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ДОВКІЛЛЯ ТА ПРИРОДНИХ  
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Secretariat of the Convention on Environmental  
Impact Assessment on the Environment in  
a Transboundary Context

Committee on the Implementation of the  
Convention on Environmental Impact  
Assessment in a Transboundary on  
the Environment in a Transboundary Context

Subject: About the IX/4k draft Resolution

The Ministry of Environmental Protection and Natural Resources of Ukraine presents its compliments to the Secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context and the Convention's Implementation Committee and has the honor to inform you of the following.

The Convention's website has published draft decisions on compliance with the Convention, including draft Resolution IX/4k on Ukraine's compliance with its obligations under the Convention in connection with the project for the construction of the Danube-Black Sea deep-water shipping channel in the Ukrainian sector of the Danube Delta. This project does not overturn previous decisions of the Espoo Convention Implementation Committee and leaves Ukraine in the status of non-compliance with its obligations under the Convention.

However, during 2022-2023, Ukraine actively communicated with the Implementation Committee, as well as with the Romanian side, on the issue of consultations on this case. We are pleased to inform you that the cross-border consultations with the Romanian side on the new project "Reconstruction of the construction facilities for the creation of a deep-water navigation route between the Danube River and the Black Sea in the Ukrainian part of the delta" have been completed.

On November 20, 2023, the Ministry of Environmental Protection and Natural Resources of Ukraine issued the final decision within the framework of the transboundary

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environmental impact assessment procedure - the environmental impact assessment conclusion. On November 21, copies of the documents (reflecting how Romania's comments and suggestions on this project were taken into account) were sent to the Romanian side as required by Article 6 of the Espoo Convention.

Detailed information with explanations on the progress of the transboundary consultations is provided in Annex 1 to this letter.

Also, Annex 2 to this letter provides explanations to the draft Resolution IX/4k. Taking into account the updated information provided by Ukraine, we kindly ask you to consider the possibility of canceling draft Resolution IX/4k and revoking the previous decisions that determine the status of Ukraine as non-compliant with the requirements of the Convention on the construction of the Danube-Black Sea deep-water navigable channel in the Ukrainian sector of the Danube Delta.

The Ukrainian side is convinced that the history of the case EIA/IC/S/1 Ukraine can already be closed in view of the progress that Ukraine has made to bring this project into compliance with the requirements of the Convention. It has come a long way from changing Ukrainian legislation to the practical application of the Convention's instruments in the new project "Reconstruction of the construction facilities for the "Creation of a deep-water shipping lane from the Danube River to the Black Sea in the Ukrainian part of the delta".

The project for the construction of the Danube-Black Sea deep-water shipping channel in the Ukrainian sector of the Danube Delta can be a classic example of how the mechanisms of the Espoo Convention are practical and effective and contribute to the achievement of the Convention's objectives, namely, the prevention of significant adverse transboundary impacts resulting from planned activities, as well as their reduction and control.

Summarizing the above, we ask you to consider this letter and the possibility of canceling draft Resolution IX/4k in connection with the fulfillment of Ukraine's obligations under the Espoo Convention.

We also express our readiness to hold short consultations on this draft decision if necessary.

The Ministry of Environmental Protection and Natural Resources of Ukraine avails itself of this opportunity to renew the assurances of its highest consideration.

Olena Kramarenko  
Deputy Minister

Addition: Annex I and Annex II on 1740 pages.