

Environmental POLICY AND LAW

UA REVIEW

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HIGHLIGHTS

NATIONAL EMISSIONS REDUCTION PLAN: WHAT NEEDS TO BE DONE IN 2018?

On June 13, 2018, the Cabinet of Ministers of Ukraine approved [2018 Annual Plan of Measures](#) for implementation of the National Emissions Reduction Plan for Large Combustion Plants (NERP).

NERP, adopted on November 8, 2017, covers 16-years period and includes a list of specific environmental actions to ensure gradual reduction of the emissions. 90 large combustion plants, out of 223 total operating in Ukraine, voluntary joined the NERP.

The 2018 Annual Plan of Measures includes a number of measures mainly aimed at creating the basis for effective implementation of NERP, in particular:

1. Work with operators for further practical implementation of NERP. Main needs for reconstruction, modernization and technical upgrade of large combustion plants were
2. Ensuring financial capacity. By the end of August the Government plans to finalize the portfolio of main sources and financial instruments for NERP implementation.
3. Institutional and organizational capacity. During the autumn a number of draft legal acts should be developed to set up Organizational Committee for Implementation of NERP, as well as draft plan of measures for 2019-2033 for reconstruction, modernization and technical upgrade of installations included into NERP.
4. Development of financial and technical framework for the functioning of the monitoring, verification and control system for emissions from large combustion plants.

supposed to be jointly identifies this spring, while key priorities set for such projects by the end of this summer.

TRADE AND SUSTAINABLE DEVELOPMENT COUNCIL: FORMALITY OR PROSPECTS FOR REAL WORK?

On June 13, 2018, the Cabinet of Ministers of Ukraine [created](#) the Trade and Sustainable Development Council, including its mandate and membership. The Council is a consultative body for the Government created to commence the work of the Advisory Group on Sustainable Development and nominate experts for the Group of Experts under articles 299 and 301 of the Association Agreement.

The Advisory Group on Sustainable Development should have been created some time ago, since the group on European side is ready to work. During the last year's Civil Society Forum the Ukrainian group was represented by an ad-hoc delegation. The decision by the Government gives some hope for progress on this issue, yet it is unclear how quickly

the Trade & Sustainable Development Council, comprising 26 (!) members, can move to start operation of the Advisory Group.

In addition to representatives of state authorities, the membership of the Council includes civil society organizations, trade unions, employers' associations. Therefore, we hope that such wide representation in the Council can ensure wide representation of all stakeholders in the Advisory Group itself.

Lastly, the newly created Council can submit proposals to the Cabinet of Ministers of Ukraine regarding implementation of the Chapter 13 of the Association Agreement "Trade and Sustainable Development", therefore extending its mandate beyond institutional issues.

NUMBER OF THE MONTH

180

up to **thousand**
wild species were illegally exported
from Ukraine in 2014-2017

(Vasyl Poluyko, Vice-Minister for Environment, relying on data by State Food Safety Service)

20TH ANNIVERSARY OF THE AARHUS CONVENTION

[Special event](#) took place in Geneva last week to celebrate 20th anniversary of the signature of the Aarhus Convention (the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed in the city of Aarhus, Denmark, on June 25th, 1998).

Global issues

The participants of the event (on photo) shared their memories of the early days of the Convention and vision its future. In particular, Andriy Andrushevych (Senior Policy Expert of the Resource & Analysis Center "Society and Environment") shared his views on challenges stemming from external (global) environment in which the Aarhus Convention is functioning now. First, we see increasing persecution and harassment of environmental defenders – a challenge to which the Convention does not have an answer today, yet. Second, it is the shrinking democratic space, a global problem which has cast a shadow on the European continent and the Aarhus Convention. Direct and targeted actions to limit the operations of the civil society organizations are no longer a "non-EU" problem. Third, the rising culture of [post-truth politics](#) has a direct impact on environmental protection, where we are often dependent on science (for example, climate change). Lastly, the impact of new technologies developed after the adoption of the Aarhus Convention (social media, block chain, open data).

Ukraine and the Aarhus Convention: beyond the bubble

There are a number of organizations – governmental and beyond – where the words "Aarhus Convention" give rise to proper associations with access to information, public participation in decision-making and access to justice. Such groups often share a subjective feeling that there're too much already about the Aarhus Convention implementation, a process which has been

taking place for almost 20 years in Ukraine (Ukraine ratified the Convention on July 6, 1999). Are there no other important topics? Yet, before giving an answer to this question, we need to answer another one: 'Is this topic fully covered and all issues settled?'

We observe that ordinary citizens, public servants and politicians are not familiar with the Aarhus Convention. 20 years of its implementation was in the hands of a small circle of stakeholders, but it is time to go beyond that 'bubble'. The implementation of the environmental impact assessment and strategic environmental assessment is a good opportunity for this. These two instruments pave a way to wide audience which just started learning about 'environmental participatory democracy'. The Aarhus Convention should not remain a headache of the Ministry of Environment, but become an agenda item for all public authorities at various levels in Ukraine. This may well be the main task for the next 20 years.

Among the three pillars of the Aarhus Convention, Ukraine shows substantial progress in one: access to environmental information. The progress made, however, is due to adoption of general laws on access to public information, not a result of sectoral efforts to improve access to environmental information. Two other pillars remain far away from ordinary citizens. Currently, it is a test period for environmental impact assessment, while public participation in strategic decision-making depends on political leadership, not an established practice. Clearly, access to justice in environmental matters cannot be achieved without strengthening the independence of the judiciary. Today, chaining oneself to a railway is a faster and more effective way to protect your environmental rights, while a positive court judgement does not guarantee its execution.



Photo: UNECE.

QUOTE OF THE MONTH

"People want more that see and understand benefits of European integration, people want an opportunity to take advantage of such benefits."

Ivanna Klympush-Tsintsadze, Vice-Prime-Minister for European and Euro-Atlantic Integration of Ukraine, during regional presentation of the information campaign "Eurointegration – power of opportunities" in Uzhgorod.

EVENT OF THE MONTH

June 5, 2018

presentation of the National Waste Management Plan