



Aarhus Convention National Implementation Report 2021-2024

The following report is submitted on behalf of Ministry of Environmental Protection and Natural Resources of Ukraine in accordance with decisions I/8 and II/10

Name of officer responsible for submitting the national report:	Minister of Environmental Protection and Natural Resources of Ukraine Svitlana HRYNCHUK
Signature:	
Date:	

Implementation report

Party:	Ukraine
National Focal Point:	
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I. Process by which the report has been prepared

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 outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

During the preparation Aarhus Convention National Implementation Report 2021-2024 (hereinafter - the NIR), public consultations were scheduled.

On 06.05.2024, the official website of the Ministry of Ecology published an announcement on the start of the preparation of the NIR and invited the public to join the development of the new report and send their proposals. (<https://mepr.gov.ua/ukrayina-rozpochynaye-pidgotovku-natsionalnovi-dopovidni-z-implementatsiyi-orhuskoyi-konventsiiyi-zaproshuyemo-gromadskist-dovednatysya/>).

On 11.10.2024, a working meeting was held with representatives of regional military administrations to involve a wider range of informed persons in the preparation of the NIR.

On 31.12.2024, the Ministry published the draft NIR for public discussion on the official website. <https://mepr.gov.ua/povidomlennya-prooprylyudnennya-proyektu-natsionalnovi-dopovidni-z-vykonannya-vymog-konventsiiyi-pro-dostup-do-informatsiyi-uchast-gromadskosti-v-protsesi-priynyattya-rishen-ta-dostupdo-pravosuddya-z/>. The deadline for accepting comments and suggestions to this draft was one month.

In preparing the NIR, the expert support of the Recovery and Reform Support Team under the Ministry of Environmental Protection and Natural Resources was engaged, which operates under the comprehensive technical assistance program “Ukraine Recovery and Reform Architecture” (URA), implemented by the European Bank for Reconstruction and Development (EBRD) in partnership with the European Union to support important recovery and reform processes in Ukraine.

II. Particular circumstances relevant for understanding the report

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:

After ratification of the Aarhus Convention, Ukraine adopted a number of regulatory acts that together provide a mechanism for implementing the provisions of the Convention.

In accordance with Article 9 of the Constitution of Ukraine, international treaties in force and ratified by the Verkhovna Rada of Ukraine are part of the national legislation of Ukraine. According to the system of law, only the Constitution of Ukraine has a direct effect.

Access to environmental information is regulated by the Laws of Ukraine “On Access to Public Information”, “On Information”, “On Citizens' Appeals”, “On Environmental Protection” and a number of bylaws.

In 2023, the Law of Ukraine “On Administrative Procedure” was adopted, which stipulates that openness is one of the principles of administrative procedure.

There is no separately established structure authorized to make decisions in Ukraine. The public authorities ensure the implementation of the Convention by exercising their functions established by the above laws and other legislative acts.

In Ukraine, parliamentary control over the observance of the right to access public information is legally enshrined in the Ukrainian Parliament Commissioner for Human Rights and her Secretariat.

The Ministry, like other ministries and central executive authorities, is authorized by the Law of Ukraine “On Central Executive Bodies” to perform functions related to ensuring access to public information, including publishing draft regulatory acts, ministerial orders, and open data sets.

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

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

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

Answer:

The Laws of Ukraine “On Access to Public Information” and “On Environmental Protection” define a wide range of environmental information managers.

The main public authorities are the Ministry of Environmental Protection and Natural Resources of Ukraine, the State Agency of Water Resources of Ukraine, the State Agency of Forest Resources of Ukraine, the State Ecological Inspectorate of Ukraine, the State Service of Geology and Subsoil of Ukraine, local state administrations, other state authorities, in particular, the Ministry of Energy of Ukraine, the Ministry of Agrarian Policy and Food of Ukraine, the Ministry of Community and Territorial Development of Ukraine, the State Emergency Service of Ukraine, the State Environmental information administrators may also include other entities performing administrative functions (local state administrations, and in the territory of the Autonomous Republic of Crimea - the executive authority of the Autonomous Republic of Crimea environmental protection, local governments, etc.), as well as business entities that possess environmental information.

The above laws impose an obligation on public information managers, including environmental information managers, to organize activities on access to public information, process requests for public information, provide consultations during the request process and other information necessary to ensure such access. The information manager is obliged to publish information on the types of information stored by it; the list and conditions for obtaining services provided by the information manager, forms and samples of documents, rules for their completion; the procedure for drawing up, submitting a request for information, appealing against decisions of information managers, actions or inaction; and other relevant information.

The Law of Ukraine “On Access to Public Information” defines the ways to ensure access to public information, and the Law of Ukraine “On Environmental Protection” defines the ways and channels of environmental information for the population, including the establishment and operation of a network of a nationwide environmental automated information and analytical system for providing access to environmental information, in order to ensure the right of Ukrainian citizens to free access to environmental information.

To implement the provisions of the laws, a block (section) of information materials on access to public information managed by the relevant authority has been created on the official websites of all central and local authorities on the Internet, and on information stands in the premises of the authorities, which includes information on processing citizens' appeals, the timeframe for their consideration, the schedule of personal reception of citizens by the authority's management, explanations on the procedure for applying for public information, and the procedure for appealing against actions or omissions, forms for submitting information requests in writing, tentative plans for public consultations, materials of the body's Public Council, and other reference information.

According to the Law of Ukraine “On Access to Public Information” and the Resolution of the Cabinet of Ministers of Ukraine No. 835 “On Approval of the Regulation on Data Sets to be Disclosed in the Form of Open Data” dated 21.10.2015 “On Approval of the Regulation on Data Sets to be Disclosed in the Form of Open Data”, the Unified State Open Data Web Portal (data.gov.ua/) has been established and operates since 2015. Information managers are obliged to timely publish and update public information in the form of open data.

In order to provide consultations and clarifications on issues within the competence of state executive bodies, each of them has organized a public reception and a telephone hotline.

Since 1998, the Ukrainian Parliament Commissioner for Human Rights has been operating in Ukraine, exercising parliamentary control over the observance of the right of access to public, including environmental, information.

Ukraine continues to work within the framework of the international Open Government Partnership Initiative (hereinafter referred to as the Initiative), and on November 17, 2023, the sixth action plan for the implementation of the Initiative in Ukraine was approved (Resolution of the Cabinet of Ministers of Ukraine No. 1049-r dated November 17, 2023). Participation in the international Initiative is an important component of Ukraine's democratic development, as it involves the implementation of open governance mechanisms and strengthening the partnership between the Government, civil society and business. Thanks to cross-sectoral cooperation, a number of socially important reforms have already been implemented in Ukraine as part of the Initiative, including access to open data.

Guided by the goals of the Open Government Partnership Strategy for 2023-2028, the Government will continue to support the implementation of open government principles in the activities of state institutions of various levels and branches of government in the coming years, as well as support the accession of local governments to the local program of the Partnership.

Also, in Ukraine, the issues of access to information and promotion of its participation in the decision-making process are determined by a number of general legal acts, in particular, the Law of Ukraine “On the Principles of State Regulatory Policy in the Field of Economic Activity”, which defines the legal and organizational principles of implementation of the state regulatory policy in the field of economic activity aimed at improving the legal regulation of economic relations, as well

as administrative relations between regulatory bodies or other public authorities and business entities, preventing the adoption of economically inexpedient and inefficient regulatory acts.

Article 9 of this Law provides for a procedure for publishing draft regulatory acts in order to receive comments and suggestions from individuals and legal entities and their associations.

On 20.06.2024, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Public Consultations” (enters into force 12 months after the termination or abolition of martial law in Ukraine), which regulates the issue of involving stakeholders in decision-making to balance public and private interests, introducing modern standards for decision-making through public consultations at all stages of problem formulation, development, formation and implementation of state policy, and resolving local issues in the relevant areas of public life. This Law stipulates that subjects of public consultations shall hold public discussions, in particular, if the draft act under discussion affects the state of the environment, ecological, biological, or genetic safety.

(b) With respect to paragraph 3, measures taken to promote education and environmental awareness;

Answer:

The legislative framework for environmental education, as well as the right of citizens to environmental information and environmental education, is defined by the Law of Ukraine “On Environmental Protection”.

To realize the public's rights to be informed about environmental issues, to have access to environmental information, to participate in decision-making and to access justice on environmental issues, the ways defined by the laws of Ukraine “On Access to Public Information”, “On Central Executive Bodies” and ‘On Local State Administrations’, namely, by informing on official websites (sections on public relations, citizens' appeals, access to public information, etc.), information stands in the premises of the relevant entities, as well as in the course of business, during public events of the authorities with the public, during personal reception of citizens and consultations in accordance with the procedure determined and published by the relevant authority.

A large number of civic associations deal with issues of environmental education, environmental information and protection of citizens' environmental rights, among which the leading ones are: International Charitable Organization “Environment-Law-Human Rights” (EHR), NGO “SaveDnipro”, Association of Environmental Professionals “PAEU”, All-Ukrainian NGO “All-Ukrainian Environmental League”, Center for Environmental Initiatives “Ecodiya”, International Charity Organization “Information Center ‘Green Dossier’”, All-Ukrainian NGO ‘National Ecological Center of Ukraine’, All-Ukrainian NGO ‘Living Planet’, Resource and Analysis Center ‘Society and Environment’, Kyiv Ecological and Cultural Center, Center for Resource Efficient and Cleaner Production in Ukraine, NGOs Ecoclub, Ecological Club Krai, Stop Poisoning Kryvyi Rih, Ukrainian Environmental Protection Group, All-Ukrainian NGO Mama-86, and many others.

One of the measures to promote environmental education and raise awareness of environmental issues in 2021-2024 was to support the National Aarhus Information and Education Center (Kyiv) and engage the public in the process of environmental education and awareness. The Aarhus Information and Education Center (Kyiv) took measures to facilitate public access to environmental information, conducted environmental education activities on environmental issues and sustainable development, in cooperation with NGOs, scientific and educational institutions, and provided a permanent exhibition of environmental educational and informational literature for distribution to the public, government agencies, businesses, and non-governmental organizations.

Public events are held annually in Ukraine, taking into account security measures in accordance with the conditions of martial law in Ukraine, aimed at environmental protection and environmental education and upbringing of the population, as well as the realization and protection of environmental rights of citizens, involving representatives of the public, public organizations, local communities, youth and other interested parties.

In 2023, the Ministry, together with the EU APENA3 project and with the support of the Covenant of Mayors-East and EU4Climate projects from UNDP Ukraine, held a series of climate change adaptation events in the regions of Ukraine; in 2023-2024, a series of technical roundtables were held for business representatives whose activities are related to the use of controlled substances, where mechanisms for reducing the use of fluorinated greenhouse gases were discussed; in 2023, a series of roundtables on the implementation of industrial pollution prevention reform in Ukraine was held for representatives of industry, the public, the scientific community, government authorities and other stakeholders.

On 20.06.2022, the Law of Ukraine “On Waste Management” was adopted, which provides for information campaigns as one of the ways to raise public awareness of waste prevention and environmental pollution. In 2024, the Ministry conducted a series of regional trainings for the public on the practical application of the Law.

Traditionally, every year on the third Saturday of April, Ukraine holds events dedicated to the Environment Day (in accordance with the Decree of the President of Ukraine No. 855 “On the Environment Day” dated 06.08.1998 and the relevant order of the Government of Ukraine No. 777 dated 31.03.2010) to raise awareness of Ukrainians on issues related to environmental preservation and protection. Usually, on this day, activities aimed at improving the environment are carried out: creating new forest plantations; landscaping; planting trees and bushes; cleaning the banks of rivers, lakes, and ponds from debris; clearing water sources; and active measures of state and public control in the environmental protection system.

Also, every year on June 5, Ukraine celebrates World Environment Day. This day has become a global event designed to draw attention to environmental issues and inspire people to take action to preserve our planet. This date unites governments, parliaments, organizations, companies and citizens around the world in their efforts to care for and protect the environment. For Ukraine, which continues to repair the damage caused by Russia's full-scale aggression since the beginning of 2022, this day is particularly relevant, as the hostilities have caused and continue to cause significant devastating damage to natural ecosystems.

Every year, the Company organizes nationwide events to mark World Water Day, Clean Shores Day, and regional events to celebrate River Days. Basin council meetings are held to ensure the rational use and protection of water, water resources restoration and integrated management.

As part of the Green Country program, we held nationwide environmental tree planting campaigns aimed at increasing forest cover and improving environmental quality, as well as thematic forums and roundtables on sustainable forest management and biodiversity conservation. NGOs, young people, and representatives of local communities were actively involved in the events. A series of publications on environmental awareness and education was released as part of the initiative.

(c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

Answer:

The Laws of Ukraine “On Public Associations”, “On Environmental Protection”, “On Access to Public Information” and other legislative acts ensure proper recognition and support of associations promoting environmental protection, as well as ensuring compliance of the national legal system with this obligation.

The Law of Ukraine “On Public Associations” defines the legal status of public associations, the principles of their interaction with public authorities, and regulates the activities of public associations. Public associations are voluntary associations of individuals and/or legal entities under private law for the purpose of exercising and protecting rights and freedoms, satisfying public, including economic, social, cultural, environmental, and other interests. Public associations have the right to freely disseminate information about their activities, promote their goal(s), address state authorities and local self-government bodies with comments and suggestions, applications and complaints; and receive public information; Participate in the development of draft regulations, in the

work of advisory, consultative and other auxiliary bodies established by public authorities to consult and prepare recommendations on issues related to their field of activity, etc.

The Law of Ukraine “On Environmental Protection” establishes the right of Ukrainian citizens to form public environmental protection organizations, and also defines the right of public organizations to participate in the management of the environmental protection sector, if such activities are provided for in their charters. It also establishes the right to free access to environmental information, participation in decision-making, and the right to sue for compensation for damage caused by violations of environmental protection legislation.

The Law of Ukraine “On Access to Public Information” empowers civic organizations and civic councils to exercise public control over the provision of access to public information by information holders by holding relevant public hearings, public expertise, etc.

The support of public associations promoting environmental protection is realized through their involvement in work and consultations in resolving issues within the competence of the relevant authority, as well as through information support, i.e. dissemination of information about the activities of the public organization.

To ensure the rights of civic associations and the public, ministries create and operate civic councils, working groups, expert groups, scientific and technical councils, and commissions on special issues. Representatives of civic associations are involved in these consultative, advisory and other auxiliary bodies.

The implementation of the Aarhus Convention is monitored by the Public Council under the Ministry of Ecology, which pays special attention to the consideration of the environmental component and sustainable development requirements in the process of preparing documents and policies, as well as making decisions on construction projects and other business activities.

To discuss key issues of state policy on the environment and climate, ministries and other authorities engage representatives of civil society organizations in public discussions and other events.

In 2024, the Ministry of Ecology held a series of meetings with environmental NGOs and presented its vision for the development of environmental policy. It is based on principles such as the cross-cutting nature of environmental policy in all sectors of the economy, environmental standards at all levels, transparency and openness in decision-making, including digital transformation, active international cooperation, and public involvement in decision-making.

(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:

In order to coordinate both within the ministries and at the interagency level the process of informing officials participating in other relevant international forums about the provisions of Article 3, paragraph 7 and the Alma-Ata Guidelines, as well as to ensure access at the national level to information on international forums, including the stages at which such access to information was provided, namely, in October 2023, Ukraine hosted the International Forum “United for Justice. United for Nature”, which was attended by more than 400 participants from all over Europe, including politicians, lawyers, scientists, environmentalists, representatives of diplomatic missions and international organizations, and members of the public. Also, in January 2024, Ukraine hosted a high-level international forum “United for nature. Agenda for Ukraine”, which was attended by representatives of Ukrainian and international organizations, diplomatic missions, the business community, as well as environmental activists, journalists and opinion leaders.

In order to encourage and enable public participation, information about events is published on the official website of the Ministry of Ecology and disseminated via e-mail, media and individual letters of the Ministry of Ecology.

During the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), public involvement is mandatory. In addition, the Ukrainian delegation adhered to the principles of the Aarhus Convention while participating in the conference.

Ukraine covered the events at the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), which helped to promote the application of the Aarhus Convention principles in decision-making (<https://cop.ukrainian-climate-office.org/uk/frontpage/>).

(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:

There is no single state body in Ukraine to oversee the observance of the rights defined by the Aarhus Convention. The provisions of the Aarhus Convention are directly applicable in Ukraine, which is confirmed by paragraph 4 of the Resolution of the Plenum of the Supreme Court of Ukraine No. 9 of November 1, 1996 “On the Application of the Constitution of Ukraine in the Administration of Justice”, according to which the court cannot apply a law that regulates legal relations differently than provided for by an international treaty.

The Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Ukrainian Parliament Commissioner for Human Rights (Ombudsman), local executive authorities, local self-government bodies, as well as ministries and other central executive authorities, exercise certain powers in terms of control over compliance with the legislation on access to public information and citizens' appeals, in accordance with their powers.

Supervision of compliance with this legislation is entrusted to the prosecutor's office of Ukraine.

According to Article 9 of the Law of Ukraine "On Citizens' Appeals", it is prohibited to prosecute citizens and their family members for addressing state authorities, local governments, enterprises, institutions, organizations regardless of ownership, associations of citizens, and officials for criticizing their activities and decisions in the appeal. No one may be forced to submit their own or sign a collective appeal or participate in actions in support of the appeals of other individuals or organizations.

Article 28 of the Law of Ukraine "On Public Associations" defines an exhaustive limited list of grounds for prohibiting the activities of a public association and establishes that other grounds are not allowed. This Law also regulates and limits the interference of government bodies, their officials and service personnel in the activities of public associations.

Article 170 of the Criminal Code of Ukraine provides for criminal liability for intentional obstruction of the lawful activities of trade unions, political parties, and public organizations, and Article 212-3 of the Code of Ukraine on Administrative Offenses provides for liability for violation of the right to information and the right to appeal.

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:

One of the obstacles to creating the most favorable conditions for access to environmental information is insufficient financial support, including from the state in relation to citizens' associations. According to paragraph 24 of the Appendix to the Resolution of the Cabinet of Ministers of Ukraine dated 11.10.2016 No. 710 "On the Effective Use of Public Funds", the amount of financial support for non-budgetary organizations (including public ones) from budget funds is being reduced. At the state and regional levels, funds were not allocated to support public organizations in carrying out their environmental and educational activities.

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

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

Answer:

During the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), public engagement is mandatory. For three consecutive years, Ukraine has organized the work of its national delegation pavilion - at COP27 in Sharm El Sheikh, Egypt, COP28 in Dubai, United Arab Emirates, and COP29 in Baku, Azerbaijan. At each of these Conferences, about 50 events were organized in the Ukrainian pavilion, and almost every one of these events included discussion panels with representatives of civil society. Some events are held using digital platforms and media, which allows to involve more participants and stakeholders in the discussion of climate policy issues, in particular, through broadcasting and online discussions.

Public involvement in the work of the Conference of the Parties is mandatory, as it ensures access for civil society organizations to negotiations, which enables public figures and activists to express their position, influence decision-making, and monitor compliance by states with their commitments.

To ensure a broader information campaign and popularize environmental information among the population, publications on measures aimed at resolving problematic issues are published on the official websites of government bodies, in the newspaper "Government Courier" and other media.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

Answer:

Commissioner for Human Rights of the Verkhovna Rada of Ukraine –

<http://www.ombudsman.gov.ua/>

Ministry of Environmental Protection and Natural Resources of Ukraine –

<https://mepr.gov.ua/gromadyanam/>

Ministry of Energy of Ukraine –

<https://mev.gov.ua/storinka/hromadskosti>

Ministry of Agrarian Policy and Food of Ukraine –

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

Ministry of Economy of Ukraine –

<http://www.me.gov.ua/?lang=uk-UA>

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

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

Ministry of Community and Territorial Development of Ukraine - <https://mtu.gov.ua/>

Ministry of National Unity of Ukraine – <https://minre.gov.ua/#>
 Ministry of Foreign Affairs of Ukraine – <https://mfa.gov.ua/consul/forua>
 Ministry of Culture and Strategic Communications of Ukraine – <https://mcsc.gov.ua/>
 Ministry of Youth and Sports of Ukraine – <https://mms.gov.ua/>
 Ministry of Defense of Ukraine – <https://mod.gov.ua/zvernennya-gromadyan>
 Ministry of Education and Science of Ukraine – <https://mon.gov.ua/ministerstvo-2/gromadskosti>
 Ministry of Social Policy of Ukraine – <https://www.msp.gov.ua/main/Gromadyanam.html>
 Ministry of Finance of Ukraine – <http://www.minfin.gov.ua/>
 Ministry of Justice of Ukraine – <https://minjust.gov.ua/>
 State Aviation Service of Ukraine – <https://avia.gov.ua/>
 State Ecological Inspectorate of Ukraine – <http://www.dei.gov.ua/>
 State Service of Geology and Subsoil of Ukraine – <https://www.geo.gov.ua/diyalnist/citizens-appeals/>
 State Nuclear Regulatory Inspectorate of Ukraine – <https://snriu.gov.ua/>
 State Agency of Water Resources of Ukraine – <https://www.davr.gov.ua/publiczna-informaciya>,
<https://www.davr.gov.ua/vymogy-do-zvernennya>
 State Agency of Water Resources of Ukraine - Web portal "Monitoring and ecological assessment of water resources of Ukraine" – <http://monitoring.davr.gov.ua/EcoWaterMon/GDKMap/Index>
 State Agency of Forest Resources of Ukraine – Public Relations
<https://forest.gov.ua/agentstvo/komunikacyi-z-gromadskistyuu>, Open data
<https://forest.gov.ua/agentstvo/vidkriti-dani>
 State Agency for Energy Efficiency and Energy Saving of Ukraine – <http://saee.gov.ua/>
 State Agency for Infrastructure Projects of Ukraine – <https://mtu.gov.ua/timeline/Derzhavne-agentstvo-infrastrukturnih-proektiv-Ukraini-Ukrinfraproekt-.html>
 State Agency of Forest Resources of Ukraine – <http://dklg.kmu.gov.ua/forest/control/uk/index>
 The State Agency of Ukraine for the Management of the Exclusion Zone – <http://dazv.gov.ua/>
 State Statistics Service of Ukraine – <https://www.ukrstat.gov.ua/>, including statistical information - section "Environment"
 State Emergency Service of Ukraine – <http://www.dsns.gov.ua/>
 State Service of Ukraine for Food Safety and Consumer Protection – <https://dpss.gov.ua/>
 State Service of Ukraine for Geodesy, Cartography and Cadastre – <https://land.gov.ua/>
 State Road Agency of Ukraine – <http://ukravtodor.gov.ua/>
 State Regulatory Service of Ukraine – https://www.drs.gov.ua/interaction_public/
 Government portal – <http://www.kmu.gov.ua>
 National system for processing appeals to executive authorities of the state institution "Government Contact Center" – <http://ukc.gov.ua>
 The only state web portal of open data – <http://data.gov.ua/>
 Unified ecological platform and ecological automated information and analytical system for providing access to ecological information "EcoSystem" – <https://eco.gov.ua/>, including its subsystems and registers
 "EkoZagroza" web portal, a service for recording the facts of damage to the surrounding natural environment as a result of emergency situations, events, armed aggression of the Russian Federation – <https://ecozagroza.gov.ua/>
 Web portal "EkoZagroza" - Map with open data of air monitoring stations – https://ecozagroza.gov.ua/map?layer=air_pollution
 Web portal about the Nature Reserve Fund of Ukraine – <https://wownature.in.ua/>
 Geoportal Forests of Ukraine – <https://forestry.org.ua/>
 Open data of the state enterprise "Forests of Ukraine" – <https://e-forest.gov.ua/>
 Open data of the State Land Cadastre of Ukraine – <https://kadastr.live/#5/48.43/32.77>
 Online platform of the Extractive Industries Transparency Initiative – <https://eiti.gov.ua/>

Automated air quality monitoring system of the Department of Environmental Protection and Adaptation to Climate Change of the Executive Body of the Kyiv City Council – <https://asm.kyivcity.gov.ua/>

SaveEcoBot, ecological information system – <https://www.saveecobot.com/>

Department of Agro-Industrial Development, Ecology and Natural Resources of Vinnytsia Regional State Administration – <https://www.vin.gov.ua/hromadianam>

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

Department of Ecology and Natural Resources of the Transcarpathian Regional State Administration – <https://ecozakarp.at.gov.ua/?cat=15>

Department of Ecology and Natural Resources of Kirovohrad Regional State Administration – <https://ekolog.kr-admin.gov.ua/index.php/publiczna-informatsiia/zvergr>

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

Department of Ecology and Natural Resources of the Odessa Regional State Administration – <https://ecology.od.gov.ua/gromadyanam/>

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

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

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

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

Department of Environmental Protection and Natural Resources of the Sumy Regional State Administration – <https://www.pek.sm.gov.ua/index.php/uk/zvernennya-gromadyan>

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

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

Department of Ecology and Natural Resources of the Volyn Regional State Administration – <https://voladm.gov.ua/category/publiczna-informaciya2/1/>

Department of Ecology and Natural Resources of Zhytomyr Regional State Administration – <https://eprdep.zht.gov.ua/>

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

Department of Ecology and Natural Resources of Ternopil Regional State Administration – <https://ecology.te.gov.ua/>

Department of Ecology and Natural Resources of Cherkasy Regional State Administration – <https://ck-oda.gov.ua/hlavnaya/>

Department of Ecology and Natural Resources of Cherkasy Regional State Administration – <https://ck-oda.gov.ua/upravlinnya-ekologiyi-ta-prirodnix-resursiv/>, <https://www.facebook.com/profile.php?id=100068050898736>

State Ecological Academy of Postgraduate Education and Management – <https://dea.edu.ua/>

Ukrainian Hydrometeorological Center of the State Emergency Service of Ukraine – www.meteo.gov.ua

Central Geophysical Observatory named after Boris Sreznevsky – <http://cgo-sreznevskiy.kyiv.ua/>

Aarhus Information and Education Center – <https://www.facebook.com/OrhusCentrKyiv/>

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

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 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 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:

These requirements are regulated by the Laws of Ukraine "On Access to Public Information", "On Protection of the Natural Environment", "On Information", "On Administrative Procedure", as well as by-laws. Environmental information refers to public information, therefore the state of access to public information is an indicator of access to environmental information. Access to public information is based on the principles of openness of the activities of subjects of administrative authority; free receipt and dissemination of information, except in cases established by law; equality regardless of race; political, religious and other beliefs, sexual orientation, ethnic and social origin, property status, place of residence, language and other characteristics.

According to the Law of Ukraine "On Access to Public Information", access to information is ensured by systematic and prompt publication of information in official printed publications, on official websites on the Internet, on the single state web portal of open data, on information stands, in any other way, as well as by providing information upon requests for information. The law does not require the requester to substantiate his interest or motivation.

In accordance with the Law of Ukraine "On Environmental Protection", citizens have the right to free access to information on the state of the environment (ecological information) and free receipt, use, dissemination and storage of such information, except for restrictions established by law. Executive bodies, local governments, enterprises, institutions and organizations whose activities may negatively affect or affect the state of the environment, life and health of people are obliged to ensure free access of the population to information on the state of the environment.

To implement the above-mentioned laws, the Resolution of the Cabinet of Ministers of Ukraine dated October 11, 2021 No. 1065 approved the Regulations on the Unified Environmental Platform "EcoSystem". The Unified Environmental Platform "EcoSystem" is a nationwide ecological automated information and analytical system for providing access to environmental information and electronic interaction between individuals and legal entities for the purpose of obtaining administrative and other public services in the field of environmental protection. One of the tasks of EcoSystem is to provide citizens with the opportunity to exercise their rights in terms of free access to information about the state of the natural environment.

According to the laws of Ukraine "On Access to Public Information", "On Information", public information managers have the following obligations:

- to provide and publish public information (except for special cases provided for by law);
- to identify special structural units or officials to organize access to public information in their possession;
- to ensure maximum simplification of the procedure for submitting a request for information;
- to identify special places for requesters to work with documents or their copies, as well as to grant requesters the right to make extracts from them, photograph, copy, scan them, record them on any media, etc.

The same laws provide for parliamentary, public and state control over the observance of the right to access to information, as well as legal responsibility for violations of the law on access to public information.

One of the ways to implement access to public information is universal solutions for organizing official websites of government bodies, regulated in accordance with the Procedure for the functioning of websites of executive authorities, approved by the order of the State Committee for Information Policy, Television and Radio Broadcasting of Ukraine, the State Committee for Communications and Informatization of Ukraine dated 25.11.2002 No. 327/225, registered with the Ministry of Justice of Ukraine on 29.12.2002 under No. 1022/7310. In particular, the universal modular architecture of the website of the executive authority body should include a module of the public information accounting system and a module of electronic appeals of citizens. Each website of the executive authority body provides for a place for placing the State information system of electronic appeals of citizens.

In accordance with the Procedure for compiling, submitting and processing requests for information, managed by the Ministry of Environmental Protection and Natural Resources of Ukraine, and the forms for submitting such requests, approved by the order of the Ministry of Environment dated 02.12.2021 No. 793, registered with the Ministry of Justice of Ukraine dated 01.02.2022 under No. 123/37459, a person submitting a request for information has the right to apply to the central executive authorities with a request, regardless of whether this information concerns him personally or not, without explaining the reason for submitting the request.

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

(iii) The information is supplied in the form requested;

Answer:

In accordance with the Law of Ukraine "On Access to Public Information", the information manager is responsible for ensuring the activities of the structural unit or the responsible person on issues of access to public information, as well as for processing, systematizing, analyzing and controlling requests for information, providing consultations during the processing of the request. The request, which has been registered in the manner established by the information manager, is processed by the responsible persons on issues of access to public information.

According to the same Law, when making a written request for information, the request must indicate, among other things, a general description of the information or the type, name, details or content of the document for which the request is made (if known). For their part, information managers are obliged to publish the forms and samples of documents necessary for the provision of services, the rules for their preparation; the types of information stored by the manager; a list of data sets that are published in the form of open data. In addition, the information manager maintains a document accounting system, which indicates the type of document (normative acts, agreements, decisions, protocols, reports, press releases), the form and place of storage of the document. Access to the document accounting system is ensured by publishing such information on the official websites of government entities, and in their absence - in another acceptable way, as well as providing access to the system upon request. Thus, these provisions allow the public to understand and determine in what form and formats certain types of public information, including environmental information, are stored and can be provided.

In order to create mechanisms for implementing the right of citizens to access public information, in accordance with the Decree of the President of Ukraine dated 05.05.2011 No. 547 "Issues of ensuring access to public information by executive authorities" and the Resolution of the Cabinet of Ministers of Ukraine dated 05.25.2011 No. 583 "Issues of implementing the Law of Ukraine "On Access to Public Information" in the Secretariat of the Cabinet of Ministers of Ukraine, central and local executive authorities", the Ministry of Environment approved the Procedure for compiling, submitting and processing requests for information, the administrator of which is the Ministry of Environmental Protection and Natural Resources of Ukraine, and forms for submitting such requests by order of the Ministry of Environment dated 02.12.2021 No. 793, registered with the Ministry of Justice of Ukraine dated 01.02.2022 under No. 123/37459. This Procedure states that the person requesting information is given the opportunity to choose the form of providing a response to his request: by mail, e-mail, fax, orally.

(b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;

Answer:

This requirement is regulated by legislation. The Law of Ukraine "On Access to Public Information" establishes a deadline for considering requests for information: the manager of information must provide a response to a request for information no later than five working days from the date of receipt of the request. If the request concerns the provision of a large amount of information or requires searching for information among a significant amount of data, the information manager may extend the period for considering the request up to 20 working days with justification for such an extension. The information manager must notify the requester in writing of the extension of the period no later than five working days from the date of receipt of the request.

(c) With respect to paragraphs 3 and 4, measures taken to:

- (i) Provide for exemptions from requests;
- (ii) Ensure that the public interest test at the end of paragraph 4 is applied;

Answer:

The Law of Ukraine "On Access to Public Information" regulates issues related to the refusal and delay in the satisfaction of requests for information. A list of grounds for refusal has been determined, including if the information manager does not possess the information requested or if the information belongs to the category of information with limited access. At the same time, if the manager of the information knows or should know who owns it based on the status or nature of the activity, then he is obliged to send this request to the appropriate manager of the information and at the same time inform the requester about it. The aforementioned Law defines the requirements for the content of the decision on refusal, in particular, the decision must include a reasoned reason for the refusal and the procedure for appealing it. The grounds for postponement of the satisfaction of a request for information and the requirements for the decision on postponement have been regulated.

The Law of Ukraine "On Amendments to Certain Legislative Acts in Connection with the Adoption of the Law of Ukraine "On Information" (in the new edition) and the Law of Ukraine "On Access to Public Information" further develops mechanisms for ensuring the openness of government bodies. Citizens gained access to public information of local authorities, including minutes of local council sessions, materials of general plans of settlements and statistical information, and access to parliament meetings. Also settled is the issue of using, in accordance with the requirements of the law, the label "For official use" or other labels that restrict access to the information contained in the document. Officials are also held liable for violating the legislation of Ukraine on access to public information, and administrative fines have been imposed on officials for improperly refusing to respond to a request for information, delay in providing an answer, or providing knowingly inaccurate information.

Special cases of refusal to satisfy a request for ecological information are provided for by the Law of Ukraine "On the Red Book of Ukraine": a request for ecological information may be refused if its publication may negatively affect the breeding grounds of animals and plants under special state protection, namely: publication of information about the exact location (growth) of objects of the Red Book of Ukraine and other information about them is not allowed if this may lead to a deterioration in the conditions for the protection and reproduction of these objects.

(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;

Answer:

The Law of Ukraine "On Access to Public Information" stipulates that if the information manager, by status or nature of activity, knows or should know who owns it, he is obliged to send this request to the appropriate manager with simultaneous notification of the requester. Requirements for the content of the refusal decision are determined, including that it must include a reasoned reason

for the refusal and the procedure for appealing it. The grounds for deferring the satisfaction of a request for information and the requirements for the decision on deferral are also regulated.

(e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;

Answer:

According to the Law of Ukraine "On Access to Public Information", access restrictions are subject to information, not a document. If a document contains information with restricted access, information with unrestricted access is provided for review.

Additional measures regulating this issue are also provided for in Part Eight of Article 4 of the Law of Ukraine "On Environmental Impact Assessment": in exceptional cases, if the documentation on the planned activity or the environmental impact assessment report contains confidential information of a business entity, such information shall be separated upon a reasoned application of the business entity, and the remaining information shall be provided for review by the public. In this case, information related to the impact on the environment, including quantitative and qualitative indicators of emissions and discharges, physical and biological factors of impact, use of natural resources and waste management, shall be open and access to it may not be restricted.

(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 Law of Ukraine "On Access to Public Information" establishes clear regulations regarding the refusal to satisfy a request for information. Thus, requests for information may be submitted orally, in writing or in another form (by mail, fax, telephone, e-mail) at the requester's choice. However, a refusal to satisfy a request for information shall be provided only in writing. The law establishes requirements for the content of the refusal decision, in particular, the decision must include a motivated reason for the refusal and the procedure for appealing it. The response to the refusal must be provided within the deadline for responding to the request for information, i.e., no later than five working days from the date of receipt of the request or (if the request concerns the provision of a large amount of information or requires searching for information among a significant amount of data) up to 20 working days with justification for such an extension. The information manager shall notify the requester in writing of the extension of the deadline no later than five working days from the date of receipt of the request.

A delay in satisfying a request for information is allowed in the event that the requested information cannot be provided for review within the time limits provided by this Law in the event of force majeure. The decision on postponement shall be notified to the requester in writing with an explanation of the procedure for appealing the decision, including the reasons why the request for information cannot be satisfied within the time limits established by this Law.

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

Answer:

In accordance with the Law of Ukraine "On Access to Public Information", public information in the form of open data is provided free of charge. Information upon request is also provided free of charge.

At the same time, according to the same Law, if in order to satisfy the request for information it is necessary to make copies of documents with a volume of more than 10 pages, then the requester is obliged to reimburse the actual costs of copying and printing. In order to settle the payment for the expenses incurred in this case, the Order of the Ministry of Environment dated August 19, 2020 No. 43, registered in the Ministry of Justice of Ukraine on October 22, 2020 under No. 1041/35324, approved the amount of actual expenses for copying or printing documents provided upon request for information, and the Procedure for reimbursement of these expenses. The procedure defines the

mechanism for reimbursement by information requesters of the actual costs of copying or printing documents provided by the Ministry of Environment and central executive authorities, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine through the ministry, upon request for information. In accordance with the legislation, the order, like other regulatory legal acts of the ministries, is published in the state language on the official website of the ministry. The amount of the fee is regulated by a government document - the resolution of the Cabinet of Ministers of Ukraine dated 13.07.2011 No. 740 "On approval of the maximum norms of costs for copying or printing documents provided upon request for information". The cost of the fee for producing one page is tied to the amount of the subsistence minimum for able-bodied persons on the date of copying or printing of documents. If the information manager has not established the amount of the fee for copying or printing, the information is provided free of charge.

When providing a person with information about him or her and information that is of public interest, the fee for copying and printing is not charged, except for the provision of information in the field of registration of emissions and transfer of pollutants and waste, which is carried out in accordance with the procedure specified by the Law of Ukraine "On Access to Public Information".

VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Answer:

The Law of Ukraine "On Environmental Protection" determines that one of the main sources of environmental information is environmental monitoring data. The Law also stipulates that local governments, enterprises, institutions and organizations whose activities may negatively affect or affect the state of the environment, life and health of people are obliged to ensure free access of the population to information on the state of the environment.

However, institutional mechanisms for ensuring environmental monitoring, as well as ensuring access to environmental information by local governments, enterprises, institutions and organizations, are not sufficiently developed. Information on the state of air, water and soil, biodiversity, obtained as a result of the implementation of relevant types of environmental monitoring, is currently insufficient, not always timely and adequate.

To address this issue, a reform of the state environmental monitoring system has been initiated, and the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning the State Environmental Monitoring System, Information on the State of the Environment (Environmental Information) and Information Support for Environmental Management" has been adopted. In order to implement this Law, new by-laws are being developed, which should regulate the procedure for carrying out certain types of monitoring, as well as the specifics of carrying out observations on the state of the environment at the local level.

In the conditions of martial law in Ukraine, restrictions arise in access to public information. Authorities restrict access to a number of data in order to protect national security and defense, although environmental information remains open.

Security measures for non-disclosure of information in Ukraine under martial law are determined at the discretion of the managers of such information, and any restriction of access to data and information is carried out on the basis of a three-part mechanism for checking public information for the presence of information with limited access, as defined in Part Two of Article 6 of the Law of Ukraine "On Access to Public Information", namely, restriction of access to information is carried out in accordance with the law, subject to compliance with the following requirements:

- 1) exclusively in the interests of national security, territorial integrity or public order for the prevention of disorder or criminal offenses, for the protection of public health, for the protection of the reputation or rights of others, for the prevention of the disclosure of information received in confidence, or for the maintenance of the authority and impartiality of the judiciary;
- 2) disclosure of the information is likely to cause significant harm to these interests;
- 3) the harm from the disclosure of such information outweighs the public interest in obtaining it.

IX. Further information on the practical application of the provisions of article 4

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 refers to public information held by information managers in Ukraine. Thus, the status and trends in the field of access to public information are indicators of access to environmental information.

The Secretariat of the Cabinet of Ministers of Ukraine regularly analyzes the work of executive authorities in considering requests for access to public information.

The results of work with requests for information received by the Secretariat of the Cabinet of Ministers of Ukraine from 05/09/2011 to 09/30/2024 are published on the official website of the Cabinet of Ministers of Ukraine. <https://www.kmu.gov.ua/gromadskosti/dostup-do-publichnoyi-informatsiyi/zviti-pro-nadhodzhennya-zapitiv/2024-rik/pidsumky-roboty-iz-zapytamy-na-informatsiiu-shcho-nadiishly-na-adresu-sekretariatu-kabinetu-ministriv-ukrainy-z-9-travnia-2011-roku-po-30-veresnia-2024-roku>.

Requests for environmental information made up 0.9% of the total number of all requests to the Secretariat of the Cabinet of Ministers of Ukraine. After consideration of requests, such measures are implemented as: preparation of answers within the competence of the Secretariat of the Cabinet of Ministers of Ukraine; sending the request to the appropriate managers of the relevant public information for preparing a response, while simultaneously informing the requester; preparing explanations about the postponement in accordance with the legislation.

It should be noted separately that Ukraine has adopted national standards in the field of environmental information, which are harmonized with European and international standards, namely: DSTU EN ISO 14063:2021 Environmental management. Environmental information exchange. Guidelines and examples, which entered into force on 01.09.2022, and DSTU ISO 14033:2020 (ISO 14033:2019, IDT) Environmental management. Quantitative environmental information, which entered into force on 01.10.2021. National standards are voluntary for use by enterprises, institutions and organizations.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

Unified ecological platform and ecological automated information and analytical system for providing access to ecological information "EcoSystem" – <https://eco.gov.ua/>

Ministry of Environmental Protection and Natural Resources of Ukraine - access to public information – <https://mepr.gov.ua/gromadyanam/dostup-do-publichnoyi-informatsiyi/>

Web portal of the State Agency for Water Resources of Ukraine "Monitoring and Ecological Assessment of Water Resources of Ukraine" –

<http://monitoring.davr.gov.ua/EcoWaterMon/GDKMap/Index>

Web portal of the State Agency for Water Resources of Ukraine "Monitoring and Ecological Assessment of Water Resources of Ukraine" – <https://forestry.org.ua/>

Online platform of the Extractive Industries Transparency Initiative – <https://eiti.gov.ua/>

Commissioner for Human Rights of the Verkhovna Rada of Ukraine –

<https://www.ombudsman.gov.ua/uk/pravo-na-zvernennya-ta-oderzhannya-publichnoyi-informatsiyi>
SaveEcoBot – <https://www.saveecobot.com/>

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

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;

Answer:

Legislative provisions regarding the collection and dissemination of environmental information are laid down by the laws of Ukraine "On Information", "On Access to Public Information", "On Protection of the Natural Environment".

The Law of Ukraine "On Environmental Protection" imposes on state authorities and local self-government bodies the obligation to ensure systematic and prompt information to the population, enterprises, institutions and organizations about the state of the environment. The Ministry of Environment, as the central executive body in the field of environmental protection, is obliged to create and ensure the operation of a network of a nationwide environmental automated information and analytical system to ensure access to environmental information. For this purpose, a single environmental platform "EcoSystem" has been created and is functioning.

The Law of Ukraine "On Environmental Protection" also defines some other obligations of government bodies regarding the collection and dissemination of environmental information, the preparation of the annual National Report on the State of the Environment in Ukraine and its posting on the Internet; annual informing of the population and local self-government bodies by local executive authorities about the state of the environment of the relevant territories.

Violation of the right to information and the right to appeal, including non-disclosure of information, restriction of access to information in violation of the Law, other restriction of the right to free access to environmental information is subject to administrative liability in accordance with Article 212-3 of the Code of Ukraine on Administrative Offenses, and if at the same time there is abuse of power or official position, if it caused significant damage to the rights, freedoms and interests of individual citizens protected by law or state or public interests, or the interests of legal entities, or concealing or distorting information about the environmental condition, which negatively affects the health of people, flora and fauna, or about the disease state of the population in areas with increased ecological danger - is established in accordance with the Criminal Code of Ukraine (Articles 364, 238).

In order to ensure the unconditional implementation of the Law of Ukraine "On Access to Public Information" by executive authorities, the Decree of the President of Ukraine dated 05.05.2011 No. 547/2011 "Issues of ensuring access to public information by executive authorities" was adopted, which defines financial, organizational, administrative measures for these purposes, and also places personal responsibility on the heads of central and local executive authorities for ensuring the proper implementation of the requirements of the Law.

In order to collect, process, save and analyze information about the state of the environment and make effective management decisions on this basis in Ukraine, in accordance with the Law of Ukraine "On Environmental Protection", the creation of a system of state monitoring of the natural environment is foreseen. The legal norms of the system are currently regulated by a separate government resolution, however, this system is currently being reformed. In accordance with the Decree of the President of Ukraine dated 03/23/2021 No. 111 "On the Decision of the National Security and Defense Council of Ukraine dated 03/23/2021 "On Challenges and Threats to the National Security of Ukraine in the Environmental Sphere and Priority Measures to Neutralize Them", the Cabinet of Ministers of Ukraine is instructed to create a system of state environmental

monitoring using remote sensing technologies, space control, geophysical, and geoinformation technologies.

Thus, appropriate legislative measures have been taken to implement subparagraph a of clause 1 of Article 5 of the Convention, however, the institutional capacity for collecting and updating environmental information remains insufficient.

According to the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding Access to Public Information in the Form of Open Data", information managers are obliged to provide public information in the form of open data upon request, publish and regularly update it on the Unified State Open Data Web Portal and on their websites. However, there is still a significant shortage of human, technical and financial resources to ensure that state bodies collect certain types of environmental information. In particular, the institutional mechanisms for organizing and implementing environmental monitoring, as well as access to environmental information by local governments, enterprises, institutions and organizations, are not fully developed, open data sets defined by the Resolution of the Cabinet of Ministers of Ukraine dated October 21, 2015 No. 835 "On Approval of the Regulations on Data Sets Subject to Publication in the Form of Open Data" are not fully collected and published. There is a lack of timely and adequate information on the state of air, water and soil, and biodiversity obtained as a result of implementing relevant types of environmental monitoring.

In order to solve these problems, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the State System of Environmental Monitoring, Information on the State of the Environment (Environmental Information) and Information Support for Environmental Management" was adopted, and by-laws are being developed.

The Resolution of the Cabinet of Ministers of Ukraine dated 25.10.2024 No. 1213 "Some Issues of Information Needs of Management in the Field of Environmental Protection" has been adopted, which defines the information needs of state management in the field of environmental protection, the provision of which should become one of the priorities of the reform of the environmental monitoring system.

On September 20, 2022, the Law of Ukraine "On the National Register of Emissions and Transfer of Pollutants" was adopted, in compliance with the requirements of the Protocol on Registers of Emissions and Transfer of Pollutants and Regulation of the European Union 166/2006. The Law entered into force on October 8, 2023. Before the Law entered into force, the necessary regulatory legal acts for its implementation were adopted, which approved the Procedure for maintaining the register, requirements for the report of the authorized body, the form of the operator's report and the forms of the protocol and resolutions on the consideration of cases of violations. The register functions as one of many convenient online services on the Unified Environmental Platform "EcoSystem".

Due to the martial law introduced in Ukraine in 2022, the Ministry of Environmental Protection and Natural Resources of Ukraine, with the support of international partners and the Ministry of Digital Transformation of Ukraine, launched the official online resource "EkoZagroza". "EcoThreat" is a standardized system for automatically collecting and recording information about environmental threats in real time, with geographical reference to the area. At the stage of processing information from the "EkoZagroza" mobile application or its web version, an automatic calculation of the impact on the environment takes place, parameters and categories of calculations are constantly updated and expanded.

After processing the information, the system forms the appropriate dashboard sections to inform the population about the state of the environment, official warnings and instructions from the Ministry of Environmental Protection and Natural Resources of Ukraine, and indicators of the elimination of the consequences of threats in real time.

The system also provides for the determination of the responsible executive body for eliminating the consequences of environmental threats and monitoring this process in real time (adding a photo of the restored territory or eliminated threat).

In August 2024, the Law of Ukraine “On Integrated Prevention and Control of Industrial Pollution” was adopted (enters into force on 08.08.2025), which provides for public discussion in the process of issuing an integrated environmental permit. In particular, Article 26 of this Law stipulates that information and documents entered into the Unified State Register of Integrated Environmental Permits are open, free access to them is provided through the means of the Register, they are also published and regularly updated by the Register holder in the form of open data on the Register web portal and on the Unified State Open Data Web Portal.

In accordance with Article 66 of the Law of Ukraine “On Ensuring Chemical Safety and Management of Chemical Products”, which was put into effect on 29.06.2024, the central executive body implementing the state policy in the field of ensuring chemical safety shall provide citizens of Ukraine, as well as foreigners and stateless persons, with additional information about chemical products provided on the market and instructions for using the information system in the field of ensuring chemical safety and management of chemical products in a form understandable for the public in electronic form. In addition, Article 67 of the aforementioned law also provides for public access to information in the field of ensuring chemical safety and management of chemical products, namely, citizens of Ukraine, as well as foreigners and stateless persons and their associations are provided with open access in electronic form to information contained in the Information System for Ensuring Chemical Safety and is not information with restricted access, in accordance with the Law of Ukraine “On Access to Public Information”.

By Resolution No. 736 of the Cabinet of Ministers of Ukraine dated June 21, 2024, the Procedure for the Creation and Administration of the Information System for Ensuring Chemical Safety was approved. The information system will be created as part of the Unified Environmental Platform "EcoSystem" and will provide open access for the public to information on: chemical products, their market supply volumes and hazardous properties; potential risks of using chemicals and safety measures; manufacturers, importers, suppliers of chemical products; chemical incidents and identified threats to chemical safety.

In the field of forest management, the methods of obtaining ecological information about forests are being improved. In particular, remote sensing has been identified as an important method for forest inventory, monitoring, especially under martial law, as well as when reforestation; for this purpose, the experience of the German national forest inventory using high-precision Sentinel 2 satellite images has been applied.

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

(ii) There is an adequate flow of information to public authorities;

Answer:

One of the mechanisms for ensuring that state bodies receive information about planned and implemented measures that may significantly affect the environment are the procedures for environmental impact assessment and strategic environmental assessment provided for by the Laws of Ukraine of the same name. Informing authorities about a) planned activities that involve significant interventions in the environment, as well as about b) programs and plans with significant consequences for the environment, including the health of the population, is implemented with the help of state electronic means specially created for this purpose, namely, the Unified Register of Environmental Impact Assessment and the Unified Register of Strategic Environmental Assessment.

In the process of evaluating projects of economic activity, as well as during the development of programs and plans, the consequences of the implementation of which will have an impact on the environment and the health of the population, including targeted environmental programs (programs that include measures for the protection of the environment, ecological safety, mitigation of climate change and adaptation to its consequences, rational use and reproduction of natural resources), in accordance with the law, the public is involved.

The Ministry of Environment has the opportunity to study projects of state target programs in terms of environmental issues (measures) and issues related to the types of planned activities and

objects that may have a significant impact on the environment and are subject to an environmental impact assessment, when the developer of the program sends it for approval in accordance with the procedure provided for by the government resolution.

In the process of implementing a state target program, its customer must post information on the progress of the program on its website, as, in particular, provided for by the Resolution of the Cabinet of Ministers of Ukraine dated 31.01.2007 No. 106 "On Approval of the Procedure for Developing and Implementing State Target Programs". However, the actual implementation of this norm is insufficient: information on the progress of program implementation is often absent, untimely, incomplete or provided only upon request.

As part of the implementation of state statistical observations, the State Statistics Service of Ukraine collects and analyzes reports on environmental protection expenditures by type of environmental protection measures, as well as on some measures related to environmental protection, in particular, on accounting, hunting and breeding of game animals, on the reproduction and protection of forests, etc.

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

(iii) In emergencies, appropriate information is disseminated immediately and without delay;

Answer:

The relevant norms for immediate informing the population about emergency environmental situations are provided for in the Civil Protection Code of Ukraine and the Law of Ukraine "On Environmental Protection". Thus, in the Law of Ukraine "On Environmental Protection", such immediate informing is one of the obligations of authorities to collect and disseminate environmental information.

In order to notify the population about threats and emergency situations, timely and reliable information about the actual situation and the measures taken, a single state system of civil protection functions. Its work is organized by the State Emergency Service of Ukraine. Article 31 of the Civil Protection Code of Ukraine stipulates that civil protection management bodies are obliged to provide the population with prompt and reliable information through the media, namely information about emergency situations that are predicted or have occurred, with a definition of their classification, limits of spread and consequences, as well as about the ways and methods of protection against them, as well as about their activities on civil protection issues, including in a form accessible to persons with visual and hearing impairments.

Civil protection management bodies are obliged to assist the media in providing the population with operational information. The publication of information on the consequences of an emergency is carried out in accordance with the legislation on information.

According to the Regulation on the Unified State System of Civil Protection, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 09.01.2014 No. 11, to notify and inform authorities and the population about the threat of the emergence or occurrence of emergencies, as well as to inform about actions in a possible emergency zone, the following should function: at the state level - a nationwide automated centralized alert system; and at the regional and local levels - automated centralized alert systems of the appropriate level. At high-risk facilities, in accordance with the Civil Protection Code of Ukraine, automated systems for early detection of emergencies and notification should operate, and in settlements and places of mass gathering of people - signal and loudspeaker devices and electronic information boards for transmitting information. To regulate issues related to notification, the Regulation on the organization of notification of the threat of occurrence or occurrence of emergencies and the organization of communication in the field of civil protection, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 27.09.2017 No. 733, is in force.

On December 1, 2022, the Law of Ukraine "On Ensuring Chemical Safety and Management of Chemical Products" was adopted. Article 21 of the said law defines that the powers of local self-government bodies include, inter alia, providing mass media and public associations with information about dangerous chemical substances produced and used within the territory of the

relevant territorial community, including cases of unauthorized and accidental release of chemical substances into the environment and the response measures taken.

(b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

Answer:

The relevant norms are regulated by the laws of Ukraine "On access to public information", "On information", "On environmental protection" and other legislation.

The main sources of environmental information are environmental monitoring data, natural resource cadastres, registers, automated databases, archives, as well as certificates issued by state authorities, local governments, etc. Subjects of government authority are obliged to appoint special units or responsible persons to ensure access to information.

Managers of public information are obliged to make public the types of information they possess and the accounting system for such information, the conditions for receiving services provided by these bodies, the procedure for making a request for information, etc. The structural unit or persons responsible for access to public information, specially designated by the administrator, provide consultations during the processing of a request for information.

The Regulation on data sets subject to publication in the form of open data, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 21.10.2015 No. 835, regulates the mechanism for publishing information in the form of open data. The publication of data sets in the field of ecology and environmental protection is one of the priority areas for implementing state policy in the field of open data.

Publication and updating of open data is carried out on the Unified state web portal of open data - data.gov.ua. The web portal includes a register of published data sets, and each set of open data includes: Register of data sets in the possession of the information manager; Reports, including on satisfying information requests; Lists of regulatory legal acts adopted by the information manager, draft regulatory legal acts, lists of regulatory acts, open data managed by the Ministry of Environmental Protection and Natural Resources of Ukraine, the Ministry of Agrarian Policy of Ukraine, the Ministry of Economy of Ukraine, the Ministry of Health of Ukraine, the Ministry of Energy of Ukraine, the Ministry of Development of Communities and Territories of Ukraine, the State Service of Maritime and Inland Water Transport and Navigation of Ukraine, the State Service of Ukraine for Transport Safety, the State Service of Geology and Subsoil of Ukraine and other central executive bodies, local executive bodies (local state administrations), the Ukrainian Hydrometeorological Center, some state enterprises, as well as local self-government bodies.

To assess the status of information managers' compliance with the requirements for the publication of open data, the Procedure for the Annual Assessment of the Status of Publication and Update of Open Data by Information Managers on the Unified State Open Data Web Portal has been adopted, approved by the Resolution of the Cabinet of Ministers of Ukraine dated April 17, 2019 No. 409. Every year, the Ministry of Digital Affairs conducts a survey of information managers, who send completed cards for this purpose. Based on the results of the assessment, the Ministry of Digital Affairs, with the involvement of civil society institutions and public representatives, prepares a report on the status of publication and update of open data and forms a rating of information managers. The report and rating are published on the Unified State Open Data Web Portal and on the official website of the Ministry of Digital Affairs.

A large amount of data from state registers is included in open data sets, in particular, on permits issued in the field of environmental protection, objects of increased danger, hazardous factors, pesticides and agrochemicals, waste operations, licenses for conducting economic activities in hazardous waste management, information and data from the cadastre of deposits, cadastre of water resources, land cadastre, forest cadastre, etc. State registers in the field of environmental protection and use of natural resources are also published on the single ecological platform "EcoSystem".

Web portals of the Cabinet of Ministers of Ukraine and all central executive bodies have been created, as well as on the instructions of the Prime Minister of Ukraine, official pages of ministers on social networks (Facebook), as well as Public Councils under the Cabinet of Ministers of Ukraine, central executive bodies, including the Ministry of Environment.

The Law of Ukraine "On Information" determines that information on the state of the environment, except for information on the location of military facilities, cannot be classified as information with limited access, and refers to information on the state of the environment, including information and/or data on factors that affect or may affect environmental components (substances, energy, noise and radiation, as well as activities or measures, including administrative, environmental agreements, policies, legislation, plans and programs).

At the same time, we note that Part Two of Article 6 of the Law of Ukraine "On Access to Public Information" provides that restriction of access to information is carried out in accordance with the law, subject to compliance with the following requirements:

1) exclusively in the interests of national security, territorial integrity or public order for the prevention of disorder or crime, for the protection of public health, for the protection of the reputation or rights of others, for the prevention of the disclosure of information received in confidence, or for the maintenance of the authority and impartiality of the judiciary;

2) disclosure of the information is likely to cause substantial harm to these interests;

3) the harm from the disclosure of such information outweighs the public interest in obtaining it.

From the analysis of the above norms, it is clear that information, in particular about the location of military facilities, is subject to access restrictions if the disclosure of the requested information may cause significant harm to a protected interest (with an indication of which one) and this harm outweighs the public interest in obtaining information.

Thus, under the legal regime of martial law, the right to access and disseminate information about the state of the environment, the quality of food products and household items cannot be subject to any restrictions, except for information about the location of military facilities, and the timely publication of such information in the form of open data will contribute to environmental protection, the identification of caused or possible damage to the environment, and public awareness of the actual state of the environment and the factors that affect it.

The high public interest in environmental information, unfortunately, does not take into account the importance of the safety of its disclosure. The Government of Ukraine is taking legal measures in accordance with martial law to ensure that all those involved in security measures understand the importance of how information that reaches the aggressor can be brutally used against humanity. Ukraine faces these challenges every day, because the enemy learns about the location of enterprises, their capacities and other important data that can be used to destroy Ukraine's critical infrastructure.

Currently, security measures for non-disclosure of information in the country are determined at the discretion of the owners of such information, and any restriction of access to data is carried out in accordance with the mechanism for checking public information for the presence of classified information (three-part test), approved by part two of Article 6 of the Law of Ukraine "On Access to Public Information".

Under the conditions of martial law, many public services have suspended their work or are operating with restrictions due to the threat to national security and the lack of opportunity for proper functioning. According to the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" No. 64/2022, in connection with martial law, the constitutional rights and freedoms of man and citizen, provided for in Articles 30–34, 38, 39, 41–44, 53 of the Constitution of Ukraine, may be temporarily restricted for the period of the legal regime of martial law, for the implementation of measures of the legal regime of martial law, provided for by the Law of Ukraine "On the Legal Regime of Martial Law".

The above-mentioned constitutional restrictions on the right of an individual to collect, store, use and disseminate information are consistent with the provisions of paragraph 2 of Article 29 of

the Universal Declaration of Human Rights of 1948. In view of the large-scale invasion of the Russian Federation troops into the territory of Ukraine, the main grounds for restricting such a right should be considered “the protection of the interests of national security and territorial integrity or public order in order to prevent riots or crimes”.

At the same time, the right to access information on the state of the environment, the quality of food products and household items cannot be subject to restrictions in conditions of martial law. However, Article 13 of the Law of Ukraine “On Information” provides for an exception from the specified list, according to which information on the location of military facilities may be subject to restrictions.

However, the explanations of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, which exercises parliamentary control over the observance of constitutional rights and freedoms of man and citizen, contain a recommendation: it is recommended not to restrict the right to access and disseminate information on the state of the environment and the quality of food products, since timely provision of such information to the public can save the lives and health of citizens, as well as prevent or avert other negative consequences for the environment.

In general, the legislation clearly defines the obligations of authorities regarding public information: information managers are obliged to provide access to public information, publish information that belongs to open data and is in their possession, and also regularly update it. The frequency of updates depends on the data set and can vary from several times a day (for automatic updating using application programming) to every year.

However, the legislation does not establish a clear obligation and responsibility of authorities to fully and timely collect all the environmental information that they are required to possess in accordance with their powers. Due to the lack of resources, weak institutional capacity and financial mechanisms, as well as the unclear division of functions for collecting certain sets of environmental information (with the exception of open data sets), not all information defined in the laws as environmental information is collected by authorities. The problem of the lack of data and information on the state of the environment should be resolved by the reform of the environmental monitoring system, which is being implemented with the adoption of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the State System of Environmental Monitoring, Information on the State of the Environment (Environmental Information) and Information Support for Environmental Management”. The law has been adopted, but it will enter into force six months after the date of the abolition or termination of martial law in Ukraine.

The legal framework for regulating and organizing the collection, disclosure and dissemination of information to ensure transparency in the extractive industries is defined in the Law of Ukraine “On Ensuring Transparency in the Extractive Industries”. The purpose of information disclosure in the extractive industries is to provide the public with access to complete and objective information on payments made by business entities operating in the extractive industries for the benefit of the recipients of payments, to create the prerequisites for the socially responsible use of minerals of national importance by such entities, as well as for public awareness and discussion of issues related to the use and management of minerals of national importance by the state and territorial communities, with data on environmental taxes and payments.

In addition, in 2022, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Ensuring Transparency in the Extractive Industries” was adopted, which takes into account the updated Extractive Industries Transparency Initiative Standard.

Also, since 2021, the online platform of the Extractive Industries Transparency Initiative (<https://eiti.gov.ua/>) has been operating in test mode. Based on the results of the analysis of the functioning of such a system, work has begun on improving the process of submitting reports by companies, creating analytical modules of the online platform, as well as establishing electronic exchange of information with the State Tax Service of Ukraine, the State Service for Geoscience and Mineral Resources and other authorities. In 2021 and 2022, company data for the Extractive Industries Transparency Initiative reports for 2020 and 2021 was collected in electronic format. Due

to the introduction of martial law in Ukraine, access to information on the public part of the platform had to be significantly limited.

The Ministry of Environment continues to work on the State Cadastre of Territories and Objects of the Nature Reserve Fund of Ukraine - a system that will contain digitized information about nature reserves in Ukraine. The purpose of the Cadastre is to provide open access to public information about nature reserves. For reasons of national security and in accordance with current legislative requirements, access to the public part of the Cadastre on the national online platform "EcoSystem" is currently limited. Upon the end of martial law, the information will become open. Currently, employees of parks and reserves under the Ministry's management have entered more than 4,000 species of flora and fauna into the Cadastre; 40% of nature records have been uploaded to the archival documentation; information on ecological and tourist routes and ecological trails is being filled in.

Everyone will be able to receive up-to-date information about the territory or object of the nature reserve fund in real time: about the location, boundaries, title documents for land plots, about protected and functional zones, their use regime, view decisions on the creation/expansion of the NPF object, data on biodiversity, reporting information on the activities of the protection service of the nature reserve fund institution, etc.

(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:

One of the key measures to ensure the easy availability of environmental information through public communication networks is the legislative definition of public information published on the state open data web portal. Issues regarding the publication of open data are governed by the Regulation on data sets that are subject to publication in the form of open data, approved by Resolution No. 835 of the Cabinet of Ministers of Ukraine dated 21.10.2015. Managers of public information are obliged not only to publish all information in the form of open data that is in their possession, but also to update it regularly. The functioning of the single state open data web portal is ensured by the Ministry of Digital Transformation of Ukraine. However, as noted above, weak institutional capacity and a significant shortage of resources lead to the fact that there are gaps in environmental information, including in the form of open data, collected by government bodies and enterprises, institutions and organizations under their subordination. To increase the amount of environmental information collected, the reform of the state environmental monitoring system is being implemented.

The obligation regarding public and open access to all normative and legal acts of state authorities, as well as projects of normative and legal acts, including strategies, programs and plans prepared by state authorities for public consultations, is defined by the Regulations of the Cabinet of Ministers of Ukraine, laws of Ukraine "On Central Executive Authorities", "On Access to Public Information". Acts and draft acts are published on the official web portal of the Parliament of Ukraine <https://www.rada.gov.ua/>, the official website of the Cabinet of Ministers of Ukraine (Single Web Portal of Executive Bodies), as well as on the official websites of the relevant developers - sectoral ministries, etc. For example, the recently approved Strategy for the Formation and Implementation of State Policy in the Field of Climate Change for the Period Until 2035 and the Approval of the Operational Plan of Measures for its Implementation in 2024-2026 have been published (<https://zakon.rada.gov.ua/laws/show/483-2024-%D1%80#Text>).

International treaties of Ukraine, including those in the field of environment and climate, are published on these same web.

In Ukraine, during the martial law, an electronic Register of Strategic Environmental Assessment was launched, which will allow the creation of a unified database with the materials of all strategic environmental assessments that will take place in Ukraine. For this purpose, the Resolution of the Cabinet of Ministers of Ukraine dated 02.05.2023 No. 430 "On Approval of the

Procedure for Maintaining the Unified Register of Strategic Environmental Assessments” was adopted. Access to the Register is open to registered users. Digitalization will make the process convenient and accessible, and environmental information open to the public.

Every year, regional military state administrations prepare and publish regional reports on the state of the environment of the relevant territory. In accordance with the administrative-territorial structure of Ukraine, 25 regional reports are developed, which contain generalized analytical information on the state of the environment in the regions of the country, as well as ecological passports of the regions. The materials are posted on the official website of the Ministry of Environment <https://mepr.gov.ua/diyalnist/napryamky/ekologichnyj-monitoryng/regionalni-dopovidi-pro-stan-navkolyshnogo-seredovyssha-v-ukrayini/>, and also <https://mepr.gov.ua/diyalnist/napryamky/ekologichnyj-monitoryng/ekologichni-pasporty/>.

(d) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment;

Answer:

The authorized body (the Ministry of Environment), in accordance with the law, is obliged to ensure the preparation and submission to the Verkhovna Rada of Ukraine of the annual National Report on the State of the Environment in Ukraine, and after its consideration by the Verkhovna Rada of Ukraine - its publication in separate publications and placement on the Internet. The Ministry of Environment has published 10 such reports for public access on its official website - <https://mepr.gov.ua/diyalnist/napryamky/ekologichnyj-monitoryng/natsionalni-dopovidi-pro-stan-navkolyshnogo-pryrodnogo-seredovyssha-v-ukrayini/>.

Due to martial law, the preparation of national reports has been suspended. A new Procedure for the preparation of the annual National Report on the State of the Environment in Ukraine has been determined (approved by the Resolution of the Cabinet of Ministers of Ukraine dated 09.04.2024 No. 400), which will come into effect six months after the date of the abolition or termination of martial law in Ukraine. According to the new procedure, the preparation of the National Report is carried out by the Ministry of Environment, and after the decision of the Verkhovna Rada of Ukraine on the results of consideration of the National Report, it publishes it on its official website and on the Unified State Web Portal of Open Data. The preparation of the National Report involves state authorities, enterprises, institutions and organizations, scientific institutions and higher education institutions that, within their competence, possess the information necessary for information and analytical support and preparation of the National Report.

(e) Measures taken to disseminate the information referred to in paragraph 5;

Answer:

The obligation regarding public and open access to all normative and legal acts of state authorities, as well as projects of normative and legal acts, including strategies, programs and plans prepared by state authorities for public consultations, is defined by the Regulations of the Cabinet of Ministers of Ukraine, laws of Ukraine "On Central Executive Authorities", "On Access to Public Information". Acts and draft acts are published on the official web portal of the Parliament of Ukraine <https://www.rada.gov.ua/>, the official website of the Cabinet of Ministers of Ukraine (the Unified Web Portal of Executive Authorities), as well as on the official websites of the relevant developers - sectoral ministries, etc. Thus, the recently approved Strategy for the Formation and Implementation of State Policy in the Field of Climate Change for the Period Until 2035 and the approval of the Operational Plan of Measures for its Implementation in 2024-2026 were published <https://zakon.rada.gov.ua/laws/show/483-2024-%D1%80#Text>.

International treaties of Ukraine, including those in the field of environment and climate, are published on these same web resources.

In accordance with paragraph 59 of the Regulations of the Cabinet of Ministers of Ukraine, reports on the progress and results of the implementation of strategies and other program documents

are submitted to the Cabinet of Ministers no less than every 12 months starting from the date of their approval, unless otherwise provided by such a document, and are also published on the official websites of the bodies that prepare such reports. The practical implementation of the norm on reporting on the implementation of strategies and other program documents requires improvement: there is no complete and timely information on annual reports <https://mepr.gov.ua/diyalnist/novyny-departamentiv/> on the implementation of all strategies, programs and plans in the field of state environmental policy on the official website of the Ministry of Environment.

The State Agency of Water Resources of Ukraine on its official website, in the section "Public Information" of the sub-section "Infographics" (<https://davr.gov.ua/infografika2/>), publishes materials of public reports on the results of the activities of the State Water Agency.

(f) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

Answer:

Legislative measures regarding this requirement are defined by the laws of Ukraine "On Environmental Protection", "On Public Procurement", "On Environmental Audit" and other legislation.

Thus, in order to ensure the dissemination of environmental information by entities other than government bodies and local self-government - enterprises, institutions and organizations, whose activities may negatively affect or affect the state of the environment, life and health of people, the Law of Ukraine "On Environmental Protection" determines that the mentioned enterprises, institutions and organizations are obliged to transfer analytical materials of their observations on the state of the environment, the level of its pollution to the relevant state bodies free of charge. State bodies shall subsequently ensure access to the relevant environmental information and its publication, as defined by the Law of Ukraine "On Access to Public Information".

The Law also stipulates that in order to take into account environmental requirements in the process of carrying out certain economic activities in Ukraine, including for the purposes of creating, operating and certifying environmental management systems, a voluntary or mandatory environmental audit is conducted. Environmental audit applies, in particular, to enterprises, institutions and organizations, individual production facilities, other economic facilities, and their environmental management and information systems and aims to establish compliance with the requirements of the legislation of Ukraine on environmental protection and other environmental audit criteria, for example, compliance with environmental standards.

In Ukraine, ISO standards (DSTU ISO) have been introduced: on environmental certification and environmental labeling (according to DSTU ISO 14024, as well as less widely used - DSTU ISO 14021). Also in Ukraine, DSTU ISO 14001:2015 "Environmental management systems. Requirements and guidelines for application" (ISO 14001:2015, IDT) is in force.

Voluntary forest certification systems FSC and PEFC have become widespread in the forestry of Ukraine.

Certification procedures provide for informing the public about planned audits of those forestry enterprises or their structural units that have volunteered to comply with international requirements within the framework of national FSC and PEFC standards. The public can express their observations, comments and wishes regarding forestry management. Information about planned audits is published on the website of the State Enterprise "Forests of Ukraine" (<https://e-forest.gov.ua/hrafik-audytiv/>). On the mentioned website, interested parties can familiarize themselves with the standards and certification procedures. For their greater involvement, a "Guide on the practical implementation of the FSC® national forest management system standard for Ukraine" has been prepared. (<https://e-forest.gov.ua/fsc-normatyvna-baza/>).

The FSC certification system has additional tools for informing and engaging the interested public. Thus, any individual or representative of a non-governmental or other organization has the right to participate in the audit as an observer (<https://ua.fsc.org/ua-uk/sh>).

To enhance public involvement, a manual "Forest Certification according to the Requirements of the FSC National Standard for Ukraine: Opportunities for Stakeholders" has been prepared. Based on the audit results, a report is being prepared that is publicly available to the interested public (<https://search.fsc.org/uk/>). The interested public can find more information about forestry practices in accordance with the requirements of international forest certification systems by visiting the social networks of FSC and PEFC certificate holders.

Part five of Article 23 of the Law of Ukraine "On Public Procurement" stipulates that the customer conducting public procurement (state body, etc.) may demand from the participants of the procurement procedure confirmation that the goods, services or works offered by them meet the requirements established in the tender documentation in terms of their environmental or other characteristics. In the event of establishing environmental or other characteristics of the goods, works or services, the customer must indicate in the tender documentation which markings, test reports, declarations or certificates can confirm the compliance of the subject of procurement with such characteristics. Additionally, when considering and evaluating tender offers (Article 29), the evaluation criteria may include some important environmental characteristics of the product life cycle, namely: one or more costs of the customer during the life cycle of the goods (goods), works (works) or services (services), costs associated with: the use of the goods (goods), works (works) or services (services), in particular the consumption of energy and other resources; collection and disposal of goods (goods); the impact of external environmental factors during the life cycle of goods (goods), work (works) or service (services), if their monetary value can be determined, in particular the impact of greenhouse gas emissions, other pollutants and other costs associated with reducing the impact on the environment.

(g) Measures taken to publish and provide information as required in paragraph 7;

Answer:

The most complete and diverse volume of factual data and relevant analytical environmental information on various issues important for the development of environmental policy is published in the National Reports on the State of the Environment in Ukraine.

Also, as noted above, authorities publish and regularly update open data sets, defined by the Regulation on Data Sets Subject to Disclosure in the Form of Open Data, on a single open data web portal <https://data.gov.ua/>. The data include environmental and statistical reporting, registers, cadastres, reports on the implementation of plans and programs, etc. The unified web portal of open data publishes general analytics on the dynamics of filling open data and their managers.

As part of the implementation and implementation of certain reforms in the field of environmental protection, public administration, etc., analytical notes and reports on the current state in the relevant field are published, and analytical information is also made public in the form of presentations, press releases, during speeches, round tables and other public events, in particular:

- annual public reports of the heads of central government bodies on the results of their activities
- the State Agency of Forest Resources of Ukraine; the State Agency of Water Resources of Ukraine, the State Ecological Inspectorate of Ukraine; the State Service of Geology and Subsoil of Ukraine, as well as reports on the results of the activities of enterprises, institutions and organizations, the activities of which are coordinated by the Ministry of Environment - the National Center for Accounting for Greenhouse Gas Emissions;

- Report on the status of implementation in 2023 of the National Environmental Action Plan for the period until 2025, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 21.04.2021 No. 443;

- National inventories of anthropogenic emissions from sources and removals by sinks of greenhouse gases;

- Report of the authorized body on emissions and transfer of pollutants and waste <https://mepr.gov.ua/gromadyanam/dostup-do-publichnoyi-informatsiyi/zvit-upovnovazhenogo->

[organu-pro-vykydy-ta-perenesennya-zabrudnyuvachiv-i-vidhodiv/](#) (перший звіт опубліковано за 2023 рік);

- Reports on tracking the results of some regulatory and legal acts in the field of environmental protection <https://mepr.gov.ua/gromadyanam/dostup-do-publichnoyi-informatsiyi/zvit-upovnovazhenogo-organu-pro-vykydy-ta-perenesennya-zabrudnyuvachiv-i-vidhodiv/> ,

<https://forest.gov.ua/regulyatorna-diyalnist/monitoring-rezultativnosti-regulyatornih-aktiv/zvit-pro-bazove-vidstezhennya-rezultativnosti-nakazu-ministerstva-zahystu-dovkilliya-ta-prirodnih-resursiv-ukrayini-pro-zatverdzhennya-poryadku-vedennya-lisovporyadkuvannya;>

- Report on the implementation of the work plan of the Ministry of Environment <https://mepr.gov.ua/diyalnist/plany/zvit-pro-vykonannya-planu-roboty-ministerstva-zahystu-dovkilliya-ta-prirodnih-resursiv-ukrayiny-u-2022-rotsi/>;

- Analytical note on the status and prospects for the development of the state environmental monitoring system <https://mepr.gov.ua/diyalnist/napryamky/ekologichnyj-monitoring/analitichna-zapyska-shhodo-stanu-ta-perspektiv-rozvytku-derzhavnoyi-systemy-monitoryngu-dovkilliya/>;

- Information on key reforms: industrial pollution prevention reform <https://mepr.gov.ua/diyalnist/reformy/zapobigannya-promyslovomu-zabrudnennyu/>, Інтегроване управління водними ресурсами <https://mepr.gov.ua/diyalnist/reformy/integrovanе-upravlinnya-vodnymy-resursamy/> та інші - <https://mepr.gov.ua/diyalnist/reformy/> ;

- Analytical annual report on work with citizens' appeals at the State Agency of Water Resources of Ukraine in 2022 [https://davr.gov.ua/analitichna-richna-dopovid-pro-robotu-zizvernennymi-gromadyan-u-derzhavnomu-agentstvi-vodnih-resursiv-ukrayini-u-2022-roci](https://davr.gov.ua/analitichna-richna-dopovid-pro-robotu-zizvernennymi-gromadyan-u-derzhavnomu-agentstvi-vodnih-resursiv-ukrayini-u-2022-roci;);

- Reports on receipt and consideration of requests for public information, in particular <https://mepr.gov.ua/gromadyanam/dostup-do-publichnoyi-informatsiyi/zvity-pro-nadhodzhennya-ta-rozglyad-zapytiv-na-otrymannya-publichnoyi-informatsiyi-ministerstva-zahystu-dovkilliya-ta-prirodnih-resursiv-ukrayiny/>, as well as on the websites of other executive authorities in the section on public information and citizens' appeals.

Annual public reports on the results of the activities of central authorities, institutions and organizations whose activities are coordinated by central authorities are published on their official websites. Presentations of public, analytical reports and other analytical information often take place in the format of public events, to which representatives of public councils, public associations, experts and representatives of academic circles, business and business associations, local executive authorities, etc. are invited.

The Ministry of Environment publishes lists of administrative services provided, indicating information about the required list of documents to receive the service, the term of the service, the method of obtaining the result, the validity period of the document, the grounds for refusal, the appeal procedure, and where to obtain the service (<https://mepr.gov.ua/biznesu/administratyvni-poslugy/>). The results of service provision are also published on the Ministry of Environment website (<https://mepr.gov.ua/biznesu/dozvoly-ta-litsenziyi/>, <https://mepr.gov.ua/topics/ogoloshennya/normatyvno-pravova-baza/>).

The level of provision of factual and analytical information necessary for the assessment and further development of environmental policy still remains insufficient: data is not collected on key indicators of the implementation of the state environmental policy, defined in the Appendix to the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the period until 2030, indicators in other sectoral strategies, the implementation of which is likely to have consequences for the environment, as well as on key indicators of the state of the environment; the procedures for collecting and processing such data are not defined; there is almost no data and information on some issues, for example, on noise pollution, assessment of environmental risks, water and resource intensity of major industries in Ukraine, the state of soils and groundwater in waste disposal sites, the dynamics of biodiversity under threat of extinction, the volume of waste recovery and the involvement of secondary raw materials in the production, the use of measures and technologies for environmental recovery, etc.

As part of the reform of the environmental monitoring system, it is planned to organize regional centers of environmental monitoring, which should ensure the collection and processing of data and environmental information at the local level.

Joining the recommendations of the OECD Council regarding a) environmental information and reporting, as well as regarding b) expanded access and more effective use of public information, as provided for in the Action Plan for the Implementation of the Program of the Organization for Economic Cooperation and Development for Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated November 3, 2023 No. 1165, will also contribute to the effective implementation of Ukraine's obligations regarding the collection and dissemination of environmental information.

(h) With respect to paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

Answer:

The implementation of this norm is provided for within the framework of consumer rights protection. Functions related to consumer rights protection fall under the authority of the State Service of Ukraine for Food Safety and Consumer Protection (hereinafter referred to as the Service), in particular, the Service verifies compliance by business entities operating in the field of trade and services with the requirements of the legislation on consumer rights protection, as well as the rules of trade and provision of services. The Law of Ukraine “On Consumer Rights Protection” defines their right to necessary, accessible, reliable and timely information about products, their quantity, quality, assortment, and their manufacturer. Requirements for products are established by technical regulations and other regulatory legal acts. Products for which regulatory legal acts, including technical regulations, establish requirements regarding safety for the life, health and property of consumers and the environment must be put into circulation and sold in compliance with the specified requirements.

Many technical regulations have been adopted in Ukraine, including the Resolution of the Cabinet of Ministers of Ukraine dated 10.05.2024 No. 539 approving the technological regulations for hazard classification, labeling and packaging of chemical products.

In the period 2021-2022, 241 inspections were carried out in Ukraine regarding the compliance of products with the requirements of the relevant technological regulations and 184 violations were identified, namely, violations were detected in up to 97,852 units of products.

By order of the State Service for Food and Consumer Protection dated 01.03.2024 No. 122, the Regulations for planning and reporting on the results of state market surveillance were approved, which provides for the reporting form of the main departments of the State Service for Food and Consumer Protection in the regions and in the city of Kyiv on the number of units of products checked for compliance with the requirements of technical regulations and market surveillance measures taken.

In connection with the introduction of martial law in Ukraine, the Decree of the President of Ukraine dated 02/24/2022 No. 64 “On the introduction of martial law in Ukraine” and in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated 03/13/2022 No. 303 “On the termination of state supervision (control) and state market supervision measures under martial law” (as amended), a moratorium is in force on conducting planned market surveillance measures for the compliance of products with the requirements of the Technical Regulations for detergents.

Ukraine operates a voluntary system of environmental certification and labeling according to the scheme in accordance with ISO 14024, which allows providing consumers with information important to them about the environmental characteristics, quality and safety of products on the market.

(i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

In Ukraine, there are many reporting systems and registers in the field of environmental protection and natural resource use that provide collection and access to environmental information, including:

- register of conclusions on cross-border transportation of waste;
- register of objects that have a harmful impact;
- single state register for environmental impact assessment;
- single register of strategic environmental assessment;
- state register of pesticides and agrochemicals permitted for use in Ukraine;
- national pollutant release and transfer register;
- register of installations for monitoring, reporting and verification of greenhouse gas emissions;
- state register of business entities that accept and/or dismantle vehicles for disposal;
- register of written consents (notifications) for transboundary transportation of hazardous waste included in the Green List of waste in accordance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- register of agreements for holding public discussions in the process of conducting environmental impact assessment;
- register of issued certificates on background concentration values;
- register of permits for waste treatment operations;
- register of business entities in the field of waste treatment;
- register of licensees for hazardous waste management.

The legislation provides for and maintains the State Water Cadastre, including the "Water Use" section, which contains information on state accounting of water use. The section systematizes data on discharges of return waters and pollutants, wastewater treatment systems and their efficiency. To maintain state water use accounting, enterprises and water user organizations submit annual reports on water use.

Access to the registers is provided through a single environmental platform - the information system "EcoSystem", in the section "Registers": <https://eco.gov.ua/registers>. As of 2024, there are 37 active registers on the platform. The legislative framework for the functioning of EcoSystem is the Law of Ukraine "On Environmental Protection" and the Regulations on the Unified Ecological Platform "Ecosystem", approved by the Resolution of the Cabinet of Ministers of Ukraine dated October 11, 2021 No. 1065.

XII. Obstacles encountered in the implementation of article 5

Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

Answer:

The main difficulties for implementation arose as a result of the full-scale invasion of Russia into Ukraine and the introduction of martial law. In order to protect the national interests and security of Ukraine, access to information on operating critical infrastructure facilities and indicators of key industries was limited.

The State Open Data Portal was completely closed from the beginning of the full-scale invasion until August 2022. Later, the portal resumed work, however, public monitoring of the publication of environmental information shows that a significantly smaller part of the open environmental data sets is published than before the invasion. Some information is not published for objective reasons, in particular, those related to occupied territories.

The Ministry of Environment is the administrator of the public Unified Register of Environmental Impact Assessment, ensures its maintenance, is responsible for the technical, technological and software support of the Register, the storage and protection of its data. The Register contains all information (technical documentation, location, geographical coordinates, cartographic materials) regarding the types of planned activities and facilities that may have a significant impact on the environment, in particular regarding critical infrastructure facilities that

access to the Register was restored. However, a separate procedure has been developed to obtain access to information the disclosure of which would pose a risk to national defense, by submitting a request with the identification of the person requesting the information. According to the procedure, the public can receive information upon request within two days.

Conducting full-fledged public discussions in the course of environmental impact assessment today also has certain limitations. This is due to the lack of shelters for civil defense in the premises for public discussions, so public discussions are held online.

In addition, on 03.03.2022, in connection with the introduction of martial law in Ukraine, caused by the aggression of the Russian Federation against Ukraine, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Protection of the Interests of Subjects of Reporting and Other Documents during the Period of Martial Law or State of War", according to which legal entities have the right to submit documents (reporting, etc.) required in accordance with the legislation in documentary and/or electronic form, within three months after the termination or cancellation of martial law or state of war for the entire period of failure to submit reporting or the obligation to submit documents.

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

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:

In Ukraine, there is a specially authorized central executive body in the field of statistics - the State Statistics Service of Ukraine, which organizes and conducts state statistical observations, including the environmental situation in Ukraine and its regions by collecting forms of state statistical reporting and conducting specially organized statistical observations (census, one-time records, surveys, sample surveys, including population). A section on environmental statistics is published on the official website of the State Statistics Service of Ukraine (https://www.ukrstat.gov.ua/operativ/menu/menu_u/ns.htm), which includes information on emissions of pollutants into the atmosphere, waste generation and processing, waste management facilities, specially designated places and waste disposal facilities, use of mineral and organic fertilizers, pesticides, environmental protection costs.

The Ukrainian Hydrometeorological Center of the State Emergency Service of Ukraine also collects and disseminates environmental information, in particular, on daily and monthly data on the content of pollutants in the atmosphere <https://www.meteo.gov.ua/ua/Shchodenni-dani>, <https://www.meteo.gov.ua/ua/Shchomisyachni-dani>; information on the radiation situation in Ukraine according to indicators collected by the National Hydrometeorological Service of the National Emergency Service <https://www.meteo.gov.ua/ua/Situaciya-na-punktakh-sposterezhennya>, <https://www.meteo.gov.ua/ua/Radiolohichni-poperedzhennya>, data of observations from automatic hydrological stations <https://www.meteo.gov.ua/ua/Dani-avtomatichnikh-hidrolohiichnikh-postiv>.

Every day, a daily report on man-made, natural and other emergencies in Ukraine is published on the official website of the State Emergency Service of Ukraine <https://dsns.gov.ua/dovidka-zadobu>.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

Unified state web portal of open data – <http://data.gov.ua/>
 Unified ecological platform "EcoSystem" – <https://eco.gov.ua/registers>
 State Agency of Water Resources of Ukraine - Web portal "Monitoring and ecological assessment of water resources of Ukraine" – <http://monitoring.davr.gov.ua/EcoWaterMon/GDKMap/Index>
 Web portal "EcoZagroza" - Map with open data of air monitoring stations
https://ecozagroza.gov.ua/map?layer=air_pollution
 State geological map – <https://www.geo.gov.ua/geologichna-galuz/geologichni-karty/>
 Interactive geological map – <https://geoinf.kiev.ua/>
 Forest inventory data for 2023 based on remote sensing of forests – https://nfi.lisproekt.gov.ua/wp-content/uploads/2024/05/booklet_ua-20x20_e-book.pdf

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:

(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:

On 23.05.2017, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Environmental Impact Assessment", on 13.12.2017, subordinate legislation to this Law was adopted - Resolutions of the Cabinet of Ministers of Ukraine No. 989, No. 1010, No. 1026, which adopted the forms and samples of documentation created during the environmental impact assessment procedure. On 18.12.2017, the Law of Ukraine "On Environmental Impact Assessment" entered into force.

The Law of Ukraine "On Environmental Impact Assessment" clearly defines the list of activities that are subject to environmental impact assessment. The list fully takes into account the activities (including threshold values for such activities) listed in Annex I to the Aarhus Convention and was generally formed on the basis of the lists from the annexes to Directive 2011/92/EU of the European Parliament and of the Council of the European Union on the assessment of the effects of certain public and private projects on the environment, the Aarhus Convention and the Espoo Convention on Transboundary Environmental Impact Assessment, as well as taking into account the relevant lists defined by international financial institutions (World Bank, EBRD, etc.). Therefore, the entire environmental impact assessment procedure extends to the procedure for making a decision on issuing a permit for activities subject to environmental impact assessment.

In accordance with Part 1 of Article 3 of the Law of Ukraine "On Environmental Impact Assessment", the implementation of an environmental impact assessment is mandatory in the process of making decisions on the implementation of planned activities specified in Parts 2 and 3 of this Article. Such planned activities are subject to environmental impact assessment before making a decision on the implementation of the planned activities.

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

(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 list of activities defined by the Law of Ukraine "On environmental impact assessment" includes activities not only from Annex I of the Aarhus Convention and Annex I of Directive 2011/92/EU of the European Parliament and of the Council of the European Union on the assessment of the impact of certain

public and private projects on the environment, but also from Annex II of the said Directive, that is, activities that may have a significant impact on the environment. For this purpose, the Law establishes threshold values for such types of activities, upon reaching or exceeding which the activity is subject to a mandatory assessment of the impact on the environment. This provision of the law allows to ensure the fulfillment of the requirement in subparagraph "b" of paragraph 1 of Article 6 of the Convention.

(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 Law of Ukraine "On Environmental Impact Assessment" establishes the requirement to ensure timely, adequate and effective public information in the process of environmental impact assessment. In the process of environmental impact assessment, a public discussion of the planned activity is held.

In order to timely inform the public, the entity must submit to the authority a Notification of the planned activity subject to environmental impact assessment. The requirements for the Notification, including the information specified in paragraph 2 of Article 6 of the Aarhus Convention, are specified in Article 5 of the Law. To inform the public and ensure the transparency of the environmental impact assessment procedure, the Unified Register of Environmental Impact Assessments operates in accordance with the procedure established by the Resolution of the Cabinet of Ministers of Ukraine dated 13.12.2017 No. 1026. In particular, the Register publishes the Notice on Planned Activities Subject to Environmental Impact Assessment. Access to the Register is provided through the national online platform in the field of environmental protection "EcoSystem".

Annex 2 to the Procedure for the transfer of documentation for the provision of a conclusion on environmental impact assessment and financing of environmental impact assessment, approved by Resolution of the Cabinet of Ministers of Ukraine dated 13.12.2017 No. 1026, approved the form of notification of planned activities that are subject to environmental impact assessment (notification). The notification contains information on public participation, opportunities for public participation in environmental impact assessment and other information necessary for the public.

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

Answer:

In accordance with the Law of Ukraine "On Environmental Impact Assessment", deadlines have been established for public participation procedures in environmental impact assessment: within 12 working days from the date of submission of the Notification of Planned Activities - the public may submit to the authorized authority comments and proposals on the planned activities, the scope of research and the level of detail of information to be included in the environmental impact assessment report; after submission of the environmental impact assessment report - public discussion continues for 25 working days, in the form of written comments and proposals (including in electronic form), as well as public hearings. The deadline for issuing and publicizing the environmental impact assessment conclusion by the authorized body is also defined - within 15 working days from the day of the end of the public discussion. The established deadlines provide sufficient time for informing the public, its preparation and effective participation in the decision-making process in accordance with the requirements of the Aarhus Convention.

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

Answer:

In accordance with the first part of Article 3 of the Law of Ukraine "On Environmental Impact Assessment", the planned activity defined by the Law is subject to an environmental impact assessment before making a decision on the implementation of the planned activity. In addition, Part 4 of Article 3

of the Law prohibits the commencement of planned activities defined by the Law without an environmental impact assessment and a decision to implement the planned activity.

In accordance with Part 1 of Article 4 of the Law of Ukraine "On Environmental Impact Assessment", timely, adequate and effective public information is ensured in the environmental impact assessment process.

Thus, the mentioned Law defines the right of the public to participate in decision-making regarding the planned activity at an early stage, before the decision on the implementation of the planned activity is made.

In accordance with the Law of Ukraine "On Environmental Impact Assessment", as well as a number of by-laws, the Notification of a planned activity that is subject to an environmental impact assessment (notification), as well as an environmental impact assessment report must contain information on technical and/or territorial alternatives to the planned activity. Thus, the public participates in the environmental impact assessment procedure at the stage of determining justified alternatives to the planned activity.

(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:

In accordance with Part 3 of Article 4 of the Law of Ukraine "On Environmental Impact Assessment", in order to inform communities that may be affected by the planned activity, such documents as a notification of the planned activity subject to environmental impact assessment and an announcement of the start of public discussion of the environmental impact assessment report are published by the business entity by posting them in at least three public places (in particular, on bulletin boards of local government bodies, socio-cultural facilities, post offices, at permanently equipped stops of route vehicles, in places designated and equipped by state authorities or local government bodies, and other places of mass population) in the territory where the planned activity is planned to be carried out, and in all settlements that may be affected by the planned activity, and/or by publishing them in printed media determined by the business entity, the distribution territory of which covers administrative-territorial units that may be affected by the planned activity. The business entity may additionally publicize the documents specified in this part in another way, which, together with other methods of informing, will ensure that the information is brought to the attention of the residents of the relevant administrative-territorial unit, on the territory of which the facility is planned to be located, and administrative-territorial units that may be affected by the planned activity.

Similarly, access to the environmental impact assessment report and other documentation provided by the business entity regarding the planned activity must be provided throughout the period of public discussion in places accessible to the public, including in the premises of local self-government bodies of territorial communities that may be affected by the planned activity and, additionally, in other publicly accessible places determined by the business entity.

The aforementioned Law also imposes an obligation on authorized executive bodies, local self-government bodies of territorial communities that may be affected by the planned activity, to ensure the placement and access to documentation in their premises in places accessible to the public.

The notification about the planned activity, which is subject to environmental impact assessment, must contain information about the territorial communities that may be affected by the planned activity, about the socio-economic impact of the planned activity. The authorized executive body is obliged, when considering the notification of planned activities or the environmental impact assessment report, to assess and inform other interested authorities, as well as the business entity, that the planned activity may have an impact on the environment of two or more regions (the Autonomous Republic of Crimea), may have a significant transboundary impact, or concerns an exclusion zone or a zone of unconditional (mandatory) resettlement of the territory that has been subjected to radioactive contamination as a result

of the Chernobyl disaster, and/or the decision on its approval (approval) is made by the Cabinet of Ministers of Ukraine.

In the case of probable significant transboundary impact and carrying out an assessment of the cross-border impact on the environment according to the procedure of the state of origin, the authorized central body not later than the next working day from the day of the adoption of the relevant decision officially notifies the states whose environment may be subject to significant negative transboundary impact. Subsequently, the authorized central body (Ministry of Environment) shall hold consultations with the affected State(s), and together with the affected States shall ensure public discussion by the public of these States of the planned activity and the environmental impact assessment report.

In the case of an assessment of transboundary impact on the environment according to the procedure of the affected state, the authorized central body (Mindovkillya) publishes its decision on the implementation of such an assessment, promotes public discussion of the assessment materials of transboundary impact on the environment and their consideration, and also informs the public about the decision on the implementation of the planned activity, taken by the state of origin.

The Law of Ukraine "On Environmental Impact Assessment" also obliges economic entities to inform about the objectives of the planned activity and its parameters, in the notification of the planned activity and in the environmental impact assessment report. This allows informing the public about the objectives of the application for a decision or permit for the implementation of the activity.

(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:

In order to fully and adequately inform the public, in accordance with the Law of Ukraine "On Environmental Impact Assessment" and the Procedure for Maintaining the Unified Register of Environmental Impact Assessments, approved by Resolution No. 1026 of the Cabinet of Ministers of Ukraine dated December 13, 2017, the Unified Register of Environmental Impact Assessments operates. The Unified Register for Environmental Impact Assessment is a unified information and communication system that ensures the creation, review, collection, entry, accumulation, processing, use, consideration, storage, protection, accounting and provision of information in the field of environmental impact assessment (information on planned activities subject to environmental impact assessment, on the environmental impact assessment report, on the conclusion of the environmental impact assessment, on the results of public discussion; proposals and comments received during the environmental impact assessment process, other information obtained during the environmental impact assessment process, including transboundary environmental impact assessments), as well as electronic information interaction between environmental impact assessment entities. Article 12 of the Law defines 18 items of information stored in the Register, including: notification of planned activities subject to environmental impact assessment, environmental impact assessment report, announcement of the start of public discussion, conclusion on environmental impact assessment, and information on the decision to carry out the planned activity.

Any individual or legal entity has the right to register in the Unified Register of Environmental Impact Assessments for the purpose of targeted information on the publication of information and documents in it.

The law establishes deadlines for the publication of documentation created in the environmental impact assessment procedure. The body authorized by law is obliged to enter all information obtained in the environmental impact assessment process into the Unified Register of Environmental Impact Assessments no later than the next working day from the date of their receipt. The date of official publication of information and documents provided for by the Law "On Environmental Impact Assessment" is considered to be the date of their publication in the Unified Register of Environmental Impact Assessments. The established deadlines ensure timely information to the public and provide

them with sufficient time to provide their comments and suggestions, where provided for, as well as to maintain the maximum effective duration of the environmental impact assessment procedure.

The Law also stipulates (parts two and four of Article 11) that state authorities and local self-government bodies, when making a decision on the implementation of a planned activity, are obliged to take into account the conclusion of the environmental impact assessment, and that these same bodies publish information about the decision on the implementation of the planned activity no later than the next working day from the date of its adoption and provide the public with the opportunity to familiarize themselves with it.

The Unified Register of Environmental Impact Assessment also contains the option of providing other additional information to the environmental impact assessment report, therefore, a business entity has the right to submit to the authorized central body or authorized territorial body any other additional information necessary for consideration of the environmental impact assessment report.

Access to the environmental impact assessment report and other documentation provided by the business entity regarding the planned activity is ensured by placing them during the entire period of public discussion in places accessible to the public in the premises of the authorized body, local self-government bodies of territorial communities that may be affected by the planned activity, in the business entity's premises and, additionally, by placing them in other publicly accessible places determined by the business entity. The public is given the opportunity to make copies (photocopies) and extracts from the specified documentation, as well as the opportunity to familiarize themselves with the information at the place of placement.

(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 Law of Ukraine "On Environmental Impact Assessment" guarantees the right of the public to public discussion of planned activities subject to environmental impact assessment. Public discussion in the process of environmental impact assessment is conducted in order to identify, collect and take into account comments and suggestions of the public regarding the planned activity. The obligation to ensure public discussion in the process of environmental impact assessment is imposed by the Law on the authorized executive body - the Ministry of Environment or local state administrations, depending on the category of planned activities. The public has the right to submit any comments or proposals that, in its opinion, relate to the planned activities, without the need to substantiate them. Comments and proposals may be submitted in writing (including in electronic form), as well as orally - during public hearings with an entry in the minutes of public hearings.

In particular, initially based on the information contained in the notification of the planned activity, the public can provide comments and suggestions on the planned activity, the scope of research and the level of detail of the information to be included in the environmental impact assessment report. Comments and suggestions are submitted to the authorized executive body within 12 working days after the notification of the planned activity is published in the Unified Register of Environmental Impact Assessment, as well as on the official websites of local executive bodies, local governments, in public places specified by the Law. In case of receipt, the relevant authorized body is obliged to notify the economic entity of the received comments and suggestions from the public and provide it with copies of these documents.

At the second stage of the environmental impact assessment, after the submission of the environmental impact assessment report and the publication of the announcement of the start of public discussion of the environmental impact assessment report, the public discussion is held in the form of public hearings and in the form of submission of written comments and suggestions (including in electronic form). The law regulates the terms, procedure and other requirements for the organization and conduct of public hearings, as well as the dissemination of information about them.

(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:

The Law of Ukraine "On Environmental Impact Assessment" obliges the authorized executive body to ensure the preparation of a report on public discussion. The public discussion report includes information on the release of information, a list of materials submitted for public consideration, minutes of public hearings, all received written comments and suggestions from the public, as well as a table indicating information on full consideration, partial consideration, or justified rejection of comments and suggestions received during the public discussion.

The report on public discussion, as well as other documentation created in the process of conducting an environmental impact assessment, is entered into the Unified Register of Environmental Impact Assessment. When preparing an environmental impact assessment conclusion, the authorized body takes into account, among other things, the report on public discussion, and in the descriptive part of the conclusion itself, information is provided on the taken into account and rejected comments and proposals received during the public discussion.

Violation by a business entity of the requirements for taking into account comments and suggestions of the public, other legally established requirements for informing the public and public discussion is, according to the Law, grounds for refusing to issue an environmental impact assessment opinion. If the business entity eliminates the shortcomings identified by the Law and became a basis for refusing to issue an environmental impact assessment conclusion, then in order to complete the initiated environmental impact assessment procedure, public discussion of the planned activity after submitting the environmental impact assessment report is conducted again.

Thus, legislative measures to ensure that the results of public participation are taken into account in the decision-making process on the implementation of activities that have a significant impact on the environment are sufficient.

(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:

According to the Law of Ukraine "On environmental impact assessment", based on the results of the environmental impact assessment procedure, the authorized authority adopts a conclusion on environmental impact assessment, which determines the admissibility or justifies the inadmissibility of the implementation of the planned activity and determines the environmental conditions of its implementation. The environmental impact assessment conclusion is made public immediately on the day of its adoption and entered into the Unified Register of Environmental Impact Assessment. Similar deadlines are set by law for the decision to refuse to issue an environmental impact assessment conclusion.

In the future, state authorities and local self-government bodies that make decisions on the implementation of the planned activity are obliged to take into account the conclusion of the environmental impact assessment. Such bodies shall publish information about the said decision no later than the next working day from the date of its adoption, ensure that the public has the opportunity to familiarize themselves with this decision, and also provide information about this decision to the authorized body that adopted the conclusion on the environmental impact assessment. The latter body shall enter information about the decision on the implementation of planned activities into the Unified Register of Environmental Impact Assessments within three working days from the date of its receipt.

(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:

In accordance with the Law of Ukraine "On Environmental Impact Assessment", the implementation of an environmental impact assessment is mandatory in the process of making decisions on the implementation of planned activities specified in parts two and three of Article 3 of this Law. This requirement applies to both new construction and planned activities planned for the first time, as well as expansions and changes, including revision or updating of the conditions for the implementation of planned activities established (approved) by the decision on the implementation of planned activities or extension of the terms of its implementation, reconstruction, technical re-equipment, major repairs, re-profiling of activities and facilities specified by the Law, except for those that do not have a significant impact on the environment in accordance with the criteria specifically defined by the resolution of the Cabinet of Ministers of Ukraine.

In the event of changes to the planned activity, the need for an environmental impact assessment is determined by the business entity itself, based on the Resolution of the Cabinet of Ministers of Ukraine dated 13.12.2017 No. 1010 "On Approval of Criteria for Determining Planned Activities Not Subject to Environmental Impact Assessment, and Criteria for Determining Expansions and Changes to Activities and Facilities Not Subject to Environmental Impact Assessment", adopted in implementation of paragraphs 22 of part two and 14 of part three of Article 3 of the Law.

If, in case of making changes to the planned activity, it is determined that an environmental impact assessment is necessary, the entire environmental impact assessment procedure is carried out in full accordance with the requirements of the Law of Ukraine "On Environmental Impact Assessment".

(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:

The Law of Ukraine "On Environmental Impact Assessment" determines that genetic engineering activities, the introduction into circulation and any use of genetically modified organisms and products produced with their use (in an open system) are types of planned activities and facilities that may have a significant impact on the environment and are subject to environmental impact assessment in accordance with the procedure established by the Law.

According to the Law of Ukraine "On the State Biosafety System in the Creation, Testing, Transportation and Use of Genetically Modified Organisms" dated 31.05.2007 No. 1103 (hereinafter referred to as the Law on Biosafety):

- it is prohibited to release GMOs into the natural environment without an assessment of the impact on the environment and before their state registration;
- information on the handling of GMOs is open and publicly available, except for information classified in accordance with the law as restricted information, and information on the potential impact of GMOs on human health and the environment cannot be classified as restricted information;
- the authorized body (Ministry of Environment) ensures an environmental impact assessment of GMOs intended for use in an open system.

In addition, in accordance with the by-law - the Procedure for Issuing a Permit for State Approbation (Testing) of Genetically Modified Organisms in an Open System, approved by Resolution No. 308 of the Cabinet of Ministers of Ukraine dated 02.04.2009 No. 308, a permit for state approbation (testing) of genetically modified organisms in an open system is issued taking into account the results of an environmental impact assessment.

Thus, sufficient legislative measures have been taken to ensure public participation in decision-making regarding activities related to the deliberate release of genetically modified organisms into the environment.

In accordance with the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, national obligations have been defined for the implementation of the European Union Directives on GMOs, which provide for public participation in decision-making regarding the handling of GMOs.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine “On State Regulation of Genetic Engineering Activities and State Control over the Placing on the Market of Genetically Modified Organisms and Products”, which will enter into force on 16.09.2026 and which implements the relevant EU acts into the legislation of Ukraine.

By Resolution of the Cabinet of Ministers of Ukraine dated 07.07.2022 No. 573, an action plan for the implementation of the Strategy of Biosafety and Biological Protection for 2022-2025 was approved, which provides for the development of information materials on the issues of handling genetically modified organisms in an open system for various audiences (state authorities, local governments, business, the public, students, etc.).

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:

Public hearings in the environmental impact assessment procedure have not been held since the period of the establishment of restrictions related to the COVID pandemic, and this cancellation continued to apply from the beginning of the full-scale invasion after 02/24/2022 and until the end of July 2023. As a result of Russia's full-scale armed aggression against Ukraine, a significant number of internally displaced persons, as well as persons who emigrated abroad, appeared among the citizens of Ukraine. Due to the absence or limited functionality of civil defense facilities, it is not possible to create safe conditions for holding public hearings during air raids, shelling, and hostilities. Damage to energy infrastructure, problems with stable energy supply and communication lead to problems with access to state electronic services, environmental impact assessment documentation, and information exchange between all participants in the procedure. Thus, Russia's armed aggression against Ukraine and its consequences create key obstacles to ensuring public information and participation in the environmental impact assessment procedure.

In order to ensure full public participation in the environmental impact assessment procedure during martial law, public hearings have been resumed starting from the end of July 2023. Adopted on November 13, 2023, Law of Ukraine No. 3227 "On Amendments to Certain Laws of Ukraine Regarding the Improvement and Digitization of the Environmental Impact Assessment Procedure" regulates the issue of holding public hearings in the environmental impact assessment procedure in videoconference mode during the period of martial law on the territory of Ukraine.

In territorial communities that are located in the area of military (combat) operations or that are under temporary occupation, encirclement (blockade), no environmental impact assessment of the planned activity is carried out, the terms of consideration of the submitted documentation are suspended, conclusions on the environmental impact assessment regarding such planned activity are not issued. A business entity may initiate an environmental impact assessment in territories in a combat zone, provided that Ukrainian state authorities exercise their powers there and there is an opportunity to ensure the procedure is carried out in accordance with the Law.

On the basis of the Decree of the President of Ukraine "On extending the period of martial law in Ukraine" dated 14.03.2022 No. 133/2022, Resolution of the Cabinet of Ministers of Ukraine dated 12.03.2022 No. 263 "Some issues of ensuring the functioning of information and communication systems, electronic communication systems, public electronic registers under martial law", in order to prevent unauthorized actions with information, contained in the automated information system "Unified Register for Environmental Impact Assessment", the order of the Ministry of Environment dated March 22, 2022 No. 159 temporarily restricted access to the Register for external use. Since June 2022, access to the Register has been restored with restrictions that ensure compliance with security and information protection requirements, in particular: access to information about the place of planned activity is limited or closed; for the public - the authorized body provides documentation on environmental impact assessment upon request, after identifying the requesting person. Restrictions will be in effect during martial law. Information about the established restrictions is published on the website of the Ministry of Environment, as well as on the national online platform "EcoSystem".

As a result of the significant destruction of critical infrastructure caused by hostilities, shelling and missile attacks carried out by Russia, significant and urgent needs for restoration and reconstruction have arisen. To meet these needs, based on the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Environmental Activities and on Civil Protection for the Period of Martial Law and in the Recovery Period” dated 15.03.2022 No. 2132, restoration work to eliminate the consequences of armed aggression against Ukraine during martial law was exempted from environmental impact assessment. Also, activities aimed at ensuring the defense of the state are not subject to assessment of the impact on the environment. The criteria for determining activities that are not subject to environmental impact assessment are determined by the Cabinet of Ministers of Ukraine Resolution No. 1010 dated 13.12.2017, which was amended and clarified during the period of martial law.

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

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:

In order to ensure full public participation in the environmental impact assessment procedure during martial law, public hearings have been resumed starting from the end of July 2023. The Law of Ukraine No. 3227 “On Amendments to Certain Laws of Ukraine on Improving and Digitalizing the Environmental Impact Assessment Procedure”, adopted on 13.07.2023, regulates the issue of holding public hearings in the environmental impact assessment procedure via videoconference for the period of martial law in the territory of Ukraine. The holding of public hearings by video conference is indicated in the announcement of the start of public discussion of the environmental impact assessment report and in the report on public discussion. The resumption of public hearings via videoconference allows the interested public to participate in the environmental impact assessment procedure, attend public hearings, submit questions, comments and suggestions remotely (online). The link to connect to the videoconference is created by the relevant authorized body.

Since the resumption of public hearings, 375 public hearings have been held via video conference. Public hearings in the format of video conferences are held by the Ministry of Environment according to a constantly updated schedule. Video recordings of all public hearings are available to the public on the official YouTube channel of the Ministry of Environment.

The Ministry of Environment publishes on its official website, in the section dedicated to environmental impact assessment, information on public hearings, explanations for representatives of the public, as well as explanations for all interested parties regarding changes to the environmental impact assessment procedure for the period of martial law, and also publishes explanatory and summary information on the issued conclusions on environmental impact assessment, as well as on the decision to refuse to issue an impact assessment.

In order to ensure the operational needs for the restoration and reconstruction of the destroyed infrastructure, amendments were made to the Law of Ukraine "On Environmental Impact Assessment" and subordinate legislation, which exempted some works from environmental impact assessment.

In particular, in 2022, based on the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Environmental Activities and Civil Protection for the Period of Martial Law and in the Recovery Period” dated 15.03.2022 No. 2132, restoration works to eliminate the consequences of armed aggression and hostilities for the period of martial law and in the recovery period after the end of hostilities were exempted from environmental impact assessment.

Later, in 2023, additional clarifications were made to the Law of Ukraine “On Environmental Impact Assessment” to the effect that restoration work to eliminate the consequences of armed aggression against Ukraine during martial law, in accordance with the criteria approved by the Cabinet of Ministers of Ukraine, change of purpose of especially valuable lands and other activities related to the location of the National War Memorial Cemetery are not subject to environmental impact assessment. Amendments were made to Resolution No. 1010 of the Cabinet of Ministers of Ukraine

dated December 13, 2017, which established a clear list of criteria for determining planned activities that are not subject to environmental impact assessment. This planned activity is aimed at ensuring defense capability, as well as the most urgent needs for restoring infrastructure and providing life support to the population. The established list of criteria for determining planned activities that are not subject to environmental impact assessment complies with the provision of the Aarhus Convention on the right of a state not to apply the requirements of the Convention on Public Participation in Decision-Making to planned activities that serve the purposes of national defense. The resolution with the established criteria was published on the official web portal of the Verkhovna Rada of Ukraine (<https://zakon.rada.gov.ua/laws/show/1010-2017-%D0%BF#Text>), as required by legislation regarding all normative legal acts of the Cabinet of Ministers of Ukraine.

Since the beginning of Russia's full-scale armed aggression against Ukraine, the critical infrastructure - the infrastructure that ensures the life of the population - has been subject to constant targeted attacks and destruction caused by hostilities, deliberate shelling, massive missile attacks and other armed damage. The legislation of Ukraine in the field of environmental impact assessment, adopted in accordance with the provisions of Directive 2011/92/EU, provides for a rather long time for the environmental impact assessment procedure, which during the period of martial law makes it impossible to promptly restore damaged critical infrastructure facilities, negatively affects people's livelihoods and ensuring access to water, heat and electricity.

The environmental impact assessment procedure lasts at least 65 working days (excluding the time for preparing the environmental impact assessment report and conducting the necessary studies, which are organized taking into account seasonality). Taking into account the time required to prepare the environmental impact assessment documentation, the total duration of the environmental impact assessment procedure can range from 4 to 6 months.

In the conditions of martial law, the issue of ensuring the speedy restoration of damaged critical infrastructure became urgent, which necessitates the search for quick and effective management solutions that would, at the same time, contribute to ensuring a balance in the issues of restoration of war-damaged infrastructure and the interests of environmental protection and compliance with environmental safety requirements, while simultaneously ensuring Ukraine's fulfillment of international environmental protection obligations.

One such case is the forced temporary introduction of derogations from the rules of the environmental impact assessment procedure. Taking into account the critical need to restore the damaged critical infrastructure as soon as possible under martial law conditions, and in accordance with the recommendations of the European Commission, noted in the Report on the progress of Ukraine within the framework of the European Union Enlargement Package of 2023 dated November 18, 2023, a Concept Note was developed that defines the scope of deviations from the rules of environmental impact assessment (EIA) and strategic environmental assessment (SEA), public consultations with interested parties and, based on the results of the consultations, it was published on the official website of the Ministry of Environment, via the link: <https://mepr.gov.ua/wp-content/uploads/2024/09/Ostatocna-redaktsiya-Kontseptualnoyi-zapysky.pdf>.

The list of activities and objects included in the scope of derogations is justified solely by the need to ensure the defense of the state, eliminate the consequences of emergencies, and carry out restoration work to eliminate the consequences of armed aggression against Ukraine during the period of martial law.

The derogations do not apply to transboundary environmental impact assessment and transboundary consultations with affected states.

In accordance with the Law of Ukraine "On Environmental Impact Assessment", environmental impact assessment is not subject to environmental impact assessment for activities not directly provided for in parts two and three of this article, as well as planned activities aimed exclusively at ensuring the defense of the state, liquidation of the consequences of emergency situations, restorative works to liquidate the consequences of armed aggression against Ukraine during martial law, in accordance with the criteria approved by the Cabinet of Ministers of Ukraine, change of purpose of especially valuable lands and other activities related to the placement of the National War Memorial Cemetery.

The criteria for determining the planned activity, which is not subject to environmental impact assessment, are adopted in accordance with Appendix 1 to the Cabinet of Ministers Resolution dated December 13, 2017 No. 1010.

According to the Criteria, the planned activity specified in clauses 1-21 of the second part and clauses 1-13 of the third part of Article 3 of the Law of Ukraine "On environmental impact assessment" is not subject to environmental impact assessment, if it is aimed exclusively at ensuring defense and energy security of the state, liquidation of the consequences of emergency situations, the consequences of the military aggression of the Russian Federation against Ukraine. The Criteria further detail such activities into 9 categories, which include military and defense facilities, critical energy infrastructure during martial law, restoration of buildings and structures as a result of eliminating the consequences of emergencies and hostilities, etc.

At the same time, the customers of the planned activities continue to carry out the environmental impact assessment procedure for objects and types of activities for which deviations from the rules of environmental impact assessment are established, as can be understood from the Unified Register of Environmental Impact Assessment.

The Concept Note emphasizes the exceptional circumstances in connection with Russia's ongoing war of aggression against Ukraine, and the obligations to ensure, when considering the issue of forced temporary retreats in each case, the following principles are followed:

- exclusivity. Decisions on derogations will be made only in cases of urgent need, when the situation is forced and requires rapid management decisions and, based on a combination of three criteria: defense capability, restoration of critical infrastructure and elimination of the consequences of the emergency;

- controllability. In the event of a forced decision to apply derogations, the state exercises control over the implementation of activities exclusively within the framework that ensures the achievement of the tasks for which the derogations were applied (elimination of emergency situations, restoration, defense capability);

- reversibility. Decisions to apply derogations lose their force if the project of the planned activity is implemented, or must be canceled in the event of the end of the martial law period or upon completion of the reconstruction period within 90 calendar days after the termination or cancellation of martial law.

The Concept Note also provides that in the future, in order to optimize and apply a unified approach when making decisions on forced temporary derogations:

- initiate an appeal from the Government Office for Coordination of European and Euro-Atlantic Integration to the Government Representative in the Verkhovna Rada of Ukraine to refuse to make decisions on derogations from environmental impact assessment and strategic environmental assessment, without approval from the Cabinet of Ministers of Ukraine;

- establish that the preparation and submission to the Government of draft decisions that provide for the application of derogations from the rules of environmental impact assessment and strategic environmental assessment is carried out only by the Ministry of Environment and upon submission by the authorized central executive body, provided that the application of the derogation is forced, justified and meets the three criteria specified above.

The Concept Note states that Ukraine, as a state that has received candidate status for membership in the European Community, confirms its commitment to generally accepted European standards for environmental impact assessment and strategic environmental assessment, and is not interested and does not want to make decisions on derogations.

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

Ministry of Environmental Protection and Natural Resources of Ukraine / Environmental Impact Assessment – <https://mepr.gov.ua/diyalnist/otsinka-vplyvu-na-dovkillya/>
Registers in the EcoSystem– <https://eco.gov.ua/registers>

Unified Environmental Impact Assessment Register – <https://id.eco.gov.ua/>

Law of Ukraine "On Environmental Impact Assessment"–

<https://zakon.rada.gov.ua/laws/show/2059-19#Text>

The procedure for holding public hearings in the process of environmental impact assessment, approved by Resolution No. 989 of the Cabinet of Ministers of Ukraine dated December 13, 2017 – <https://zakon.rada.gov.ua/laws/show/989-2017-%D0%BF#n10>

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

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 key tool for ensuring public participation in the process of preparing plans and programs related to the environment is the Law of Ukraine "On Strategic Environmental Assessment", which was adopted in 2018. as a step to implement Ukraine's obligations under the Association Agreement. The Law transposes the main provisions of Directive 2001/42/EC on the assessment of the effects of certain plans and programs on the environment, including on public participation.

According to the Law, the public is one or more natural or legal persons, their associations, organizations or groups, registered in the territory to which the strategic planning document applies. The Law imposes on contracting authorities the obligation to inform and provide free access to information in the process of strategic environmental assessment, as well as to ensure timely and effective opportunities for public participation in the strategic environmental assessment of the draft state planning document, and to take into account the results of public discussion in the state planning document. Customers of plans, programs, and other state planning documents are required to consider the comments and suggestions provided by the public and to take into account the results of public discussion in the state planning document.

In order to effectively inform about draft plans and programs, the implementation of which may have consequences for the environment and public health, and about the procedure for the strategic environmental assessment of these documents, the Unified Register for Strategic Environmental Assessment has been created and is functioning. The Register is an information and communication system designed to officially publish documentation on strategic environmental assessment, ensure that subjects of strategic environmental assessment and other interested parties are informed about the progress and results of the strategic environmental assessment, and operates as part of the Unified Environmental Platform "EcoSystem". The features of the functioning of the Register are regulated by the aforementioned Law of Ukraine "On Strategic Environmental Assessment" and the Resolution of the Cabinet of Ministers of Ukraine dated 02.05.2023 No. 430 "On Approval of the Procedure for Maintaining the Unified Register of Strategic Environmental Assessment".

Strategic environmental assessment is subject not only to programs and plans, the implementation of which will have consequences for the environment and public health, but also urban planning documentation, as additionally defined in the Law of Ukraine "On Regulation of Urban Planning Activities". The mentioned Law establishes the norm that urban development documentation projects developed in accordance with the procedure established by law are subject to public discussion at the local level, and approval of such documentation without public discussion is prohibited. The Law determines how the customers of urban planning documentation at the local level ensure public discussion and its individual aspects. Public hearings are held in the process of public discussion, and the mechanism for their conduct is regulated by a separate government resolution.

Public discussion of town-planning documentation can be held both within the framework of the strategic environmental assessment procedure and separately - for documentation that is not subject to strategic environmental assessment (programs for comprehensive restoration of the region or territorial community). In the latter case, in accordance with the Procedure for the development, holding of public discussion, approval of programs for the comprehensive restoration of the region, the territory of the territorial community (its parts) and making changes to them, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 14.10.2022 No. 1159, it is determined that: a) the project of the program for the comprehensive restoration of the region, the territory of the territorial community (its part) is subject to public discussion; b) to ensure the representation of interested persons and the public during the development of the program, the relevant regional state administration, executive body of a village, settlement, city council shall form a temporary consultative and advisory body consisting of representatives of local self-government, enterprises, institutions and organizations, and other interested parties.

On October 8, 2024, the Law of Ukraine "On the Basic Principles of State Climate Policy" was adopted, according to Article 3 of which, one of the principles of state climate policy in Ukraine is reporting, namely assessment, monitoring, and informing the public and the international community about mitigating the consequences of climate change and adapting to it.

Also, Article 22 of the said Law provides for informing the public, its access to information on climate change, namely, state authorities, authorities of the Autonomous Republic of Crimea and local self-government bodies ensure public information and its participation in the development of policies and measures to mitigate the consequences of climate change and adapt to it, provided for by this Law. During the discussion process, the public has the right to submit any comments and/or proposals on climate change without the need to substantiate them. Comments and/or proposals may be submitted in writing (including electronically) and orally during public discussions.

Information on all public comments and/or proposals received in written form (in particular, in electronic form), as well as a table indicating information on full, partial consideration or justified rejection of comments and/or proposals submitted in written form, are publicly provided.

Also, the norms of Articles 59 and 60 of the Law of Ukraine "On Ensuring Chemical Safety and Management of Chemical Products", adopted on 01.12.2022, provide for public participation in the preparation of the National Chemical Safety Management Plan and regional chemical safety management plans.

In accordance with Articles 50 and 51 of the Law of Ukraine "On Waste Management", adopted on 20.06.2022, public participation is provided for in the preparation of the National Waste Management Plan and regional waste management plans.

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

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

Answer:

In order to involve citizens in the formation and implementation of state policy, the Government of Ukraine conducts public consultations on the most important issues for society. Public consultations are held in the form of public public discussion (direct form) and public opinion research (indirect form).

In compliance with the requirements of the Resolution of the Cabinet of Ministers of Ukraine dated November 3, 2010 No. 996 "On Ensuring Public Participation in the Formation and Implementation of State Policy", consultations with the public in the form of public public discussion and/or electronic consultations with the public are held without fail regarding draft legal acts, which: relate to constitutional rights, freedoms and duties of citizens; relate to the vital interests of citizens, including those that affect the state of the environment; provide for the implementation of regulatory activities in a certain area; determine strategic goals, priorities and tasks in the relevant area of public

administration (including draft state and regional programs of economic, social and cultural development, decisions on their implementation); relate to the interests of territorial communities, the exercise of local self-government powers delegated to executive bodies by the relevant councils; determine the procedure for providing administrative services; relate to the legal status of public associations, their financing and activities; provide for the granting of privileges or the establishment of restrictions for business entities and civil society institutions; relate to the assignment of names (pseudonyms) of individuals, anniversary and holiday dates, names and dates of historical events to legal entities and objects of property rights assigned to them, to objects of property rights belonging to individuals; relate to the spending of budget funds (reports of the main administrators of budget funds for the past year).

Executive authorities annually draw up an indicative plan for public consultations, taking into account the main tasks defined by the Program of Activities of the Cabinet of Ministers of Ukraine, the National Economic Strategy for the period up to 2030, the Plan of Legislative Work of the Verkhovna Rada of Ukraine and other documents, as well as the results of previous public consultations. In addition, detailed plans for holding public discussions are being prepared.

Proposals and comments received during public discussions are studied and analyzed. Based on the results of public consultations, executive authorities prepare reports on the discussion.

In addition, on 20.06.2024, the Law of Ukraine "On Public Consultations" was adopted, which will enter into force 12 months after the end or cancellation of martial law and determines that public consultations are held in the form of: 1) electronic consultations by publishing a consultation document on the online platform for public consultations and/or on the official website of the entity conducting public consultations on the subject of consultations; 2) targeted consultations by sending a consultation document to interested parties, conducting a survey, questionnaire; 3) public discussion by holding public events (roundtables, hearings, conferences, focus groups, meetings, internet, video conferences). Public consultations can be held simultaneously in different forms. Based on the results of public consultations, the entity conducting public consultations shall prepare a report, which shall include, among other things, generalized information on the consideration or rejection of proposals with the justification of the decision made. The entity conducting public consultations shall publish a report on the results of public consultations and a draft act finalized based on the results of public consultations on the online platform for public consultations and/or on its official website no later than 30 working days after the date of completion of public consultations.

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

Legislative measures are sufficient to ensure public participation in the development of plans, programs and policy documents related to the environment, and there are practically no obstacles to the participation of civil society institutions in the development and implementation of programs and policies in the field of environmental protection. At the local level, the effective implementation of these measures is hindered by an insufficient level of information, training and, as a result, low interest of public representatives in the strategic environmental assessment procedure and other procedures for public discussions of draft plans, programs and other state planning documents.

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

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

Answer:

The provisions of Article 7 of the Aarhus Convention are implemented through the strategic environmental assessment procedure (since 2018), which is an important tool for taking into account environmental considerations in the planning and decision-making process. The Law of Ukraine "On Strategic Environmental Assessment" is aimed at adapting the legislation of Ukraine to the legislation of the European Union in terms of establishing the scope of application and the procedure for

conducting strategic environmental assessment in accordance with the approach enshrined in Directive 2001/42/EC of the European Parliament and of the Council of 27.06.2001, as well as in order to implement the provisions of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context.

Objects of strategic environmental assessment are defined by the Law of Ukraine "On Strategic Environmental Assessment" and relate to state planning documents that may have an impact on the environment. Among such objects: urban planning documentation (general plans of settlements, detailed plans of territories, territorial planning schemes), other state planning documents (socio-economic development programs, strategies, action plans).

During the period 2021-2024, 8672 procedures for strategic environmental assessment of state planning documents were carried out. The procedure is carried out exclusively through the Unified Register of Strategic Environmental Assessment without paper documents, and all information on strategic environmental assessment is open and accessible.

The public has the right to participate in the strategic environmental assessment procedure (submission of comments and suggestions to the statement on determining the scope of the strategic environmental assessment, participation in public discussions of strategic environmental assessment reports).

In accordance with Part 5 of Article 10 of the Law of Ukraine "On Strategic Environmental Assessment", the term for public discussion of the application for determining the scope of the strategic environmental assessment is established by the customer of the state planning document, but must be no less than 15 days from the date of its publication.

In accordance with Part 6 of Article 12 of the Law of Ukraine "On Strategic Environmental Assessment", the term for public discussion is established by the customer and cannot be less than 30 days from the date of publication of the notice provided for in Part 4 of this Article.

In addition to the legislation on strategic environmental assessment, other, more general principles of public participation in the process of environmental policy formation are defined by the Regulations of the Cabinet of Ministers. According to the Regulations, the Cabinet of Ministers involves citizens in the decision-making process on issues of important public importance. When developing draft acts of the Cabinet of Ministers, the developer of the act must conduct public consultations with representatives of interested parties. For this purpose, the Procedure for conducting public consultations on issues of formation and implementation of state policy, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 03.11.2010 No. 996, is in force. The Procedure establishes requirements for all executive bodies to conduct such public consultations. Public consultations are organized by the executive body that is the developer of the draft act (program, plan, policy document, etc.) or proposals for the implementation of the relevant state policy. Consultations are held in the form of public discussions, electronic consultations with the public and public opinion surveys. Public consultations are mandatory on draft regulatory legal acts that concern the vital interests of citizens, including those that affect the state of the environment.

Information on conducting consultations with the public is published in the specially created section "Consultations with the public" on the official website of the executive authority. Proposals and comments received during public public discussions or electronic public consultations are analyzed and a report is prepared with information on the consideration of proposals and comments and with the justification of the decision made.

On the official websites of central and local executive authorities, separate sections may be created on draft regulatory legal acts, the developer of which is the relevant authority, with reporting and/or statistical information on public discussions of these projects.

Draft regulatory legal acts, including draft programs and plans, of local state administrations are submitted for public discussion, in accordance with the Law "On Local State Administrations".

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

Unified Register of Strategic Environmental Assessment – <https://my.eco.gov.ua/registry?keyId=52>
 Ministry of Environmental Protection and Natural Resources of Ukraine –
<https://mepr.gov.ua/gromadyanam/konsultatsiyi-z-gromadskistyuu/>,
<https://mepr.gov.ua/diyalnist/strategichna-ekologichna-otsinka/>

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

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:

In Ukraine, the issue of public participation in the decision-making process is determined by a number of general normative legal acts, including the Law of Ukraine "On the Basics of State Regulatory Policy in the Field of Economic Activity", which defines the legal and organizational basis for the implementation of state regulatory policy in the field of economic activity, aimed at improving the legal regulation of economic relations, as well as administrative relations between regulatory bodies or other state authorities and business entities, preventing the adoption of economically inappropriate and ineffective regulatory acts.

Article 9 of this Law of Ukraine provides for the procedure for publishing draft regulatory acts in order to receive comments and proposals from individuals and legal entities, their associations. The period during which comments and proposals are accepted from individuals and legal entities, their associations, is established by the developer of the draft regulatory act and cannot be less than one month and more than three months from the date of publication of the draft regulatory act. All comments and proposals regarding the draft regulatory act received within the established period are subject to mandatory consideration by the developer of this project. Based on the results of this review, the developer of the draft regulatory act fully or partially takes into account the comments and proposals received or rejects them with reasons.

In case of non-publication, the regulatory act cannot be adopted or approved by the authorized executive body (State Regulatory Service of Ukraine).

The public is also given the opportunity to express its comments directly through representative public bodies.

Order of the Ministry of Environment dated 11.12.2020 No. 356 (as amended by Order of the Ministry of Environment dated 02.08.2024 No. 965) approved the composition of the Public Council under the Ministry of Environmental Protection and Natural Resources of Ukraine as a temporary consultative body created to promote public participation in the formation and implementation of state and regional policy.

Public councils provide an opportunity for open and direct dialogue with government authorities. These advisory bodies have a special status, defined by law, to strengthen this communication. The decisions of the Public Council are of a recommendatory nature and are mandatory for consideration by the executive body.

The Public Council, in accordance with the tasks assigned to it, including, prepares and submits proposals to the executive authority for an indicative plan for conducting consultations with the public; prepares and submits to the executive body proposals, conclusions, analytical materials required for consideration on resolving issues in the relevant field, preparing draft regulatory legal acts, and

improving the work of the body; collects, summarizes and submits to the executive body proposals from the public on resolving issues of important public importance.

The decision of the executive authority, adopted as a result of consideration of the proposals of the public council, shall be made known to the members of the public council and the public no later than ten days after its adoption by publishing it on the official website of the executive authority and/or in any other way. Information on the decision made must contain information on taking into account the proposals of the Public Council or the reasons for their rejection.

07.11.2024 The Ministry of Environment announced the creation of the Youth Council under the Ministry of Environment - a permanent consultative and advisory body that will prepare, provide and consider proposals and recommendations from youth regarding the formation and implementation of the state policy of the Ministry of Environment and informing youth about the activities of the Ministry (<https://www.kmu.gov.ua/news/startuie-nabir-do-molodizhnoi-rady-pry-mindovkilli>).

XXV. Obstacles encountered in the implementation of article 8

Describe any obstacles encountered in the implementation of article 8.

Answer:

At the legislative level, there are no obstacles to the participation of the public, civil society institutions in the preparation of normative acts of the executive power as a whole and generally binding acts in the field of environmental protection.

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

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

Answer:

With the participation of the public, a number of documents in the field of environmental protection were adopted, in particular:

- Law of Ukraine "On the Basic Principles of State Climate Policy" dated October 8, 2024 No. 3991;
- Strategy for the Development of Territories in the Exclusion Zone and the Zone of Unconditional (Mandatory) Resettlement for 2024-2032, approved by the Order of the Cabinet of Ministers of Ukraine dated 01.23.2024 No. 49;
- Water Strategy of Ukraine for the Period Until 2050, approved by the Order of the Cabinet of Ministers of Ukraine dated 09.12.2022 No. 1134;
- Strategy of the Integrated Automated Radiation Monitoring System for the Period Until 2024, approved by the Order of the Cabinet of Ministers of Ukraine dated 04.29.2022 No. 323;
- State Strategy for Forest Management of Ukraine until 2035, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 12/29/2021 No. 1777;
- Strategy for Environmental Safety and Adaptation to Climate Change for the Period Until 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 10/20/2021 No. 1363;
- Strategy for the Development of the Fisheries Industry of Ukraine for the Period Until 2030, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 05/02/2023 No. 402;
- Marine Environmental Protection Strategy of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 10/11/2021 No. 1240;
- Concept for Improving the Level of Chemical Safety, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 12/17/2008 No. 1571;

A public discussion was held on draft documents that are priorities for state environmental policy, in particular:

- draft National Waste Management Plan until 2033;
- draft Law of Ukraine "On Amendments to Certain Laws of Ukraine in the Implementation of the Provisions of the European Union Acquis on the Conservation of the Flora and Fauna of Ukraine";
- draft Law of Ukraine "On Waste Management of the Extractive Industry";
- draft Law "On Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment";

- draft River Basin Management Plans;
- draft Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Organizing and Conducting Public Hearings in the Process of Issuing an Integrated Environmental Permit (Amendments to It)", etc.

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

Official websites of ministries and other central executive bodies according to the answer to question VI;
 newspaper of the Cabinet of Ministers of Ukraine "Government Courier" –
<https://ukurier.gov.ua/uk/news/>
 Unified web portal of executive authorities of Ukraine "Government Portal"–
<https://www.kmu.gov.ua/news/>

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

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:

Citizens' access to justice and legal procedures is ensured through a network of free legal aid access points throughout Ukraine. The system of providing free legal aid includes 5 interregional centers for providing free legal aid, which number 500 legal aid offices, in which lawyers provide the necessary legal services. In order to ensure access to free legal aid for individuals, a single contact phone number

for the free legal aid system 0 800 213 103 also operates; the provision of legal services in written form online via the Internet has been organized (Telegram, Instagram, Facebook); the work of consultation points for access to free legal aid is organized, within the framework of which lawyers provide on-site consultations; targeted legal aid is provided at the place of residence or stay of individuals.

In order to inform citizens about the state-guaranteed opportunities to protect their rights, publications are placed in the media, information and explanatory activities are carried out. Legal education activities are carried out, in particular, regarding the procedure for applying to court, the algorithm for appealing absentee court decisions.

The implementation of the provisions of Article 9 of the Aarhus Convention in Ukraine is ensured by means of administrative, as well as economic and civil proceedings. Claims for violation of the right to access environmental information or the right to participate in decision-making on environmental issues, as well as appeals for other decisions, actions / inactions of state authorities, are considered in administrative courts. Claims for violation of the norms of national environmental legislation are also filed by enterprises in economic (if the plaintiff is a legal entity) or civil (if the plaintiff is an individual) courts.

In accordance with the Law of Ukraine "On Access to Public Information", the decisions, actions or inaction of managers of public information can be appealed to the manager of the manager, a higher authority or a court. Appeals of decisions, actions or inactions of public information managers to a court are carried out in accordance with the Code of Administrative Procedure of Ukraine.

There are no specialized environmental courts, judges or court chambers for hearing cases on the right to information and the right to participate in the process of making environmentally important decisions in Ukraine.

Parliamentary control over compliance with the human right to access information is carried out by the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, temporary investigative commissions of the Verkhovna Rada of Ukraine, and people's deputies of Ukraine. Failure to comply with the legal requirements of the Human Rights Commissioner of the Verkhovna Rada of Ukraine or representatives of the Human Rights Commissioner of the Verkhovna Rada of Ukraine entails the imposition of a fine on officials, citizens and business entities.

Filing a lawsuit in court is associated with additional material costs and difficulties. Representatives of the public recognize the high rate of court fees as one of the obstacles in the field of access to public information, as well as the lengthy consideration of court cases.

Any lawsuits filed in Ukraine for the protection of rights guaranteed by the Convention, as well as lawsuits related to the environment, are considered on the basis of general procedural rules for the relevant type of court proceedings. For this category of cases in Ukraine, there are no special rules regarding the terms of consideration of such cases, the amounts of fees for initiating and considering the case, available legal remedies, etc. For example, the procedure for considering an administrative claim to appeal a refusal to provide environmental information will not differ in any way from the procedure for considering a claim to appeal a refusal to provide information in any other area.

The courts directly apply the text of the Aarhus Convention. According to Article 19 of the Law of Ukraine "On International Treaties of Ukraine", the effective international treaties of Ukraine, the consent to be bound by which has been granted by the Verkhovna Rada of Ukraine, are part of the national legislation and are applied in accordance with the procedure provided for by the norms of national legislation.

The Law of Ukraine "On Access to Court Decisions" ensures openness of the activities of courts of general jurisdiction, predictability of court decisions and promotion of uniform application of legislation. The Decision of the High Council of Justice of 19.04.2018 No. 1200/0/15-18 approved the Procedure for Maintaining the Unified State Register of Court Decisions. Thus, the national legislation enshrines at the level of law the rights of representatives of the public, stipulated by Article 3 of the Aarhus Convention, to obtain access to information related to court decisions relating to the environment.

Ukraine continues to make efforts to improve (guarantee) access to justice for all Ukrainians, to guarantee due legal procedures.

Current legal information is posted on the reference and information platform for legal consultations "WikiLegalAid". In total, 2272 legal consultations are posted on the platform.

In Ukraine, the public has the right to appeal any decisions, actions/inaction of state authorities, including those arising from the provisions of Articles 7 and 8 of the Convention.

Relations in the field of environmental protection in Ukraine are regulated by the Constitution of Ukraine, international agreements of Ukraine, the Civil Code of Ukraine, the Law of Ukraine "On the Protection of the Natural Environment", as well as land, water, forest legislation, legislation on the subsoil, on the protection of atmospheric air, on the protection and use of flora and fauna and other special legislation developed in accordance with it.

The state management bodies in the field of environmental protection and the use of natural resources are the central executive body that ensures the formation of state policy in the field of environmental protection, the central executive body that implements state policy in the field of environmental protection, regional, Kyiv and Sevastopol city state administrations, and on the territory of the Autonomous Republic of Crimea - the executive body of the Autonomous Republic of Crimea for environmental protection and other state bodies whose competence is assigned by the laws of Ukraine to carry out the specified functions.

Public organizations may participate in the management of the environmental protection industry, if such activity is provided for by their charters, registered in accordance with the legislation of Ukraine.

According to Article 67 of the Law of Ukraine "On Environmental Protection", disputes in the field of environmental protection are resolved by the court, local councils or bodies established by them in accordance with their competence and in accordance with the procedure established by the legislation of Ukraine.

Guided by the Civil Procedure Code of Ukraine, any interested person has the opportunity to file an application with the court to protect their violated rights and legitimate interests.

At the same time, there is a problem that the legislation of Ukraine does not contain any special guarantees of access to the courts of citizens and nature protection organizations on issues related to the environment, as required by the Aarhus Convention and a number of EU directives in the field of environmental protection. According to the requirements of the Convention, access to court on environmental issues should not be associated with prohibitively high costs, and States Parties are obliged to take measures to create appropriate assistance mechanisms to eliminate or reduce financial or other obstacles to access to justice in this category of cases.

Court appeals against the decisions, actions or inactions of subjects of authority, appeals against the actions of private individuals who violate the requirements of environmental protection legislation contrary to international standards require the payment of a court fee in the same amount as the court fee for any other non-property claim. In total, such an appeal in three instances, for example, for a public environmental organization, will cost 3.5 times the subsistence minimum for able-bodied persons, which currently amounts to more than 10,000 hryvnias (3,028 hryvnias in 1 instance). This amount of court fees, combined with the absence of any other mechanisms implemented in the state to alleviate financial obstacles to access to justice on environmental issues (free legal aid, special requirements for the distribution of legal costs in the event of the plaintiff losing the case), are associated with disproportionately high costs for Ukrainian civil society, and therefore do not ensure the fulfillment of international obligations under the Aarhus Convention and the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand.

To resolve this issue, the draft Law of Ukraine "On State Environmental Control" (dated February 19, 2020 No. 3091) provides for amendments to the first part of Article 5 of the Law of Ukraine "On Court Fees" by adding paragraph 24 of the following content:

"24) plaintiffs - for filing lawsuits for the suspension of the business entity's activities in connection with the violation of the legislation on environmental protection, for compensation for damage and losses caused to the state as a result of the violation of the legislation on environmental protection."

XXIX. Obstacles encountered in the implementation of article 9

Describe any obstacles encountered in the implementation of any of the paragraphs of article 9

Answer:

Due to the heavy workload of the courts, lawsuits about violations of environmental legislation are considered for a long time. The generalization of court practice shows that courts do not always take into account the need to apply special legislation to environmental legal relations when resolving disputes, which leads to erroneous reasoning and conclusions in court decisions.

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

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:

In the period 2021-2024, information was entered about 2 criminal offenses provided for in Article 238 of the Criminal Code of Ukraine (Concealing or distorting information about the environmental state), which are currently closed based on the results of the pre-trial investigation.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

State Court Administration of Ukraine – <https://dsa.court.gov.ua/dsa/>

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

Reference and information platform for legal consultations «WikiLegalAid» – <https://wiki.legalaid.gov.ua/index.php/WikiLegalAid:%D0%9F%D1%80%D0%BE>

Supreme Court of Ukraine – https://supreme.court.gov.ua/supreme/gromadyanam/perelik_sprav/

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

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

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:

The Aarhus Convention remains an important mechanism for the protection of human rights even in the difficult conditions of the war and reconstruction of Ukraine. Its implementation ensures transparency, public involvement, and accountability for environmental decisions that affect the lives of current and future generations.

The implementation of the requirements of the Aarhus Convention contributes to ensuring the implementation of the requirements of Article 50 of the Constitution of Ukraine on the protection of the right of every citizen of Ukraine to an environment safe for life and health and to compensation for damage caused by the violation of this right, ensuring the right of free access to information on the state of the environment and creates conditions for the environmental rights of every citizen to be not only declared, but also actually protected. The Convention ensures the responsibility of the state, business and the public for preserving the environment for current and future generations.

Active hostilities on the territory of Ukraine have significantly affected ecosystems, especially in combat zones. The Aarhus Convention contributes to the protection of citizens' rights to access environmental information on the state of the environment.

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 between executive authorities, producers, sellers (suppliers), developers, researchers, scientists and consumers of genetically modified organisms and products produced using technologies that involve their development, creation, testing, research, transportation, import, export, placing on the market, release into the environment and use in Ukraine (hereinafter - handling of GMOs) with the provision of biological and genetic safety are defined by the Law of Ukraine "On the State System biosafety in the creation, testing, transportation and use of genetically modified organisms" (hereinafter - the Law on Biosafety). In accordance with Article 9 of the Law on

Biosafety, the central executive body implementing state policy in the field of environmental protection:

- provides an assessment of the environmental impact of GMOs intended for use in an open system;
- carries out state registration of plant protection products obtained using GMOs;
- issues permits for the release of GMOs in an open system.

In connection with the signing in 2014 of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, a number of obligations arose regarding the implementation of the European Union Directives in the field of GMOs, which provide for public participation in decision-making on the management of GMOs.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine "On State Regulation of Genetic Engineering Activities and State Control over the Placing on the Market of Genetically Modified Organisms and Products", which will enter into force on 16.09.2026 and which implements the relevant EU acts into Ukrainian legislation.

By the Resolution of the Cabinet of Ministers of Ukraine dated 07.07.2022 No. 573, an action plan for the implementation of the Strategy of Biosafety and Biological Protection for 2022-2025 was approved, which provides for the development of information materials on the issues of handling genetically modified organisms in an open system for various audiences (representatives of state authorities, local governments, entrepreneurs, the public, students, schoolchildren, etc.).

The Ministry of Environment monitors the implementation of the plan of measures using an electronic system of monitoring and control over its implementation on the Unified e-Government web portal and submits a report on the state of implementation of the plan of measures to the Apparatus of the National Security and Defense Council of Ukraine and the Cabinet of Ministers of Ukraine every year by April 1.

The Law of Ukraine dated 10.06.2023 No. 3150 ratified the Nagoya-Kuala Lumpur Additional Protocol on Liability and Compensation to the Cartagena Protocol on Biosafety.

05.12.2024 adopted the Law of Ukraine "On the Ratification of Amendments to the Convention on Access to Information, Public Participation in the Decision-Making Process and Access to Justice on Environmental Matters", which is aimed at the legislative consolidation of Ukraine's position on the amendments to the Aarhus Convention and will contribute to strengthening the effectiveness of public participation in the decision-making process on the deliberate introduction into the environment and implementation on the market of genetically modified organisms

According to the requirements of the legislation, the Ministry of Environment is the main body in the system of central executive bodies, which ensures:

forms and implements state policy in the field of environmental protection, ecological and, within the powers provided by law, biological and genetic safety;

forms and implements, within the powers provided by law, state policy in the field of forestry and hunting;

forms and implements state policy in the field of ensuring chemical safety and management of chemical products;

forms state policy:

- in the field of water management development, management, use and reproduction of surface water resources;

- in the field of geological study and rational use of subsoil;

- in the field of management of the exclusion zone and the zone of unconditional (mandatory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning of the Chernobyl NPP and the transformation of the Shelter facility into an environmentally safe system, as well as the implementation of state management in the field of radioactive waste management at the stage of their long-term storage and disposal (hereinafter referred to as radioactive waste management);

- regarding the implementation of state supervision (control) in the field of environmental protection, rational use, reproduction 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:

Lack of regulation of the length of the legislative process.

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:

During the reporting period, the Ministry of Environment did not receive any requests to issue a permit for state approval (testing) of a genetically modified organism in an open system, and, accordingly, information regarding the practical application of the provisions of Article 6-bis concerning public participation in decision-making there is no information regarding the intentional release of genetically modified organisms into the environment and sale on the market.

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

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

Answer:

Open data "State Register of Genetically Modified Organisms" on the Unified Web Portal of Open Data – <https://data.gov.ua/dataset/dc3313b6-12a7-4d00-acd1-d132d34105be>;

Official website of the State Service for Food and Consumer Protection, GMOs: <https://dpss.gov.ua/news/zakonodavchi-zminy-v-derzhavnomu-rehuliuvanni-za-obihom-hmo> , а також 3bit <https://dpss.gov.ua/storage/app/sites/12/%20%D0%BD%D0%B0%D0%BA.17.pdf>

XXXVII. Follow-up on issues of compliance

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 Aarhus Convention promotes the democratization of society by ensuring the right of citizens to access environmental information, participate in decision-making and protect their interests in court. It obliges state bodies to take into account public opinion, inform about the impact of industrial facilities, nature use and pollution, which helps protect the right of current and future generations to a clean and safe environment.

On December 5, 2024, the draft Law of Ukraine "On the Ratification of Amendments to the Convention on Access to Information, Public Participation in the Decision-Making Process, and Access

to Justice on Environmental Matters" was adopted, which is aimed at the legislative consolidation of Ukraine's position on amendments to the Aarhus Convention and will contribute to strengthening the effectiveness of public participation in the decision-making process on the deliberate introduction into the environment and the market implementation of genetically modified organisms. The said draft law contains provisions that correspond to the provisions (principles) of Article 6-bis and Annex I-bis of the Aarhus Convention and are aimed at their implementation.