steering Committee of the Initiative

The Steering Committee of the Initiative is based in the United States. The Steering Committee is composed of members of the governments of the participating countries and civil society organisations. The composition of the Steering Committee is approved by election held on the regional representation principle (4 representatives from the governments of each of the 4 regions: Africa, Asia, Americas and Europe).

Implementation of the Initiative in Ukraine

80% of the First Action Plan for the implementation of the Open Government Partnership Initiative in Ukraine (Decree No. 220 of 05 April 2012) included activities proposed by public experts. The Plan was discussed during the National Round Table and approved by the Government in 2012. *The Ukrainian Action Plan was considered one of the best at the Global Partnership Summit.*

The Second Action Plan for the implementation of the Open Government Partnership Initiative in 2014–2015 was approved by the Cabinet of Ministers on 26 November 2014, Decree No. 1176. The draft Action Plan was developed by a working group created in the Secretariat of the Cabinet of

Ministers. The working group included the members of executive bodies and civil society institutions. The draft plan was publicly discussed online and during public events in 4 regions of Ukraine. For the first time, the white paper included the Partners section listing the public organisations partnering with the government in the action plan implementation.

In 2012–2016, the key areas of the Initiative implementation in Ukraine were:

promoting the civil society institutions activities, input to shaping and implementation of public policy; providing access to public information; prevention and counteraction of corruption, improving the quality of administrative and social services; introduction of e-government technology and development of e-democracy.

On 07 December 2016, the Ukrainian electronic public procurement system ProZorro won the third annual Open Government Awards 2016 at the Global Summit of the Open Government Partnership in Paris.

The Third Action Plan for the implementation of the Open Government Partnership Initiative was approved by the Cabinet of Ministers on 30 November 2016, Decree No. 909.

Particularly, the Action Plan includes the steps to improve the quality and transparency of administrative services and their provision electronically, to enhance the verification of data on ultimate beneficiaries, to ensure openness and transparency of public procurement, to create the Community Policing system, to develop e-democracy, etc.

The draft Action Plan was broadly publicly discussed, in particular, a call for proposals was posted on the government's Civil Society and Government website and shared in social media; 5 open meetings of the Coordination Council working groups and 23 regional public discussions, and a "world café" public event have been held. The developed proposals were also offered for public discussion online and participants could choose five priority measures from those proposed.

The Action Plan development process was included in the Initiative's Participation and Co-Creation Toolkit a best practice for involving stakeholders.

The Fourth Action Plan for the implementation of the Initiative (Decree No. 1088 of 18 December 2018) was first shaped as part of the 2030 Sustainable Development Goals. An interactive survey was conducted during the public event asking the participants to select 5 priority goals which would guide the Action Plan proposals. The measures were presented for online voting at www.discuto.io. Additionally, information events were held in the regions with the support of the UN Development Programme in Ukraine to involve the public in voting.

The main tasks of the Fourth Action Plan were: to disclosure education and science, environmental protection, and budget process data and to get international technical assistance; to continue the introduction of priority electronic services; to develop the public procurement system; to disclosure information on beneficial owners; to implement the Extractive Industries Transparency Initiative and the Construction Transparency Initiative; to create an online platform for executive agencies and civil society institutions interaction.

The Fifth Action Plan for the implementation of the Initiative was approved on 24 February 2021 (Decree No. 149 of the Cabinet of Ministers dated 24 February 2021). The Plan included 14 tasks such as: to organise the work of a web platform for the interaction of executive agencies with citizens and civil society institutions (the VzaiemoDia ('interaction') platform); to enhance transparency of infrastructure, extractive industries and public finance management; to make government property accounting open and transparent; to provide access to patenting and innovation development data; to further disclose information on beneficial owners; to provide access to gender-disaggregated data.

Coordination Mechanism

In order to coordinate the implementation of the Initiative by executive agencies the Cabinet of Ministers established the Coordinating Council for the implementation of Open Government Partnership international initiative in Ukraine (Decree No. 671 of 13 June 2012).

The Coordinating Council is composed of 7 members of executive agencies and the public. The Coordinating Council also has two co-chairs — one from the Government (State Secretary of the Cabinet of Ministers) and one from the public. Members of the Coordinating Council are elected from the public on a competitive basis.

Ukraine has been a member of the Initiative since 2011 and has already implemented 4 action plans. The Government's work has also been recognised by the Initiative's Steering Committee as a model

to be followed by other countries. The Fifth Action Plan was approved by the Cabinet of Ministers in February this year. It has been developed in cooperation with members of civil society institutions, local governments and business. In particular, the new Action Plan includes measures to better verify information about beneficial owners; to implement the Extractive Industries Transparency Initiative and the Infrastructure Transparency Initiative; to ensure transparency of public finance; to develop e-democracy tools, etc.

Open Government Partnership Initiative
website: <https://www.opengovpartnership.org/>
Open Government Partnership Initiative in Ukraine Facebook
page: <https://www.facebook.com/ogpUkraine>

The position of Ombudsman — the Commissioner of the Verkhovna Rada of Ukraine for Human Rights — has been in place in Ukraine since 1998; the Ombudsman is responsible for monitoring the observance of legal rights and interests of citizens in the work of executive agencies and officials. The Commissioner of the Verkhovna Rada of Ukraine controls on a parliamentary level the observance of the right to access public information.

The Ombudsman's key activities include the promotion of international human rights and freedoms standards, facilitating the ratification of international treaties and their transposition into national legislation of Ukraine.

On 10 December 2008, the 60th anniversary of the Universal Declaration of Human Rights, the Ombudsman of Ukraine submitted to the Verkhovna Rada a Special Report entitled 'Compliance with International Human Rights and Freedoms Standards by Ukraine'. The report presents the results of monitoring Ukraine's compliance with international standards. These data were primarily based on the comments and recommendations given by the UN convention bodies using the results of an analysis of Ukraine's reports for each year of its independence. The document also contained comments and recommendations of all UN convention bodies. Two years later, in November 2010, the Cabinet of Ministers of Ukraine reported to the Ombudsman that the recommendations of the Special Report have been fulfilled. The report is published at the UN website: <http://www.un.org/ru/documents/ods.asp?m=A/HRC/13/NI/1>

The powers and activities of the Ombudsman of Ukraine are fully consistent with the Paris Principles relating to the Status of National Institutions promoting and protecting human rights approved by UN General Assembly Resolution No. 48/134 of 20 December 1993. It is primarily about independence, openness and impartiality of defence and protection of human rights and freedoms.

So, the Bureau of the UN International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights assigned the highest "A" accreditation status to the Ombudsman of Ukraine in March 2009, in particular, granting the right to directly participate in and speak at the UN Human Rights Council human rights meetings.

Efforts made in Ukraine to promote public access to information and public participation in the decision-making process are defined by a number of general regulations, particularly, by Law of Ukraine "On Principles of State Regulatory Policy in Economic Operations" which determines the legal and organisational principles of governmental regulatory policy in economy aimed to improve legal regulation of economic relations and administrative relations between regulatory agencies or other parties, and between governmental bodies and businesses, and to prevent the adoption of commercially unreasonable and inefficient regulations.

Article 9 of this Law of Ukraine provides for the procedure of publication of draft regulations for collecting feedback from individuals and legal entities, and associations thereof. In particular, this Article states:

"Article 9. Publication of Draft Regulations for Collecting Feedback

Each draft regulation shall be published for collecting feedback from individuals and legal entities, and associations thereof.

The period of collecting feedback from individuals and legal entities, and associations thereof, shall be defined by the author of the regulation and must be at least one month but no longer than three months of publication of the draft regulation and its regulatory impact analysis.

Any feedback related to the draft regulation and its regulatory impact analysis received within a fixed timeframe must be reviewed by the author of the draft regulation. Having reviewed the feedback the author of the draft regulation shall accept or reasonably reject all or a part of that feedback.

The publication of the draft regulation for collecting feedback shall not prevent from public discussions and any other open forums related to that draft regulation.”

The Unified State Open Data Web Portal — data.gov.ua/ — was created on 25 December 2015 and functions under Law of Ukraine “On Access to Public Information” and Decree 835 “On approval of regulations on data sets that must be published as open data” issued by the Cabinet of Ministers of Ukraine on 21 October 2015. The State E-Governance Agency is the body responsible for the operation of the web portal.

It is designed to provide access to public information as open data and enables the use of government information. Pursuant to Law of Ukraine No. 319 “On Amendments to Certain Laws of Ukraine on Access to Public Information as Open Data” of 09 April 2015, information administrators must, upon request, provide public information as open data, publish and regularly update it on the Unified State Open Data Web Portal and their websites.

Any person may freely copy, publish, distribute, use, including for commercial purposes, public information as open data in combination with other data or by incorporating in their own products, always referring to the source of such information.

In accordance with Decree No. 855 of the President of Ukraine dated 06 August 1998 ‘On the Environment Day’, *events dedicated to the Environment Day are held annually on the third Saturday of April.*

Public discussions of draft regulations that are of social importance and relate to citizens’ rights and duties are held in order to achieve positive results of the implementation of regulations, to make state regulatory policy more effective, to collect feedback from the public in the Regulatory Activities sections at official websites of state executive agencies.

The websites of state executive agencies which administer public information provide regular updates on accounting of documents containing public information, publish explanations on how to request public information or to file complaints about acts or omissions of information administrators, and post written information request forms.

In order to ensure free access to information the websites of state executive agencies have sections which publish the process of registration of citizens’ submissions, review periods, the agencies’ visiting hours for the public, indicative plans of public consultations, the Public Council materials and other helpful information.

Each state executive agency has a public office and a hotline to provide consultations and explanations on the issues within the agency’s competence.

QUESTION:

b) With respect to Paragraph 3, measures taken to promote education and environmental awareness

ANSWER:

Modern environmental education is a systemic component of the national education system which operates under the current education laws and the 2021 National Strategy for Educational Development of Ukraine adopted by the President of Ukraine on 25 June 2013,

Decree No. 344/2013. The key characteristics of modern environmental education include harmonising the society and nature interaction, solving environmental issues and sustainable development of society. The mission of environmental education is defined by taking into account the goals and objectives of national environmental policy.

Modern environmental education is a continuous complex process of shaping ecological outlook, environmental awareness and culture in each segment of the population, social groups and society in general. The fundamentals of ecological knowledge are taught in nearly all Ukrainian educational institutions and professional ecology training courses are offered by more than 110 higher education providers of Ukraine.

The Concept of Environmental Education in Ukraine has been developed and approved (by the Decree of the Board of the Ministry of Education and Science of Ukraine, Minutes No. 13/6-19 of 20 December 2001).

The State Ecological Academy of Postgraduate Education and Management (hereinafter referred to as “Academy”) offers professional retraining and advanced training courses (discipline 070801 Ecology and Environmental Protection, programme 0708 — Ecology), research and outreach and awareness-raising work in topical issues of environmental protection, sustainable nature management and environmental safety.

The Academy is a co-organiser of the Environmental Education for Sustainable Development in Ukraine partner network <http://www.ecoosvita.org.ua>.

Raising environmental awareness of the population and educating children, youth and adults are among the duties of public associations, mass media, healthcare facilities, museums, libraries and other cultural institutions, nature protection agencies, sports and tourism organisations.

The leading public organisations actively involved in raising environmental awareness and educational activities include: Environment People Law (EPL) international charity, Information Centre “Green Dossier” international charity, Ekodiia (Ecoaction) Centre for Environmental Initiatives, Mama-86 Ukrainian Public Association, National Environment Centre of Ukraine NGO, Zhyva Planeta (Living Planet) Ukrainian Public Association, Society and Environmental Resource and Analytical Centre, Kyiv Ecological and Cultural Centre, Centre for Resource Efficient and Clean Production in Ukraine, Krai (Land) Environmental Club NGO and many others.

Environmental education as part of general education of children, youth and adults is the most important driver of public awareness of today’s environmental issues and their impact, and ways to solve and prevent new problems. A wide network of ecological and naturalist clubs has been created to shape a values-based attitude to nature in children and youth, to actively involve them in environmental activities, to foster an environmental culture in secondary and out-of-school educational institutions.

The measures to promote environmental education and environmental awareness include:

- public assessment of the implementation of the Strategy’s environmental component and taking it into account to amend or draft development strategies; public monitoring of environmental protection activities of executive agencies;
- increasing the amount of environmental information and social adverts of environmental protection regularly published by mass media;
- promoting the development of the national Aarhus Information and Education Centre (Kyiv), public involvement in the promotion of environmental education and environmental awareness;
- creating a network of regional environmental educational centres in educational institutions and non-governmental environmental organisations.

Annual environmental events are held by the Ministry of Environment of Ukraine and the executive

agencies it coordinates. For instance, the State Forest Agency of Ukraine and its enterprises, institutions and organisations have been holding an annual event The Future of Forests is in your Hands since 2006 involving more than one thousand of awareness-building activities (such as lectures, nature lessons, contests) hosted by forestry enterprises each year. The measures promote environmental education of the population, particularly the youth, raising public awareness of the need to increase, preserve and protect forests.

The website and Facebook page of the State Water Agency publish regular updates on the water management situation, the Agency's operation and other materials promoting environmental education and awareness about the water industry's problems. The regional water resource offices of the Agency often carry out environmental contests in schools to promote water conservation knowledge among schoolchildren.

The State Water Agency's management and specialists provide informational support and actively participate in public events promoting knowledge about water protection and sustainable use of water resources of Ukraine, environmental conferences and other arrangements. The management and specialists of the Agency and other water management organisations are substantially involved in international events for the World Water Day, the Environment Day, the World Environment Day, the International Water Forum "AQUA UKRAINE", and support environmental campaigns for the Days of the major rivers of Ukraine (the Dnipro, the Dnister, the Dunai, the Siverskyi Donets).

The Aarhus Environmental Information and Education Centre (Kyiv) takes regular measures to enhance public access to environmental information and public input to important environmental decisions, carries out environmental awareness activities to promote sustainable development, environmental protection and safety.

The Centre provides information and methodological assistance in sharing the achievements of environmental educational projects, sustainable consumption and healthy lifestyle training courses for children, youth and adults, cooperates with NGOs, research and educational institutions to maintain a permanent exhibition of educational and methodological environmental literature for distribution to the public, government agencies, businesses and non-governmental organisations.

QUESTION:

c) With respect to Paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations

ANSWER:

Law of Ukraine "On Public Associations" was adopted in 2012. According to this Law, public associations are voluntary associations of individuals and/or legal entities of private law created for the enforcement and protection of rights and freedoms, and satisfaction of public interests, including economic, social, cultural, environmental and other needs. The Law defines the legal status of public associations, sets the registration procedure and regulates their activities.

Public organisations supported by the Ministry of Environment run environmental campaigns and programmes:

each year, nature reserve institutions host World Wetlands Day educational events and environmental awareness campaigns for the media, and information posters and press releases are distributed.

Large-scale campaigns are organised for the Environment Day.

The Ministry of Culture supports the annual Ukrainian Contest "Do Chystykh Dzherel" (Towards Clean Water Springs), founded in 2001. The contest aims to expand communal activities related to protect and enhance water springs, rivers and ponds in Ukraine, to achieve sustainable use of water resources, to promote environmental and legal awareness of water protection by involving the general public in practical environmental work and development of civic environmental initiatives. The participants of Ukrainian Contest "Do Chystykh Dzherel" include local state administrations, rural, township and city councils, individual land and water users and groups thereof, institutions, enterprises of any ownership form, comprehensive schools, vocational, out-of-school and higher

educational institutions, mass media, public organisations, individual citizens.

The implementation of the Aarhus Convention principles is also monitored by the Public Council of the Ministry of Environment which particularly focuses on taking the environmental component and sustainable development requirements into account while formulating documents and policies for certain construction decisions.

The Aarhus Environmental Information and Education Centre continues its work. The Aarhus Centre cooperates with environmental NGOs in all regions of Ukraine which represent public opinion on the state of the environment, environmental safety and environmental protection oversight. The Centre hosts regular workshops, conferences, round tables, working meetings, the Public Council's sessions, and trainings. This facilitates efficient communication and interaction of civil society organisations with the government in the discussion of environmental policies and development of administrative decisions related to environmental protection.

The Aarhus Centre hosted 235 events with more than 5,000 participants from 2017 to 2020: members of central and regional governments, public organisations, research institutions, schools and mass media. Press releases and analytical materials are prepared for the Ministry of Environment and the public based on the results of those events and posted in social media.

Regional environmental public organisations carry out activities which promote environmental education and awareness such as: environmental communication and advocacy, publishing and educational activities, environmental journalism, nature conservation campaigns, etc. Activities of public organisations which bring researchers and professional ecologists together are aimed to preserve biodiversity, create protected areas and conduct scientific studies. Regional state administrations and public organisations cooperate with each other actively.

The State Forest Agency of Ukraine works with the following public organisations: Society of Foresters of Ukraine, Danube-Carpathian Programme NGO, Ukrainian Ecological Association "Zelenyi Svit" (Green World), Ukrainian Council of Ukrainian Society of Hunters and Fishermen, Ukrainian Public Organisation "Association of Agroecologists of Ukraine". Representatives of the above organisations are also members of the Public Council of the State Forest Agency of Ukraine.

QUESTION:

d) With respect to Paragraph 7, measures taken to promote the principles of the Convention internationally; including:

i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about Article 3, Paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums.

ANSWER:

Ukraine holds annual international environmental forum "Environment for Ukraine" to coordinate within and between ministries to inform officials involved in other relevant international forums about Article 3, Paragraph 7, of the Convention and the Almaty Guidelines, and to provide access to

information at the national level regarding international forums, including the stages at which access to information was provided. It has become a practice to hold, as part of the Forum, thematic round tables involving the public. Information on the Forum is posted on the Ministry of Environment website and transferred by e-mail, media and individual letters from the Ministry of Environment.

QUESTION:

e) With respect to Paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

ANSWER:

Though there is no separate governmental body monitoring access to environmental information, the Aarhus Convention is directly applicable in Ukraine. For instance, Paragraph 4 of Resolution No. 9 of the Plenary Meeting of the Supreme Court of Ukraine dated 01 November 1996 "On application of the Constitution of Ukraine in administration of justice" states that no court has the right to apply any law governing legal relations in ways other than stipulated by an international treaty.

Meanwhile, the Verkhovna Rada of Ukraine, the President and the Cabinet of Ministers of Ukraine, Commissioner for Human Rights (Ombudsman) of the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea, local executive agencies, local governments, ministries, other central executive bodies and their enterprises, institutions and organisations monitor the compliance with public appeals laws within their powers.

Prosecution agencies of Ukraine supervise the compliance with these laws, e.g., they monitor provision of environmental information to citizens by enterprises.

Article 9 of Law of Ukraine "On Public Appeals" prohibits "retaliation of citizens and their families for contacting and criticising the work and activities of governmental agencies, local governments, enterprises, institutions, organisations of any form of ownership, associations of citizens, or officials.

No one may be compelled to make their own submission or to sign a collective submission, or to take part in campaigns supporting submissions of other individuals or organisations."

IV. Obstacles encountered in the implementation of Article 3

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 3 listed above.

ANSWER:

Paragraph 24 of the Annex to Decree No. 710 of the Cabinet of Ministers of Ukraine dated 11 October 2016 "On Efficient Use of Public Funds" requires a reduction in funding of non-budgetary organisations (including public) from budget funds. No allocations to support public organisations in their environmental education activities were, therefore, made at the regional level.

V. Further information on the practical application of the general provisions of Article 3

QUESTION:

Provide further information on the practical application of the general provisions of Article 3.

ANSWER:

Listed below are the Environment Day activities carried out annually (on the third Saturday in April) pursuant to Presidential Decree No. 855 "On the Environment Day" dated 06 August 1998 and

Decree No. 777 issued by the Cabinet of Ministers of Ukraine on 31 March 2010: new forest plantations (forests, forest shelter belts, plantations in water protection zones), landscaping, planting trees and shrubs, cleanout of river, lake and pond banks, water springs cleanout, active state and public control measures aimed at environmental protection, cleaning areas of water management facilities, and other measures.

Additionally, Articles are published in Vodne Hospodarstvo Ukrainy journal, Uriadovyi Kurier newspaper and other printed media for a broader information campaign and raising public awareness about the use and preservation of water resources.

Mineralny Resursy Ukrainy journal and other media have published materials on the measures designed to address topical issues due to the importance of sharing information on the priorities of the state policy in geological surveys and sustained use of subsoil.

VI. Website addresses relevant to the implementation of Article 3

QUESTION:

Give relevant website addresses, if available:

ANSWER:

Governmental Portal — <http://www.kmu.gov.ua>

Unified State Open Data Web Portal — <http://data.gov.ua/>

Ombudsman of the Verkhovna Rada of Ukraine — <http://www.ombudsman.gov.ua/>

State Service of Ukraine for Geodesy, Cartography and Cadastre — www.land.gov.ua

State Forest Agency of Ukraine — dklg.kmu.gov.ua

State Water Agency of Ukraine — www.scwm.gov.ua

State Service of Geology and Subsoil of Ukraine — www.geo.gov.ua

Zakarpattia Regional State Administration — <http://ecozakarp.at.gov.ua>

Mykolaiv Regional Administration: www.ecolog.mk.gov.ua

City Centre for Environmental Information and Culture, Mykolaiv:
<http://www.niklib.com/eco/1.ua>

Mykolaiv Regional Ecological and Naturalist Student Centre: <http://mkoencum.pp.ua/>

Education for Sustainable Development in Ukraine — <http://www.ecoosvita.org.ua/>

Education for Sustainable Development in Action — <http://www.esd.org.ua/>

E-resource of Illegal Dumping — <https://ecomapa.gov.ua/>

All About Deforestation website: <https://texty.org.ua>

Encyclopaedia of Territories: blog.suspilneko.org.ua/енциклопедія-території/

Interactive Map of Mineral Deposits — [Interactive Map of Mineral Deposits](#)

State Geology Map — [State Geology Map — 200](#)

Interactive Geology Map — [Interactive Geology Map of Ukraine](#)

Ecology and Natural Resources Department of Kyiv Regional State Administration —
<http://koda.gov.ua/oblderzhadministratsija/struktura/strukturni-pidrozdili-oda/departament-ekologii-ta-prirodnikh-re/>

Department of Agro-industrial Development, Ecology and Natural Resources of Vinnytsia Regional State Administration — <https://data.gov.ua/organization/departament->

ahropromyslovoho-rozvytku-ekolohiyi-ta-pryrodnykh-resursiv-vinnytskoyi-oblderzhadmi

Ecology and Natural Resources Department of Dnipropetrovsk Regional State Administration — <https://adm.dp.gov.ua/dniprooda/pro-oda/departamenti-ta-upravlinnya/departament-ekologiyi-ta-prirodnih-resursiv>

Ecology and Natural Resources Department of Donetsk Regional State Administration — <https://ecology.donoda.gov.ua/>

Ecology and Natural Resources Department of Zhytomyr Regional State Administration — <http://www.ecology.zt.gov.ua/>

Ecology and Natural Resources Department of Zakarpattia Regional State Administration — <http://ecozakarp.at.gov.ua/>

Environmental Protection Department of Zaporizhzhia Regional State Administration — <https://www.zoda.gov.ua/article/2069/departament-zahistu-dovkillya.html>

Ecology and Natural Resources Department of Volyn Regional State Administration — <https://www.facebook.com/Volecology/>

Ecology and Natural Resources Department of Ivano-Frankivsk Regional State Administration — <https://www.if.gov.ua/?q=page&id=24389>

Ecology and Natural Resources Department of Kirovohrad Regional State Administration — <http://ekolog.kr-admin.gov.ua/>

Department of Communal Property, Land, Ownership, Ecology and Natural Resources of Luhansk Regional State Administration — <http://www.eco-lugansk.gov.ua/>

Ecology and Natural Resources Department of Lviv Regional State Administration — <https://deplv.gov.ua/>

Ecology and Natural Resources Department of Mykolaiv Regional State Administration — <https://ecolog.mk.gov.ua/>

Ecology and Natural Resources Department of Odesa Regional State Administration — <http://ecology.odessa.gov.ua/>

Ecology and Natural Resources Department of Poltava Regional State Administration — <http://eko.adm-pl.gov.ua/>

Ecology and Natural Resources Department of Rivne Regional State Administration — <http://www.ecorivne.gov.ua/>

Environmental Protection and Energy Department of Sumy Regional State Administration — <http://www.pek.sm.gov.ua/index.php/uk/>

Ecology and Natural Resources Department of Ternopil Regional State Administration — <http://ecoternopil.gov.ua/>

Environmental Protection and Management Department of Kharkiv Regional State Administration — <http://kharkivoda.gov.ua/oblasna-derzhavna-administratsiya/struktura-administratsiyi/strukturni-pidrozdili/486>

Ecology and Natural Resources Department of Kherson Regional State Administration — <http://ecology.ks.ua/>

Agro-industrial Complex Development and Land Relations Department of Khmelnytskyi Regional State Administration — <http://www.apr.adm-km.gov.ua/>

Ecology and Natural Resources Department of Cherkasy Regional State Administration — <https://ck-oda.gov.ua/upravlinnya-ekologiyi-ta-prirodnix-resursiv/>

Ecology and Natural Resources Department of Chernivtsi Regional State Administration —

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in Article 4

QUESTION:

a) With respect to Paragraph 1, measures taken to ensure that:

i) Any person may have access to information without having to state an interest;

ii) Copies of the actual documentation containing or comprising the requested information are supplied.

ANSWER:

This provision of the Aarhus Convention is duly regulated by Ukrainian laws, e.g., Article 5 of Law of Ukraine “On Access to Public Information” states that: 1. Access to information is provided by: 1) systematic and prompt disclosure of information: in official printed media, online at official websites, on the Unified State Open Data Web Portal, at information boards and/or otherwise; 2) on information requests.

Access to public information is based on the principles of transparency of subjects of managerial authorities, free receipt and dissemination of information, unless prohibited by law, and equality regardless of race, political views, religion or other beliefs, gender, ethnicity, social origin, property status, place of residence, language and other characteristics.

Since environmental information is part of general information and is, therefore, directly related to land resources, cadastre, cartography and geodetic surveying, production sector, construction, media, etc., the status of access to public information is an indicator of access to environmental information. Pursuant to Law of Ukraine “On Access to Public Information” and Law of Ukraine “On Information”, the right to access public information is guaranteed by:

- the information administrators’ obligation to provide and disclose information, except as provided by law;
- information administrators’ appointment of special structural units or officials responsible for providing access to public information controlled by them;
- simplifying the information request submission process as much as possible;
- the access to meetings of collective subjects of managerial authorities, except as provided by law;
- parliamentary, public and governmental control of enforcement of the rights to access information;
- legal liability for breach of laws on access to public information.

QUESTION:

a) With respect to Paragraph 1, measures taken to ensure that:

iii) The information is supplied in the form requested

ANSWER:

Pursuant to Presidential Decree No. 547 “Provision of Access to Public Information by Executive

Agencies” dated 05 May 2011 and Decree No. 583 “Implementation of Law of Ukraine ‘On Access to Public Information’” issued by the Cabinet of Ministers of Ukraine on 25 May 2011, in order to create mechanisms for the enforcement of the citizens’ right to access public information, the Ministry of Environment adopted the Public Information Access Requesting Procedure regarding the public information managed by the Ministry of Environment and Natural Resources of Ukraine or central executive bodies administered and coordinated by the Cabinet of Ministers of Ukraine via the Minister of Ecology and Natural Resources of Ukraine. The Procedure states that a person requesting information may choose the type of delivery of response to their request: by post, e-mail, fax, or verbally.

Each Party warrants and represents that, subject to the following paragraphs of this Article, in response to a request for environmental information governmental bodies shall provide such information to the public under national law, including, upon request and in accordance with subparagraph b) below, copies of actual documents containing or covering such information:

- a) without the need to formulate their interest;
- b) in the form specified in the request, unless:
 - a governmental body reasonably provides it in another form giving the reason for the provision of information in that form; or
 - the information was no longer available to the public in another form.

QUESTION:

- b) Measures taken to ensure that the time limits provided for in Paragraph 2 are respected;**
- c) With respect to Paragraphs 3 and 4, measures taken to:**
 - i) provide for exemptions from information requests;**
 - ii) ensure that the public interest test at the end of Paragraph 4 is applied;**
- d) With respect to Paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;**
- e) With respect to Paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;**
- f) With respect to Paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals.**

ANSWER:

The environmental information referred to in Paragraph 1 must be provided as soon as possible but within one month of the request date, unless a longer period of up to two months following submission is required due to the amount and complexity of the requested information. The applicant will be informed of any such extension and of its reason. 3. A request for environmental information may be denied if: a) the governmental body that received the request has no environmental information requested; b) the request is obviously unfounded or unspecific; or c) the request relates to the material at the final preparation stage or internal communication between governmental agencies, where an exception is provided by national law or common practice, taking public interest in disclosure of such information into account.

Law of Ukraine No. 1170-VII “On amendments to certain regulations due to adoption of Law of Ukraine “On Information” (as amended) and Law of Ukraine, “On Access to Public Information” of 27 March 2014 continued the development of the government transparency mechanisms. The Law has provided citizens with access to local authorities’ information, including minutes of local council meetings, materials to master plans of settlements and statistics. Additionally, people have been granted access to parliamentary sessions for the first time since Ukraine’s declaration of independence. The Law has also regulated the use of “for internal use” security label or other degrees of classification restricting access to information contained in a document. Liability for

officials who breach Ukrainian regulations on access to public information has also been defined, including administrative penalties for officials who unreasonably refuse to grant access to requested information, delay a response or intentionally provide inaccurate information.

Law of Ukraine No. 183-VIII “On Transparent Use of Public Funds” of 11 February 2015 was adopted to ensure transparency in the use of public funds of Ukrainian taxpayers spent from central and local budgets. It is the first Ukrainian piece of legislation which determines the list of budget expenditure using public funds. The Law also set strict liability for officials who try to prevent citizens from getting information about the use of public funds.

Law of Ukraine No. 319-VIII “On amendments to certain laws of Ukraine on access to public information as open data” of 09 April 2015 improved Law of Ukraine “On Access to Public Information” in terms of mandatory disclosure of certain types of public information as open data and obliged administrators to publish, as open data, information from the Uniform State Register of Legal Entities and Individual Entrepreneurs, State Register of Television and Radio Broadcasting Companies of Ukraine, the Register of Higher Educational Institutions, the Uniform Register of Government-owned Property, the Register of Public Associations, and materials to general plans of settlements and public procurement data.

Kyiv Protocol on Pollutant Release and Transfer Registers (PRTRs) adopted in May 2003 in Kyiv by the Extraordinary Meeting of the Parties to the Aarhus Convention aims to reduce pollution and waste through the establishment of nationwide pollutant release and transfer registers. In particular, the Protocol will allow people to learn online about the main sources of pollutant release near their place of residence.

Further coordination of the fulfilment and implementation of the PRTR Protocol is the responsibility of the Ministry of Environment.

PRTR Protocol became effective for Ukraine in August 2016 pursuant to Article 27 thereof (<http://www.unece.org/info/media/presscurrent-press-h/environment/2016/ukraine-joins-unece-protocol-on-pollutant-release-and-transfer-registers/doc.html>).

The right to access environmental information (or the right to free access to information on the state of the environment, or to receive complete, accurate information on the state of the environment) in Ukraine is determined in Article 50 of the Constitution of Ukraine, Article 9 of Law of Ukraine “On Environmental Protection”, and in many other environmental regulations (e.g., in Article 4 of Law of Ukraine “On Public Health”, Article 10 of Law of Ukraine “On Use of Nuclear Energy and Radiological Safety”, Article 14 of Law of Ukraine “On Waste”, Article 5 of Law of Ukraine “On protection of people and territories from anthropogenic made and natural emergencies”, etc.).

Key sources of this information include environmental monitoring data, natural resource inventories, registers, automated databases, archives, and certificates issued by competent public agencies, local governments, NGOs and individual officials.

A detailed procedure for accessing environmental information is determined by general regulations such as Law of Ukraine “On Access to Public Information”, Law of Ukraine “On Information” and Law of Ukraine “On Public Appeals”.

Pursuant to Law of Ukraine “On Access to Public Information” and Law of Ukraine “On Information”, the right to access public information is guaranteed by:

- the information administrators’ obligation to provide and disclose information, except as provided by law;
- information administrators’ appointment of special structural units or officials responsible for providing access to public information controlled by them;
- simplifying the information request submission process as much as possible;
- the access to meetings of collective subjects of managerial authorities, except as provided by law;
- parliamentary, public and governmental control of enforcement of the rights to access

information;

- legal liability for breach of laws on access to public information.

The position of Ombudsman — the Commissioner of the Verkhovna Rada of Ukraine for Human Rights — has been in place in Ukraine since 1998; the Ombudsman is responsible for parliamentary monitoring the observance of the right to public information.

The institution of the Commissioner of the Verkhovna Rada of Ukraine (Ombudsman) is an effective mechanism of monitoring the observance of the right to public information.

QUESTION:

g) With respect to Paragraph 8, measures taken to ensure that the requirements on charging are met

ANSWER:

Pursuant to the provisions which require charging a fee where the requested information contains more than 10 pages, Law of Ukraine “On Access to Public Information”, and Decree No. 43 “On refunding the cost of copying/printing of documents provided at information requests” issued by the Ministry of Environment on 19 August 2020 and registered with the Ministry of Justice of Ukraine under No. 1041/35324 on 22 October 2020, a procedure has been adopted to define the mechanism of refunding by applicants the cost of copying or printing of requested documents provided by the Ministry of Environment and central executive bodies administered and coordinated by the Cabinet of Ministers of Ukraine via the Ministry of Environment <https://zakon.rada.gov.ua/laws/show/z1041-20#Text>

VIII. Obstacles encountered in the implementation of Article 4

QUESTION:

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 4

ANSWER:

Defects of the regulation which combines different levels of ecological monitoring systems (local, regional, departmental, national) in a single system.

The data on the state of the environment obtained from environmental monitoring systems is one of the sources of environmental information.

The state environmental monitoring system (hereinafter referred to as “monitoring system”) is a system designed for observation, collection, processing, transmission, storage and analysis of information on the state of and forecasting changes in the environment, and the development of evidence-based guidelines for making decisions about the prevention of negative environmental changes and about the compliance with environmental safety provisions (Decree No. 391 “On approval of the Regulations on State System Of Environmental Monitoring” issued by the Cabinet of Ministers of Ukraine on 30 March 1998).

Surface water quality monitoring is an integral part of the state environmental monitoring system and is carried out by the State Water Agency in compliance with Article 16 of the Water Code of Ukraine, Decree No. 758 “On approval of State Water Monitoring Procedure” issued by the Cabinet of Ministers of Ukraine on 19 September 2019 and Decree No. 391 “On approval of State Environmental Monitoring System Regulations” issued by the Cabinet of Ministers of Ukraine on 30 March 1998, and Regulations on State Water Agency of Ukraine adopted by Decree No. 393 of the Cabinet of Ministers of Ukraine dated 20 August 2014.

In pursuance of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part (hereinafter referred to as "Association Agreement"), ratified by Law of Ukraine No. 1678-VII of 16 September 2014 as regards the implementation of Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe, and Directive 2004/107/EC of the European Parliament and of the Council of on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (hereinafter collectively referred to as "Directives"), and the Action Plan for the implementation of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, approved by the Cabinet of Ministers of Ukraine on 25 October 2017, Decree No. 1106, on 14 September 2019 the Cabinet of Ministers of Ukraine adopted Decree No. 827 "Some issues of state monitoring of air protection" which contains the Procedure of State Monitoring of Air Protection. The implementation of the Directives includes the introduction of the air quality assessment and management system in accordance with the principles of the EU legislation.

The Ministry is currently working with international experts from the EU as part of international technical assistance to implement the Decree. Particularly, as of the first half of 2021, the following regulations were developed and registered: Order of the Ministry of Environment "On approval of format of air protection state monitoring programme" and Order of the Ministry of Internal Affairs "On approval of Procedure for deployment of air pollution observation stations in zones and agglomerations".

In accordance with the applicable legislation, the Ministry of Environment is the main body in the central executive agencies system responsible for the formulation and implementation of the national environmental protection policy, waste management, sustainable use, recovery and protection of natural resources.

Article 20 of Law of Ukraine "On Environmental Protection" defines the scope of the competence of the central executive agency formulating the national environmental protection and natural resource use policies. These powers include:

- organisation of formulation of the national environmental protection and natural resource use policies;
- environmental monitoring, establishment and operation of a network of the national ecological automated information and analytical system to ensure access to environmental information approved by the Cabinet of Ministers of Ukraine;
- defining the procedure for the provision of information on the state of the environment.

These norms are contained in the Regulations on the Ministry of Environmental Protection and Natural Resources of Ukraine approved by the Cabinet of Ministers of Ukraine on 25 June 25, Decree No. 614.

It is necessary to amend a number of existing regulations, including those on environmental monitoring, to ensure the implementation of environmental laws by local authorities.

The Ministry of Environment has launched the Transboundary Green List Waste Shipment Information System (hereinafter referred to as "System") as part of the implementation of Presidential Decree No. 111 of 23 March 2021).

All digital policies of the Ministry of Environment are introduced simultaneously on EcoSystem Unified Online Platform at <https://eco.mepr.gov.ua/>

EcoSystem is currently used as the basis for the operation of the Unified Environmental Platform and its modules which require the digitalisation of the authorisation and regulatory duties of the executive agencies (Ministry of Environment, State Water Agency, State Forest Agency, State Service of Geology and Subsoil, State Environmental Inspectorate), particularly the following modules: e-forest, e-waste, e-air, e-subsoil use, e-water, e-pesticides, e-environmental impact assessment, e-strategic environmental assessment, e-environment, e-ecocontrol, e-nature reserve fund, which have been already designed and are being developed by the Ministry as part of the international technical assistance project entitled Transparency and Accountability in Public Administration and Services (TAPAS).

The Ministry has completed the procedure of the deployment of the State Cadastre of the Nature Reserve Fund of Ukraine software on the servers of the Ministry of Environment. Once included in EcoSystem, they will become part of the Unified Ecological Platform.

The information system for the submission of waste declarations via electronic administrative services of the Ministry of Environmental Protection and Natural Resources has been launched and is expected to be integrated with EcoSystem.

Besides, the Nature Reserve Fund layer has been added to the public cadastral map with the assistance of Support for Transparent Land Management in Ukraine project implemented by the World Bank and funded by the European Union. The NRF layer contains information about more than 7,000 NRF territories and entities allowing the protection and development of those lands.

The NRF area is 4.1 million hectares, or 7% of the area of Ukraine. The Ministry of Environment has set a goal to increase the NRF area to 15%.

Work is underway to open data on the NRF territories. There is currently a huge lack of information about the boundaries and territories of nature reserves or wildlife sanctuaries. This results in a breach of legislation — the land is acquired by legal entities or individuals which causes long-term litigation. The plan is to open data containing information on restrictions on land use, the establishment of the NRF entities, biodiversity, tourist trails, etc. This work is part of Support of Nature Protected Areas in Ukraine project funded by the Government of the Federal Republic of Germany via the Reconstruction Credit Institute (Kreditanstalt für Wiederaufbau, KfW). This system will be integrated into other databases. It will also become the platform for the development and preservation of protected areas in Ukraine.

Ukraine is a party to the Berne Convention. The aforesaid territories have already been mapped on the public cadastral map but not yet legally regulated. The Ministry of Environment in cooperation with the Environmental Policy and Nature Management Committee and the public have prepared draft Law of Ukraine “On Emerald Network Areas” registered with the Verkhovna Rada of Ukraine under No. 4461 on 04 December 2020. This is an important inclusive European integration bill introducing the biodiversity conservation reform in accordance with European standards, and it will be used as a tool of the conservation of rare species of flora and fauna, and types of natural habitats.

IX. Further information on the practical application of the general provisions of Article 4

QUESTION:

Provide further information on the practical application of the provisions on access to information in Article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals.

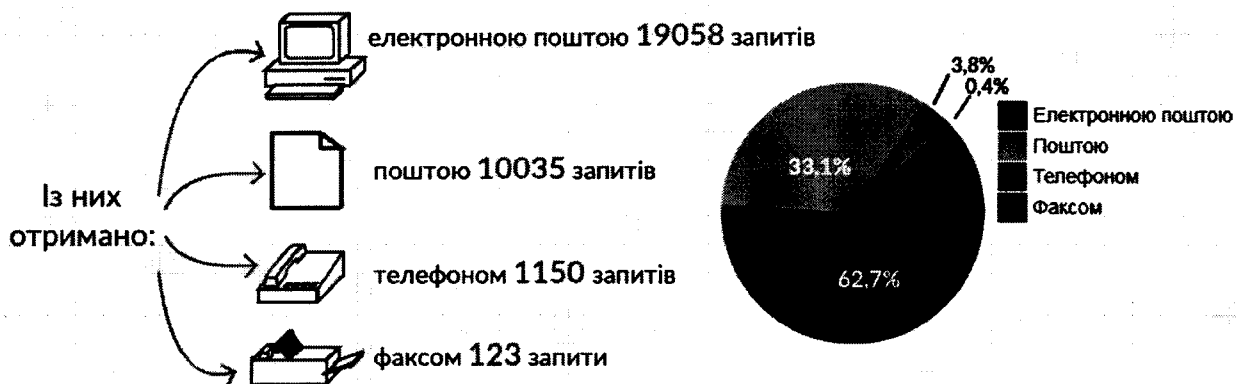
ANSWER:

Environmental information is part of a set of public data owned by information administrators in Ukraine. The state of and trends in the provision of access to public information, are, therefore, the environmental information access indicators.

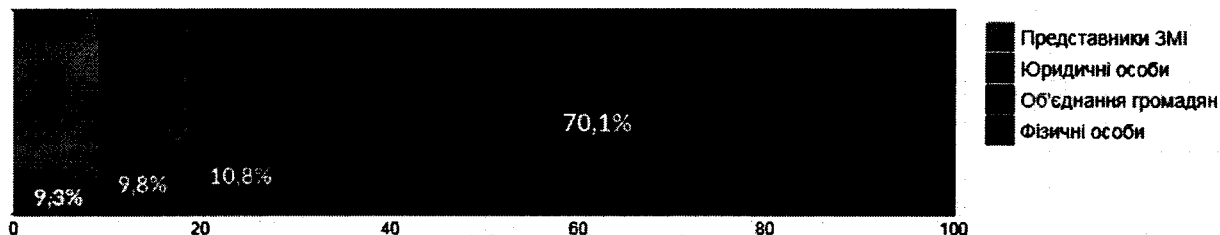
The Secretariat of the Cabinet of Ministers of Ukraine regularly reviews the executive bodies' work related to processing requests for access to public information.

The results of processing information requests received by the Secretariat of the Cabinet of Ministers of Ukraine between 09 May 2011 and 31 July 2020 are available at:

З 9 травня 2011 р. (дня набрання чинності Закону України «Про доступ до публічної інформації») по 31 липня 2020 р. до Секретаріату Кабінету Міністрів надійшло **30366** запитів на інформацію.



Від фізичних осіб надійшло **21278** запитів, від об'єднань громадян без статусу юридичної особи – **3273**, від юридичних осіб – **2992**, від представників засобів масової інформації – **2823**.



Much focus is also made on awareness-raising activities and methodological assistance to government officials responsible for the provision of access to public information.

Captions:

З 9 травня 2011 р. (дня набрання чинності закону України «Про доступ до публічної інформації») по 31 липня 2020 р. до Секретаріату Кабінету Міністрів надійшло 30 360 запитів на інформацію — The Secretariat of the Cabinet of Ministers of Ukraine received 30 360 information requests between 09 May 2011 (the effective date of Law of Ukraine “On Access to Public Information”) and 31 July 2020.

Із них отримано — Of them

електронною поштою 19 058 запитів — 19,058 requests received by e-mail

поштою 10 035 запитів — 10 035 requests received by post

в телефоном 1 150 запитів — 1 150 requests received by phone

факсом 123 запиту — 123 requests received by fax

електронною поштою — by e-mail

поштою — by post

телефоном — by phone

факсом — by fax

Від фізичних осіб надійшло 21 278 запитів, від об'єднань громадян без статусу юридичної особи 3 273, від юридичних осіб 2 992, від представників засобів масової інформації

2823 — 21,278 requests were received from individuals; 3,273 requests from civic associations without the legal entity status; 2,992 requests from legal entities; and 2,823 requests from mass media.

X. Website addresses relevant to the implementation of Article 4

QUESTION:

Give relevant website addresses, if available:

Unified State Open Data Web Portal: <http://data.gov.ua/>
Ombudsman of the Verkhovna Rada of Ukraine — <http://www.ombudsman.gov.ua/>
Central Geophysical Observatory — <http://cgo-sreznevskiy.kyiv.ua/>
Ukrainian Hydrometeorological Centre — www.meteo.gov.ua
National System for Processing Appeals to Executive Agencies of “Government Contact Centre” State-owned Institution — <http://ukc.gov.ua>
All About Deforestation website: <http://texty.org.ua>
Ministry of Environmental Protection and Natural Resources of Ukraine — <https://mepr.gov.ua/>
Ministry of Agrarian Policy and Food of Ukraine — <http://minagro.gov.ua/>
Ministry of Internal Affairs of Ukraine — <http://mvs.gov.ua/>
Ministry of Economy of Ukraine — <http://www.me.gov.ua/?lang=uk-UA>
Ministry of Energy of Ukraine — <http://mpe.kmu.gov.ua/>
Ministry of Foreign Affairs of Ukraine — <http://mfa.gov.ua/ua>
Ministry of Information Policy of Ukraine — <https://mip.gov.ua/>
Ministry of Infrastructure of Ukraine — <https://mtu.gov.ua/>
Ministry of Culture and Information Policy of Ukraine — <http://mincult.kmu.gov.ua/control/uk>
Ministry of Youth and Sports of Ukraine — <http://dsmsu.gov.ua/index/ua>
Ministry of Defence of Ukraine — <http://www.mil.gov.ua/>
Ministry of Education and Science of Ukraine — <https://mon.gov.ua/ua>
Ministry of Health of Ukraine — <http://moz.gov.ua/>
Ministry of Regional Development of Communities and Territories of Ukraine — <http://www.minregion.gov.ua/>
Ministry of Social Policy of Ukraine — <http://www.msp.gov.ua/>
Ministry of Finance of Ukraine — <http://www.minfin.gov.ua/>
Ministry of Justice of Ukraine — <https://minjust.gov.ua/>
Ministry of Reintegration of Temporarily Occupied Territories of Ukraine — <http://mtot.gov.ua/>
State Aviation Service of Ukraine — <https://avia.gov.ua/>
State Archival Service of Ukraine — <http://www.archives.gov.ua/>
State Treasury Service of Ukraine — <https://www.treasury.gov.ua/ua>
State Migration Service of Ukraine — <https://dmsu.gov.ua/>
State Border Guard Service of Ukraine — <https://dpsu.gov.ua/>

State Regulatory Service of Ukraine — <http://www.drs.gov.ua/>

State Service of Geology and Subsoil of Ukraine — <http://geo.gov.ua/>

State Export Control Service of Ukraine — <http://dsecu.gov.ua/control/uk/index#>

State Statistics Service of Ukraine — <http://www.ukrstat.gov.ua/>

State Service for Medications and Drugs Control — <https://www.dls.gov.ua/>

State Service of Ukraine for Transport Safety — <http://dsbt.gov.ua/>

State Service of Ukraine for Food Safety and Consumer Protection — <http://www.consumer.gov.ua/>

State Service of Ukraine for Geodesy, Cartography and Cadastre — <http://land.gov.ua/>

State Labour Service of Ukraine — <http://dsp.gov.ua/>

State Emergency Service of Ukraine — <http://www.dsns.gov.ua/>

State Financial Monitoring Service of Ukraine — <https://fiu.gov.ua/>

State Fiscal Service of Ukraine — <http://sfs.gov.ua/>

Ministry of Veterans Affairs of Ukraine — <https://mva.gov.ua/ua>

State Audit Service of Ukraine — <http://www.dkrs.gov.ua/kru/uk/index>

State Motor Road Agency of Ukraine — <http://ukravtodor.gov.ua/>

State Water Agency of Ukraine — <http://davr.gov.ua/>

State Agency for Energy Efficiency and Energy Conservation of Ukraine — <http://saee.gov.ua/>

State e-Governance Agency of Ukraine — <https://www.facebook.com/eGovernanceUkraine/>

State Forest Agency of Ukraine — <http://dklg.kmu.gov.ua/forest/control/uk/index>

State Reserve Agency of Ukraine — <https://rezerv.gov.ua/>

State Agency for Land Reclamation and Fisheries of Ukraine — <http://darg.gov.ua/>

State Exclusion Zone Management Agency of Ukraine — <http://dazv.gov.ua/>

State Space Agency of Ukraine — <http://www.nkau.gov.ua/NSAU/nkau.nsf>

State Agency for Infrastructure Projects of Ukraine — <https://mtu.gov.ua/timeline/Derzhavne-agentstvo-infrastruktturnih-proektiv-Ukraini-Ukrinfraproekt-.html>

State Architectural and Construction Inspectorate of Ukraine — <http://www.dabi.gov.ua/>

State Environmental Inspectorate of Ukraine — <http://www.dei.gov.ua/>

State Service for Education Quality of Ukraine — <https://sqe.gov.ua/>

State Energy Oversight Inspectorate of Ukraine — <https://sies.gov.ua/>

State Nuclear Regulation Inspectorate of Ukraine — <https://snriu.gov.ua/>

Ecology and Natural Resources Department of Kyiv Regional State Administration — <http://koda.gov.ua/oblderzhadministratsija/struktura/strukturni-pidrozdili-oda/departament-ekologiji-ta-prirodnikh-re/>

Department of Agro-industrial Development, Ecology and Natural Resources of Vinnytsia Regional State Administration — <https://data.gov.ua/organization/departament-ahropromyslovoho-rozvytku-ekolohiyi-ta-pryrodnikh-resursiv-vinnytskoyi-oblderzhadmi>

Ecology and Natural Resources Department of Dnipropetrovsk Regional State Administration — <https://adm.dp.gov.ua/dniprooda/pro-oda/departamenti-ta-upravlinnya/departament-ekologiyi-ta-prirodnih-resursiv>

Ecology and Natural Resources Department of Donetsk Regional State Administration —

<https://ecology.donoda.gov.ua/>

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Ecology and Natural Resources Department of Zakarpattia Regional State Administration — <http://ecozakarpatt.gov.ua/>

Environmental Protection Department of Zaporizhzhia Regional State Administration — <https://www.zoda.gov.ua/article/2069/departament-zahistu-dovkillya.html>

Ecology and Natural Resources Department of Volyn Regional State Administration — <https://www.facebook.com/Volecology/>

Ecology and Natural Resources Department of Ivano-Frankivsk Regional State Administration — <https://www.if.gov.ua/?q=page&id=24389>

Ecology and Natural Resources Department of Kirovohrad Regional State Administration — <http://ekolog.kr-admin.gov.ua/>

Department of Communal Property, Land, Ownership, Ecology and Natural Resources of Luhansk Regional State Administration — <http://www.eco-lugansk.gov.ua/>

Ecology and Natural Resources Department of Lviv Regional State Administration — <https://deplv.gov.ua/>

Ecology and Natural Resources Department of Mykolaiv Regional State Administration — <https://ecolog.mk.gov.ua/>

Ecology and Natural Resources Department of Odesa Regional State Administration — <http://ecology.odessa.gov.ua/>

Ecology and Natural Resources Department of Poltava Regional State Administration — <http://eko.adm-pl.gov.ua/>

Ecology and Natural Resources Department of Rivne Regional State Administration — <http://www.ezorivne.gov.ua/>

Environmental Protection and Energy Department of Sumy Regional State Administration — <http://www.pek.sm.gov.ua/index.php/uk/>

Ecology and Natural Resources Department of Ternopil Regional State Administration — <http://ecoternopil.gov.ua/>

Environmental Protection and Management Department of Kharkiv Regional State Administration — <http://kharkivoda.gov.ua/oblasna-derzhavna-administratsiya/struktura-administratsiyi/strukturni-pidrozdzili/486>

Ecology and Natural Resources Department of Kherson Regional State Administration — <http://ecology.ks.ua/>

Agro-industrial Complex Development and Land Relations Department of Khmelnytskyi Regional State Administration — <http://www.apr.adm-km.gov.ua/>

Ecology and Natural Resources Department of Cherkasy Regional State Administration — <https://ck-oda.gov.ua/upravlinnya-ekologiyi-ta-prirodnix-resursiv/>

Ecology and Natural Resources Department of Chernivtsi Regional State Administration — <http://www.eco-bukovina.com.ua/>

Ecology and Natural Resources Department of Chernihiv Regional State Administration — <http://eco.cg.gov.ua/>

EcoSystem Unified Online Platform — <https://eco.mepr.gov.ua/>

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in Article 5

QUESTION:

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in Article 5.

Explain how each Paragraph of Article 5 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9. Also, and in particular, describe:

- a) With respect to Paragraph 1, measures taken to ensure that:**
 - i) Public authorities possess and update environmental information;**
 - ii) There is an adequate flow of information to public authorities;**
 - iii) In emergencies, appropriate information is disseminated immediately and without delay.**

ANSWER:

There is a permanent state environmental monitoring system in Ukraine as required by Decree No. 391 issued by the Cabinet of Ministers of Ukraine on 30 March 1998. Additionally, Law of Ukraine “On Information” states that environmental information includes data on the environmental components, e.g., genetically modified organisms, and the interaction of those components; aspects that affect or may affect the environmental components (substances, energy, noise and radiation, interventions or measures, including administrative environmental agreements, policies, legislation, plans and programmes); public health and safety, people’s living conditions, cultural sites and buildings, to the extent that they are affected or may be affected by the state of the environmental components; and other information and data. Information on the state of the environment cannot be classified as restricted information.

In order to guarantee unconditional implementation of Law of Ukraine “On Access to Public Information” by executive agencies, on 05 May 2011 the President of Ukraine issued Decree No. 547/2011 “Provision of Access to Public Information by Executive Agencies”, which introduces personal responsibility for adequate implementation of the Law for heads of central executive bodies.

QUESTION:

c) With respect to Paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks

ANSWER:

Web portals of the Cabinet of Ministers of Ukraine and all central executive bodies have been launched, and, by orders the Prime Minister of Ukraine, social media (Facebook) pages of ministers have been created; Public Councils of the Cabinet of Ministers of Ukraine, central executive bodies, including the Ministry of Environment, have been established.

The Unified State Open Data Web Portal — data.gov.ua/ — was created on 25 December 2015 and functions under Law of Ukraine “On Access to Public Information” and Decree 835 “On Approval of Regulations on Data Sets that must be Published as Open Data” issued by the Cabinet of

Ministers of Ukraine on 21 October 2015. The State E-Governance Agency is the body responsible for the operation of the web portal.

It is designed to provide access to public information as open data and enables the use of government information. Pursuant to Law of Ukraine No. 319 “On Amendments to Certain Laws of Ukraine on Access to Public Information as Open Data” of 09 April 2015, information administrators must, upon request, provide public information as open data, publish and regularly update it on the Unified State Open Data Web Portal and their websites.

Any person may freely copy, publish, distribute, use, including for commercial purposes, public information as open data in combination with other data or by incorporating in their own products, always referring to the source of such information.

Pursuant to Presidential Decree No. 111 “On Resolution of the National Security and Defence Council of Ukraine dated 23 March 2021 “On challenges and threats to national environmental security of Ukraine and priority neutralisation measures” (available at: <https://www.president.gov.ua/documents/1112021-37505>)), the Cabinet of Ministers of Ukraine was instructed to establish an effective state environmental monitoring system using the remote sensing technology, space control, geophysical and geoinformation tools to ensure the operation of the digital environmental and natural resource services portal.

The Ministry of Environment has launched the Transboundary Green List Waste Shipment Information System (hereinafter referred to as “System”) as part of the implementation of Presidential Decree No. 111 of 23 March 2021).

All digital policies of the Ministry of Environment are introduced simultaneously on EcoSystem Unified Online Platform at <https://eco.mepr.gov.ua/>

EcoSystem is currently used as the basis for the operation of the Unified Environmental Platform and its modules which require the digitalisation of the authorisation and regulatory duties of the executive agencies (Ministry of Environment, State Water Agency, State Forest Agency, State Service of Geology and Subsoil, State Environmental Inspectorate), particularly the following modules: e-forest, e-waste, e-air, e-subsoil use, e-water, e-pesticides, e-environmental impact assessment, e-strategic environmental assessment, e-environment, e-ecocontrol, e-nature reserve fund, which have been already designed and are being developed by the Ministry as part of the international technical assistance project entitled Transparency and Accountability in Public Administration and Services (TAPAS).

The Ministry has completed the procedure of the deployment of the State Cadastre of the Nature Reserve Fund of Ukraine software on the servers of the Ministry of Environment. Once included in EcoSystem, they will become part of the Unified Ecological Platform.

The information system for the submission of waste declarations via electronic administrative services of the Ministry of Environmental Protection and Natural Resources has been launched and is expected to be integrated with EcoSystem.

The following e-waste data sets are available for the public:

- Accredited Laboratory Register (analysis of waste for transboundary Green List waste shipment);

- list of conclusions on transboundary waste shipment;

- data on issued licences for hazardous waste management, and respective licensees;

- list of reports on transboundary hazardous waste shipment;

- State Waste Classifier;

- list of waste declarations submitted by business entities;

- registers of waste treatment and disposal facilities (WTDF), registers of waste production

facilities (WPF);

data on issued licences for the production of highly hazardous chemicals, and respective licensees.

Meanwhile, there is a plan for a phased digital transformation of 29 environmental protection-related administrative and other services and 64 environmental data registers.

The first stage of the environmental protection and natural resources digital transformation is currently being implemented, in particular: reengineering of 9 services and completion of 32 registers after the Cabinet of Ministers of Ukraine has adopted draft Decree “On approval of the Concept of Digital Development and Transformation of Environmental Protection, Sustainable Use of Natural Resources and Environmental Safety”.

The Unified Environmental Platform will be a virtual environment for the collection, processing, storage and analysis of information on the state of the environment for the purposes of rapid response, forecasting, management decision-making, reporting and planning. The existing modules will be updated, the new ones will be added and environmental data registers will be established and completed.

XII. Obstacles encountered in the implementation of Article 5

QUESTION:

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 5

ANSWER:

Ukraine is implementing its environmental monitoring reform. This means that environmental information is still being provided to the public by each monitoring entity individually.

The Ministry of Environment working together with experts and the public is currently drafting a bill to regulate the state environmental monitoring system in Ukraine and to define its subsystems, levels and operation. This draft law will regulate access to environmental information, determine its components and access procedure, and introduce responsibility for information administrators who fail to provide or delay the provision of requested information.

XIII. Further information on the practical application of the provisions of Article 5

QUESTION:

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in Article 5, e.g., are there any statistics available on the information published.

ANSWER:

Pursuant to Law of Ukraine “On Environmental Protection”, the Ministry of Environment ensures the preparation of the annual National Report on the State of the Environment in Ukraine, and local executive agencies make annual regional reports containing summary of analytical information on the state of the environment in the country’s regions and green passports of the regions. These documents are made available on the website of the Ministry of Environment and local executive agencies’ websites.

In order to inform the public about the work of the territorial laboratory centres, latest updates on infectious and non-infectious diseases, key documents, draft regulations and other data are

published in the Sanitary Measures Information Centre section of the official website of the Ministry of Health, on the website of the “Public Health Centre” State-owned Enterprise of the Ministry of Health of Ukraine and on the websites of Laboratory Centres of the Ministry of Health of Ukraine.

Personal, social and health education and outreach activities are regularly carried out in mass media for the prevention of acute intestinal infectious diseases and food poisoning, and to explain the need to maintain personal hygiene in emergencies. Targeted personal, social and health education and outreach activities on topical issues are conducted in mass media and at press conferences involving the management and leading experts of Laboratory Centres of the Ministry of Health of Ukraine. These measures are particularly common during the spring/summer season. Laboratory Centres of the Ministry of Health of Ukraine regularly cooperated with local governments, state administrations and the public.

Statistical products information is published on the website of the State Statistics Service (Statistical Collections: “Natural Changes in Population of Ukraine”, “Population of Ukraine” and others; Reports on Socio-Economic Situation in Ukraine, statistical data on agriculture, forestry, hunting, etc.)

The website of the State Emergency Service of Ukraine publishes annual updates on the state of environmental pollution in Ukraine according to the hydrometeorological empirical data posted on the website of Borys Sreznivskyi Central Geophysical Observatory.

XIV. Website addresses relevant to the implementation of Article 5

QUESTION:

Give relevant website addresses, if available:

Unified State Open Data Web Portal: <http://data.gov.ua/>

National System for Processing Appeals to Executive Agencies of “Government Contact Centre” State-owned Institution — <http://ukc.gov.ua>

Interactive Resource of Illegal Dumping — <https://ecomapa.gov.ua/>

Interactive Map of Mineral Deposits — <https://minerals-ua.info/golovna/interaktivni-karti-rodovishh-korishnix-kopalin/>

State Geology Map — <https://www.geo.gov.ua/geologichna-galuz/geologichni-karty/>

Interactive Geology Map — <https://geoinf.kiev.ua/>

Central Geophysical Observatory — <http://cgo-sreznivskyi.kyiv.ua/>

Ukrainian Hydrometeorological Centre — www.meteo.gov.ua

All About Deforestation website: <https://texty.org.ua/d/deforestation-longread/>

Encyclopaedia of Territories: blog.suspilneko.org.ua/енциклопедія-території/

Ministry of Agrarian Policy and Food of Ukraine — <http://minagro.gov.ua/>

Ministry of Internal Affairs of Ukraine — <http://mvs.gov.ua/>

Ministry of Environmental Protection and Natural Resources of Ukraine — <https://mepr.gov.ua/>

Ministry of Economy of Ukraine — <http://www.me.gov.ua/?lang=uk-UA>

Ministry of Energy of Ukraine — <http://mpe.kmu.gov.ua/>

Ministry of Foreign Affairs of Ukraine — <http://mfa.gov.ua/ua>

Ministry of Information Policy of Ukraine — <https://mip.gov.ua/>

Ministry of Infrastructure of Ukraine — <https://mtu.gov.ua/>
Ministry of Culture and Information Policy of Ukraine — <http://mincult.kmu.gov.ua/control/uk>
Ministry of Youth and Sports of Ukraine — <http://dsmsu.gov.ua/index/ua>
Ministry of Defence of Ukraine — <http://www.mil.gov.ua/>
Ministry of Education and Science of Ukraine — <https://mon.gov.ua/ua>
Ministry of Health of Ukraine — <http://moz.gov.ua/>
Ministry of Regional Development of Communities and Territories of Ukraine —
<http://www.minregion.gov.ua/>
Ministry of Social Policy of Ukraine — <http://www.msp.gov.ua/>
Ministry of Finance of Ukraine — <http://www.minfin.gov.ua/>
Ministry of Justice of Ukraine — <https://minjust.gov.ua/>
Ministry of Reintegration of Temporarily Occupied Territories of Ukraine — <http://mtot.gov.ua/>
State Aviation Service of Ukraine — <https://avia.gov.ua/>
State Archival Service of Ukraine — <http://www.archives.gov.ua/>
State Treasury Service of Ukraine — <https://www.treasury.gov.ua/ua>
State Migration Service of Ukraine — <https://dmsu.gov.ua/>
State Border Guard Service of Ukraine — <https://dpsu.gov.ua/>
State Regulatory Service of Ukraine — <http://www.drs.gov.ua/>
State Service of Geology and Subsoil of Ukraine — <http://geo.gov.ua/>
State Export Control Service of Ukraine — <http://dsecu.gov.ua/control/uk/index#>
State Statistics Service of Ukraine — <http://www.ukrstat.gov.ua/>
State Service for Medications and Drugs Control — <https://www.dls.gov.ua/>
State Service of Ukraine for Transport Safety — <http://dsbt.gov.ua/>
State Service of Ukraine for Food Safety and Consumer Protection — <http://www.consumer.gov.ua/>
State Service of Ukraine for Geodesy, Cartography and Cadastre — <http://land.gov.ua/>
State Labour Service of Ukraine — <http://dsp.gov.ua/>
State Emergency Service of Ukraine — <http://www.dsns.gov.ua/>
State Financial Monitoring Service of Ukraine — <https://fiu.gov.ua/>
State Fiscal Service of Ukraine — <http://sfs.gov.ua/>
Ministry of Veterans Affairs of Ukraine — <https://mva.gov.ua/ua>
State Audit Service of Ukraine — <http://www.dkrs.gov.ua/kru/uk/index>
State Motor Road Agency of Ukraine — <http://ukravtodor.gov.ua/>
State Water Agency of Ukraine — <http://davr.gov.ua/>
State Agency for Energy Efficiency and Energy Conservation of Ukraine — <http://saee.gov.ua/>
State e-Governance Agency of Ukraine — <https://www.facebook.com/eGovernanceUkraine/>
State Forest Agency of Ukraine — <http://dklg.kmu.gov.ua/forest/control/uk/index>
State Reserve Agency of Ukraine — <https://rezerv.gov.ua/>
State Agency for Land Reclamation and Fisheries of Ukraine — <http://darg.gov.ua/>

State Exclusion Zone Management Agency of Ukraine — <http://dazv.gov.ua/>

State Space Agency of Ukraine — <http://www.nkau.gov.ua/NSAU/nkau.nsf>

State Agency for Infrastructure Projects of Ukraine — <https://mtu.gov.ua/timeline/Derzhavne-agentstvo-infrastrukturnih-proektiv-Ukraini-Ukrinfraproekt-.html>

State Architectural and Construction Inspectorate of Ukraine — <http://www.dabi.gov.ua/>

State Environmental Inspectorate of Ukraine — <http://www.dei.gov.ua/>

State Service for Education Quality of Ukraine — <https://sqe.gov.ua/>

State Energy Oversight Inspectorate of Ukraine — <https://sies.gov.ua/>

State Nuclear Regulation Inspectorate of Ukraine — <https://snriu.gov.ua/>

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in Article 6

Explain how each Paragraph of Article 6 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9. Also, and in particular, describe:

QUESTION:

a) With respect to Paragraph 1, measures taken to ensure that:

i) The provisions of Article 6 are applied with respect to decisions on whether to permit proposed activities listed in Annex I to the Convention;

ANSWER:

Law of Ukraine No. 872787-VI of 15 December 2010 ratified the Protocol on the Accession of Ukraine to the Energy Community Treaty. Article 2 of this Protocol, the implementation of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (codified by Directive 2011/92/EU) is required by 01 January 2013 to ensure the consistency of Ukrainian legislation with Section II of the Energy Community Treaty and related amendments. The establishment of an effective procedure for the assessment of the environmental impact will help meet this requirement.

The expected results include the introduction in Ukraine of more effective environmental impact assessment mechanisms, including in the transboundary context, and extra potential to increase the level of environmental safety in the country. The implementation of an adequate environmental impact assessment procedure in accordance with Directive 2011/92/EU will promote: more reasonable decisions as to planned hazardous activities; taking public stakeholders' interests into account; the enforcement of the right to a safe environment and land ownership; proper investment risk assessment.

The Verkhovna Rada of Ukraine adopted Law of Ukraine "On Environmental Impact Assessment" on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine "On Environmental Impact Assessment" was enacted on 18 December 2017.

Pursuant to Article 3 Part 1 of Law of Ukraine "On Environmental Impact Assessment" environmental impact assessment is mandatory when making decisions related to the proposed activities listed in Part 2 and Part 3 of that Article. Such proposed activities are subject to environmental impact assessment before any of those decisions can be made.

Article 11 Part 2 of Law of Ukraine "On Environmental Impact Assessment" requires that state bodies and local governments make decisions regarding the proposed activities taking the opinion on the environmental impact assessment into account. Any decision on the proposed activities should state that the environmental terms of that planned activity are defined in the opinion on the environmental impact assessment. A state agency or a local government may include in its decision regarding the proposed activities the environmental terms of the proposed activities specified in Article 9 Part 5 of the Law.

ii) The provisions of Article 6 are applied to decisions on proposed activities not listed in Annex I which may have a significant effect on the environment

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine "On Environmental Impact Assessment" on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine "On Environmental Impact

Assessment” was enacted on 18 December 2017.

Pursuant to Article 3 Part 1 of Law of Ukraine “On Environmental Impact Assessment” environmental impact assessment is mandatory when making decisions related to the proposed activities listed in Part 2 and Part 3 of that Article.

The Law contains clearly defined lists of activities that are subject to environmental impact assessment. The lists were formed with reference to the performance criteria, “thresholds” (capacity, productivity, etc.) and based on the lists provided in the annexes to Directive 2011/92/EU, the Aarhus Convention and the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention), as well as the lists of international financial institutions (maintained by World Bank, EBRD, etc.). The key principle of making those lists was to include the activities that could only have a significant impact on the environment.

The provisions of Article 6 Par. 1b. of the Aarhus Convention are directly applicable in Ukraine For instance, Paragraph 4 of Resolution No. 9 of the Plenary Meeting of the Supreme Court of Ukraine dated 01 November 1996 “On application of the Constitution of Ukraine in administration of justice” states that no court has the right to apply any law governing legal relations in ways other than stipulated by an international treaty.

To ensure the fulfilment of the obligation determined in 1 Article Part 3 of the Aarhus Convention Ukraine has regulations which ensure the application of Article 6 of the Aarhus Convention to activities not included in Annex I to the Aarhus Convention or in List 808.

QUESTION:

b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in Paragraph 2

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” entered into force on 18 December 2017.

Article 4 Part 1 of the Law states that the public must be timely, adequate and effectively informed in the environmental impact assessment process.

Pursuant to Article 4 Part 3 of the Law notices on the proposed activities to be assessed for environmental impact and announcements on the beginning of public discussions of the environmental impact assessment report shall be published by the business entity within three working days of submission to the authorised territorial body and, as provided by Article 5 Part 3 and Part 4 of the Law, to the authorised central body by publishing in (at least two) print media chosen by the business entity and distributed in the area of the subnational entities that may be impacted by the proposed activities, and on the local government notice boards or in other public places in the area of the proposed activities, or by using any other method that brings information to the notice of the residents in the subnational entity where a facility is expected to be installed, or of the local community which may be affected by the proposed activities; other stakeholders should also be duly informed.

Pursuant to Article 5 Part 7 of the Law the public may within 20 working days of official publication of the notice about the proposed activities to be assessed for environmental impact submit to the authorised territorial body and, as specified in Part 3 and Part 4 of that Article, to the authorised central body any feedback related to the proposed activities, scope of studies and the level of detailed

elaboration of the information to be included in the environmental impact assessment report. The authorised body which has received feedback from the public shall notify the business entity giving it copies of the feedback within three working days of receipt.

QUESTION:

c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of Paragraph 3;

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” was enacted on 18 December 2017.

Pursuant to Article 2 Part 1 of the Law environmental impact assessment is a procedure which includes:

- the preparation by the business entity an environmental impact assessment report in accordance with Article 5, Article 6 and Article 14 of the Law;
- public discussions held in accordance with Article 7, Article 8 and Article 14 of the Law;
- the authorised body’s analysis, as required by Article 9 of the Law, of information contained in the environmental impact assessment report, any other data provided by the business entity, information received from the public during the public discussions or the transboundary impact assessment process, any other information;
- provision by the authorised body a reasonable opinion on the environmental impact assessment with reference to findings of the analysis specified in Paragraph 3 of that Part;
- taking the opinion on the environmental impact assessment into account when making decisions as to the proposed activities in accordance with Article 11 of the Law.

The Law imposes a clear timeframe for each stage of the environmental impact assessment procedure, in particular:

- a notice about the proposed activities to be assessed for environmental impact must be entered in the Uniform Environmental Impact Assessment Register by the authorised body within three working days of receipt;
- the public may within 20 working days of official publication of the notice about the proposed activities to be assessed for environmental impact submit to the authorised body any feedback related to the proposed activities, scope of studies and the level of detailed elaboration of the information to be included in the environmental impact assessment report;
- the business entity must provide and publish the request for the scope of studies and the level of detailed elaboration of the information to be included in the environmental impact assessment report together with the notice of the proposed activities to be assessed for environmental impact. The authorised body shall provide a response within 30 working days of official publication of the notice of the proposed activities to be assessed for environmental impact;
- the business entity must submit the environmental impact assessment report and announcement of the beginning of public discussions of that report; the authorised body must enter the environmental

impact assessment report in the Uniform Environmental Impact Assessment Register within three working days of receipt;

- after the submission of the environmental impact assessment report, public discussions of the proposed activities shall begin on the date of official publication of the announcement of the beginning of public discussions of that report and provision of public access to such report in accordance with Article 4 of the Law, and continue for at least 25 working days but no longer than 35 working days;

- the opinion on the environmental impact assessment shall be provided to the business entity free of charge within 25 working days of the end of public discussions.

QUESTION:

d) With respect to Paragraph 4, measures taken to ensure that there is early public participation

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” was enacted on 18 December 2017.

Article 4 Part 1 of the Law states that the public must be timely, adequate and effectively informed in the environmental impact assessment process.

Pursuant to Article 4 Part 3 of the Law notices on the proposed activities to be assessed for environmental impact and announcements on the beginning of public discussions of the environmental impact assessment report shall be published by the business entity within three working days of submission to the authorised territorial body and, as provided by Article 5 Part 3 and Part 4 of the Law, to the authorised central body by publishing in (at least two) print media chosen by the business entity and distributed in the area of the subnational entities that may be impacted by the proposed activities, and on the local government notice boards or in other public places in the area of the proposed activities, or by using any other method that brings information to the notice of the residents in the subnational entity where a facility is expected to be installed, or of the local community which may be affected by the proposed activities; other stakeholders should also be duly informed.

Pursuant to Article 5 Part 7 of the Law the public may within 20 working days of official publication of the notice about the proposed activities to be assessed for environmental impact submit to the authorised territorial body and, as specified in Part 3 and Part 4 of that Article, to the authorised central body any feedback related to the proposed activities, scope of studies and the level of detailed elaboration of the information to be included in the environmental impact assessment report. The authorised body which has received feedback from the public shall notify the business entity giving it copies of the feedback within three working days of receipt.

QUESTION:

e) With respect to Paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the

objectives of their application before applying for a permit

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” was enacted on 18 December 2017.

Article 4 Part 1 of the Law states that the public must be timely, adequate and effectively informed in the environmental impact assessment process.

Pursuant to Article 4 Part 3 of the Law notices on the proposed activities to be assessed for environmental impact and announcements on the beginning of public discussions of the environmental impact assessment report shall be published by the business entity within three working days of submission to the authorised territorial body and, as provided by Article 5 Part 3 and Part 4 of the Law, to the authorised central body by publishing in (at least two) print media chosen by the business entity and distributed in the area of the subnational entities that may be impacted by the proposed activities, and on the local government notice boards or in other public places in the area of the proposed activities, or by using any other method that brings information to the notice of the residents in the subnational entity where a facility is expected to be installed, or of the local community which may be affected by the proposed activities; other stakeholders should also be duly informed.

Pursuant to Article 5 Part 7 of the Law the public may within 20 working days of official publication of the notice about the proposed activities to be assessed for environmental impact submit to the authorised territorial body and, as specified in Part 3 and Part 4 of that Article, to the authorised central body any feedback related to the proposed activities, scope of studies and the level of detailed elaboration of the information to be included in the environmental impact assessment report. The authorised body which has received feedback from the public shall notify the business entity giving it copies of the feedback within three working days of receipt.

Pursuant to Article 5 Part 10 of the Law in the preparation of the environmental impact assessment report the business entity must fully or partially take into account or reasonably reject the comments or suggestions submitted by the public during the public discussions of the scope of studies and the level of detailed elaboration of the information to be included in the environmental impact assessment report.

QUESTION:

f) With respect to Paragraph 6, measures taken to ensure that:

- i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in Article 6 that is available at the time of the public participation procedure;**
- ii) In particular, the competent authorities give to the public concerned the information listed in this Paragraph**

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine

were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” was enacted on 18 December 2017.

The Law and Decree No. 1026 “On approval of Procedure for making submissions for environmental impact assessment opinion and funding and Procedure for keeping the Uniform Environmental Impact Assessment Register” issued by the Cabinet of Ministers of Ukraine on 13 December 2017 require that environmental impact assessment is carried out via the Uniform EIA Register.

Paragraph 8 of the Procedure for Keeping the Uniform Environmental Impact Assessment Register adopted by the Cabinet of Ministers of Ukraine on 13 December 2017 in its Decree No. 1026 determines that each electronic document associated with environmental impact assessment must be submitted by the business entity to the authorised body in Adobe Portable Document Format (PDF) via the Register user account. The authorised central body or the authorised territorial body shall confirm the time of receipt of the documents using the Register software by sending a notice to the business entity’s e-mail address specified during registration in the Register and via the Register user account.

The Register has the Other Additional Information to EIA Report option meaning that the entity has the right to provide any other additional information it may deem necessary for a review of the environmental impact assessment report by the authorised central body or the authorised territorial body.

Documents generated during environmental impact assessment are publicly available in the Register to ensure complete transparency and public control over the decision-making process.

Paragraph 6 of the Procedure for Keeping the Uniform Environmental Impact Assessment Register adopted by the Cabinet of Ministers of Ukraine on 13 December 2017 in its Decree No. 1026 emphasises that the Register software prevents from correcting information or documents that have already been entered in the Register.

Additionally, Article 4 Part 5 of the Law states that the environmental impact assessment report and other necessary documentation provided by the business entity for environmental impact assessment are open (subject to the provisions of Part 8 of that Article) and must be provided by the authorised body, the local government and the business entity for information purposes. Access to the environmental impact assessment report and other documentation on the proposed activities provided by the business entity shall be granted by posting them in places accessible to the public in the premises of the authorised body, local government of the respective subnational entity, which may be affected by the proposed activities, in the premises of the business entity, and may be posted in other public places designated by the business entity. The public is authorised to make copies (photocopies) and extracts from the aforesaid documentation and/or review the information on site.

Mandatory provision of any other information related to the proposed activities is guaranteed through the obligation of governmental agencies to provide information at public request, except as set out in Article 22 Part 1 of Law of Ukraine “On Access to Public Information”, particularly if:

- 1) the governmental agency does not and is not legally obliged to have the requested information;
- 2) the requested information is restricted information as defined in Article 6 Part 2 of the Law;
- 3) the applicant failed to pay the costs of copying or printing as required by Article 21 of the Law;
- 4) the information request requirements set out in Article 19 Part 5 of the Law have not been met.

The implementation of Article 6 Paragraph 6 of the Aarhus Convention is also guaranteed by:

Decree No. 771 “On approval of the Procedure for public discussions of decisions that may affect the state of the environment” issued by the Cabinet of Ministers of Ukraine on 29 June 2011;

Law of Ukraine “On Principles of State Regulatory Policy in Economic Operations”.

QUESTION:

g) With respect to Paragraph 7, measures taken to ensure that procedures for public

participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity

ANSWER:

The opportunity for the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity is guaranteed by Article 20 Part 1 of Law of Ukraine No. 393/96-VR "On Public Appeals" dated 02 October 1996 which requires that authorities must review and address the issue specified in the appeal within one month of receipt. The public appeals that require no additional investigation must be reviewed and addressed within 15 days of receipt. If the appeal cannot be addressed within one month, the manager of the competent organisation must set a deadline for resolving the issue contained in the appeal. The maximum period given for a review and making decision on the appeal is 45 days (Article 20 Part 1 of Law of Ukraine "On Public Appeals").

QUESTION:

h) With respect to Paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation

ANSWER:

This requirement has been taken into account in Ukraine through the provisions of Article 2 Part 3 Paragraph 3 of the Code of Administrative Procedure of Ukraine (CAPU), which require that governmental agencies make reasonable decisions with due account taken of all circumstances relevant to the decision, and Article 2 Part 3 Paragraph 8 of the CAPU, which introduces the obligation for governmental agencies to make proportional decisions, i.e. maintain the necessary balance between any adverse implications of a person's rights, freedoms and interests and the decision goals.

Additionally, this requirement is included in:

- Decree No. 771 "On approval of the Procedure for public discussions of decisions that may affect the state of the environment" issued by the Cabinet of Ministers of Ukraine on 29 June 2011;
- Law of Ukraine "On Principles of State Regulatory Policy in Economic Operations".

QUESTION:

i) With respect to Paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures

ANSWER:

This provision of the Aarhus Convention is guaranteed by Article 14 Part 1 of Law of Ukraine "On Access to Public Information", which requires that governmental agencies disclose information on their activities and decisions. Moreover, Article 15 Part 1 Paragraph 1 of Law of Ukraine "On Access to Public Information" determine that governmental agencies must publish their ad hoc directives (except for internal ones).

Additionally, this requirement is included in:

- Decree No. 771 "On approval of the Procedure for public discussions of decisions that may affect the state of the environment" issued by the Cabinet of Ministers of Ukraine on 29 June 2011;
- Law of Ukraine "On Principles of State Regulatory Policy in Economic Operations".

QUESTION:

j) With respect to Paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in Paragraph 1, the provisions of Paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” was enacted on 18 December 2017.

Pursuant to Article 3 Part 1 of Law of Ukraine “On Environmental Impact Assessment” environmental impact assessment is mandatory when making decisions related to the proposed activities, which are listed in Article 3 Part 2 and Part 3 of the Law, to be assessed for environmental impact before any of those decisions can be made.

In the event of any changes in the proposed activities, the need for environmental impact assessment should be determined by the business entity taking into account the provisions of Decree No. 1010 “On approval of criteria for proposed activities not to be assessed for environmental impact and criteria for expansions and changes in activities and facilities not to be assessed for environmental impact” issued by the Cabinet of Ministers of Ukraine on 13 December 2017 in pursuance of Article 3 Part 2 Paragraph 22 and Part 2 Paragraph 14 of the Law.

It should also be noted that if the business entity determines that changes to the proposed activities must be assessed for environmental impact, the procedure set out in Law of Ukraine “On Environmental Impact Assessment” shall apply.

QUESTION:

k) With respect to Paragraph 11, measures taken to apply the provisions of Article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

ANSWER:

Article 13 Part 3 of Law of Ukraine No. 1103-V “On implementation of state biosafety system during creation, testing, transportation and use of genetically modified organisms” of 31 May 2007 (the “Biosafety Law”) prohibits the release of genetically modified organisms (GMOs) into the environment before they have been duly registered.

The state environmental expert conclusion should be attached to the registration application pursuant to Paragraph 4 of the Procedure for State Registration of Cosmetics and Medications Containing or Derived from Genetically Modified Organisms adopted by the Cabinet of Ministers of Ukraine on 18 February 2009, Decree No. 114. The conclusion is prepared with due account taken to public opinion (Article 11 Part 3 of Law of Ukraine “On Ecological Expert Evaluation”).

Paragraph 2 of the Procedure for State Registration of Genetically Modified Organisms of Agricultural Plant Varieties in Open Systems adopted by the Cabinet of Ministers of Ukraine on 23 July 2009, Decree No. 808, requires that state environmental expert conclusions are attached to applications for state registration of genetically modified organisms of agricultural plant varieties in open systems. The conclusion is prepared with due account taken to public opinion (Article 11 Part 3 of Law of Ukraine “On Ecological Expert Evaluation”).

Prior to state registration, GMOs may only be released into the environment for state approbation (testing) purposes. Such release of GMOs is only allowed with the permission of the Ministry of Ecology and Natural Resources of Ukraine (the “Ministry of Environment”) (Article 13 Part 4 of the Biosafety Law). Paragraph 5 of the Procedure for Issuing Authorisations for State Approbation (Testing) of Genetically Modified Organisms in Open System adopted by the Cabinet of Ministers of Ukraine on 02 April 2009, Decree No. 308, (Procedure 308) states that the applicant must apply to the Ministry of Environment as described in Annex 2 to Procedure 308. Paragraph 5 of the Authorisation Application Form requires that the applicant also provides copies of the minutes of public hearings.

This means that the aforesaid authorisation may not be obtained without public hearings.

Law of Ukraine “On Environmental Protection”, Law of Ukraine “On Ecological Expert Evaluation” and Law of Ukraine “On Fauna” introduce the ecological expert evaluation procedure for modern biotechnology products.

Paragraph 1.4.4 of Regulations for Public Participation in Environmental Protection Decision-making Process, in addition to the types of decisions on the issues that affect or may affect the state of the environment and require public participation, includes the obligation to issue documents for the deliberate release of genetically modified organisms into the environment.

After the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, was signed in 2014, a number of obligations became effective as to the implementation of EU’s GMO Directives which require public participation in making decisions associated with GMOs management.

In pursuance of Decree No. 847-r “On implementation of the Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part” issued by the Cabinet of Ministers on 17 September 2014, working groups were established to implement Directive 2001/18/EC on the deliberate release of GMOs into the environment, Directive 2009/41/EC on the contained use of GMOs and the Regulation on Transboundary Movement of GMOs.

In 2015, the Verkhovna Rada of Ukraine received a draft law on amendments to Law of Ukraine “On implementation of state biosafety system during creation, testing, transportation and use of genetically modified organisms” (pertaining to the introduction of a simplified procedure for the registration of EU-registered GMOs and GMO-derived products in Ukraine).

The Parliament decided to postpone the ratification of the GMO amendment until the adoption of the new version of Law of Ukraine “On implementation of state biosafety system during creation, testing, transportation and use of genetically modified organisms”, which will ensure compliance with the Directive and the GMO amendment to the Aarhus Convention.

XVI. Obstacles encountered in the implementation of Article 6

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 6

ANSWER:

The existing legal mechanisms of public input to the environmental issues are insufficient without a transparent environmental impact assessment tool.

XVII. Further information on the practical application of the provisions of Article 6

QUESTION:

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 6, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this Article to proposed activities serving national defence purposes.

ANSWER:

The Ministry of Environment has taken the following steps to ensure public discussions of decisions that may affect the state of the environment and to provide free access to information on the work of executive agencies:

Transboundary consultations (“Energoatom” State-owned National Nuclear Energy Generating Company)

Rivne NPP Unit 1 and Unit 2 Environmental Impact Assessment Procedure

Ukraine launched the procedure of transboundary EIA of the Rivne NPP site in 2018 pursuant to Paragraph 70 of Resolution No. VI/2 of the Sixth Meeting of the Parties to the Espoo Convention (2014) introducing the obligation to carry out the EIA by the end of 2019 as part of safety reassessment of Unit 1 and Unit 2.

Public hearings to discuss the EIA Report were held in 2019 in eight Ukrainian regions and in the city of Kyiv.

In pursuance to the Espoo Convention guidelines the Ministry of Environment sent the EIA Report in 2019 to potentially affected parties who wished to take part in the transboundary procedure, particularly to: the Republic of Belarus, Poland, Slovakia, Hungary, Romania, the Republic of Moldova, and to Austria as a stakeholder (a total of 7 countries).

The transboundary EIA procedure was completed by two countries in 2020: Hungary and the Republic of Moldova.

The procedure is ongoing in the correspondence format with four other countries (the Republic of Belarus, Slovakia, Romania and Austria).

Translation of some sections of the EIA Report into Russian remains an unresolved issue with the Republic of Belarus.

Slovakia notified Ukraine in July 2020 that it had taken Ukrainian responses to its comments into account and that it would prefer to work in the correspondence format only.

Responses to Romania’s comments were given in 2020.

EIA of Khmelnytskyi NPP Unit 3 and Unit 4 Construction Project Design

The transboundary environmental impact assessment procedure of the project design was launched in 2010. Consultations were held with Romania, Moldova, Hungary and Slovakia from 2011 to 2013.

Consultations were suspended in 2015 due to amendments to the feasibility study (a new equipment vendor, updated regulations, stress test findings).

The transboundary consultation procedure was continued by the order of the Interdepartmental Council Coordinating Implementation of the Espoo Convention in Ukraine dated 15 December 2016.

The parties concerned (Poland, Hungary, Belarus, Slovakia, Moldova, Romania, Austria — 7 countries) were notified of a review of the updated EIA version in 2017. The consultations were carried out throughout 2017 in the correspondence format.

Updated Law of Ukraine “On Environmental Impact Assessment” entered into force in December 2017, and transboundary consultations continued in a new format. The EIA report for this project design was entered in the Uniform State EIA Register in November 2018.

Consultations were carried out and completed with three countries in the first half of 2019: The Republic of Belarus, Austria and Poland.

Consultations with Hungary, the Republic of Moldova, Slovakia and Romania are ongoing.

Environmental Impact Assessments of Zaporizhzhia NPP and South Ukraine NPP

The EIA procedure for ZNPP and SUNPP sites was launched in 2015.

“Energoatom” State-owned National Nuclear Energy Generating Company carried out public discussions in 2015–2016 as to continued operation of Unit 2 of South Ukraine NPP, Unit 1 and Unit 2 of Zaporizhzhia NPP.

The transboundary consultation procedure started in 2017. Expert consultations were completed with four countries (Romania, Moldova, Poland and Germany), and correspondence consultations were completed with two other countries: Slovakia and Hungary.

The Ministry of Environment suspended consultations in 2018 with two remaining parties — the Republic of Belarus and Austria. Consultations were resumed in 2020.

Danube–Black Sea deep-sea fairway (hereinafter referred to as “Danube–Black Sea DSF”)

The final resolution pertaining to the implementation by Ukraine of 2010 project entitled “**Danube–Black Sea DSF in Ukrainian Delta Section. Comprehensive Development**” was cancelled in 2018 by the order of the Interdepartmental Council Coordinating Implementation of the Espoo Convention in Ukraine in pursuance of the resolution of the Sixth Meeting of the Parties to the Espoo Convention, and to address other issues of the Danube–Black Sea DSF renewal.

The notice of the proposed activities as part of the Reconstruction of Facilities of the Danube–Black Sea DSF in Ukrainian Delta Section was posted in 2020 on the Uniform of Environmental Impact Assessment Register website of the Ministry of Environment of Ukraine in accordance with the applicable laws of Ukraine and the Espoo Convention. The discussion process has been launched in the manner required by law. The transboundary consultation procedure is expected to be carried out with Romania, the party concerned.

The Ministry of Environment has organised the collection of gridded data on the illegal dumping situation. Ecomapa.gov.ua e-service was launched in 2016. It contains the interactive map of illegal dumping in Ukraine and a mobile application with online notification of identified dumping sites. With the interactive map citizens may send gridded messages and images of identified illegal dumping sites. The Ministry of Energy will ensure the prompt transfer of this information to the local agencies responsible for illegal dumping removal. Information on the message processing status and respective measures taken by local governmental agencies can be viewed in the personal account. Official information provided by local governmental agencies is not the only content published in the service. Any citizen of Ukraine will be able to use the website and add information about dumping sites. Separate layers of the map show the data of the register of waste disposal locations and illegal dumping sites.

With respect to further information on the practical application of the provisions of Article 6 of the Aarhus Convention: draft Decree of the Cabinet of Ministers of Ukraine “On approval of 2021–2030 Development Strategy for areas of exclusion zone and unconditional (mandatory) resettlement zone affected by radioactive contamination due to Chornobyl Accident” was published on the website of the State Exclusion Zone Management Agency of Ukraine. The draft regulation has been under

public discussions and strategic environmental assessment as notified on the website of the State Exclusion Zone Management Agency of Ukraine.

The State Service of Geology and Subsoil of Ukraine works closely with civil society institutions to promote public participation in decisions on exploration and sustainable utilisation of subsoil. Draft regulations are regularly discussed with the public at the meetings of the Public Council of the State Service of Geology and Subsoil and are published in the Regulatory Activities section of the Service's website.

Uniform Environmental Impact Assessment Register: <http://eia.menr.gov.ua/uk/cases>

Decree No. 1026 "On approval of Procedure for making submissions for environmental impact assessment opinion and funding and Procedure for keeping the Uniform of Environmental Impact Assessment Register" was also adopted by the Cabinet of Ministers of Ukraine on 13 December 2017. <https://zakon.rada.gov.ua/laws/show/1026-2017-%D0%BF#Text>

XVIII. Website addresses relevant to the implementation of Article 6

QUESTION:

Give relevant website addresses, if available:

State Exclusion Zone Management Agency of Ukraine — <http://dazv.gov.ua/>

Unified State Open Data Web Portal: data.gov.ua/

Interactive Resource of Illegal Dumping — <https://ecomapa.gov.ua/>

All About Deforestation website: <https://texty.org.ua/d/deforestation-longread/>

Encyclopaedia of Territories: blog.suspilneoko.org.ua/енциклопедія-території/

Ministry of Agrarian Policy and Food of Ukraine —

<http://minagro.gov.ua/>

Ministry of Environmental Protection and Natural Resources of Ukraine — <https://mepr.gov.ua/>

Ministry of Internal Affairs of Ukraine — <http://mvs.gov.ua/>

Ministry of Economy of Ukraine — <http://www.me.gov.ua/?lang=uk-UA>

Ministry of Energy of Ukraine — <http://mpe.kmu.gov.ua/>

Ministry of Foreign Affairs of Ukraine — <http://mfa.gov.ua/ua>

Ministry of Information Policy of Ukraine — <https://mip.gov.ua/>

Ministry of Infrastructure of Ukraine — <https://mtu.gov.ua/>

Ministry of Culture and Information Policy of Ukraine — <http://mincult.kmu.gov.ua/control/uk>

Ministry of Youth and Sports of Ukraine — <http://dsmsu.gov.ua/index/ua>

Ministry of Defence of Ukraine — <http://www.mil.gov.ua/>

Ministry of Education and Science of Ukraine — <https://mon.gov.ua/ua>

Ministry of Health of Ukraine — <http://moz.gov.ua/>

Ministry of Regional Development of Communities and Territories of Ukraine — <http://www.minregion.gov.ua/>

Ministry of Social Policy of Ukraine — <http://www.msp.gov.ua/>

Ministry of Finance of Ukraine — <http://www.minfin.gov.ua/>

Ministry of Justice of Ukraine — <https://minjust.gov.ua/>

Ministry of Reintegration of Temporarily Occupied Territories of Ukraine — <http://mtot.gov.ua/>

State Aviation Service of Ukraine — <https://avia.gov.ua/>

State Archival Service of Ukraine — <http://www.archives.gov.ua/>

State Treasury Service of Ukraine — <https://www.treasury.gov.ua/ua>

State Migration Service of Ukraine — <https://dmsu.gov.ua/>

State Border Guard Service of Ukraine — <https://dpsu.gov.ua/>

State Regulatory Service of Ukraine — <http://www.drs.gov.ua/>

State Service of Geology and Subsoil of Ukraine — <http://geo.gov.ua/>

State Export Control Service of Ukraine — <http://dsecu.gov.ua/control/uk/index#>

State Statistics Service of Ukraine — <http://www.ukrstat.gov.ua/>

State Service for Medications and Drugs Control — <https://www.dls.gov.ua/>

State Service of Ukraine for Transport Safety — <http://dsbt.gov.ua/>

State Service of Ukraine for Food Safety and Consumer Protection — <http://www.consumer.gov.ua/>

State Service of Ukraine for Geodesy, Cartography and Cadastre — <http://land.gov.ua/>

State Labour Service of Ukraine — <http://dsp.gov.ua/>

State Emergency Service of Ukraine — <http://www.dsns.gov.ua/>

State Financial Monitoring Service of Ukraine — <https://fiu.gov.ua/>

State Fiscal Service of Ukraine — <http://sfs.gov.ua/>

Ministry of Veterans Affairs of Ukraine — <https://mva.gov.ua/ua>

State Audit Service of Ukraine — <http://www.dkrs.gov.ua/kru/uk/index>

State Motor Road Agency of Ukraine — <http://ukravtodor.gov.ua/>

State Water Agency of Ukraine — <http://davr.gov.ua/>

State Agency for Energy Efficiency and Energy Conservation of Ukraine — <http://saee.gov.ua/>

State e-Governance Agency of Ukraine — <https://www.facebook.com/eGovernanceUkraine/>

State Forest Agency of Ukraine — <http://dklg.kmu.gov.ua/forest/control/uk/index>

State Reserve Agency of Ukraine — <https://rezerv.gov.ua/>

State Agency for Land Reclamation and Fisheries of Ukraine — <http://darg.gov.ua/>

State Exclusion Zone Management Agency of Ukraine — <http://dazv.gov.ua/>

State Space Agency of Ukraine — <http://www.nkau.gov.ua/NSAU/nkau.nsf>

State Agency for Infrastructure Projects of Ukraine — <https://mtu.gov.ua/timeline/Derzhavne-agentstvo-infrastrukturnih-proektiv-Ukraini-Ukrinfraproekt-.html>

State Architectural and Construction Inspectorate of Ukraine — <http://www.dabi.gov.ua/>

State Environmental Inspectorate of Ukraine — <http://www.dei.gov.ua/>

State Service for Education Quality of Ukraine — <https://sqe.gov.ua/>

State Energy Oversight Inspectorate of Ukraine — <https://sies.gov.ua/>

State Nuclear Regulation Inspectorate of Ukraine — <https://snriu.gov.ua/>

Ecology and Natural Resources Department of Kyiv Regional State Administration —
<http://koda.gov.ua/oblderzhadministratsija/struktura/strukturni-pidrozdili-oda/departament-ekologii-ta-prirodnikh-re/>

Department of Agro-industrial Development, Ecology and Natural Resources of Vinnytsia Regional State Administration — <https://data.gov.ua/organization/departament-ahropromyslovoho-rozvytku-ekolohiyi-ta-pryrodnykh-resursiv-vinnytskoyi-oblderzhadmi>

Ecology and Natural Resources Department of Dnipropetrovsk Regional State Administration —
<https://adm.dp.gov.ua/dniprooda/pro-oda/departamenti-ta-upravlinnya/departament-ekologiyi-ta-prirodnih-resursiv>

Ecology and Natural Resources Department of Donetsk Regional State Administration —
<https://ecology.donoda.gov.ua/>

Ecology and Natural Resources Department of Zhytomyr Regional State Administration —
<http://www.ecology.zt.gov.ua/>

Ecology and Natural Resources Department of Zakarpattia Regional State Administration —
<http://ecozakarp.at.gov.ua/>

Environmental Protection Department of Zaporizhzhia Regional State Administration —
<https://www.zoda.gov.ua/article/2069/departament-zahistu-dovkillya.html>

Ecology and Natural Resources Department of Volyn Regional State Administration —
<https://www.facebook.com/Volecology/>

Ecology and Natural Resources Department of Ivano-Frankivsk Regional State Administration —
<https://www.if.gov.ua/?q=page&id=24389>

Ecology and Natural Resources Department of Kirovohrad Regional State Administration —
<http://ekolog.kr-admin.gov.ua/>

Department of Communal Property, Land, Ownership, Ecology and Natural Resources of Luhansk Regional State Administration — <http://www.eco-lugansk.gov.ua/>

Ecology and Natural Resources Department of Lviv Regional State Administration —
<https://deplv.gov.ua/>

Ecology and Natural Resources Department of Mykolaiv Regional State Administration —
<https://ecolog.mk.gov.ua/>

Ecology and Natural Resources Department of Odesa Regional State Administration —
<http://ecology.odessa.gov.ua/>

Ecology and Natural Resources Department of Poltava Regional State Administration —
<http://eko.adm-pl.gov.ua/>

Ecology and Natural Resources Department of Rivne Regional State Administration —
<http://www.ecorivne.gov.ua/>

Environmental Protection and Energy Department of Sumy Regional State Administration —
<http://www.pek.sm.gov.ua/index.php/uk/>

Ecology and Natural Resources Department of Ternopil Regional State Administration —
<http://ecoternopil.gov.ua/>

Environmental Protection and Management Department of Kharkiv Regional State Administration —
<http://kharkivoda.gov.ua/oblasna-derzhavna-administratsiya/struktura-administratsiyi/strukturni-pidrozdili/486>

Ecology and Natural Resources Department of Kherson Regional State Administration —
<http://ecology.ks.ua/>

Agro-industrial Complex Development and Land Relations Department of Khmelnytskyi Regional State Administration — <http://www.apr.adm-km.gov.ua/>

Ecology and Natural Resources Department of Cherkasy Regional State Administration — <https://ck-oda.gov.ua/upravlinnya-ekologiyi-ta-prirodnix-resursiv/>

Ecology and Natural Resources Department of Chernivtsi Regional State Administration — <http://www.eco-bukovina.com.ua/>

Ecology and Natural Resources Department of Chernihiv Regional State Administration — <http://eco.cg.gov.ua/>

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to Article 7

QUESTION:

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to Article 7. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9.

ANSWER:

The Verkhovna Rada of Ukraine adopted Law of Ukraine “On Environmental Impact Assessment” on 23 May 2017; Decrees No. 989, No. 1010 and No. 1026 of the Cabinet of Ministers of Ukraine were adopted on 13 December 2017. These Decrees approved the forms of all documents created in the environmental impact assessment process. Law of Ukraine “On Environmental Impact Assessment” was enacted on 18 December 2017.

Article 4 Part 1 of the Law states that the public must be timely, adequate and effectively informed in the environmental impact assessment process.

Pursuant to Article 4 Part 3 of the Law notices on the proposed activities to be assessed for environmental impact and announcements on the beginning of public discussions of the environmental impact assessment report shall be published by the business entity within three working days of submission to the authorised territorial body and, as provided by Article 5 Part 3 and Part 4 of the Law, to the authorised central body by publishing in (at least two) print media chosen by the business entity and distributed in the area of the subnational entities that may be impacted by the proposed activities, and on the local government notice boards or in other public places in the area of the proposed activities, or by using any other method that brings information to the notice of the residents in the subnational entity where a facility is expected to be installed, or of the local community which may be affected by the proposed activities; other stakeholders should also be duly informed.

The opportunity for the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity is guaranteed by Article 20 Part 1 of Law of Ukraine No. 393/96-VR “On Public Appeals” dated 02 October 1996 which requires that authorities must review and address the issue specified in the appeal within one month of receipt. The public appeals that require no additional investigation must be reviewed and addressed within 15 days of receipt. If the appeal cannot be addressed within one month, the manager of the competent organisation must set a deadline for resolving the issue contained in the appeal. The maximum period given for a review and making

decision on the appeal is 45 days (Article 20 Part 1 of Law of Ukraine “On Public Appeals”).

Order No. 356 of the Ministry of Environment dated 11 December 2020 approved the composition of the Public Council of the Ministry of Environmental Protection and Natural Resources of Ukraine. The Public Council Institute was introduced in Ukraine in 2004.

Though the terms and conditions of establishing public councils have changed over 15 years, this institute operates in all democracies of the world. The Council is the most democratic platform offering equal opportunities for speaking up and be heard. This is a great “incubator” for young organisations to build their expertise, provided that they want to do it.

The Council makes it impossible to manipulate public opinion in the government’s communication via a particular “opinion leader”. Rather, it serves as a platform generating a common public stance, monitoring governmental activities, carrying out civic expert reviews and capable of influencing policy decisions.

Public councils ensure an open and direct dialogue with the government. These advisory bodies are bestowed a special legal status to strengthen this communication. For example, the governmental body refusing to accept public recommendations must provide an accurate, reasonable refusal to the public within ten days. Each of the public councils has a representation in the Board of Public Councils of the Cabinet of Ministers of Ukraine headed by the Secretary of State of the Cabinet of Ministers. And it is also an efficient platform both for addressing the issues of communication with a governmental body and for intersectoral and regional networking among NGOs.

The effectiveness of a public council largely depends on its expert potential. So, candidates are selected by certain criteria. This potential can also be strengthened by establishing permanent committees within councils and making the committees members of the expert board. The committees can be composed of both scientists and independent experts. We have already started this process and are open to cooperation.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to Article 7

QUESTION:

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to Article 7.

ANSWER:

The Government of Ukraine introduced public consultations on the key social issues to involve the public in shaping and implementation of the national policy. Public consultations can be carried out as public discussions (direct form) and public opinion polls (indirect form). Public discussions are carried out on the topics such as:

- draft regulations of high social importance and pertaining to citizens’ constitutional rights, freedoms, interests and responsibilities; regulations introducing benefits for or imposing restrictions on business entities and civil society institutions; the exercise of local governance powers delegated to executive bodies by their councils, etc.;
- draft regulations;

- draft resolutions of the regional council developed by subdivisions of regional state administrations;
- spending department reports on the use of budget funds in the previous year.

Executive agencies make an annual indicative public consultation plan with regard to the key tasks set by the Action Programme of the Cabinet of Ministers of Ukraine, the 2030 National Economic Strategy, the Law-Drafting Action Plan of the Verkhovna Rada of Ukraine, other documents and findings of previous public consultations. Monthly updated plans are also prepared for public discussions.

Suggestions and comments received during the public discussion process are reviewed and analysed. Executive agencies use findings of public consultations to prepare discussion reports.

XXI. Obstacles encountered in the implementation of Article 7

QUESTION:

Describe any obstacles encountered in the implementation of Article 7.

ANSWER:

There are virtually no legal obstacles for civil society institutions' participation to the development and implementation of environmental programmes and policies.

XXII. Further information on the practical application of the provisions of Article 7

QUESTION:

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 7.

ANSWER:

Law of Ukraine "On Strategic Environmental Assessment" (enacted on 12 October 2018) aims to harmonise Ukrainian laws with the EU legislation in part of defining the scope and procedure of strategic environmental assessment in accordance with the approach set out in Directive 2001/42/EC of the European Parliament and the Council of 27 June 2001, and to implement the provisions of the Strategic Environmental Assessment Protocol to the Convention on Environmental Impact Assessment in a Transboundary Context.

Law of Ukraine "On Strategic Environmental Assessment" (hereinafter referred to "Law") regulates environmental impact assessment relations, particularly for public health and enforcement of national planning documentation, and applies to the national planning documentation in agriculture, forestry, fishery, energy, production sector, transportation, waste management, water use, environmental protection, telecommunications, tourism, urban planning or land management (schemes) enforced through the activities (or containing activities and facilities) that must be assessed for environmental impact or for potential implications for the Nature Reserve Fund and protected areas network lands and sites.

The public is mentioned in the list of strategic environmental assessment actors in Article 4 of the Law, which defines the term “the public” as follows: “one or more individuals or legal entities, and associations, organisations or groups thereof registered in the area covered by the strategic planning document.”

Article 10 of the Law states that the public has the right to take part in defining the scope of strategic environmental assessment, and Article 12 of the Law regulates public discussions in the strategic environmental assessment process.

The customer (an executive body or a local government responsible for the development, general administration and control of implementation of national planning documentation) must use findings of the public discussions to make a public discussion report summarising the feedback, explaining how the national planning documentation and the strategic environmental assessment report include (or reasonably reject) the feedback duly provided under that Article, and giving the reason for choosing, among other appropriate options, the national planning documentation in the format it was submitted for approval. Minutes of public hearings (if any) and written feedback are attached to the report. The public discussion report is public information.

Article 16 of the Law states that the customer shall within five working days of approval of state planning documentation post the approved national planning documentation, measures to monitor its effects, and information about consultations and public discussions on its website.

The public may also take part in the decision-making process during transboundary consultations of the country of origin (Article 14 of the Law) and transboundary consultations of the state concerned (Article 15 of the Law).

XXIII. Website addresses relevant to the implementation of Article 7

QUESTION:

Give relevant website addresses, if available:

Unified State Open Data Web Portal: data.gov.ua/

Ministry of Agrarian Policy and Food of Ukraine — <http://minagro.gov.ua/>

Ministry of Environmental Protection and Natural Resources of Ukraine — <https://mepr.gov.ua/>

Ministry of Internal Affairs of Ukraine — <http://mvs.gov.ua/>

Ministry of Economy of Ukraine — <http://www.me.gov.ua/?lang=uk-UA>

Ministry of Energy of Ukraine — <http://mpe.kmu.gov.ua/>

Ministry of Foreign Affairs of Ukraine — <http://mfa.gov.ua/ua>

Ministry of Information Policy of Ukraine — <https://mip.gov.ua/>

Ministry of Infrastructure of Ukraine — <https://mtu.gov.ua/>

Ministry of Culture and Information Policy of Ukraine — <http://mincult.kmu.gov.ua/control/uk>

Ministry of Youth and Sports of Ukraine — <http://dsmsu.gov.ua/index/ua>

Ministry of Defence of Ukraine — <http://www.mil.gov.ua/>

Ministry of Education and Science of Ukraine — <https://mon.gov.ua/ua>

Ministry of Health of Ukraine — <http://moz.gov.ua/>

Ministry of Regional Development of Communities and Territories of Ukraine —

<http://www.minregion.gov.ua/>
Ministry of Social Policy of Ukraine — <http://www.msp.gov.ua/>
Ministry of Finance of Ukraine — <http://www.minfin.gov.ua/>
Ministry of Justice of Ukraine — <https://minjust.gov.ua/>
Ministry of Reintegration of Temporarily Occupied Territories of Ukraine — <http://mtot.gov.ua/>
State Aviation Service of Ukraine — <https://avia.gov.ua/>
State Archival Service of Ukraine — <http://www.archives.gov.ua/>
State Treasury Service of Ukraine — <https://www.treasury.gov.ua/ua>
State Migration Service of Ukraine — <https://dmsu.gov.ua/>
State Border Guard Service of Ukraine — <https://dpsu.gov.ua/>
State Regulatory Service of Ukraine — <http://www.drs.gov.ua/>
State Service of Geology and Subsoil of Ukraine — <http://geo.gov.ua/>
State Export Control Service of Ukraine — <http://dsecu.gov.ua/control/uk/index#>
State Statistics Service of Ukraine — <http://www.ukrstat.gov.ua/>
State Service for Medications and Drugs Control — <https://www.dls.gov.ua/>
State Service of Ukraine for Transport Safety — <http://dsbt.gov.ua/>
State Service of Ukraine for Food Safety and Consumer Protection — <http://www.consumer.gov.ua/>
State Service of Ukraine for Geodesy, Cartography and Cadastre — <http://land.gov.ua/>
State Labour Service of Ukraine — <http://dsp.gov.ua/>
State Emergency Service of Ukraine — <http://www.dsns.gov.ua/>
State Financial Monitoring Service of Ukraine — <https://fiu.gov.ua/>
State Fiscal Service of Ukraine — <http://sfs.gov.ua/>
Ministry of Veterans Affairs of Ukraine — <https://mva.gov.ua/ua>
State Audit Service of Ukraine — <http://www.dkrs.gov.ua/kru/uk/index>
State Motor Road Agency of Ukraine — <http://ukravtodor.gov.ua/>
State Water Agency of Ukraine — <http://davr.gov.ua/>
State Agency for Energy Efficiency and Energy Conservation of Ukraine — <http://saee.gov.ua/>
State e-Governance Agency of Ukraine — <https://www.facebook.com/eGovernanceUkraine/>
State Forest Agency of Ukraine — <http://dklg.kmu.gov.ua/forest/control/uk/index>
State Reserve Agency of Ukraine — <https://rezerv.gov.ua/>
State Agency for Land Reclamation and Fisheries of Ukraine — <http://darg.gov.ua/>
State Exclusion Zone Management Agency of Ukraine — <http://dazv.gov.ua/>
State Space Agency of Ukraine — <http://www.nkau.gov.ua/NSAU/nkau.nsf>
State Agency for Infrastructure Projects of Ukraine — <https://mtu.gov.ua/timeline/Derzhavne-agentstvo-infrastrukturnih-proektiv-Ukraini-Ukrinfraproekt-.html>
State Architectural and Construction Inspectorate of Ukraine — <http://www.dabi.gov.ua/>
State Environmental Inspectorate of Ukraine — <http://www.dei.gov.ua/>

State Service for Education Quality of Ukraine — <https://sqe.gov.ua/>

State Energy Oversight Inspectorate of Ukraine — <https://sies.gov.ua/>

State Nuclear Regulation Inspectorate of Ukraine — <https://snriu.gov.ua/>

Ecology and Natural Resources Department of Kyiv Regional State Administration — <http://koda.gov.ua/oblderzhadministratsija/struktura/strukturni-pidrozdili-oda/departament-ekologii-ta-prirodnikh-re/>

Department of Agro-industrial Development, Ecology and Natural Resources of Vinnytsia Regional State Administration — <https://data.gov.ua/organization/departament-ahropromyslovoho-rozvytku-ekolohiyi-ta-pryrodnykh-resursiv-vinnytskoyi-oblderzhadmi>

Ecology and Natural Resources Department of Dnipropetrovsk Regional State Administration — <https://adm.dp.gov.ua/dniprooda/pro-oda/departamenti-ta-upravlinnya/departament-ekologiyi-ta-prirodnih-resursiv>

Ecology and Natural Resources Department of Donetsk Regional State Administration — <https://ecology.donoda.gov.ua/>

Ecology and Natural Resources Department of Zhytomyr Regional State Administration — <http://www.ecology.zt.gov.ua/>

Ecology and Natural Resources Department of Zakarpattia Regional State Administration — <http://ecozakarp.at.gov.ua/>

Environmental Protection Department of Zaporizhzhia Regional State Administration — <https://www.zoda.gov.ua/article/2069/departament-zahistu-dovkilliya.html>

Ecology and Natural Resources Department of Volyn Regional State Administration — <https://www.facebook.com/Volecology/>

Ecology and Natural Resources Department of Ivano-Frankivsk Regional State Administration — <https://www.if.gov.ua/?q=page&id=24389>

Ecology and Natural Resources Department of Kirovohrad Regional State Administration — <http://ekolog.kr-admin.gov.ua/>

Department of Communal Property, Land, Ownership, Ecology and Natural Resources of Luhansk Regional State Administration — <http://www.eco-lugansk.gov.ua/>

Ecology and Natural Resources Department of Lviv Regional State Administration — <https://deplv.gov.ua/>

Ecology and Natural Resources Department of Mykolaiv Regional State Administration — <https://ecolog.mk.gov.ua/>

Ecology and Natural Resources Department of Odesa Regional State Administration — <http://ecology.odessa.gov.ua/>

Ecology and Natural Resources Department of Poltava Regional State Administration — <http://eko.adm-pl.gov.ua/>

Ecology and Natural Resources Department of Rivne Regional State Administration — <http://www.ecorivne.gov.ua/>

Environmental Protection and Energy Department of Sumy Regional State Administration — <http://www.pek.sm.gov.ua/index.php/uk/>

Ecology and Natural Resources Department of Ternopil Regional State Administration — <http://ecoternopil.gov.ua/>

Environmental Protection and Management Department of Kharkiv Regional State Administration —

<http://kharkivoda.gov.ua/oblasna-derzhavna-administratsiya/struktura-administratsiyi/strukturni-pidrozdili/486>

Ecology and Natural Resources Department of Kherson Regional State Administration — <http://ecology.ks.ua/>

Agro-industrial Complex Development and Land Relations Department of Khmelnytskyi Regional State Administration — <http://www.apr.adm-km.gov.ua/>

Ecology and Natural Resources Department of Cherkasy Regional State Administration — <https://ck-oda.gov.ua/upravlinnya-ekologiyi-ta-prirodnix-resursiv/>

Ecology and Natural Resources Department of Chernivtsi Regional State Administration — <http://www.eco-bukovina.com.ua/>

Ecology and Natural Resources Department of Chernihiv Regional State Administration — <http://eco.cg.gov.ua/>

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to Article 8

QUESTION:

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to Article 8. To the extent appropriate, describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9.

ANSWER:

Efforts made in Ukraine to promote public access to information and public participation in the decision-making process are defined by a number of general regulations, particularly, by Law of Ukraine “On Principles of State Regulatory Policy in Economic Operations” which determines the legal and organisational principles of governmental regulatory policy in economy aimed to improve legal regulation of economic relations and administrative relations between regulatory agencies or other parties, and between governmental bodies and businesses, and to prevent the adoption of commercially unreasonable and inefficient regulations.

Article 9 of this Law of Ukraine provides for the procedure of publication of draft regulations for collecting feedback from individuals and legal entities, and associations thereof. The period of collecting feedback from individuals and legal entities, and associations thereof, shall be defined by the author of the regulation and must be at least one month but no longer than three months of publication of the draft regulation. Any feedback related to the draft regulation received within a fixed timeframe must be reviewed by the author of the draft regulation. Having reviewed the feedback the author of the draft regulation shall accept or reasonably reject all or a part of that feedback.

A regulation may not be adopted or approved by the authorised executive body (the State Regulatory Service of Ukraine) before it has been published.

The State Water Agency of Ukraine promotes effective public participation in the preparation of

regulations by posting draft regulations in the Regulatory Activities tab in Draft Regulations section on its website for public discussions. Projects are also published in the Public Consultations tab in Electronic Public Consultations and Public Discussions sections on the State Water Agency's website. Public feedback received in the discussions is taken into account as much as practical to the extent permitted by law.

The public discussion period begins on the date of publication of the regulation by the State Water Agency on its website and lasts for at least one month (Governmental Decree No. 996 "On promotion of public participation in shaping and implementation of public policy" dated 03 November 2010).

XXV. Obstacles encountered in the implementation of Article 8

QUESTION:

Describe any obstacles encountered in the implementation of Article 8.

ANSWER:

There are virtually no legal obstacles for civil society institutions' participation to the development and implementation of environmental programmes and policies.

XXVI. Further information on the practical application of the provisions of Article 8

QUESTION:

Provide further information on the practical application of the provisions on public participation in the field covered by Article 8.

ANSWER:

Local governments with the participation of the public adopted a number of environmental protection documents from 2017 to 2020.

In particular:

The Cabinet of Ministers of Ukraine issued Decree No. 820 on 08 November 2017 to approve the 2030 National Waste Management Strategy of Ukraine aimed to address the challenges of the waste generation, accumulation, storage, processing, utilisation and disposal, e.g., by introducing separate collection of solid waste and establishing the solid waste processing infrastructure.

In pursuance of the Strategy Decree No. 117 "On approval of the 2030 National Waste Management Plan" was issued by the Cabinet of Ministers of Ukraine on 20 February 2019.

The 2030 National Waste Management Plan determines the key priorities of state regulation of waste management taking the European waste management principles into account. One of the measures of the Plan is to adopt Law of Ukraine "On Waste Management" and sectoral laws regulating the management of certain types of waste.

The 2025 National Environmental Protection Action Plan adopted by the Cabinet of Ministers of Ukraine on 21 April 2021, Decree No. 443.

Draft Law of Ukraine "On State Environmental Control" (of 19 February 2020, reg. No. 3091).

The 2030 National Climate Change Policy Implementation Concept (adopted by the Cabinet of Ministers of Ukraine on 07 December 2016, Decree No. 932-r) and the Action Plan to the 2030 National Climate Change Policy Implementation Concept (adopted by the Cabinet of Ministers of Ukraine on 06 December 2017, Decree No. 878-r), which determine the key priorities and objectives

of the climate policy of Ukraine, establish legal and institutional prerequisites for a staged transition to the low-carbon development under the conditions of economic, energy and environmental security and public welfare improvement.

The 2050 Low-Carbon Development Strategy of Ukraine (adopted by the Cabinet of Ministers of Ukraine on 18 July 2018, Protocol Resolution No. 28) pursuant to Article 4 Paragraph 19 of the Paris Agreement which requires that Ukraine, fully understanding its commitments under the Paris Agreement and following the national priorities, makes efforts to achieve the indicative figure of 31–34% of greenhouse gas emissions by 2050 versus 1990. This is an ambitious and fair indicative figure in the context of participation in the global response to the climate change threats. Ukraine plans to review its strategy at least every five years to assess progress and increase its ambition taking the national situation into account.

The following draft regulations have also been developed and are currently at the coordination stages:

- 1) Decree of the Cabinet of Ministers of Ukraine “On approval of the 2030 National Climate Change Scientific and Technical Programme Concept”;
- 2) Draft Decree of the Cabinet of Ministers of Ukraine “On approval of the 2030 Strategy of Environmental Safety and Adaptation to Climate Change”.

The adoption of Decree No. 868 of the Cabinet of Ministers of Ukraine dated 30 July 2021, which approved Ukraine’s Nationally Determined Contribution to the Paris Agreement, was an important step for Ukraine.

XXVII. Website addresses relevant to the implementation of Article 8

QUESTION:

Give relevant website addresses, if available:

Unified State Open Data Web Portal: <http://data.gov.ua/>

Ministry of Agrarian Policy and Food of Ukraine — <http://minagro.gov.ua/>

Ministry of Internal Affairs of Ukraine — <http://mvs.gov.ua/>

Ministry of Environmental Protection and Natural Resources of Ukraine — <https://mepr.gov.ua/>

Ministry of Economy of Ukraine — <http://www.me.gov.ua/?lang=uk-UA>

Ministry of Energy of Ukraine — <http://mpe.kmu.gov.ua/>

Ministry of Foreign Affairs of Ukraine — <http://mfa.gov.ua/ua>

Ministry of Information Policy of Ukraine — <https://mip.gov.ua/>

Ministry of Infrastructure of Ukraine — <https://mtu.gov.ua/>

Ministry of Culture and Information Policy of Ukraine — <http://mincult.kmu.gov.ua/control/uk>

Ministry of Youth and Sports of Ukraine — <http://dsmsu.gov.ua/index/ua>

Ministry of Defence of Ukraine — <http://www.mil.gov.ua/>

Ministry of Education and Science of Ukraine — <https://mon.gov.ua/ua>

Ministry of Health of Ukraine — <http://moz.gov.ua/>

Ministry of Regional Development of Communities and Territories of Ukraine — <http://www.minregion.gov.ua/>

Ministry of Social Policy of Ukraine — <http://www.msp.gov.ua/>

Ministry of Finance of Ukraine — <http://www.minfin.gov.ua/>

Ministry of Justice of Ukraine — <https://minjust.gov.ua/>

Ministry of Reintegration of Temporarily Occupied Territories of Ukraine — <http://mtot.gov.ua/>

State Aviation Service of Ukraine — <https://avia.gov.ua/>

State Archival Service of Ukraine — <http://www.archives.gov.ua/>

State Treasury Service of Ukraine — <https://www.treasury.gov.ua/ua>

State Migration Service of Ukraine — <https://dmsu.gov.ua/>

State Border Guard Service of Ukraine — <https://dpsu.gov.ua/>

State Regulatory Service of Ukraine — <http://www.drs.gov.ua/>

State Service of Geology and Subsoil of Ukraine — <http://geo.gov.ua/>

State Export Control Service of Ukraine — <http://dsecu.gov.ua/control/uk/index#>

State Statistics Service of Ukraine — <http://www.ukrstat.gov.ua/>

State Service for Medications and Drugs Control — <https://www.dls.gov.ua/>

State Service of Ukraine for Transport Safety — <http://dsbt.gov.ua/>

State Service of Ukraine for Food Safety and Consumer Protection —
<http://www.consumer.gov.ua/>

State Service of Ukraine for Geodesy, Cartography and Cadastre — <http://land.gov.ua/>

State Labour Service of Ukraine — <http://dsp.gov.ua/>

State Emergency Service of Ukraine — <http://www.dsns.gov.ua/>

State Financial Monitoring Service of Ukraine — <https://fiu.gov.ua/>

State Fiscal Service of Ukraine — <http://sfs.gov.ua/>

Ministry of Veterans Affairs of Ukraine — <https://mva.gov.ua/ua>

State Audit Service of Ukraine — <http://www.dkrs.gov.ua/kru/uk/index>

State Motor Road Agency of Ukraine — <http://ukravtodor.gov.ua/>

State Water Agency of Ukraine — <http://davr.gov.ua/>

State Agency for Energy Efficiency and Energy Conservation of Ukraine — <http://saee.gov.ua/>

State e-Governance Agency of Ukraine — <https://www.facebook.com/eGovernanceUkraine/>

State Forest Agency of Ukraine — <http://dklg.kmu.gov.ua/forest/control/uk/index>

State Reserve Agency of Ukraine — <https://rezerv.gov.ua/>

State Agency for Land Reclamation and Fisheries of Ukraine — <http://darg.gov.ua/>

State Exclusion Zone Management Agency of Ukraine — <http://dazv.gov.ua/>

State Space Agency of Ukraine — <http://www.nkau.gov.ua/NSAU/nkau.nsf>

State Agency for Infrastructure Projects of Ukraine — <https://mtu.gov.ua/timeline/Derzhavne-agentstvo-infrastrukturnih-proektiv-Ukraini-Ukrinfraproekt-.html>

State Architectural and Construction Inspectorate of Ukraine — <http://www.dabi.gov.ua/>

State Environmental Inspectorate of Ukraine — <http://www.dei.gov.ua/>

State Service for Education Quality of Ukraine — <https://sqe.gov.ua/>

State Energy Oversight Inspectorate of Ukraine — <https://sies.gov.ua/>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in Article 9

QUESTION:

List legislative, regulatory and other measures that implement the provisions on access to justice in Article 9.

Explain how each Paragraph of Article 9 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, Paragraph 9. Also, and in particular, describe:

a) With respect to Paragraph 1, measures taken to ensure that:

i) Any person who considers that his or her request for information under Article 4 has not been dealt with in accordance with the provisions of that Article has access to a review procedure before a court of law or another independent and impartial body established by law;

ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

iii) Final decisions under this Paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused.

b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **Paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of Article 6;

c) With respect to **Paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

d) With respect to **Paragraph 4**, measures taken to ensure that:

i) The procedures referred to in Paragraphs 1, 2 and 3 provide adequate and effective remedies;

ii) Such procedures otherwise meet the requirements of this Paragraph;

e) With respect to **Paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

ANSWER:

The provisions of Article 9 are implemented in Ukraine through administrative, commercial and civil

proceedings. Claims for breach of the right of access to environmental information or the right to participate in the environmental decision-making process, and claims to challenge public authorities' acts or omissions are the jurisdiction of administrative courts. Claims for breach of national environmental laws by enterprises are also referred to economic courts (where claimants are legal entities) or civil courts (where claimants are individuals).

There are no dedicated environmental courts or courts/court chambers in Ukraine whose jurisdiction is to adjudicate disputes pertaining to breach of the right of access to information or the right to participate in important environmental decisions.

Any action brought in Ukraine to protect the rights guaranteed by the Convention and environmental lawsuits are dealt with in accordance with common law practices applicable to respective types of proceedings. There are no specific timeframes, initiation fees, remedies or any other conditions for such proceedings in Ukraine. Particularly, there are similar administrative proceedings on claims challenging refusals to provide environmental information and any other information.

The text of the Aarhus Convention is directly used by courts. Pursuant to Article 19 of Law of Ukraine "On International Treaties of Ukraine" any valid international treaties of Ukraine approved by the Verkhovna Rada of Ukraine are part of Ukraine's national legislation and are applied as provided by national law.

In rare cases, however, courts have misinterpreted the provisions of the Convention, which means there is the need to raise the judges' awareness of the provisions of the Convention and official interpretation thereof by the Aarhus Convention Compliance Committee.

Law of Ukraine "On Access to Court Judgements" was adopted in 2005 to promote the transparency of courts of first instance, predictability of judicial orders and legal consistency. In pursuance of the Law, the Cabinet of Ministers of Ukraine issued Decree No. 740 on 25 October 2006 to adopt the Procedure for Keeping the Uniform State Register of Court Judgements, and electronic copies of rulings of the Supreme Court of Ukraine, superior specialised courts, administrative courts of appeals and local administrative courts, economic courts of appeals and local economic courts, appellate courts of general jurisdiction have been regularly entered in the Uniform State Register of Court Judgements since 01 June 2006, and electronic copies of rulings of local courts of general jurisdiction have been entered since 01 January 2007. Free 24-hour access to court judgements entered in the Register is provided on the web portal of the Judiciary of Ukraine.

The national law, therefore, enshrines the rights of the public to have access to information related to environmental judgements as specified in Article 3 of the Aarhus Convention.

Ukraine continues to make efforts to improve (guarantee) access to justice for all Ukrainians and to ensure adequate legal proceedings.

The Uniform Judicial Information and Telecommunication System modules are being introduced in all courts of Ukraine to improve access to justice. The Electronic Court and Electronic User Account subsystems were put into test operation in local and appellate courts, cassation administrative and economic courts of the Supreme Court in 2020. There are 42,158 registered users in the subsystems who filed 81,321 court petitions.

A video conferencing system was introduced in 2020 to allow participation of the parties in remote court hearings and identity verification the use of electronic signatures (Law of Ukraine No. 540 30 March 2020). There are 12,978 registered users in the system, including 7,130 members of the staff of courts and other judicial bodies; 7,087 court hearings have been held.

Citizens have access to justice and legal proceedings via a broad network of access points to free legal aid (FLA). As of 01 May 2020, there were 23 regional and 84 local centres of free secondary

legal aid, 429 legal aid offices, the FLA system contact centre and over 2,500 remote access points to FLA. Each year, there is an increase in the number of home visits made by mobile counselling units to provide assistance to individuals with disabilities who are unable to visit legal assistance offices in person.

13,516 media publications were made and 5,866 outreach activities were carried out in 2020 to inform the public about the government-guaranteed measures taken to protect the citizens' rights. Legal awareness is raised through public outreach campaigns, e.g., explaining how to file a claim to court or appeal against court decisions made in a case heard in absentia.

Current legal information is posted on WikiLegalAid legal advice platform. A total of 1,754 legal consultations are published on the platform.

According to the Supreme Court of Ukraine, cases on appeals against actions or omissions of individuals and legal entities, public authorities, local governments and their officials in relation to breach of national environmental legislation are heard by courts of first instance in civil, administrative and commercial proceedings. The civil, administrative and economic procedural laws of Ukraine provide that a court which reviews a judgement may both revoke it and change or adopt (uphold) a new judgement on the merits of the claim at the appeal and cassation stages.

In Ukraine, the public has the right to appeal against any judgement, actions/omissions of public authorities, including those arising from the provisions of Article 7 and Article 8 of the Convention.

Environmental protection relations in Ukraine are regulated by the Constitution of Ukraine, the country's international treaties, the Civil Code of Ukraine, Law of Ukraine "On Environmental Protection", the land, water, forest, subsoil, atmospheric air, flora and fauna protection laws and other special regulations developed under Law of Ukraine "On Environmental Protection".

The Ministry of Environmental Protection and Natural Resources of Ukraine is a dedicated governmental agency responsible in the country for environmental protection and sustainable utilisation of natural resources. Public environmental protection management is the responsibility of public associations and organisations.

Article 67 of Law of Ukraine "On Environmental Protection", environmental protection disputes are adjudicated by courts of first instance, economic courts, councils or their bodies within their scope of competence as prescribed by laws of Ukraine.

According to the Code of Civil Procedure of Ukraine, any person may file a claim to court to protect their rights and legitimate interests.

There is, however, a problem that Ukrainian legislation does not provide citizens or environmental organisations any specific guarantees of access to justice in environmental cases as required by the Aarhus Convention and a number of EU environmental protection directives. The Convention states that environmental court proceedings must not be associated with excessive costs, and the State parties should take steps to establish reliable assistance mechanisms to eliminate or minimise financial or other barriers blocking access to justice in this category of cases.

Contrary to international standards, judicial procedures to challenge decisions, acts or omissions of governmental agencies and private persons, which contravene provisions of environmental law, require payment of court fees similar to those imposed under any other non-pecuniary claim. For example, for a public environmental organisation such challenge in three instances will cost 3.5 living wages of an able-bodied person, which currently amounts to 8,000 hryvnias (2,270 hryvnias in 1 instance). This court fee coupled with the lack of any other governmental mechanisms aimed to minimise financial barriers blocking access to justice in environmental cases (free legal aid, specific arrangements for the allocation of legal costs if the claimant loses the case) are associated with disproportionately high costs for the civil society in Ukraine and, therefore, fail to enforce the

country's international obligations under the Aarhus Convention and the Association Agreement. Draft Law of Ukraine "On State Environmental Control" (of 19 February 2020, reg. No. 3091) seeks to address this issue by amending Article 5 Part 1 of Law of Ukraine "On Court Fees" to update Paragraph 24 as follows:

"24) claimants — for filing claims to suspend a business entity's operations carried out in breach of environmental laws, to get reimbursed for losses and damages to the state resulting from breach of environmental laws."

The bill was passed in the first reading on 15 July 2021.

XXIX. Obstacles encountered in the implementation of Article 9

QUESTION:

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 9

ANSWER:

Judicial proceedings in environmental cases take a long time due to an excessive workload on judges and other court staff. It should be noted that the generalisation of case law practices shows that courts do not always give due regard to the need to apply special legislation to environmental relations leading to erroneous argumentation and court judgements.

XXX. Further information on the practical application of the provisions of Article 9

QUESTION:

Provide further information on the practical application of the provisions on access to justice pursuant to Article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

ANSWER:

Environment People Law (EPL) is an organisation of legal practitioners who work to protect the environmental rights of citizens and the environment and seek to implement the idea of establishing, smooth operation and regular updating of the Register of Environmental Court Judgements. The Register includes resolutions of the Supreme Court of Ukraine, superior specialised courts, appellate and local courts; orders and judgements of courts in civil, economic and administrative cases initiated by civil society institutions, individuals or groups of individuals for the benefit of the environment and society <http://caselawepl.org.ua>

XXXI. Website addresses relevant to the implementation of Article 9

QUESTION:

Give relevant website addresses, if available:

Supreme Court of Ukraine —

https://supreme.court.gov.ua/supreme/gromadyanam/perelik_sprav/

Prosecutor General Office <https://www.gp.gov.ua/>

Supreme Specialised Civil and Criminal Court of Ukraine <http://sc.gov.ua/>

Supreme Economic Court of Ukraine <http://vgsu.arbitr.gov.ua/>

Supreme Administrative Court <http://www.vasu.gov.ua/ua/index.html>

Register of Environmental Court Judgements <http://caselawepl.org.ua>

Articles 10–22 are not applicable in Ukraine.

XXXII. General comments on the Convention's objective

QUESTION:

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

ANSWER:

Meeting the requirements of the Aarhus Convention facilitates the implementation of provisions of Article 50 of the Constitution of Ukraine on protection of the right of each citizen of Ukraine to the safe environment, reimbursement for damage resulting from breach of this right, and free access to environmental information. However, it is impossible to address local environmental issues effectively and to implement the national environmental policy on the ground without consolidating the efforts of each and every territorial community, executive agency and local government.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to Article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in Article 6 bis, describe:

a) With respect to **Paragraph 1** of Article 6 bis and:

i) **Paragraph 1** of Annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of Article 6 bis;

ii) **Paragraph 2** of Annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in Annex I bis and the criteria for any such exception;

iii) **Paragraph 3** of Annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

iv) **Paragraph 4** of Annex I bis, measures taken to ensure that in no case the information listed in that Paragraph is considered as confidential;

v) **Paragraph 5** of Annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

a. The nature of possible decisions;

b. The public authority responsible for making the decision;

c. Public participation arrangements laid down pursuant to Paragraph 1 of Annex I bis;

d. An indication of the public authority from which relevant information can be obtained;

e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

vi) **Paragraph 6** of Annex I bis, measures taken to ensure that the arrangements introduced to implement Paragraph 1 of Annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

vii) **Paragraph 7** of Annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to Paragraph 1 of Annex I bis;

viii) **Paragraph 8** of Annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on Annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

b) With respect to **Paragraph 2** of Article 6 bis, how the requirements made in accordance with the provisions of Annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

ANSWER:

The relations among executive authorities, producers, sellers (suppliers), developers, researchers, scientists and consumers of genetically modified organisms and products produced using technologies that involve GMO development, creation, testing, studying, transportation, import, export, marketing, release into the environment and use in Ukraine (hereinafter referred to as "GMO Handling") while guaranteeing biological and genetic safety are defined by Law of Ukraine "On implementation of state biosafety system during creation, testing, transportation and use of genetically modified organisms" (hereinafter referred to as "Law"). Pursuant to the provisions of Article 9 of the Law, the central executive agency implementing the national environmental protection policy:

- carries out state ecological expert evaluation of GMOs intended for use in an open system;
- carries out state registration of plant protection products manufactured with the use of GMOs;
- issues authorisations for the release of GMOs in an open system.

After the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part,

was signed in 2014, a number of obligations became effective as to the implementation of EU's GMO Directives which require public participation in making decisions associated with GMOs management.

In 2015, the Verkhovna Rada of Ukraine received a draft law on amendments to Law of Ukraine "On implementation of state biosafety system during creation, testing, transportation and use of genetically modified organisms" (pertaining to the introduction of a simplified procedure for the registration of EU-registered GMOs and GMO-derived products in Ukraine).

The Parliament decided to postpone the ratification of the GMO amendment until the adoption of the new version of Law of Ukraine "On implementation of state biosafety system during creation, testing, transportation and use of genetically modified organisms", which will ensure compliance with the Directive and the GMO amendment to the Aarhus Convention.

In accordance with the applicable legislation, the Ministry of Environment is the main body in the central executive agencies system responsible for the formulation and implementation of the national environmental protection policy, waste management, sustainable use, recovery and protection of natural resources.

XXXIV. Obstacles encountered in the implementation of Article 6 bis and Annex I bis

Describe any obstacles encountered in the implementation of any of the Paragraphs of Article 6 bis and Annex I bis.

ANSWER:

The duration of the policy-making process is not regulated.

XXXV. Further information on the practical application of the provisions of Article 6 bis and Annex I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in Article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under Paragraph 2 of Annex I bis to be exceptions to the public participation procedures in that Annex.

ANSWER:

A testing laboratory accredited by the National Accreditation Body of Ukraine, a full member of the International Laboratory Accreditation Cooperation (ILAC), operates at "Sumystandartmetrologiia" State-owned Enterprise in accordance with ISO/IEC 17025, State Standard ISO 17025, and State Standard ISO/IEC 17025 — for technical competence and independence.

The testing laboratory conducts research of food samples of all groups of agricultural materials for compliance with the state and sectoral standards and product specifications such as quality, safety and GMOs.

The testing laboratory of molecular genetic research of genetically modified organisms operating at "Sumystandartmetrologiia" State-owned Enterprise analysed 2,370 product samples for GMOs and

detected GMOs in 7 samples in 2014. GMO testing in 2015 was conducted using 1,274 samples of food products and food materials, and GMOs were detected in 16 samples.

XXXVI. Website addresses relevant to the implementation of Article 6 bis

QUESTION:

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms.

“Sumy Regional Scientific and Production Centre for Standardisation, Metrology and Certification” State-owned Enterprise <http://www.gcsms.com.ua>

XXXVII. Follow-up on issues of compliance

QUESTION:

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate:

a) what were the measures; and

b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

ANSWER:

The Convention promotes the transition to democratic principles of civil society, improves public awareness of environmental issues, gives the public an opportunity to express opinions which should be reviewed by governmental authorities for the benefit of the society.

The implementation of the Aarhus Convention in Ukraine has established a legal mechanism for exercising the right of citizens to access information, participate in the decision-making process and access environmental justice, and the right of broader access to information administered by governmental agencies and local governments pertaining to nature management authorisations, environmental pollution, direct pollutants, environmental impact of new construction and operation of power facilities, processing of minerals, waste water treatment, waste management and disposal, mining, which facilitates the protection of each person's rights to live in a safe environment conducive to good health and well-being today and in the future.

The Ministry of Environmental Protection and Natural Resources of Ukraine monitors draft Law of Ukraine “On State Environmental Control” registered with the Verkhovna Rada of Ukraine on 19 February 2020, reg. No. 3091. This bill contains the terms and conditions which comply with and are aimed to implement the provisions (principles) of Article 5 (Paragraph 5 and Paragraph 7), Article 6 (Paragraph 3, Paragraph 4, Paragraph 8), and Article 7 of the Aarhus Convention.