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MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS

Third meeting
Riga, 11-13 June 2008
Item 6 (a) of the provisional agenda
Procedures and mechanisms facilitating
the implementation of the Convention:
Reports on implementation

IMPLEMENTATION REPORT SUBMITTED BY UKRAINE**

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to 'keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties'. Through Decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

* Translation provided by the substantive secretariat.

** The present document was submitted late due to resources constraints and delays associated with the provision of a national report of appropriate length by the Party.

I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

1. By Order of 2 October 2007 on the preparation of a Consolidated National Report on the Implementation of the Aarhus Convention in Ukraine, the Ministry of Environmental Protection (MEP) approved the establishment of a working group to draw up a national report and corresponding action plan. The membership of the working group included a number of MEP officials, as well as several representatives of the voluntary organizations.
2. Pursuant to Decision II/10 of the Meeting of the Parties to the Aarhus Convention, the 2007 National Report has been prepared in a new consolidated version that takes into account the text of the previous report prepared in 2004.
3. In order to create a database and a means of comparison with the reports of other countries, the general recommendations of the Working Group of the Parties to the Aarhus Convention (2-4 May 2007) have been taken into account, together with the Group's recommended list of questions and standard format for the preparation of national reports.
4. In accordance with the approved Action Plan on the Preparation of a 2007 National Report, public consultations were held in four separate stages concerning:
 - (a) the content of the 2007 National Report (August-end September 2007);
 - (b) the first edition of the draft 2007 National Report prepared in accordance with the recommendations of the public and information received from the State environmental protection authorities in the oblasts and the cities of Kiev and Sevastopol, the Republican Committee for the Protection of the Environment in the Crimean AR, and the State environmental inspectorates in the oblasts and the cities of Kiev and Sevastopol (end September-21 October 2007);
 - (c) the second edition of the draft 2007 National Report based on the proposals received from the structural subdivisions of the MEP's central administration and its administrative bodies, additional recommendations made by the public and additional information received from the regional environmental protection authorities and environmental inspectorates, together with information received from the central government bodies of Ukraine (26 October-22 November 2007);
 - (d) the draft National Report prepared with account for the further proposals made by the public, the structural subdivisions of the MEP's central administration and its various services, the regional environmental protection authorities and the environmental inspectorates, as well as by the central government bodies of Ukraine (22 November-1 December 2007).
5. The following MEP structural subdivisions and services were involved in the preparation of the National Report: Directorate for Communication and Liaison with the Public, Legal Department, Environmental Safety Department, State Environmental Monitoring Department, Planning and Finance Department, Directorate for Cooperation with International Organizations and European Integration Matters, Section for Monitoring the Acts and Instructions of Higher Government Bodies, Documentation and Public Communications Division, State Environmental Impact Assessment and Audit Division, State Geological Service of the MEP and the National Centre for Handling Hazardous Waste, a state-owned enterprise.
6. In accordance with the MEP's coordination letter No. 10984/09/10-07 of 8 October 2007, the Supreme Court and the following central government bodies participated in the preparation of the National Report: Office of the Attorney General, Ministry of Foreign Affairs, State

Judicial Administration, Ministry of Justice, Ministry of Internal Affairs, Ministry of Defence, Ministry of Transport and Communications, Ministry of Education and Science, Ministry of Economics, Ministry of Health, State Television and Radio Broadcasting Committee, Ministry for Agrarian Policy, Ministry of the Coal Industry, Ministry of Fuel and Energy, Ministry for Industrial Policy, Ministry of Housing and Municipal Economy, Ministry for Emergencies and Protection of the Population from the Consequences of the Chernobyl Disaster, State Highway Service, State Forestry Committee, State Committee for Water Resources, State Agricultural Resources Agency, State Nuclear Regulation Committee, State Commission for the Regulation of Financial Services Markets, State Department of Food, National Commission for Energy Regulation, Ukrmorrechflot (Ukrainian maritime and river fleet).

7. During the preparation of the National Report a permanent working dialogue was maintained with the active voluntary environmental organizations and their suggestions were taken into account. These organizations included: All-Ukraine Ecological League, MAMA-86, Ecology-Law-Man, Environmental Watch, Living Planet, EcoLaw-Kiev, Ukrainian Conservation Society, Odessa Oblast Public Environmental Control Headquarters, Odessa cell of Green World, Green World Information Centre, Golosiev Salvation Alliance, Poltavshchina Public Environmental Council, Clear Wave, Union of Geologists of Ukraine, Parostok All-Ukraine Charitable Fund, Ukrainian Botanical Society, and others.

8. The MEP's proposals concerning public participation in the consultations to be held at different stages during the preparation of the 2007 National Report were published in electronic form by the Public Communications Section of the Directorate for Communication and Liaison with the Public and the MEP's Aarhus Information and Training Centre. The text of the draft 2007 National Report in the various stages of its preparation was posted on the MEP's website ("Interaction with the Public" section). The MEP's territorial bodies corresponded by e-mail with those regional-level voluntary organizations which had indicated a desire to participate in the discussion of the process of preparation of the 2007 National Report.

9. The suggestions and comments were considered at meetings of the public councils attached to the territorial bodies and the MEP itself.

10. Furthermore, in November, the MEP held a series of seminars on the implementation of the rights of citizens to access to information, participation in decision-making and access to justice in environmental matters, as defined by the Aarhus Convention ratified by the Supreme Council of Ukraine, as well as a seminar on raising awareness of the provisions of the Convention. The seminar participants included officials from the territorial bodies and specialized subdivisions of the MEP, together with representatives of the public councils attached to the territorial bodies and the voluntary environmental organizations.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

11. No information was provided under this heading.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

Article 3, paragraph 1

12. Ukraine ratified the Aarhus Convention on 6 July 1999. In order to implement the Convention in Ukraine and adapt the national legislation to its requirements, in 2002, the Ukrainian Parliament introduced amendments to certain legislative acts:

(a) The new version of Ukraine's Environmental Protection Act establishes the mandatory involvement of the public in the development of State environmental programmes and supplements the articles on the civil rights of participation in the discussion and introduction of environmental proposals, free access to environmental information, participation in public hearings and the conduct of public impact assessments, and the right of appeal to the courts against the actions of central and local government bodies and officials where violations of environmental civil rights are involved. The Act provides for the establishment and operation of a national automated environmental information and analysis system network for ensuring access to environmental information, extends the powers of voluntary environmental associations, and more clearly defined the system for providing information about the state of the environment (environmental information). The Act was supplemented by a new article on the provision of environmental information which clearly defines the system for the provision of environmental information by central and local government bodies.

(b) The State Environmental Audit Act establishes the content of environmental impact statements which are placed in the media by applicants for State environmental audits.

(c) The Local Self-Government in Ukraine Act provides for the installation and operation of local automated environmental information and analysis systems at the level of the executive bodies of village, settlement and urban councils. These form part of the national automated environmental information and analysis system network for providing access to environmental information.

(d) The Administrative Offences Code of Ukraine provides for the administrative accountability of civil servants and officials in the event of their refusing to provide environmental information or not providing it in good time.

13. Every year, an MEP report on the use of resources for the targeted financing of environmental protection and resource-conserving measures drawn from the State Environmental Protection Fund is published in the media, as well as in a separate edition, and copies are sent to government bodies and the environmental voluntary organizations.

14. Pursuant to paragraph 3 of Decision II/5(b) of the Second Meeting of the Parties to the Convention, the MEP is taking steps to develop a strategy and schedule for the implementation of the provisions of the Aarhus Convention.

15. In September 2006, the MEP drew up a draft list of the principal measures that will be proposed for inclusion in the implementation strategy and schedule. This document was brought to the attention of the voluntary organizations and the Compliance Committee of the Aarhus Convention. In the course of the discussions the parties made business-like recommendations.

16. The delay in implementing Decision II/5(b) (paragraph 3) can be attributed to the very complex social and political situation that has existed in Ukraine since the second half of 2005. This is connected with the election of a new Parliament and, moreover, the subsequent changes in the Government of Ukraine, including the leadership of the MEP. In view of this social and political situation, the MEP has only just been able to arrange for the financing of the strategy and schedule for the implementation of the provisions of the Aarhus Convention.

17. This measure will be implemented following a tender procedure (call for bids) in which registered environmental organizations with experience in developing environmental legislation will be invited to participate. In view of the existing social and political situation, the time-frame for the tender procedure and hence the provision of direct financing and the holding of public consultations has been extended.

18. Since the preparation of the last report, there have been no changes in the Ukrainian legislation that might restrict public participation in decision-making in environmental matters.

19. With respect to the mechanisms for monitoring the implementation of the provisions of the Convention and the provisions of the corresponding national legislation, the 1997 Supreme Council Human Rights Commissioner Act provides for an ombudsman institute in Ukraine. The Ombudsman is responsible for parliamentary supervision of the observance of constitutional rights and human freedoms, as well as for rights protection. The Act only applies to relations between natural persons and the public authorities connected with the exercise of human and civil rights and freedoms. The function of the Ombudsman is to protect the rights and freedoms enshrined in the Constitution and laws of Ukraine and the international treaties of Ukraine, including the Aarhus Convention.

20. The MEP has designated the head of the Public Communications Section as the main contact point for matters relating to the Aarhus Convention.

21. The MEP has set up an Aarhus information and training centre as part of the State Environmental Institute, as well as Aarhus information centres in all its territorial bodies in every region of Ukraine, with responsibility, *inter alia*, for monitoring the compliance of the national legislation and regional regulations with the requirements of the Aarhus Convention. However, these centres need better equipment and financial support from the government and international bodies.

22. Moreover, the task of monitoring the implementation of the principles of the Aarhus Convention is being actively assumed by the voluntary environmental organizations which are participating in the development of various environmental programmes and concepts.

23. The public council attached to the MEP is also monitoring the implementation of the principles of the Aarhus Convention.

Article 3, paragraph 2

24. The exercise of the rights of the public in accordance with the principles of the Aarhus Convention is ensured by the Constitution of Ukraine (articles 34, 36, 38 and 40), the Citizens' Association Act (1992), the All-Ukraine and Local Referendum Act (1991), the Information Act (1992), the Access to Judicial Decisions Act, the Citizens' Communications Act (1996), the Act

on the Procedure for Media Coverage of the Activities of Government and Local Self-Government Bodies (1997), the Act on the Principles of State Regulatory Policy in the Area of Economic Activity, the Use of Nuclear Energy and Radiological Safety Act, the Local Self-Government in Ukraine Act, the Planning and Development Act, the Protection of the Population and Territories from Technogenic and Natural Emergencies Act, and the Administrative Offences Code of Ukraine (which provides for the administrative accountability of civil servants and officials in the event of their refusing to provide environmental information or not providing it in good time); the Decrees of the President of Ukraine on: Measures to guarantee the constitutional rights of citizens to submit communications (1997), Measures to develop the national component of the global Internet information network and ensure broad access to the network in Ukraine (2000), Preparation of proposals to ensure the transparent and open government (2001), Additional measures to guarantee the exercise by citizens of the constitutional right to submit communications (2002), Creation of the conditions for the broader participation of the public in the formulation and implementation of State policy (2004), Ensuring of public participation in the formulation and implementation of State policy and practices (2005); Decisions of the Cabinet of Ministers of Ukraine on: Procedure for conducting public hearings on questions of nuclear energy use and radiological safety (1998), Procedure for publishing information concerning the activities of government bodies on the Internet (2002), Measures for ensuring open government (2002), Official publication of regulatory acts adopted by local self-government bodies and the territorial agencies of central government bodies and their officials and the amendment of the Procedure for publishing information concerning the activities of government bodies on the Internet (2004), Amendments to the publication of information concerning the activities of government bodies on the Internet (2004), Measures to establish a system of “electronic government” (2003), Questions relating to the ensuring of public participation in the formulation and implementation of State policy (2004), Procedure for holding consultations with the public on matters relating to the formulation and implementation of State policy (2004), Regulations on the public council attached to the Cabinet of Ministers of Ukraine (2004), Model regulations on the public councils attached to central and local government bodies (2004), Questions relating to the ensuring of public participation in the formulation and implementation of State policy (2006), Additional measures to encourage public participation in the management of State affairs (2005); and the Order of the Cabinet of Ministers of Ukraine on the work done by central and local government bodies to ensure openness in their activities, communication with the public and interaction with the media (2004).

25. Moreover, in development of the civil rights defined by the Aarhus Convention, Ukraine applies environmental legislation, in particular, the Environmental Protection Act, the State Environmental Audit Act, the Air Protection Act, the Flora Act, the Fauna Act, and the Nature Reserves Act, as well as the Supreme Council Decision on informing the public of matters that concern the environment (2004) and the 2004 Supreme Council Decision determining the procedure for developing and adopting two Regulations: on providing the public quarterly through the media with information about the most environmentally polluting sites (10 sites) and on the national automated environmental information and analysis system networks.

26. The MEP has drawn up Regulations on the procedure for providing environmental information (2003), Regulations on public participation in decision-making in environmental matters (2003) and Regulations on providing the public quarterly through the media with information about the most environmentally polluting sites (2005).

27. In general, the Constitution of Ukraine, the Citizens' Communications Act and the Presidential Decrees on measures to guarantee the constitutional rights of citizens to submit communications and on additional measures to guarantee the exercise by citizens of the constitutional right to submit communications, together with other enactments, have created the legal basis for such a vital aspect of social relations as the citizen's right to submit communications, which constitutes an important step towards the democratization of government.
28. With respect to institutional and budgetary mechanisms in the area of capacity building, the office of the Supreme Council includes a department for citizens' communications, while the Secretariat of the Cabinet of Ministers operates a department for communications between the government and the public with a staff of 48 officials headed by a well-known manager. Various central government bodies have set up departments, directorates, divisions and sections for interacting with the public (such as the department of communications with the public of the Ministry of Internal Affairs, the directorate for information and communications with the media of the Ministry for Emergencies, the directorate for receiving and considering citizens' communications and the secretariat of the authorized representative for European Court of Human Rights affairs of the Ministry of Justice, the MEP's directorate for communications and liaison with the public, etc.).
29. Web portals have been set up for the Cabinet of Ministers and all the central government bodies.
30. There are public councils attached to the Cabinet of Ministers and central government bodies. The MEP has public councils attached not only to the central administration but also to its territorial bodies in all the regions of Ukraine. Cooperation between the MEP and the public councils mainly concerns the involvement of the public in decision-making in environmental matters, objective reporting of the MEP's activities, and the consultation of the public on acute environmental problems.
31. In May 2003, an Aarhus Information and Training Centre (Aarhus Centre) was set up on MEP premises.
32. The work of the Aarhus Centre includes keeping the public informed about environmental protection and international environmental legislation issues, further training, and involvement of the public in decision-making and in the implementation of environmental policy at national and international levels.
33. Similar Aarhus centres have been attached to all the MEP's territorial bodies and are financed from their budgets. Therefore any effective improvement in the activities of the regional centres depends on the provision of additional financial support.
34. The Cabinet of Ministers and central government bodies have opened public reception centres, while environmental public reception centres have been set up by the State environmental protection authorities and State environmental inspectorates in the oblasts. During the period of operation of the public reception centres a mechanism for considering citizens' appeals, complaints and suggestions has been developed.

35. In 1997, in order to improve the handling of citizens' communications, eliminate shortcomings and causes for complaint and make officials more accountable, a Presidential Decree on measures to guarantee the constitutional rights of citizens to submit communications was issued. In particular, the Decree obliges government bodies to make regular provision for the personal reception of citizens at work or at home in accordance with an approved schedule. The Decree stresses the importance of ensuring the comprehensive consideration of citizens' communications, the prompt solution of their problems and the satisfaction of their legitimate rights and interests.

36. For this purpose, the heads of central government and local self-government bodies are required radically to reorganize the way in which those bodies handle citizens' communications, in particular by providing for: the unimpeded and regular personal reception of citizens in accordance with an established schedule, the collective review, at least twice a year, of the progress made in dealing with citizens' communications, with the participation of representatives of the courts, the public prosecutor's service, other State bodies, the voluntary organizations, and the media, the annual preparation and publication of analytical reports by the corresponding bodies on progress in dealing with citizens' communications, the systematic publication through the media of information on the work being done on communications and the solution of the problems raised in those communications, and the enhanced personal accountability of officials and civil servants for the proper organization of the work and the satisfactory settlement of the problems raised.

37. Since 2003, the heads of central, oblast and rayon government bodies have been making periodic personal reports on the work of dealing with citizens' communications and citizens have been personally received by the Head of the Secretariat of the President of Ukraine in connection with matters of special public significance.

Article 3, paragraph 3

38. The Plan for Environmental Education in Ukraine (2001) was drawn up and approved as a means of developing environmental education in Ukraine.

39. At the initiative and with the support of the Zaporozhye oblast state administration and the state environmental protection authority in Zaporozhye oblast, in 2006 a regional course on "the ecology of the native land" was introduced into the educational institutions. This education project in an industrially developed and technogenically stressed region such as Zaporozhye oblast has been a success. At present, this ecology course is being taken by 154,000 students in 7,628 classes at 568 general educational institutions in Zaporozhye oblast.

40. Numerous measures involving MEP officials and representatives of the voluntary environmental organizations are playing an important role in environmental education and making a practical contribution to the improvement of the environment. These include a series of measures carried out annually since 2005 throughout Ukraine to preserve the environment at national, regional and local levels, in particular, through the improvement of green belts, parks, and squares, the planting of trees and shrubs in every locality, and environmental awareness-raising.

41. The nongovernmental organization (NGO) All-Ukraine Ecological League (AUDEL) publishes two periodicals: "Ecological Bulletin" and "Ecology" devoted to the research being done by Ukrainian scientists in the fields of ecology, economic mechanisms of environmental management, environmental law and policy, and environmental culture and education.
42. The regional centre for environmental education of Odessa State Ecological University is working constantly to raise the level of environmental education and training of its students.
43. Since 2005, the publishing house Ekoinform, under the patronage of the Ministry of Education and Science and the Ministry of Environmental Protection, has regularly held an All-Ukraine competition for the "Youth Water Award".
44. The Yavoriv national park (Lvov oblast) has introduced into the schools of the Yavoriv rayon an educational programme called "Stork" and also organizes environmental actions. Other parks and nature reserves are carrying out educational measures with the participation of the voluntary organizations for children.
45. Children's and other voluntary organizations are also involved in activities being carried out within the context of Earth Day and Environment Day.
46. In Poltava, at the initiative of the voluntary environmental organization Public Environmental Council for the Poltava Area together with the city's higher-education institutions, an annual event known as "Students for the Environment" is being held, the main purpose of which is to clean up the banks of Poltava's rivers.
47. In addition, the MEP is carrying out a range of environmental education information measures:
- (a) a series of television programmes entitled "Environment through the eyes of the concerned";
 - (b) a series of daily radio programmes entitled "In harmony with nature" (12 broadcasts in 2006), which highlight topical environmental issues;
 - (c) press conferences, conferences, and MEP management round tables on the main television channels;
 - (d) a film on the activities of the MEP called "The future begins today";
 - (e) the public is being systematically informed about topical environmental issues in the pages of a number of national and regional publications.
48. In 2006, the State Forestry Committee began an annual national action under the heading "The future of the forest in your hands". As experience has shown, this campaign has aroused widespread public interest and in 2007 alone almost 83 million saplings were planted with the participation of over 107,000 people (including about 55,000 schoolchildren and students).
49. The voluntary environmental organizations and individuals can raise the level of awareness of environmental issues by familiarizing themselves with the work of the interdepartmental commissions and committees on environmental problems whose materials are published in the media and on the Internet.
50. With a view to improving the environmental qualifications of journalists, the MEP's Aarhus centre and those of its territorial bodies invite journalists to attend consultations with the

public (public seminars, conferences and meetings). On these occasions the journalists have opportunities to improve their knowledge of the implementation of the citizens' rights defined by the principles of the Aarhus Convention.

51. The State Television and Radio Broadcasting Committee of Ukraine is actively assisting the electronic and printed media systematically to cover the entire complex of issues associated with technogenic environmental safety and environmental protection.

52. During the period April-May 2007, the organization Living Planet, with the assistance of the MEP, carried out a series of nature conservation actions, including the All-Ukraine actions "Let's Wake Up the Earth" and "Plant a Tree", the All-Ukraine children's creative arts competition "Green Shoots of the Future" and park improvement measures.

Article 3, paragraph 4

53. In all cases, the procedure for registering voluntary environmental organizations corresponds to the general requirements. The voluntary organizations themselves consider it fair.

54. The practice is to include NGOs in the environmental decision-making structures. Representatives of the voluntary environmental organizations sit on the National Commission on the Red Data Book, the Coordination Council on the Formation of a National Eco-Network, the Inter-departmental Coordination Council on the Development of Water Resources, the Coordination Council on the Implementation of the Provisions of the Framework Convention on the Protection and Sustainable Development of the Carpathians, etc. Representatives of local bodies and the public are usually invited to participate in the work of the permanent Inter-departmental Commission attached to the State Water Management Committee in connection with the establishment of the operating regimes of the Dnieper, Dniester and Danube reservoirs and the flow of the rivers Northern Donets, Southern Bug, Psel, Vorskla, and Ros.

55. Local-level voluntary environmental organizations can obtain financial support from local environmental protection funds directly for the implementation of nature conservation measures (provided their proposals receive priority at tender).

56. The government provides financial support for environmental NGOs. NGOs that are active in implementing nature conservation measures and tender successfully receive financial support directly for the implementation of those measures at national government level from the State Environmental Protection Fund.

57. In accordance with the provisions of the Aarhus Convention, an annual report on the use of monies for the targeted financing of nature-conservation and resource-conserving measures drawn from the State Environmental Protection Fund is published by the MEP in the media and in a separate edition, and the materials of this annual report are sent both to the Cabinet of Ministers and to other government departments and the environmental NGOs.

Article 3, paragraph 7

58. The Ministry of Foreign Affairs is always endeavouring to broaden the participation of representatives of the Ukrainian public in international environmental decision-making processes, in accordance with the principles of the Aarhus Convention.

59. The environmental NGOs have played an active part in environmental decision-making at the international level, for example, in the 5th and 6th “Environment for Europe” Conferences of all European Environment Ministers, the international conference on introducing the Aarhus Convention into the work of the Ministry of Environmental Protection and raising public awareness concerning the protection of the Black and Azov Seas (2004), Forum of the Danube River Basin NGOs – We will preserve the Danube Romanian-Ukrainian biosphere nature reserve (2004), international scientific and practical seminars on the monitoring of the Ukrainian and Romanian parts of the Danube river delta and questions concerning the monitoring and clean-up of oil spills (2005), the international conference on the preservation and sustainable development of the Danube river delta (2006), the 5th International Scientific and Practical Conference on the Environmental and Economic Problems of the Dniester, and the international expeditions Dniester Delta, Danube Day, and 31 October – Black Sea Day.

60. At the initiative of the MEP’s designated main contact point for the Aarhus Convention, together with the Aarhus Centre and the Office for Cooperation with the International Organizations and Questions of European Integration, proposals have been submitted concerning the extension of the main principles of the Aarhus Convention – access to information and participation in decision-making - to international environmental conventions and agreements.

Article 3, paragraph 8

61. Citizens can be held accountable for submitting unlawful communications, i.e. communications that contain libellous, insulting or defamatory remarks about government bodies and their officials, civil servants, or heads of organizations, or incitements to national, racial or religious enmity or other unlawful acts.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

62. No information was provided under this heading.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

63. No information was provided under this heading.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

64. The web portal of the Cabinet of Ministers: www.kmu.gov.ua, the government site for young citizens, Cabinet of Ministers of Ukraine: www.children.kmu.gov.ua, the web portal of the MEP: www.menr.gov.ua, Council of Ministers of the AR Crimea: www.crimea-portal.gov.ua, the State environmental protection authorities in the oblasts: Vinnitskaya: <http://www.vstu.edu.ua/vineco/>, Zakarpatskaya: www.ecores.uzh.ukrtel.net, Kharkovskaya: www.ecodepart.kharkov.ua, Chernovetskaya: www.ecology.cv.ua, Lvovskaya: www.ekology.lviv.ua, Odessa: www.ecology.odessa.gov.ua, Zaporozhskaya: www.zdn.org.ua, Sumsкая: www.eco.sumy.ua, Luganskaya: www.gts.lg.ua, Rovnenskaya: www.ecorivne.gov.ua, Nikolaevskaya: www.duecomk.gov.ua, and Poltavskaya: www.eco-poltava.gov.ua.

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

Article 4, paragraph 1

65. Public authorities must record requests for information received and the replies given. By Presidential Decree of 19 March 1997 on measures to guarantee the constitutional rights of citizens to submit communications the Cabinet of Ministers was instructed to draw up by 1 May 1997 a procedure for processing citizens' communications. This procedure was established and is now followed by all government bodies. The Presidential Decree of 13 August 2002 on additional measures to guarantee the exercise by citizens of the constitutional right to submit communications established a procedure for handling and recording the details of communications and provided for an at least twice yearly review of the situation with citizens' communications by board and presidium meetings attended by representatives of the courts, the public prosecution services, other government bodies, the voluntary organizations and media. This procedure provides for the annual preparation and publication of analytical reports by the corresponding bodies on progress in dealing with citizens' communications, the systematic publicization through the media of the work being done and the solutions of the problems raised in these communications, and the introduction in 2003 of periodic personal reports by the heads of central, oblast and rayon government bodies on the handling of citizens' communications.

66. Citizens' communications are registered by the public authorities and other organizations in one of the following ways: in automated (electronic) form, on cards (for registration and control), or in registers with columns analogous to the requirements for cards. All citizens' communications received by a public authority, including those received personally, are registered on the day of receipt in accordance with the established procedure. The consideration of citizens' communications by public authorities is controlled using automated (electronic) monitoring, cards or registers. Control ends when all the questions raised in the communications have been considered and the necessary measures have been taken and the citizens have received replies within the statutory period. Decisions to withdraw communications from the control process are taken by the head of the public authority.

67. Citizens' communications forwarded to government bodies by higher government decision which require communication of the results of their consideration are selected for special control. Replies to citizens' communications are given within the time-frame established by law. Decisions taken on the basis of the results of considering written communications are communicated to the citizen in writing. The replies sent to higher government bodies concerning citizens' communications under their control contain information regarding the notification of the citizen of the results of the consideration of his communication and an indication of the case officer.

68. Progress with the consideration of citizens' communications (instructions, inquiries made, replies received, decisions taken) must be reflected clearly and promptly in the registration database, cards or registers. A number of ministries and other government bodies have approved instructions concerning the procedure for considering communications and organizing the reception of citizens.

69. Compliance with the legislation on citizens' communications is monitored, within their respective spheres of competence, by the Parliament and national deputies, the President and Cabinet of Ministers of Ukraine, the Parliamentary Human Rights Commissioner (Ombudsman), the Parliament of the Autonomous Republic of Crimea, local branches of central government and local self-government bodies, as well as by ministries and other central government bodies, in respect of the enterprises, institutions and organizations under their authority.

70. Compliance with the legislation is supervised by the public prosecution services of Ukraine. Within the limits of their authority, the public prosecutors take measures to restore impaired rights, protect the legitimate interests of citizens, and bring offenders to account.

71. There is no separate special body for controlling access to environmental information.

72. As anonymous communications are not considered, only confirmation of the authorship of the applicant may be required.

73. Article 32 of the Information Act contains requirements relating to requests for information. According to this article, a request must contain the full name of the applicant, the document or written or verbal information in which he or she is interested, and the address for reply. That is, the applicant is not obliged to provide any other information in the request. Article 5 of the Citizens' Communications Act contains requirements relating to communications, which must contain: the full name and address of the citizen, the gist of the question, comment, complaint, proposal, application, request or claim, the signature of the applicant and the date.

Article 4, paragraph 2

74. The Citizens' Communications Act establishes the time-frame within which citizens' communications must be considered, namely, not more than one month from the date of receipt, while those which do not require further study must be considered promptly, but not later than fifteen days after receipt.

75. The Citizens' Communications Act stipulates that if a question raised in a communication received by a central government body, a local self-government body, an enterprise, institution or organization, irrespective of the form of ownership, a citizens'

association or an official does not fall within its competence, the communication shall be transmitted through the proper channels to the relevant body or official within five days, and the citizen who submitted the communication shall be notified accordingly. If a communication does not contain the data necessary for the body or official to take a well-founded decision, it must be returned to the citizen within the same period of time with an appropriate explanation.

76. In those cases in which a request for information receives no reply, civil or administrative liability measures may be applied to the officials concerned.

Article 4, paragraphs 3 and 4

77. There are procedures relating to the consideration of cases in which the public authority does not have the requested information at its disposal but should have it under the relevant legislation.

78. Thus, compliance with the legislation on citizens' communications is monitored, within their respective spheres of competence, by the Parliament and national deputies, the President and Cabinet of Ministers of Ukraine, the Parliamentary Human Rights Commissioner (Ombudsman), the Parliament of the Autonomous Republic of Crimea, local branches of central government, and local self-government bodies, as well as by ministries and other central government bodies, in respect of the enterprises, institutions and organizations under their authority.

79. Compliance with the legislation is supervised by the public prosecution services of Ukraine. Within the limits of their authority, the public prosecutors take measures to restore impaired rights, protect the legitimate interests of citizens, and bring offenders to account.

80. Under the provisions of the Citizens' Communications Act, if a communication does not contain the data necessary for the body or official to take a well-founded decision, it is returned to the applicant with an appropriate explanation.

81. The following may not be classified as confidential information belonging to the State and used by central government bodies or local self-government bodies, enterprises, institutions and organizations of any form of ownership: information concerning the state of the environment, the quality of food products or consumer goods, accidents, disasters, hazardous natural phenomena and other emergency situations which have occurred or could occur and threaten public safety, the state of health of the population, its standard of living, issues relating to public education or culture, the state of affairs with human and civil rights and freedoms and infringements thereof, and the unlawful acts of central government bodies, local self-government bodies and their officials and servants.

82. Citizens and legal persons who possess information of a professional, business, industrial, banking, commercial or other nature obtained by their own means or information that is the subject of their professional, business, industrial, banking, commercial or other interests and does not reveal a secret provided for by law may independently determine the conditions of access to that information, including its categorization as confidential, and establish a system (methods) of protection for it.

83. Information can be divided into two types of confidentiality: confidential information on the list of confidential information belonging to the State and information defined as a State secret under the established procedure. Access to information may be open or restricted. In accordance with article 30 of the Information Act, with respect to its legal status information to which access is restricted can be divided into confidential and secret. Confidential information is information on the list of confidential information that is owned or used by or at the disposal of individual natural or legal persons and disseminated as they wish and on the conditions they lay down. The following may not be classified as confidential information belonging to the State and used by central government bodies or local self-government bodies, enterprises, institutions and organizations of any form of ownership: information concerning the state of the environment, the quality of food products or consumer goods, accidents, disasters, hazardous natural phenomena and other emergency situations which have occurred or could occur and threaten public safety.

Article 4, paragraph 5

84. The Citizens' Communications Act stipulates that if a question raised in a communication received by a central government body, a local self-government body, an enterprise, institution or organization, irrespective of the form of ownership, a citizens' association or an official does not fall within its competence, the communication shall be transmitted through the proper channels to the relevant body or official within five days, and the citizen who submitted the communication shall be notified accordingly.

Article 4, paragraph 8

85. According to information provided by the Ministry of the Economy of Ukraine, charges for services associated with the supply of information (art. 4.8 of the Guidelines on Reporting Requirements) are regulated, in particular, by the Decree of the Cabinet of Ministers of Ukraine of 21 January 1993 on State fees and the MEP Order of 18 November 2003 approving the regulations on the procedure for providing environmental information.

86. Neither the decree nor the order assumes payment for services associated with the provision of copies of official documents on environmental matters. However, under article 24 of the State Statistics Act of 17 September 2002 and Decision of the Cabinet of Ministers of 8 November 2000 approving the regulations on the conduct of statistical surveys and the provision of paid services by State statistical bodies, statistical information, and in particular information of an environmental nature, can be provided, on request, on a paying basis. The cost of the information requested is calculated on the basis of Goskomstat Order No. 73 of 16 March 2005 on establishing the cost of a man-day and the cost of information per page.

**VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 4**

87. No information was provided under this heading.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

88. No information was provided under this heading.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

89. No information was provided under this heading.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

Article 5, paragraph 1

90. Pursuant to article 25 of the Environmental Protection Act of 25 June 1991, the MEP prepares and publishes an annual national report on the state of the environment in Ukraine. After consideration by Parliament, the report is posted on the Internet, published in a separate edition and circulated to government bodies, institutions, organizations and voluntary organizations.

91. By Decision of the Cabinet of Ministers of 30 March 1998, enterprises, institutions and organizations, irrespective of their subordination or form of ownership, whose activity is leading or could lead to a deterioration in the state of the environment, are obliged to carry out environmental monitoring of their production processes and the state of industrial zones, and collect, store and provide, free of charge, data and/or generalized information for integrated processing to entities of the State environmental monitoring system. In accordance with the same Decision, the relations between entities of the State monitoring system (MEP, Ministry for Emergency Situations, Ministry of Health, Ministry for Agrarian Policy, Ministry of Housing and Municipal Economy, State Water Management Authority, State Forestry Committee, State Land Agency) are based on the free exchange of information.

92. According to the Ministry of Defence, the Armed Forces of Ukraine have set up a database on hazardous facilities and the environmental state of military units and establishments. This information can be transmitted free of charge to other government bodies provided that State secrets are preserved.

93. The Ministry of Defence's information system Nika provides for the exchange of environmental data, as well as for the transmission of information concerning emergency situations in real time. Under emergency management procedures information is provided within the framework of the national system of response to technogenic and natural emergency situations.

94. According to the Ministry for Agrarian Policy, pursuant to the Decision of the Cabinet of Ministers of 30 March 1998 approving the regulations on the State environmental monitoring

system, that ministry carries out environmental monitoring together with enterprises, institutions and organizations under its authority: analytical report and information concerning indicators of the state of agricultural soils, crop and livestock production, and agricultural surface waters (agrochemical, radiological, toxicological and zootechnical indicators). The information is provided by 25 April each year.

95. Rules for the exchange of ecological information on environmental monitoring issues have been established under the bilateral agreement of 8 February 2007 between the MEP and the Ministry of Health on cooperation in environmental monitoring, in accordance with the provisions of the Decision of 30 March 1998 approving the regulations on the State environmental monitoring system.

96. In the Lvov oblast, in accordance with the regulations on the procedure for informational cooperation between entities of the oblast environmental monitoring system, unified general requirements have been laid down with respect to the procedure for informational cooperation between entities of the oblast environmental monitoring system for the Lvov area and the basic principles of cooperation have been established, together with the general procedure for organizing, obtaining and supplying information on environmental monitoring surveys.

97. The Ministry of Health is developing the legal documentation and methodological materials for introducing and operating a State public health monitoring system based on the MoH. It is planned to involve other monitoring entities in the work within the context of information exchange based on bilateral agreements.

98. For the purpose of implementing the above-mentioned Decision of the Cabinet of Ministers No. 391 of 30 March 1998, the MEP has worked out and concluded with the entities of the State environmental monitoring system bilateral agreements on cooperation in the area of environmental monitoring. These agreements have been developed and rules on the exchange of ecological information between entities of the State environmental monitoring system are now being agreed at national and regional levels.

99. A draft State targeted environmental monitoring programme, currently being prepared for submission to the Cabinet of Ministers for approval, provides for the development and introduction of a method of analyzing the uniformity of measurements in the analytical subdivisions of monitoring system entities, as well as for the organization and implementation of external measurement quality control within the monitoring system, to ensure the quality of environmental data intended for incorporation in environmental databases.

100. In connection with the development of State public health monitoring based on the Ministry of Health, the State Institute for Hygiene and Medical Ecology and the working group are incorporating elements and mechanisms for ensuring the quality of the data being input into the database.

101. In order to develop and improve the State environmental monitoring system with a view to meeting the needs of government bodies, local self-government and the public for up-to-date and reliable information on the state of the environment, the MEP is putting out to tender the work on the first phase of a pilot project for a State environmental monitoring system. This should mark the beginning of a process of creation of automated observation systems enabling

information on air quality to be obtained in real time. Moreover, under the draft State targeted environmental monitoring programme it is planned to expand the network of air pollution observation posts in environmentally threatened cities.

102. The State public health and epidemiological service of the Ministry of Health disseminates real-time information at regional and national levels through the media (radio and television broadcasts, press articles, press releases, bulletins, press conferences, meetings, seminars, and the like) and by organizing round tables with the participation of State regional institutions and broad sectors of the public.

103. An example of information being obtained in real time at site level is the firm Stiroil which has five automated air quality monitoring stations in and around its plant.

104. Article 10 of the Use of Nuclear Energy and Radiological Safety Act provides for the right of citizens and their associations to obtain information concerning the use of nuclear energy and radiological safety. Enterprises, institutions and organizations whose activity involves the use of nuclear energy and their officials are obliged periodically to disseminate through the media official information concerning the radiological situation on the sites of facilities intended for handling radioactive waste and sources of ionizing radiation, together with information concerning the safety of the installations or facilities, except for information that constitutes a State secret.

105. The website of the State Atomic Regulatory Authority was set up in 2001 to inform the public about nuclear and radiological safety conditions in Ukraine and the activities of the regulatory body aimed at implementing State policy in the field of nuclear energy use. Since then the website has carried daily information concerning the current state of Ukraine's nuclear power station reactors and their malfunctions and brief weekly reports on their operational safety, together with news, laws and regulations, draft documents, action plans, vacancies and information concerning emergency situations representing a threat to the environment.

106. Under the Environmental Protection Act (Art. 66), in the event of an accident involving pollution of the environment, enterprises, institutions and organizations are obliged immediately to initiate accident management procedures. At the same time, the officials or owners of enterprises and the managers of institutions and organizations are obliged to report the accident and the accident management measures taken to the executive committee of the local council and the specially authorized government bodies in the environmental and public protection sector.

107. In accordance with the provisions of article 8 of the Protection of the Population and Territories from Technogenic and Natural Emergencies Act, the provision of information and warnings relating to the protection of the population and territories from technogenic and natural emergencies is a basic principle and a fundamental and inseparable element of the entire system of measures for ensuring such protection.

108. Information relating to the protection of the population and territories from technogenic and natural emergencies consists of information concerning technogenic and natural emergency situations which are predicted or have already arisen, together with their classification, extent and impact, and ways and means of responding to them.

109. Information relating to the protection of the population and territories from technogenic and natural emergencies and to the activities of central and local government bodies and the executive bodies of councils in this sphere is public and open, unless otherwise provided by law.

110. Central and local government bodies and the executive bodies of councils are required to provide the public through the media with up-to-date and reliable information on the state of protection of the population and territories from technogenic and natural emergencies, the occurrence of such situations, ways and means of protecting from them, and the implementation of measures to ensure safety.

111. Article 15 of the Ambient Air Protection Act provides for measures to protect the ambient air in the event of a technogenic or natural emergency. Enterprises, institutions, organizations and individual economic agents responsible for the emission of pollutants or the effects of physical and biological factors that could lead to technogenic and natural emergency situations or environmental emergencies are obliged to develop and agree in advance special measures to protect the ambient air in accordance with the law. In the event of the occurrence of such an environmental emergency, the managers of enterprises, institutions and organizations and individual economic agents must immediately, under the procedure established by the Protection of the Population and Territories from Technogenic and Natural Emergencies Act, inform the bodies responsible for State supervision in the ambient air protection sector and take measures to protect the ambient air and deal with the causes and consequences of its becoming polluted.

112. Article 10 of the Use of Nuclear Energy and Radiological Safety Act provides for the rights of citizens and their associations to obtain information relating to the use of nuclear energy and radiological safety.

113. Citizens and their associations have the right to request and obtain from the relevant enterprises, institutions and organizations, within their sphere of competence, full and reliable information concerning the safety of nuclear installations and facilities intended for handling radioactive waste which are being planned or built, as well those which are operational or being decommissioned, with the exception of information that constitutes a State secret. Citizens have the right to obtain information from institutions of the State system for monitoring the radiological situation on the territory of Ukraine concerning radiation emission levels on Ukrainian territory and in the places where they live or work.

114. The law establishes liability for refusal to provide such information and for the deliberate distortion or concealment of objective data on matters relating to safety in connection with the use of nuclear energy. For fact-finding purposes, citizens of the Ukraine have the right to visit, under the established procedure, nuclear installations and, moreover, facilities for handling radioactive waste. In order that citizens may exercise their rights, government bodies, institutions of the State radiological situation monitoring system, and enterprises, institutions and organizations whose activities involve the use of nuclear energy and their officials are obliged periodically to disseminate through the media official information regarding the radiological situation on the sites on which uranium ore extracting enterprises, nuclear installations, facilities for handling radioactive waste and sources of ionizing radiation are located and operated, together with information concerning the safety of such existing or planned installations or facilities, with the exception of information that constitutes a State secret, as well as to provide

citizens of Ukraine with the opportunity, at their request, directly to visit nuclear installations and facilities for handling radioactive waste for fact-finding purposes, under the established procedure.

115. In Lvov oblast, following the initial management of an emergency situation associated with the release of yellow phosphorus into the environment in July 2007, a plan to carry out phase II accident recovery work involving restoration of the area around the site of the accident, environmental monitoring of the area and social protection for the population of the localities affected was adopted.

Article 5, paragraph 2

116. The MEP web portal carries national and regional reports on the state of the environment, special reports on the state of the environment, regional environmental certificates, lists of the most polluting sites, registers of waste disposal facilities, waste processing and reclamation sites, waste production sites, etc., inventories, and references to sources of information. Moreover, the State environmental monitoring programme provides for the development of technological and organizational measures for ensuring the smooth operation of the system for providing information about the state of the environment based on monitoring system data.

117. Once source of environmental data concerning agricultural land in Ukraine is those executive agencies whose terms of reference include the monitoring of agricultural land, namely, the Ministry for Agrarian Policy, the MEP, the State Land Resources Agency, the State Water Resources Authority and the Ukrainian Academy of Agrarian Sciences.

118. The State Committee for Nuclear Regulation of Ukraine, with the participation of the public council attached to the State Atomic Regulation Authority, prepares an annual status report, in Ukrainian, Russian and English, on nuclear and radiological safety in Ukraine. The report provides information concerning the results of the Committee's main activities relating to the solution of the problems of improving nuclear and radiological safety in Ukraine and concerning those problems of importance for nuclear and radiological safety towards whose solution activities should be directed.

119. The MEP prepares and submits for consideration by the Supreme Council of Ukraine an annual national report on the state of the environment in Ukraine, which after consideration by Parliament is published as a separate edition and placed on the Internet. The Parliament of the Autonomous Republic of Crimea, the oblast councils, and the Kiev and Sevastopol municipal councils prepare annual reports on the state of the environment which are then published in the media.

Article 5, paragraph 5

120. The public has extensive, unimpeded and direct access to the environmental legislation, strategies, policies, international agreements and other regulatory documents through the Internet and on the web portals of the Ukrainian Parliament, the Cabinet of Ministers and central government bodies.

121. Access to the legislation, policy documents, and international treaties, conventions and agreements on environmental matters is permanently ensured by publishing the documents (or corresponding references) on the MEP's web portal.

122. Existing norms establishing the maximum permissible concentrations of pollutants in the environment (in accordance with part 6 of article 33 of the Environmental Protection Act) are regularly published in Ukraine, and the official list of pesticides and agrochemicals authorized for use in Ukraine, together with other regulatory and informational materials, is published annually. The Ministry for Agrarian Policy and the State Technological Centre for the Protection of Soil Fertility have published a collection of laws and regulations concerning land care and the restoration of the fertility of soils. Monographs and papers on environmental topics, intended both for specialists and the general public, are regularly published in the scientific and periodical literature, thereby safeguarding the right of citizens to unimpeded access to environmental information.

123. Public participation in the preparation of the corresponding legislation is also guaranteed. Thus, in September 2007, draft acts of the Cabinet of Ministers were discussed with the public in the Aarhus Information and Training Centre. These included: the Cabinet of Ministers Decision introducing amendments to paragraphs 4, 6 and 8 of the Regulations concerning the Inter-departmental Commission on ensuring the implementation of the United Nations Framework Convention on Climate Change; the Cabinet of Ministers Decision introducing amendments to the procedure for considering, approving and implementing projects intended to reduce the volume of anthropogenic emissions or increase the absorption of greenhouse gases in accordance with the Kyoto Protocol to the United Nations Framework Convention on Climate Change; the Cabinet of Ministers Decision approving the procedure for the coordination of measures to fulfil Ukraine's obligations under the United Nations Framework Convention on Climate Change and its Kyoto Protocol; and the draft Cabinet of Ministers Directive introducing amendments to the national action plan for implementing the provisions of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Article 5, paragraph 6

124. Pursuant to a special Cabinet of Ministers decision, for the purpose of informing the public of their activities, progress with the implementation of national programmes and improvements in the legislation, the heads of all central government bodies participate in the operation of the Cabinet of Ministers' direct telephone lines and in television and radio programmes, and provide the press with comments and interviews.

125. In the process of obtaining authorization to emit pollutants into the atmosphere, operators must publish in the media a notice of intent to obtain authorization indicating the address of the local State administration to which the comments of voluntary organizations and individual citizens are to be sent so that they can be taken into account. This provision of the Aarhus Convention on public participation in decision-making is enforced by a Cabinet of Ministers Decision dated 13 March 2002, as well as by an MEP Order of 9 March 2006 adopting instructions on the general requirements for the drawing up of documents justifying emission volumes for obtaining authorization for the emission of pollutants into the ambient air from fixed sources for enterprises, institutions, organizations and individual economic agents.

Article 5, paragraph 7

126. Factual, analytical and explanatory information concerning the state of the environment is published in the national reports on the state of the environment.

Article 5, paragraph 8

127. The activities of the national voluntary organization Living Planet are of interest in this respect. In pursuit of its statutory objective, Living Planet has introduced a system for assessing the conformity of the environmental aspects of products and services with the requirements of the ISO 14000 series of international standards. For this purpose it has set up within the structure of the organization an environmental labelling certification body which in 2004 obtained accreditation under the independent international system as a body for the certification of products and services in conformity with the requirements of the international standard ISO\Guide 65.

Article 5, paragraph 9

128. Ukraine currently maintains separate emission (discharge) inventories drawn up in statistical reporting form. These site data are presented in the form of generalized information and are confidential.

129. The question of the expediency of ratifying the Protocol on Pollutant Release and Transfer Registers (PRTR) is being carefully studied.

130. At the same time, Ukraine applies a system of reporting on the state of the environment and emissions which could be used as a basis for implementation of the provisions of the PRTR Protocol.

131. Ukraine currently maintains separate emission (discharge) inventories drawn up in statistical reporting form. These site data are presented in the form of generalized information.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

132. No information was provided under this heading.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

133. No information was provided under this heading.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

134. No information was provided under this heading.

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

Article 6, paragraph 1

135. In accordance with the Environmental Audit Act and the regulations on public participation in environmental decision-making (MEP Order of 18 December 2003), public participation is mandatory in the process of carrying out a State environmental audit to assess the impact of hazardous sites and activities on the environment. A list of activities and sites that represent an increased environmental threat is contained in a Cabinet of Ministers Decision of 27 July 1995. This list resembles Annex I to the Aarhus Convention.

Article 6, paragraph 2

136. The Regulations on public participation in environmental decision-making adopted by MEP Order No. 168 of 18 December 2003 and registered with the Ministry of Justice define the term “public concerned” as “the public affected by the implementation of decisions in matters which have or could have an adverse effect on the state of the environment”.

Article 6, paragraph 3

137. In accordance with the provisions of the procedure for holding consultations with the public in matters relating to the formulation and implementation of State policy, adopted by Cabinet of Ministers Decision on 15 October 2004 (as amended in 2005 and 2006), the time-frame for holding an open public discussion is determined by the government body, at the proposal of the public council, and must not be less than one month.

138. Under the regulations on public participation in environmental decision-making, adopted by MEP Order of 18 December 2003, the duration of a public discussion may not exceed:

(a) 3 months – for international, national and regional programmes, plans, strategies, schemes and draft legislation; the carrying out of an activity that has or could have an adverse effect on the state of the environment, or decisions relating to expenditure associated with the implementation of conservation measures chargeable to the State Environmental Protection Fund;

(b) 2 months – for local programmes, action plans and strategies; decision-making relating to expenditure associated with the implementation of conservation measures chargeable to local environmental protection funds;

(c) 1 month – for issuing the appropriate documents for the use of natural resources and the deliberate introduction of genetically modified organisms into the environment, and for decisions relating to an activity that has or could have an adverse effect on the state of the environment.

139. At his own initiative or at the request of the public, the decision-maker may extend the duration of the public discussion if any data, information or evidence received during the course of that discussion creates a fundamentally new set of circumstances, for the period necessary to take these circumstances into account, but not more than 1 month.

Article 6, paragraph 4

140. The legislative framework provides for public participation in the early stages of the decision-making procedure: in the planning, impact assessment, project consideration, construction, and activity stages.

141. There is provision for public participation in the process of decision-making concerning the proposed activity with respect to which an environmental impact assessment (EIA) must be carried out at the stage when, all options for considering different variants are still open (art. 9 of the State Environmental Audit Act, State Construction Standards (GSN A.2.2-1-2003) brought into force on 1 April 2004).

Article 6, paragraph 5

142. Project developers must involve the public at the design stage (art. 9 of the State Environmental Audit Act, GSN A.2.2-1-2003).

143. Articles 2 and 8 of the Planning and Development Act provide for public and private interests to be taken into account during planning, building and other land use.

Article 6, paragraph 6

144. There have been no reports of cases in which the entire set of EIA documentation has been classified as secret for the purpose of ensuring commercial confidentiality or protecting intellectual property rights.

Article 6, paragraph 7

145. In preparing draft decisions the results of public discussions are taken into account to the greatest possible extent (requirements of the regulations on public participation in environmental decision-making, approved by MEP Order of 18 December 2003). The holding of comprehensive discussions in the form of public hearings and meetings or via the media makes it possible to adjust projects in the pre-investment exploratory stage, as well as in the process of introducing the measures.

Article 6, paragraph 8

146. In accordance with the provisions of the regulations on public participation in environmental decision-making, approved by MEP Order of 18 December 2003, the materials of public discussions are recorded using stenographic or audiovisual methods.

Article 6, paragraph 9

147. Where there is active and continuous public participation in the discussion of environmental protection measures under the procedure laid down, the developers of these measures must duly inform the public of the decision taken, listing the reasons and considerations on which the decision is based.

Article 6, paragraph 11

148. Ukraine has taken a number of measures to introduce the requirements of paragraph 11 of article 6 into decisions relating to the issue of permits for the deliberate release of genetically modified organisms into the environment.

149. Existing legislation has been amended or new legislation has been introduced.

150. The Environmental Protection Act has been supplemented by article 25-1 which makes it mandatory for the public to be told of and provided with access to information about the deliberate release of genetically modified organisms into the environment.

151. The Quality and Safety of Food Products and Food Raw Materials Act provided for the introduction of compulsory labelling of food products and food raw materials that contain genetically modified organisms or their components.

152. The Environmental Protection, Environmental Audit and Fauna Acts provided for a State environmental audit procedure in conformity with the products of modern bioengineering.

153. Paragraph 1.4.4 of the regulations on public participation in environmental decision-making provides, among the kinds of decisions in matters affecting or likely to affect the state of the environment that call for the involvement of the public, the issue of the appropriate documents for the deliberate release of genetically modified organisms into the environment.

154. Moreover, the MEP has prepared and submitted for consideration by the Cabinet of Ministers a draft act on the introduction of amendments to certain legislative acts of Ukraine in connection with the adoption of the Act on the Accession of Ukraine to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

**XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 6**

155. No information was provided under this heading.

**XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION
OF THE PROVISIONS OF ARTICLE 6**

156. No information was provided under this heading.

**XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 6**

157. No information was provided under this heading.

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

158. Opportunities for public participation in environmental policy making are provided by Cabinet of Ministers Decision No. 1378 on questions relating to ensuring public participation in the formulation and implementation of State policy. This Decision approved the procedure for holding consultations with the public on matters relating to the formulation and implementation of State policy, which made it possible partially to extend the sphere of application of the Aarhus Convention to all government bodies in all sectors of the national economy.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

159. No information was provided under this heading.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

160. No information was provided under this heading.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

161. No information was provided under this heading.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

162. No information was provided under this heading.

XXIV. EFFORTS 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

163. Central government bodies place draft rules and regulations on their Internet sites. The public has the opportunity to comment directly through the representative consultative bodies. The results of public participation are taken into account to the greatest possible extent, provided they are not inconsistent with the legislation in force and help to improve the ecological state of the environment.

**XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 8**

164. No information was provided under this heading.

**XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION
OF THE PROVISIONS OF ARTICLE 8**

165. No information was provided under this heading.

**XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 8**

166. No information was provided under this heading.

**XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES
IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9**

167. According to information provided by the Supreme Council of Ukraine, the Access to Judicial Decisions Act, intended to ensure the openness of the activities of the courts of general jurisdiction and the predictability of judicial decisions and to further the unified application of the law, was adopted on 22 December 2005.

168. Thus, in the national legislation, the rights of the representatives of the public under article 9 of the Aarhus Convention with respect to access to information relating to judicial decisions concerning the environment are enshrined in law.

169. The costs of bringing a legal action in the cases mentioned are not burdensome for claimants (0.2 of the personal allowance). In the event of an appeal or cassation the court fees are halved.

Article 9, paragraph 3

170. Representatives of the public can institute administrative proceedings by filing applications, complaints or petitions.

Article 9, paragraph 4

171. The Administrative Offences Code of Ukraine provides for the administrative accountability of civil servants and officials for refusing to provide environmental information or not providing it in good time.

**XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 9**

172. No information was provided under this heading.

**XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION
OF THE PROVISIONS OF ARTICLE 9**

173. No information was provided under this heading.

**XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 9**

174. No information was provided under this heading.

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION
OF THE CONVENTION 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**

175. The MEP is actively working on raising awareness of the Aarhus Convention among voluntary organizations, individual citizens, the State environmental protection authorities in the oblasts and the cities of Kiev and Sevastopol, the Republican Committee for the Protection of the Environment in the Autonomous Republic of Crimea, the State environmental inspectorates in the oblasts and the cities of Kiev and Sevastopol, and especially central government and local self-government bodies.

176. The ensuing implementation of the Aarhus Convention in Ukraine is consolidating the legal mechanism for giving effect to the right of citizens to access to information, participation in decision-making and access to justice in environmental matters, as well as to broader access to information controlled by central government and local self-government bodies concerning permits for the use of natural resources, environmental pollution, direct polluters, the environmental impact of the construction and operation of new installations in the energy and metal production and processing sectors, the mineral industry, the chemical industry, the waste-water, waste treatment and recovery and petroleum and natural gas extraction sectors, the corresponding reports, lists and inventories, and the release of genetically modified organisms.
