

**Statement at the thirty-seventh meeting of
the Aarhus Convention Compliance Committee
by Mr. Taras Tretyak, Assistant National Focal Point of Ukraine**

According to paragraph 7 of the Decision IV/9h of the Meeting of the Parties to the Aarhus Convention, Ukraine was obliged to fully implement measures requested by the Meeting of the Parties in its Decision II/5b and notify the secretariat of this fact.

The Ministry has taken urgent measures for improving the situation.

The implementation of the Order of public participation, which was adopted by the Decree the Cabinet of the Ministers of Ukraine on 29 of June 2011 # 771 is very pure. Despite the fact that it is possible to fulfil the requirements of the Aarhus and Espoo Convention by the art 13 of the Law of Ukraine on Environmental expertise and by the mentioned above Order of public participation, in practice the order and art. 13 of the Law on environmental expertise didn't work, because of the provisions of the law of urban development.

Taking into consideration this fact the Ministry decided to change the law on urban development and try to have the law on EIA adopted.

For this reason the draft law aimed to amend the Law of Ukraine on urban development and some others laws were elaborated and was sent to the state authority for consent. The draft faced a strong opposition from the state authorities. The main reason was that these amendments aren't in line with the Presidential program of deregulation of the economic activities and shorting the permitting procedures.

The Ministry had spent more than two month for consultations trying to reach the agreement and work out of the appropriate decision but the ministry didn't manage to do this.

The ministry decided to take the sound decision regarding EIA system and elaborated (by the experts of the Project «support to Ukraine to Implement the Espoo and Aarhus Conventions», financed by EU) the draft law on EIA. The draft fulfilling the obligations under Aarhus and Espoo conventions as well as under the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

The draft law is compatible to the draft law on amendments of the law on urban development. That is why these two laws were being elaborated simultaneously.

The experts of the Project «support to Ukraine to Implement the Espoo and Aarhus Conventions» have elaborated the list of requirements which cover all requirements of Aarhus and Espoo Conventions regarding public participation. Both drafts law are in compliance with this list.

As the process of the obtaining consent is too long the Ministry tried to find out the alternative way. It was decided to file the draft law amending the law on urban development and some others laws of Ukraine by the members of the parliament. There wasn't possibility to file the draft on EIA law by the members of the parliament only law on amendments. It had been done and secretariat of the Aarhus Convention has been immediately informed.

We would like to ask CC to take into account the positive dynamic of the process of fulfilling the Aarhus Convention obligations and to postpone the consideration of the issue till further meetings of the Compliance Committee, because the process of adoption of the law is going to be completed. It will give the opportunity to CC to evaluate the outcomes of the process promptly.