

Questionnaire for the report of Ukraine on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

Information on the focal point for the Convention

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Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1 Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

- (a) Yes
- (b) Yes, with some differences (please provide details)
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

expansion and change, including the reconsideration or updating of the operating conditions for the proposed activity, established (approved) by the decision on carrying out the proposed activity, or the extension thereof, reconstruction, technical upgrading, capital repairs, conversion of the activities and objects listed in points 1-21 of this paragraph, except for those which are not likely to cause a significant impact on the environment pursuant to the criteria approved by the Cabinet of Ministers of Ukraine. (art. 3 of the Law)

On approval of the criteria for determination of the planned activity, its extension and change that are not the subject to an assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 1010)

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments: public – one or more natural or legal persons and their associations, organisations or groups (art. 1 of the Law)

Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA: Law of Ukraine «On Environmental Impact Assessment» 23.05.17 № 2059-VIII
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name): -

On approval of the procedure for the transfer of Documents for submission of an outcome on the Environmental Impact Assessment and procedure for maintaining of the Unified register for Environmental Impact Assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 1026);

On approval of the procedure of conducting of public hearings in the process of Environmental Impact Assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 989);

On approval of the criteria for determination of the planned activity, its extension and change that are not the subject to an assessment (Order of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 1010);

amendments to the Order of the Cabinet of Ministers of Ukraine “On Interministerial Coordination Council” (Order of the Cabinet of Ministers of Ukraine as of June 6, 2018, № 456), which put in place explicitly the competencies of that body on decisions regarding transboundary consultation, i.e. to take into account the results of transboundary consultations and to take decisions on conducting of such consultations – was adopted by the Cabinet of Ministers.

- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify): EIA Register is available at the link eia.menr.gov.ua/

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) There is no difference, all activities are transposed in the national legislation as is
- (b) It differs slightly (please specify): in the EIA Law added the following activities (art. 3 of the Law):

hydro technical facilities of sea and river ports that can take vessels of over 1 350 tonnes;

deep water vessel ways including those along natural river beds, specialized canals on land and in shallow marine waters permitting the passage of vessels of over 1 350 tonnes;

installations for the capture of CO₂ streams from sources or where the total yearly capture of CO₂ is 1,5 megatonnes or more, geological storage sites of carbon dioxide.

Your comments: all activities are transposed in the national legislation, but some additional activities added

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities:

competent local authority – regional, Kyiv and Sevastopol city state administrations (relevant unit on ecology and natural resources), state executive authority of the Autonomous Republic of the Crimea on ecology and natural resources;

competent central authority – central state executive authority, ensuring the formulation and implementing state policy in the field of environmental protection.(art. 1 of the EIA Law) as well as for planned activity:

1) is likely to cause a significant transboundary impact;

2) is likely to cause impact on the environment of two and more regions (the Autonomous Republic of the Crimea) or the customer of which is the regional, Kyiv or Sevastopol city state administrations;

3) concerns the exclusion zone or the absolute (obligatory) resettlement zone of the territory affected by radionuclide contamination as a result of Chornobyl catastrophe, and/or the decision on adopting (approving) of which is taken by the Cabinet of Ministers of Ukraine; or

4) will be financed with foreign loans under state guarantees.

- (d) There is no single authority responsible for the entire EIA procedure:

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes (please specify): Ministry of Ecology and Natural Resources of Ukraine

Your comments:

I.9. How does your country, As a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

The proposed activity likely to cause a significant adverse transboundary environmental impact shall be made subject to the transboundary environmental impact assessment pursuant to the international treaties of Ukraine before the decision on carrying out such a proposed activity is taken. (para 1 art. 14 of the EIA Law)

In cases provided for by part three of Article 5 of the Law, the authorized territorial body registers and sends such notification through the electronic registry cabinet to the

authorized central body within three working days. (art. 9 of the Decree of the Cabinet of Ministers of Ukraine as of 13.12.2017 # 1026 “On Approval of the Procedure for the Transfer of Documents for submission of an outcome on the Environmental Impact Assessment and the Procedure for maintaining the Unified Register for Environmental Impact Assessment”)

Article 3 Notification

I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments: The decision to carry out the transboundary environmental impact assessment shall be made by the competent central authority pursuant to the procedure established by the Cabinet of Ministers of Ukraine on the basis of available information on the proposed activity or on the request of a foreign state. (para 2 art. 14 of the EIA Law)

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format (please attach a copy)
- (c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations (please indicate the average length in weeks):

Your comments: In case of the transboundary environmental impact assessment pursuant to the state of origin - The notification shall indicate time within which the affected state shall respond as regards its participation in the transboundary environmental impact assessment, which shall be no less than 30 days. This time frame shall be calculated from the date of receipt of the notification by the affected state. (para 5 art. 14 of the EIA Law)

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website¹

(b) Other (please specify): via diplomatic mail and e-mail copy to the point of contact to the Convention listed on the Convention website

Your comments: In case of the transboundary environmental impact assessment pursuant to the state of origin procedure the competent central authority within 3 working days of taking the relevant decision shall officially notify the states whose environment is likely to be significantly adversely affected by the proposed activity (para 4 art. 14 of the EIA Law)

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of the public of the affected Party

(d) Other (please specify):

Your comments: In considering and determining the likely significant adverse transboundary environmental impact, the scope, location as well as the likely effects of the proposed activity shall be taken note of. The decision to carry out the transboundary environmental impact assessment shall be made by the competent central authority pursuant to the procedure established by the Cabinet of Ministers of Ukraine on the basis of available information on the proposed activity or on the request of a foreign state. (para 2 art. 14 of the EIA Law) The issue could also be considered by Interministerial Council.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments:

Depending on the location of the proposed activity the transboundary environmental impact assessment shall be carried out:

1) pursuant to the state of origin procedure – with respect to the proposed activity to be carried out on the territory of Ukraine;

2) pursuant to the affected state procedure – with respect to the proposed activity to be carried out on the territory of a foreign state. (para 3 art. 14 of the EIA Law)

The competent central authority shall enter into consultations with the affected state(s), as well as jointly with the affected states ensure public consultations with the

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

public of these states on the proposed activity and the environmental impact assessment report. (para 9 art. 14 of the EIA Law)

Articles 3.8 and 4.2

Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As a Party of origin

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

As an affected Party

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments: In case of the transboundary environmental impact assessment pursuant to the state of origin procedure the conditions for the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report shall be provided by the competent central authority. In such a case the environmental impact assessment report shall include the transboundary impact assessment (a chapter on the transboundary impact assessment), and the report on public consultations – a chapter on public consultations with the public of other states. The environmental impact assessment report shall be supplemented with the protocols (letters) resulting from consultations with the affected state(s). (para 7 art. 14 of the EIA Law)

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

The transboundary environmental impact assessment shall be carried out on the decision of the competent central authority. In considering and determining the likely significant adverse transboundary environmental impact, the scope, location as well as the likely effects of the proposed activity shall be taken note of. The decision to carry out the transboundary environmental impact assessment shall be made by the competent central authority pursuant to the procedure established by the

Cabinet of Ministers of Ukraine on the basis of available information on the proposed activity or on the request of a foreign state. (para 2 art. 14 of the EIA Law)

The participation of Ukraine in the transboundary environmental impact assessment pursuant to the affected state procedure shall be ensured by the competent central authority and shall include:... joint arrangements with other states concerned for public participation;... (para 13 art. 14 of the EIA Law)

Article 4

Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments:

I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) By using appendix II

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify):

Your comments: Para 2 of Article 6 of the EIA Law notes:

The environmental impact assessment report shall include:

1) a description of the proposed activity, in particular:

a description of the location of the proposed activity;

objectives of the proposed activity;

a description of the physical characteristics of the activity during the preparatory and construction works and in carrying out the proposed activity, including, as appropriate, requisite demolition works, and land-use requirements (restrictions) during the preparatory and construction works and in carrying out the proposed activity;

a description of the main characteristics of carrying out the proposed activity (in particular, production process), for instance, nature and quantity of the materials and natural resources (water, land, soil, biodiversity) to be used;

an estimate, by type and quantity, of expected waste and emissions (discharges), water, air, soil and subsoil pollution, noise, vibration, light, heat and radiation, produced during the preparatory and construction works and in carrying out the proposed activity;

2) a description of the reasonable alternatives (for example in terms of geographical and/or technological features) relevant to the proposed activity, and an indication of the main reasons for selecting the chosen option, taking into account environmental effects;

3) a description of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the proposed activity as far as natural changes from the baseline scenario can be assessed on the basis of the availability of environmental information and scientific knowledge;

4) a description of the factors of environment likely to be affected by the proposed activity and its alternatives, including human health, state of fauna, flora, biodiversity, land (including land take), soil, water, air, climate factors (including climate change and greenhouse gas emissions), material assets, including architectural, archaeological and cultural heritage, landscape, socio-economic conditions and the interaction among these factors;

5) a description and assessment of the likely effects on the environment of the proposed activity, in particular the size and scale of such the effects (area and population likely to be affected), type (where present – transboundary), intensity and complexity, probability, expected start, duration, frequency and irreversibility of effects (including the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects) resulting from:

the preparatory and construction works and carrying out of the proposed activity, including, as appropriate, demolition works after the completion of such activity;

the use in carrying out the proposed activity of natural resources, in particular, land, soil, water and biodiversity;

the emission and discharge of pollutants, noise, vibration, light, heat and radiation, other effects, as well as the carrying out of waste management operations;

the risks to human health, objects of cultural heritage and the environment, including due to the likelihood of emergencies;

the cumulation of effects with other existing objects, proposed activity and objects for which the decision on carrying out the proposed activity has been obtained, taking into account all existing environmental problems relating to areas of particular environmental importance likely to be affected or where the natural resources are likely to be used;

the impact of the proposed activity on climate, including the nature and magnitude of greenhouse gas emissions, and the vulnerability of the proposed activity to climate change;

the technologies and the substances used;

6) a description of the forecasting methods, used to assess the effects on the environment, referred to in point 5 of this paragraph, and the assumptions underlying such forecasting, as well as the data on the state of the environment used;

7) a description of the measures envisaged to preclude, prevent, avoid, reduce, offset significant adverse effects on the environment, including (where possible) the compensatory measures;

8) a description of the expected significant adverse effects of the activity on the environment deriving from the vulnerability of the project to risks of emergencies, measures to prevent or mitigate the effects of emergencies on the environment and the response measures to emergencies;

9) identification of all difficulties (technical deficiencies, lack of sufficient technical means or knowledge) identified in the process of preparation of the environmental impact assessment report;

10) all comments and suggestions, received by the competent local authority, or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, by the competent central authority after making public by them of the notification on the proposed activity, as well as the table showing information on full acceptance, partial acceptance or reasonable rejection of comments and suggestions received through the public consultations under the procedure envisaged by paragraph 7 of Article 5 of this Law;

11) an outline of the monitoring and control programmes as to the effects on the environment of carrying out of the proposed activity, as well as, where appropriate, the post-project monitoring plans;

12) a non-technical summary of the information provided under points 1-11 of this paragraph, intended for a wide audience;

13) a reference list detailing the sources used for the descriptions and assessments included in the environmental impact assessment report.

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) Other (please specify): taking into account the technical and technological features of the project

Your comments:

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

(a) Yes, it is obligatory

(b) No, it does not have any provision on that

(c) It is optional (please specify):

Your comments: Article 14 of EIA Law defines procedures of the transboundary environmental impact assessment

Article 6

Final decision

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify): para 1, 2 of Article 11 of EIA Law:

The environmental impact assessment report, the report on public consultations and the environmental impact assessment conclusion shall be submitted by the developer seeking the decision of a public authority or a local self-governance authority on carrying out the proposed activity, which forms the basis for the commencement thereof, establishes (approves) parameters and conditions for carrying out the proposed activity and is taken in the form of a permit or other act of a public authority or a local self-governance authority pursuant to the procedure established by the legislation for the relevant decisions.

The public authorities and the local self-governance authorities in taking the decision on carrying out the proposed activity shall be obliged to take into account the environmental impact assessment conclusion. The decision on carrying out the proposed activity shall indicate that the environmental conditions for carrying out the proposed activity have been determined by the environmental impact assessment conclusion. If the public authority or the local self-governance authority decides so, the decision on carrying out the proposed activity may include the environmental conditions for carrying out the proposed activity referred to in paragraph 5 of Article 9 of EIA Law.

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:

- (a) Yes
- (b) No

Your comments: The decision on taking into account of the outcome of the transboundary environmental impacts assessment, after the approval by the Interagency Coordination Council on the Implementation in Ukraine of the Convention on Environmental Impact Assessment in a Transboundary Context, shall be adopted by the competent central authority and shall form an essential part of the environmental impact assessment conclusion. (para 10 art. 14 of the EIA Law)

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes (please specify): para2 Article 13 of EIA Law

Your comments: Where the economic activity that underwent the environmental impact assessment turns out to cause significant adverse impact on the public health or

environment and such impact has not been assessed in the environmental impact assessment and/or changes materially the environmental impact score of the economic activity in question, the decision on carrying out such a proposed activity shall be repealed by the court decision and the activity – terminated. (para 2 art. 13 of the EIA Law)

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes
- (b) No (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments: The public authorities and the local self-governance authorities in taking the decision on carrying out the proposed activity shall be obliged to take into account the environmental impact assessment conclusion. The decision on carrying out the proposed activity shall indicate that the environmental conditions for carrying out the proposed activity have been determined by the environmental impact assessment conclusion. (para 2 art. 11 of the EIA Law)

Where after granting the environmental impact assessment conclusion the legislation does not require the taking of the decision on carrying out the proposed activity for it to commence, the environmental impact assessment conclusion ascertaining the admissibility of the proposed activity shall be assumed to be the decision on carrying out the proposed activity. (para 3 art. 11 of the EIA Law)

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

- (a) No
- (b) Yes (please specify the main steps to be taken and how the results of it are communicated): Where envisaged by the environmental impact assessment conclusion, the developer shall ensure the post-project monitoring with a view to identify any discrepancies and deviations of predicted levels of exposure and efficiency of measures for prevention of environmental pollution and mitigation thereof. (para 1 art. 13 of the EIA Law)

Your comments:

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- (a) No Starting from 2011 consultation were launched with Belarus, Poland, Slovak Republic, Hungary, Moldova and Romania.

- (b) Yes Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments: have no bilateral or multilateral agreements based on the Convention

(b) Procedural steps required by national legislation

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments: the procedure coincides, but there are differences in the stage of scoping

In case of the transboundary environmental impact assessment pursuant to the state of origin procedure or upon request from the developer, the competent local authority or, in cases referred to in paragraphs 3 and 4 of this Article, the competent central authority shall provide conditions on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report. In such a case the conditions on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report shall be binding for the developer in the preparation of the environmental impact assessment report.

In cases, referred to in paragraph 8 of this Article, the request from the developer to provide conditions on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report, shall be submitted and made public simultaneously with the notification on the proposed activity subject to the environmental impact assessment. The competent authority shall provide conditions within 30 working days of the date of the official disclosure of the notification on the proposed activity subject to the environmental impact assessment. (para 8,9 art. 5 of the EIA Law)

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:
 - (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

- (a) No
- (b) Yes (please specify):
 - (i) Special provisions:
 - (ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

Cases during the period 2016–2018

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Construction of Khmel nitsky NPP	28.12.2018	Poland, Belarus, Slovakia, Romania, Hungary, Moldova, Austria	30	28.12.2018	Still ongoing	Ongoing	Not yet
2. Life time extension of EIA report	Preparation of the EIA report	Poland, Belarus, Slovakia,					

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the ELA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
on of Rivne 1, 2 NPP		Romania, Hungary, Moldova Austria					
3.							
4.							
...							

Your comments:

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation?

The developer shall ensure the preparation and translation into foreign language(s) of the draft notification of the affected states, the environmental impact assessment report and other documentation which shall be determined in each case by the competent central authority.

Translation is provided in English and Russian. Sometimes affected Parties require translation into the national language

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin: The developer shall ensure the preparation and translation into foreign language(s) of the draft notification of the affected states, the environmental impact assessment report and other documentation which shall be determined in each case by the competent central authority. (para 8 art. 14 of the EIA Law)

(ii) As an affected Party:

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin: the environmental impact assessment report and other documentation which shall be determined in each case by the competent central authority

(ii) As an affected Party: the environmental impact assessment report and other documentation which shall be determined in each case by the competent central authority

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English

(ii) The affected Party's language

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) English

(ii) Language of the Party of origin

(iii) Other (please, specify)

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

We have some difficulties with the observance of the necessary timeframes: the Parties do not respond within a specified period, but provide a response in a few months or years with the requirement to provide additional documentation.

Translation is provided in English and Russian but sometimes affected countries require translation into the national language, this causes additional costs for Developer.

During the consultation, Parties may send not clarifying questions and after received answers ongoing ask completely new questions, this extend significantly the procedure.

(i) As a Party of origin:

Experience with public participation:
non-compliance with deadlines for filing questions

Experience with consultations under article 5
additional questions after consultation

(ii) As an affected Party:

Experience with public participation
The need for translation of documents
weak public interest

Experience with consultations under article 5

non

- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin: +
- (iii) By the affected Party:
- (iv) Shared by both Parties concerned:
- (v) Developer:
- (vi) Other, please specify

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: The need for translation of documents and questions only

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
(b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

- (a) No
(b) Yes (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
(b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned): the transboundary assessment of a Hotyslav sand quarry (Belarus) on a Shatski lakes (Ukraine)

2. Experience in using the guidance in 2016–2018

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

- No
Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

- No
Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes (please indicate which provisions and how they are unclear): which reasonable time waiting for the answer? what is the maximum term of the transboundary procedure?

4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.