Draft

is submitted by People's Deputies of Ukraine -
members of the Committee on Environmental
Policy, Nature Resources Utilisation and
Elimination of the Consequences of Chornobyl
Catastrophe A.Dyriv and others

LAW OF UKRAINE
«On Environmental Impact Assessment»

This Law shall set legal and organisational policies for an environmental impact assessment with a view to avoid and prevent environmental damage, ensure environmental safety, environmental protection, rational use and restoration of natural resources, in the process of decision-making on economic activity likely to cause a significant impact on the environment, taking into account state, public and private interests.

Article 1. Definitions

1. In this Law the following terms shall have the following meaning:

1) impact on the environment (hereinafter – impact) – any effects caused by a proposed activity on the environment including the effects on safety of livelihoods of people and their health, flora, fauna, biodiversity, soil, air, water, climate, landscape, natural areas and objects, historical monuments and other material assets or for the totality of these factors, as well as the effects on cultural heritage or socio-economic conditions resulting from alterations to those factors;

2) public – one or more natural or legal persons and their associations, organisations or groups;

3) proposed activity – a proposed economic activity, which includes construction, reconstruction, technical upgrading, expansion, conversion, elimination (dismantling) of objects, other intervention into the environment;

proposed activity shall not include reconstruction, technical upgrading, capital repairs, expansion, conversion of objects, other intervention into the environment which are not likely to cause a significant impact on the environment pursuant to the criteria approved by the Cabinet of Ministers of Ukraine.

4) 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;

5) competent central authority – central state executive authority, ensuring the formulation and implementing state policy in the field of environmental protection.

Article 2. Content and subjects of environmental impact assessment

1. Environmental impact assessment means a procedure, consisting of:

1) the preparation of an environmental impact assessment report by the developer pursuant to Articles 5, 6 and 14 of this Law;

2) the carrying out of public consultations pursuant to Articles 7, 8 and 14 of this Law;

3) the examination by the competent authority pursuant to Article 9 of this Law of the information presented in the environmental impact assessment report, any supplementary information provided by the developer, as well as information received from the members of the public through the public consultations, through the transboundary impact assessment, other information;

4) the reasoned environmental impact assessment conclusion by the competent authority, which takes into account the results of the examination referred to in point 3 of this paragraph; and

5) the taking into account of the environmental impact assessment conclusion in the decision on carrying out the proposed activity pursuant to Article 11 of this Law.

2. The environmental impact assessment shall be carried out in compliance with the requirements of the environmental legislation, taking into account the environmental situation in the location of the proposed activity, environmental risks and forecasts, prospects for the socio-economic development of the region, capacity and types of cumulative impact (direct and indirect) on the environment, including taking into account the impact of existing objects, proposed activity and objects for which the decision on carrying out the proposed activity has been obtained or for which such a decision is under consideration.

3. Developers, state authorities, local self-governance authorities, acting as the customers of the proposed activity and for the purposes of this Law equated with developers (hereinafter – the developer), competent central authority, competent local authorities, other state executive authorities, the Supreme Council of the Autonomous Republic of the Crimea, the Council of Ministers of the Autonomous Republic of the Crimea, local self-governance authorities, public and, in cases referred to in Article 14 of this Law, the state of origin and the affected state – shall be the subjects of the environmental impact assessment.

Article 3. Scope of application of the environmental impact assessment

1. The environmental impact assessment shall be mandatory in the process of decision-making on carrying out the proposed activity identified in paragraphs 2 and 3 of this Article. Such a proposed activity shall be made subject to the environmental impact assessment before the decision on carrying out the proposed activity is made.

A proposed activity having as its sole purpose the national defence, the response to civil emergencies, the response to the consequences of the anti-terrorist operation on the anti-terrorist operation territory during the anti-terrorist operation period shall not be made subject to the environmental impact assessment pursuant to the criteria approved by the Cabinet of Ministers of Ukraine.

2. The first category of the types of the proposed activity and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment shall include the following:

1) crude-oil refineries and natural gas processing plants (excluding undertakings manufacturing only lubricants from crude oil), installations for the gasification and liquefaction of coal or bituminous shale;

2) thermal power stations (TPP, CHP) and other installations for production of electricity, vapour and hot water with a heat output of 50 megawatts or more using organic fuel, nuclear power stations and other nuclear reactors including the construction, decommissioning of such power stations or reactors (except research installations for the production and conversion of nuclear fuel and raw materials for producing secondary nuclear fuel, fissionable and fertile materials whose maximum power does not exceed 1 kilowatt continuous thermal load);

3) installations designed for the production or enrichment of nuclear fuel, installations designed for the processing of irradiated nuclear fuel and high-level radioactive waste, installations designed for the final disposal of radioactive waste, storage (for more than 10 years) or processing of irradiated nuclear fuel or radioactive waste in a different site than the production site;

4) ferrous and non-ferrous metallurgy (using ore, enriched ore or secondary raw materials by metallurgical, chemical or electrolytic processes);

5) installations for the extraction, production and processing of asbestos, products containing asbestos: asbestos-cement products – with an annual production of more than 20 000 tonnes of finished products, friction material – with an annual production of more than 50 tonnes of finished products, other uses of asbestos – utilisation of more than 200 tonnes per year;

6) chemical production including production of basic chemical substances, biochemical, biotechnical, pharmaceutical production using chemical or biological processes, production of plant health products, regulators of plants growth, mineral fertilizers, polymeric and polymer-containing materials, paint, varnishes, elastomers, peroxides and other chemicals; production and storage of nanomaterials of more than 10 tonnes per year;

7) construction of:

airports and airfields with a basic runway length of 2 100 m or more;

highways;

national and local motorways for common use of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road or realigned and/or widened section of road would be 10 km or more in a continuous length;

motorways of the first category;

lines for long-distance railway traffic;

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;

8) waste management:

operations in the sphere of hazardous waste management (storage, treatment, recycling, recovery, disposal, neutralization, and landfilling);

operations in the sphere of non-hazardous and other waste management (treatment, recycling, recovery, disposal, neutralization, and landfilling) with the capacity exceeding 100 tonnes per day;

9) groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres;

10) works for the transfer of water resources between river basins, except for the transfers of piped drinking water;

11) dams, water reservoirs and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back exceeds 10 million cubic metres;

12) extraction of petroleum and natural gas on the continental shelf;

13) pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km;

14) production and processing of cellulous, production of paper and cardboard from any raw materials with a production capacity exceeding 200 tonnes per day;

15) quarries and open-cast mining, the processing or enrichment thereof onsite where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares;

16) installations for storage of petroleum, petrochemical or chemical products with a capacity of 200 000 tonnes or more;

17) installations for the capture of CO_2 streams from sources, referred to in this paragraph, or where the total yearly capture of CO_2 is 1,5 megatonnes or more, geological storage sites of carbon dioxide;

18) waste-water treatment plants with a capacity exceeding 150 000 population equivalent;

19) installations for the intensive rearing of poultry (with more than 60 000 places), including broilers (with more than 85 000 places), pigs (3 000 places for pigs over 30 kg or 900 places for sows);

20) construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km;

21) all non-selective or gradual logging of main use and non-selective sanitary logging on the territory exceeding 1 hectare; all non-selective sanitary logging in the territory and objects of the nature-reserve fund;

22) 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.

3. The second category of the types of the proposed activity and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment shall include the following:

1) deep drilling, including geothermal drilling, drilling for the purpose of storing nuclear waste, drilling for the purpose of water supply (except for drilling to study the stability of the soil);

2) agriculture, forestry and water management:

agricultural and forestry reclamation, re-cultivation and melioration of lands (water resource management for agricultural purposes including irrigation and melioration) covering the area of 20 hectares or more or in the territory and objects of the nature-reserve fund or in the protection zones thereof covering the area of 5 hectares or more, construction of melioration systems and individual objects of the engineering infrastructure of the melioration systems;

afforestation (except for the reforestation) of the areas exceeding 20 hectares or in the territory and objects of the nature-reserve fund or in the protection zones thereof covering the area of 5 hectares or more;

conversion of farming lands into another type of land use (where the new type of land use belongs to at least one type of activity referred to in paragraphs 2 and 3 of this Article) and conversion of particularly valuable lands into another type of land use;

installations for the rearing of: poultry (40 000 places and more); pigs (1 000 places and more, for sows – 500 places and more); cattle and livestock (1 000 places and more); rabbits and other fur animals (2 000 heads and more);

installations for the industrial recovery, disposal of animal carcasses and/or stockbreeding waste;

intensive aquaculture with annual capacity of 10 tonnes or more or in the territory and objects of the nature-reserve fund or in the protection zones thereof;

reclamation of land on the water fund lands;

3) extractive industry:

extraction of minerals, except for minerals of local importance which are extracted by land owners or land users on their land plots with relevant intended use;

processing of minerals including the enrichment thereof;

4) energy industry:

storage and processing of hydrocarbon raw materials (natural gas, shale gas, dissolved in oil gas, gas of central-basin type, gas (methane) of coal deposits, condensate, oil, oil bitumen, liquefied petroleum gas);

surface and underground storage of fossil fuels or the processing products thereof on the area of 500 m^2 and more or with a capacity (for liquid and gaseous) 15 cubic metres or more;

industrial briquetting of coal and lignite;

hydro power plants on rivers regardless of their capacity;

hydro accumulating power plants;

wind farms, wind power plants with two or more turbines or constructions higher than 50 meters;

5) production and processing of metals:

installations for the roasting or sintering of metallic ores (including sulphide ore);

installations for the processing of ferrous metals:

hot-rolling mills with the output exceeding 20 tonnes of raw steel per hour;

smitheries with hammers with capacity exceeding 50 kJ per hammer and capacity of heat consumption exceeding 20 megawatts;

application of protective fused metal coats with the supply of raw steel with the production capacity exceeding 2 tonnes per hour;

installations for smelting, including the alloyage, of non-ferrous metals, including recovered products (refining, foundry, etc.), with smelting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for other metals;

installations for surface treatment of metals in tanks made of plastic materials using an electrolytic or chemical process, where the size of the processing technological tanks exceeds 30 cubic metres;

manufacture and assembly of motor vehicles, manufacture of motor-vehicle engines;

shipyards;

installations for the construction and repair of aircraft;

manufacture and repair of railway rolling stock and railway infrastructure equipment;

swaging by explosives;

6) processing of mineral raw material:

coke ovens, other installations for manufacturing coke or black-lead;

manufacture of cement or cement clinker;

manufacture of more than 50 tonnes of lime per day;

manufacture of more than 20 tonnes of glass, including the production of glass fibre, per day;

smelting of mineral substances, including the production of mineral fibres;

manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with production capacity exceeding 75 tonnes per day and/or kilns with capacity exceeding 4 cubic metres and setting density per kiln exceeding 300 kg/m^3;

7) chemical industry:

installations for the production of explosives;

installations using chemical and biological processing for the production of protein feed additives, ferments and other protein substances;

storage of chemical products (basic and consumable stores, storages, bases);

8) food industry:

treatment and processing intended for the production of food products from: animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day; vegetable raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis); milk, where the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis);

packing and canning of more than 50 tonnes of animal and vegetable products per day;

manufacture of more than 20 tonnes of dairy products per day;

manufacture of more than 50 tonnes of beer and malt per day;

confectionery and syrup manufacture of more than 20 tonnes per day;

starch manufacturing;

fish-meal and fish-oil factories;

installations for the slaughter of animals with the productions capacity of more than 10 tonnes per day;

sugar factories;

9) plants of the textile, leather, wood and paper industries with production capacity exceeding 1 tonne per day:

for the pre-treatment (washing, bleaching, mercerisation) or dyeing of fibres or textiles;

for treatment of skin raw materials and fur;

for the tanning of skins;

for wood treatment (chemical processing of wood, production of fibreboard, woodworking production using synthetic resins, wood preservation via impregnation);

for industrial production and processing of paper and cardboard from any raw materials;

10) infrastructure projects:

industrial estate development projects / industrial parks;

construction of residential areas (complexes of blocks of flats) and shopping or amusement centres outside of settlements covering the area of more than 1,5 hectares, or within settlements where the connection to centralised water supply and/or sanitation systems is not envisioned; construction of cinema complexes with more than 6 screens; construction (equipment) of car parks covering the area of no less than 1 ha and with the capacity of more than 100 vehicles;

construction of airports and airfields with a basic runway length of up to 2 100 metres;

construction of railway stations, railways and facilities;

construction of transhipment terminals and intermodal transhipment facilities, as well as intermodal terminals;

construction of dams and other installations designed for the holding back of water or accumulating it on a long-term basis;

the works on clearing and dredging of the channel and the bottom of rivers, strengthening river banks, change and stabilization of riverbeds;

construction of tramways, suspended lines and funiculars or similar lines of a particular type, used for passenger transport;

construction of underground and ground metro lines as unified complexes, including depot maintenance complexes of buildings;

construction of aqueducts and pipelines for long-distance water transportation;

construction of main product pipelines (pipelines for the transport of gas, ammonia, oil or chemicals);

construction of electrical power lines (overhead and cable) with a voltage of 110 kV or more and substations with a voltage of 330 kV and more;

construction of hydro technical facilities of sea and river ports;

construction of deep water vessel ways including those along natural river beds, specialized canals on land and in shallow marine waters permitting the passage of vessels, as well as flood control channels and waterworks;

specialized sea or river terminals;

coastal work to combat erosion and maritime works capable of altering the coast, in particular the construction of main hydro technical facilities, underwater dumping of soil, as well as other maritime works, excluding the maintenance bottom dredging works;

waste water treatment installations with the canalization of 10 000 cubic metres per day or more;

11) other activities:

permanent racing and test tracks for motorised vehicles;

test benches for engines, turbines and reactors covering 0.5 ha and more;

slag heaps, tailings ponds;

sludge-deposition sites with the area of 0.5 ha and more or located 100 m or closer from water protection zones;

permanent and temporal storage of scrap iron with the area of 0.5 ha and more or located 100 m or closer from water protection zones;

recovery, disposal, treatment, neutralization, and landfilling of household waste;

installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year;

manufacture and treatment of elastomer-based products;

facilities for the production of synthetic mineral fibers, production of extruded polystyrene, insulations, bituminous concrete;

extraction of sand and gravel, laying cables, pipelines and other communication facilities on the water fund lands;

genetic engineering activities, release and any use of genetically modified organisms and GM-products (in the open system);

introduction of alien flora and fauna species into the environment;

manufacture of micro biological products;

manufacture, recovery and destruction of ammunition, rocket fuel and other toxic chemicals;

12) tourism and leisure:

ski runs, ski lifts, cable cars and associated facility complexes covering the area of 5 hectares and more;

yacht clubs, yacht and boat parking with the capacity of more than 50 vessels or in the territory and objects of the nature-reserve fund or in the protection zones thereof;

holiday villages and hotel complexes outside of settlements with more than 100 rooms or covering the area of 5 ha and more; holiday villages and hotel complexes within settlements with more than 50 rooms where the connection to centralised water supply and/or sanitation systems is not envisioned; holiday villages and hotel complexes in the territory and objects of the nature-reserve fund or in the protection zones thereof; declaring natural territories to be resorts;

permanent campsites and caravan sites covering the area of 1 ha and more or in the territory and objects of the nature-reserve fund or in the protection zones thereof;

golf clubs covering the area of 3 ha and more or in the territory and objects of the nature-reserve fund or in the protection zones thereof;

thematic entertainment parks covering the area of 1 ha and more;

13) economic activity that leads to the discharge of pollutants into water, water intake from water bodies when intake of underground water exceeds 300 cubic metres per day;

14) 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 1-13 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.

4. The commencement of the proposed activity referred to in paragraphs 2 and 3 of this Article prior to the environmental impact assessment thereof and prior to granting the decision on carrying out the proposed activity thereto shall be prohibited.

5. The proposed activity which belongs to the first category and is listed in paragraph 2 of this Article shall be made subject to the mandatory consideration as regards the grounds for the transboundary environmental impact assessment thereof pursuant to the international commitments of Ukraine. Where any proposed activity referred to in this Article is likely to cause a significant adverse transboundary environmental impact, it shall be made subject to the transboundary environmental impact assessment pursuant to Article 14 of this Law.

6. It shall be prohibited to carry out the economic activity, operate the objects, intervene in other manner into the environment and landscapes, including mining and use of man-caused mineral deposits, where full compliance with environmental conditions, envisaged by the environmental impact assessment conclusion, the decision on carrying out the proposed activity and the projects of construction, expansion, conversion, elimination (dismantling) of objects, other interventions into the environment and landscapes, including mining and use of man-caused mineral deposits, as well as changes to this activity or extension thereof, is not ensured.

Article 4. Transparency of environmental impact assessment

1. The timely, adequate and effective informing of the public shall be ensured in the process of the environmental impact assessment.

2. The notification on the proposed activity subject to the environmental impact assessment, the notice on the commencement of public consultations on the environmental impact assessment report, information on the environmental impact assessment conclusion and the decision on carrying out the proposed activity (indicating the authority, reference number and the date thereof) shall be made public by posting thereof on the official Internet website of the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, of the competent central authority indicating the date of the official disclosure of the document.

3. The notification on the proposed activity subject to the environmental impact assessment, the notice on the commencement of public consultations on the environmental impact assessment report shall be made public by the developer no later than 3 working days of the submission thereof to the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, to the competent central authority by publishing in the printed mass media (at least two) identified by the developer, the territory of dissemination of which covers the administrative-territorial units likely to be affected by the proposed activity, as well as placed on the notice boards of the local self-governance authorities or in other public places in the location of the proposed activity or shall be made public by any other means that guarantees the informing of the inhabitants of the relevant administrative-territorial unit in the location of the planned object or the relevant community likely to be affected by the proposed activity and other stakeholders.

4. The information on the environmental impact assessment conclusion and the decision on carrying out the proposed activity (indicating the authority, reference number and the date thereof) shall be made public by the developer within 3 working days of the receipt thereof by the developer by publishing it pursuant to the procedure established by paragraph 3 of this Article.

5. The environmental impact assessment report and other documentation requisite for the environmental impact assessment and provided by the developer shall be open (with due account of the requirements of paragraph 8 of this Article) and provided by the competent authority, local self-governance authority and the developer for examination. Access to the environmental impact assessment report and other documentation on the proposed activity provided by the developer shall be ensured through placing thereof in accessible points of access to the public in the premises of the competent authority, local self-governance authority of the relevant administrative-territorial unit likely to be affected by the proposed activity, in the premises of the developer, and, additionally, may be placed in other public places, identified by the developer. The public shall be provided with opportunities to make copies (photocopies) and extracts from the referred documentation, as well as with opportunities to examine information at its location.

6. The competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, local self-governance authorities of the relevant administrative-territorial unit likely to be affected by the proposed activity shall provide the developer, within 3 days of his request, with opportunities to disclose the documents and information referred to in paragraphs 3 and 4 of this Article, and shall provide for the placement and access to documentation

referred to in paragraph 5 of this Article, in places accessible to the public in the premises of the competent authority or the local self-governance authority.

7. The competent local authority and the competent central authority shall ensure free of charge public access to all information (with due account of the requirements of paragraph 8 of this Article) relevant to the decision-making process as it becomes available.

8. In exceptional cases where the documentation on the proposed activity or the environmental impact assessment report contain confidential information of the developer, such information upon the reasoned request of the developer shall be detached and the remaining information shall be provided to the public for examination. However, the information on the environmental impact, including quantitative and qualitative indicators of emissions and discharges, physical and biological factors of impact, use of natural resources and waste management shall be open and access thereto shall not be restricted.

9. The publication of information in the printed mass media, the placement on the notice boards and the production of copies for their physical allocation with a view to inform the public, shall be ensured by the developer. At the time of submitting the environmental impact assessment report, the developer shall simultaneously provide the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority with the data proving the fact and the date of publication, placement or disclosure via other means of the notification on the proposed activity subject to the environmental impact assessment and the notice on the commencement of public consultations on the environmental impact assessment report. The competent authority shall verify and add the referred information to the report on public consultations.

10. The competent central authority shall maintain the Single environmental impact assessment registry. Information added to the Single environmental impact assessment registry shall be open, free access thereto shall be ensured via Internet. The procedure for maintaining the Single environmental impact assessment registry shall be established by the Cabinet of Ministers of Ukraine.

Article 5. Notification on the proposed activity subject to the environmental impact assessment, scoping of the assessment and the level of detail of the information

1. The developer shall inform the competent local authority on the intent to carry out the proposed activity and the environmental impact assessment thereof by submitting the notification on the proposed activity subject to the environmental impact assessment in writing (on paper and in an electronic form) in the location of such activity. The notification may be submitted by the applicant in person (by the representative thereof), forwarded by ordinary mail or in an electronic form via the electronic communication tools.

2. The notification on the proposed activity subject to the environmental impact assessment shall contain information on the following:

1) the developer – its name, (surname, first name and patronymic), legal address (registration address), and contact telephone number;

2) the proposed activity, characteristics thereof, technical alternatives;

3) the location of the proposed activity, territorial alternatives;

4) socio-economic impact of the proposed activity;

5) main technical characteristics, including features of the proposed activity (capacity, length, size, output, etc.);

6) environmental and other restrictions applicable to the proposed activity by alternatives;

7) required environmental and engineering preparations and the protection of the territory by alternatives;

8) area, sources and types of possible impact on the environment;

9) belonging of the proposed activity to the first or the second category of the types of activity and objects likely to cause a significant impact on the environment and subject to the environmental impact assessment;

10) presence of grounds for the transboundary environmental impact assessment;

11) envisioned scope of assessment and the level of detail of the information to be included in the environmental impact assessment report;

12) contemplated environmental impact assessment procedure and opportunities for public participation therein;

13) public consultations on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report and the procedure thereof;

14) the nature of the decision on carrying out the proposed activity and the public authority competent to take this decision;

15) name of the competent local authority or, in cases referred to in paragraphs 3 and 4 of this Article, of the competent central authority, to which the notification on the proposed activity subject to the environmental impact assessment shall be submitted and to which public comments and suggestions regarding the proposed activity, scope of assessment and the level of detail of the information to be included in the environmental impact assessment report, can be submitted.

3. The competent local authority shall within 3 working days of the receipt of the notification on the proposed activity subject to the environmental impact assessment forward such the notification to the competent central authority and simultaneously inform the developer thereof in cases where the proposed activity:

1) is identified in paragraph 2 of Article 3 of this Law or 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.

4. The notification on the proposed activity subject to the environmental impact assessment concerning the proposed activity which concerns the exclusion zone or the absolute (obligatory) resettlement zone of the territory affected by radionuclide contamination as a result of Chornobyl catastrophe shall be submitted by the developer to the competent central authority which within 3 working days of the receipt of such the notification shall forward a copy of the notification on the proposed activity subject to the environmental impact assessment to the central executive authority implementing state policy in the field of managing the exclusion zone and the absolute (obligatory) resettlement zone with a view to receive comments and suggestions thereof to the proposed activity, the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report.

The developer shall possess the right to independently (and in compliance with the requirements of paragraph 2 of this Article) submit the notification on the proposed activity subject to the environmental impact assessment directly to the competent central authority with a view to obtain its environmental impact assessment conclusion. In such a case the competent central authority within 3 working days of the receipt of such the notification shall forward a copy of the notification on the proposed activity subject to the environmental impact assessment to the competent local authority in the location of the activity with a view to receive comments and suggestions thereof to the proposed activity, the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report.

5. The notification on the proposed activity subject to the environmental impact assessment shall be made public by the competent local authority or, in cases referred to in paragraphs 3 and 4 of this Article, by the competent central authority within 3 working days of the receipt thereof pursuant to the procedure and means established by Article 4 of this Law.

6. The notification on the proposed activity subject to the environmental impact assessment shall be added by the competent local authority or, in cases referred to in paragraphs 3 and 4 of this Article, by the competent central authority within 3 working days of the receipt thereof to the Single environmental impact assessment registry.

7. Within 20 working days of the official disclosure of the notification on the proposed activity subject to the environmental impact assessment the public may forward to the competent local authority or, in cases referred to in paragraphs 3 and 4 of this Article, to the competent central authority, its comments and suggestions to the proposed activity, the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report. Where the comments and suggestions from the public have been received the relevant competent authority shall within 3 working days of the receipt thereof inform the developer and forward copies of the comments and suggestions thereto.

8. 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.

9. 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.

10. During the preparation of the environmental impact assessment report the developer shall fully accept, partially accept or reasonably reject comments and suggestions from the public submitted through the public consultations on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report.

Article 6. Environmental impact assessment report

1. The developer shall ensure the preparation of the environmental impact assessment report and shall be responsible for the credibility of information provided in the report pursuant to the legislation.

2. 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.

3. The developer shall submit the environmental impact assessment report and the notice on the commencement of public consultations on the environmental impact assessment report in writing (on paper and in an electronic form), as well as the other supplementary information requisite for consideration of the report and identified by the developer, to the competent local authority in the location of the proposed activity or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, to the competent central authority.

4. Public access to the environmental impact assessment report shall be ensured pursuant to the procedure established by Article 4 of this Law.

5. Within 3 working days of the receipt thereof the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall add the environmental impact assessment report to the Single environmental impact assessment registry.

6. Where, at any stage of consideration of the environmental impact assessment report, the competent local authority ascertains that the proposed activity is likely to cause impact on the environment of two and more regions (the Autonomous Republic of the Crimea), it shall without delay and no later than 3 working days forward the documentation to the competent central authority with a view to carry out public consultations in the administrative-territorial units likely to be affected by the proposed activity (except for the administrative-territorial units where the public consultations have already been carried out) and to take an environmental impact assessment conclusion pursuant to this Law, and shall simultaneously inform the developer thereof.

7. Where, at any stage of consideration of the environmental impact assessment report, the competent local authority or the competent central authority ascertains that the proposed activity is likely to cause a significant transboundary impact, the competent local authority shall without delay and no later than 3 working days forward the documentation to the competent central authority, and the

competent central authority shall carry out the environmental impact assessment according to the procedure established by this Law for the proposed activity likely to cause a significant transboundary impact, and shall simultaneously inform the developer thereof.

8. The environmental impact assessment report shall be signed by all authors (executives) thereof indicating their qualification and be kept in the Single environmental impact assessment registry during all the time of carrying out of the proposed activity, but not less than 5 years after obtaining the decision on carrying out the proposed activity.

9. The regulatory and methodological support and standardisation of the preparation of the environmental impact assessment report shall be carried out by the competent central authority.

Article 7. Public consultations

1. Public consultations in the process of the environmental impact assessment shall be carried out with a view to identify, collect and take into account comments and suggestions from the public to the proposed activity.

2. The public shall have the right to submit any comments or suggestions it considers relevant to the proposed activity without the need to substantiate them. Comments and suggestions may be submitted in writing (including in an electronic form) and orally through the public hearings to be recorded in the protocol thereof. Written comments and suggestions shall be submitted during the public consultations within the time frames established by paragraph 7 of Article 5 of this Law and paragraph 6 of this Article.

3. The competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall ensure the public consultations in the process of environmental impact assessment.

4. Public consultations on the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report shall be carried out pursuant to Article 5 of this Law.

5. Public consultations on the proposed activity after the submission of the environmental impact assessment report shall be carried out in the form of public hearings and in the form of submission of written comments and suggestions (including in an electronic form).

6. Public consultations on the proposed activity after the submission of the environmental impact assessment report shall commence on the date of the official disclosure of the notice on the commencement of public consultations on the environmental impact assessment report and provision of public access to the environmental impact assessment report for examination pursuant to the procedure established by Article 4 of this Law, and shall not be shorter than 25 working days and longer than 35 working days.

All comments and suggestions from the public received within the referred time frame shall be subject to mandatory consideration 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. The comments submitted after the expiry of the referred time frame shall not be considered.

Where comments and suggestion have not been submitted within the referred time frame, it shall be considered that comments and suggestions are absent.

7. The competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall ensure the preparation of the report on public consultations. The data on the disclosure of information pursuant to Article 4 of this Law and the proof of such disclosure, the list of materials provided to the public for examination, protocols of public hearings, all written comments and suggestions received from the public, as well as the table showing information on full acceptance, partial acceptance or reasonable rejection of the comments and suggestions received through the public consultations, shall form the essential part of the report on public consultations. The report on public consultations shall be added to the Single environmental impact assessment registry not later than it is established by paragraph 7 of Article 9 of this Law. The requirements to the content and format of the report on public consultations shall be established by the competent central authority.

8. The developer shall bear the costs related to the public consultations.

9. The procedure for public hearings in the process of the environmental impact assessment shall be established by the Cabinet of Ministers of Ukraine.

Article 8. Notice on the commencement of public consultations on the environmental impact assessment report

1. Within 3 working days of the receipt of the environmental impact assessment report the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall disclose the notice on the commencement of public consultations. The notice on the commencement of public consultations on the environmental impact assessment report shall be made public by means and according to the procedure established by Article 4 of this Law.

2. The notice on the commencement of public consultations on the environmental impact assessment report shall contain the following information on:

1) the proposed activity (outline);

2) the developer;

3) the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority ensuring the public consultations;

4) the procedure for taking the decision on carrying out the proposed activity and the authority in charge of examination of the environmental impact assessment findings;

5) the time frames, duration and procedure for public consultations on the environmental impact assessment report, including the information on the time and venue of all envisaged public hearing;

6) the public authority ensuring access to the environmental impact assessment report and other accessible information on the proposed activity;

7) the authority to which questions, comments and suggestions can be submitted, and the time frames for the submission of questions, comments and suggestions, including its postal and electronic address to which the comments and suggestions can be directed;

8) the available environmental information on the proposed activity;

9) the place(s) where the environmental impact assessment report and other additional information identified by the developer is located, as well as the time at which the public can examine them.

3. The notice on the commencement of public consultations on the environmental impact assessment report shall be posted during the entire period, from the date of its official disclosure until the consultation time frames are completed, at the official Internet website of the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, of the competent central authority, as well as on the notice boards of the local self-governance authorities or in other public places in the location of the proposed activity.

Article 9. Environmental impact assessment conclusion

1. The competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall grant the environmental impact assessment conclusion by which, on the basis of the environmental impact assessment of the proposed activity, in particular the size and scale of the effects thereof (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), the measures envisaged to preclude, prevent, avoid, reduce, offset effects on the environment, it shall ascertain the admissibility or justify the inadmissibility of the proposed activity and determine the environmental conditions for carrying out thereof.

2. The environmental impact assessment conclusion shall be binding for implementation. The environmental conditions for carrying out of the proposed activity, referred to in paragraph 5 of this Article, shall be binding. The environmental impact assessment conclusion shall be taken into account in taking the decision on carrying out the proposed activity and may form the grounds for refusal of the decision on carrying out the proposed activity.

3. In reaching the environmental impact assessment conclusion the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall consider and take note of the environmental impact assessment report and the report on public consultations.

4. The descriptive part of the environmental impact assessment conclusion shall contain the information on the following:

1) the conducted environmental impact assessment procedure;

2) the taking into account of the environmental impact assessment report;

3) accepted and rejected comments and suggestions obtained through the public consultations.

5. In the environmental impact assessment conclusion the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall:

1) determine the type, main features and location of the proposed activity;

2) ascertain the admissibility or justify the inadmissibility of the proposed activity;

3) establish conditions for the use of the territory and natural resources during the preparatory and construction works and in carrying out the proposed activity;

4) establish conditions for environmental protection and ensuring environmental safety during the preparatory and construction works and in carrying out the proposed activity;

5) establish conditions for the prevention of emergencies and mitigation of consequences thereof;

6) establish conditions for the reduction of the transboundary impact of the proposed activity, which underwent the transboundary environmental impact assessment;

7) where the environmental impact assessment shows the need for:

compensatory measures – shall impose an obligation to implement those measures;

prevention, avoiding, reduction (mitigation), offset, control, as well as monitoring of the impact of the proposed activity on the environment – shall impose an obligation to undertake relevant action;

carrying out of additional environmental impact assessment at the other stage of the project − shall determine the time frames and substantiate requirements for such an assessment; the additional environmental impact assessment shall be carried out according to the procedure established by this Law;

carrying out of the post-project monitoring – shall determine the time frames and requirements thereto.

Where from the considered viable alternatives the environmental impact assessment shows that the environmentally justified alternative is different from the one proposed by the developer, with the written consent of the developer the environmental impact assessment conclusion shall indicate the agreed alternative of carrying out the proposed activity.

6. The environmental impact assessment conclusion shall be granted to the developer free of charge within 25 working days of the completion of the public consultations, and where the transboundary environmental impact assessment is conducted, − of the date of completion thereof and approval of the decision on taking into account of the outcome of the transboundary environmental impact assessment. The environmental impact assessment conclusion shall be supplemented by the report on public consultations.

7. The competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority, shall make the environmental impact assessment conclusion public within 3 working days of the adoption thereof by means and according to the procedure established by Article 4 of

this Law, and shall add it within the same time frame to the Single environmental impact assessment registry.

8. The environmental impact assessment conclusion shall be invalid after 5 years where the decision on carrying out the proposed activity has not been taken. Where before the decision on carrying out the proposed activity the project documentation or the legislation, requiring amendments to the environmental conditions determined by the environmental impact assessment conclusion, have been amended, the environmental impact assessment shall be re-conducted.

9. The environmental impact assessment conclusion and other results of the environmental impact assessment may be used during 5 years of the date of the decision on carrying out the proposed activity for obtaining other permits, foreseen by the legislation, if the latter do not establish (approve) changes to the activity approved (adopted) by the decision on carrying out the proposed activity or the extension thereof.

10. The procedure for submitting documentation for the environmental impact assessment conclusion and the procedure for financing the environmental impact assessment shall be approved by the Cabinet of Ministers of Ukraine.

Article 10. Expert commissions on environmental impact assessment

1. In order to exercise its powers referred to in Articles 5, 9 and 14 of this Law the competent central authority and the competent local authority may establish expert commissions on environmental impact assessment, members of which shall be appointed for the period of 3 years. The competent central authority shall maintain the roster of experts from which the members of the expert commissions on environmental impact assessment can be appointed.

2. The regulation on the expert commission on environmental impact assessment, qualification requirements for experts and the procedure for maintaining the roster of experts on environmental impact assessment shall be approved by the competent central authority. The requirements of the Law of Ukraine “On corruption prevention” shall be applied to the members of the expert commissions on environmental impact assessment.

Article 11. Taking into account of the results of environmental impact assessment in the decision on carrying out the proposed activity

1. 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.

2. 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 this Law.

3. 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.

4. The public authorities and the local self-governance authorities shall make the information on the decision on carrying out the proposed activity public within 3 working days of taking thereof and shall ensure opportunities for the public to examine it.

5. The public authorities and the local self-governance authorities shall within 3 working days of taking the decision on carrying out the proposed activity inform thereof the competent authorities which have granted the environmental impact assessment conclusion. Information on the decision on carrying out the proposed activity shall within 3 working days of the receipt thereof be added by them to the Single environmental impact assessment registry.

Article 12. Challenging decisions, acts or omissions in the process of environmental impact assessment through a judicial procedure

1. The environmental impact assessment conclusion, other decisions, acts or omissions of public authorities or local self-governance authorities in the process of the environmental impact assessment may be challenged by any natural or legal person through a judicial procedure.

2. The infringement of the environmental impact assessment procedure, groundless and unjustified non-consideration or improper taking into account of the results of public participation, other violations of the legislation in the sphere of environmental impact assessment shall form the grounds for cancellation of the environmental impact assessment conclusion and the decision on carrying out the proposed activity through a judicial procedure.

Article 13. Post-project monitoring

1. 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. The procedure, time frames and requirements for the post-project monitoring shall be established by the environmental impact assessment conclusion. Based on the outcome of the post-project monitoring, where appropriate, the developer and the competent local authority or, in cases referred to in paragraphs 3 and 4 of Article 5 of this Law, the competent central authority shall coordinate the implementation of

additional measures and actions of prevention, avoiding, reduction (mitigation), offset, and control of the impact of the economic activity on the environment.

2. 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.

3. In case referred to in paragraph 2 of this Article, where applying for the new decision on carrying out the proposed activity, the environmental impact assessment shall be re-conducted pursuant to the procedure established by Articles 1-10, 14 of this Law, taking into account the revealed information.

Article 14. Transboundary environmental impact assessment

1. 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.

2. 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.

3. 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.

4. 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.

5. The notification shall include information on the proposed activity, including any available information on its possible transboundary impact, possible decision and the procedure for the transboundary environmental impact assessment of the proposed activity. 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.

6. The competent central authority shall terminate the procedure of transboundary environmental impact assessment if all affected states refuse to

participate in this assessment or if the affected states fail to respond within the specified time.

7. 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).

8. 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.

9. 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 public of these states on the proposed activity and the environmental impact assessment report.

10. The decision on taking into account of the outcome of the transboundary environmental impacts assessment shall be approved by the Interagency Coordination Council on the Implementation in Ukraine of the Convention on Environmental Impact Assessment in a Transboundary Context, the composition and functioning of which shall be determined by the Cabinet of Ministers of Ukraine, and shall be binding for implementation on the territory of Ukraine. 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.

11. The decision on taking into account of the outcome of the transboundary environmental impacts assessment shall be made public and be added by the competent central authority to the Single environmental impact assessment registry according to the procedure established by paragraph 7 of Article 9 of this Law.

12. The competent central authority shall inform all affected states of the decision on carrying out the proposed activity, which underwent the transboundary environmental impact assessment, and shall publish the information on it on its official website in the Internet.

13. 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:

1) the request to the foreign state regarding the need to carry out the transboundary environmental impact assessment;

2) the response to the notification indicating the intention (disinterestedness) to participate in the transboundary environmental impact assessment;

3) participation in the consultations between the state of origin and other affected states on the provided materials of the transboundary environmental impact assessment;

4) joint arrangements with other states concerned for public participation;

5) other actions and measures pursuant to the law and international treaties the consent for the compulsory character of which has been granted by the Verkhovna Rada of Ukraine.

14. The competent central authority shall disclose its decision to carry out the transboundary environmental impact assessment pursuant to the affected state procedure, shall facilitate public consultations on the materials of the transboundary environmental impact assessment and taking them into account, as well as inform the public of the decision on carrying out the proposed activity taken by the state of origin according to the procedure foreseen in Article 4 of this Law.

15. Temporary or permanent joint bodies with other states may be established with a view to improve the management of the transboundary environmental impact assessment. The status and the procedures of such bodies shall be determined by the relevant bilateral or multilateral agreements.

Article 15. Responsibility for the infringement of legislation on environmental impact assessment

1. The infringements in the sphere of environmental impact assessment shall be the following:

1) provision of knowingly false or incomplete information on the environmental impact of the proposed activity;

2) infringement of the established by the legislation procedure of environmental impact assessment, including the procedure for informing the public and the procedure for public consultations and taking into account the results thereof;

3) failure to take into account according to the established procedure the results of the environmental impact assessment in the decision-making on carrying out the proposed activity;

4) preparation of the knowingly false environmental impact assessment report or knowingly false environmental impact assessment conclusion;

5) illegal interference into the preparation and granting of the environmental impact assessment conclusion;

6) carrying out of the proposed activity subject to the environmental impact assessment, without such an assessment and a decision on carrying out the proposed activity;

7) failure to comply, when carrying out the economic activity, operating the objects, intervening in other manner into the environment and landscapes, including mining and use of man-caused mineral deposits, with environmental conditions envisaged by the environmental impact assessment conclusion, the decision on carrying out the proposed activity and the projects of construction, expansion, conversion, elimination (dismantling) of objects, other interventions into the environment and landscapes, including mining and use of man-caused mineral deposits, as well as changes to this activity or extension thereof.

The laws of Ukraine may establish responsibility for other infringements in the field of environmental impact assessment.

2. Persons violating the legislation on environmental impact assessment shall be brought to the disciplinary, administrative, civil or criminal liability.

Article 16. Temporary ban (suspension) and termination of activities of enterprises in the case of infringement of the legislation on environmental impact assessment

1. The activity of business entities, regardless of ownership, in violation of the legislation on environmental impact assessment may be:

1) temporarily banned (suspended) – until the compliance with environmental conditions established by the environmental impact assessment conclusion is achieved, the operation of the enterprise or its individual units (sections) or pieces of equipment shall be suspended;

2) terminated – the operation of the enterprise or its individual units (sections) and pieces of equipment shall be completely ceased.

In case of the temporary ban (suspension) or termination of operations of enterprises, all emissions and discharges of pollutants and disposal of waste of an enterprise as a whole or individual units (sections) and pieces of equipment thereof shall be prohibited.

2. The operation of enterprises shall be temporarily banned (suspended) in case of infringements of the legislation on environmental impact assessment, in particular in case of:

failure to comply, when carrying out the economic activity, operating the objects, intervening in other manner into the environment and landscapes, including mining and use of man-caused mineral deposits, with environmental conditions envisaged by the environmental impact assessment conclusion, the decision on carrying out the proposed activity and the projects of construction, expansion, conversion, elimination (dismantling) of objects, other interventions into the environment and landscapes, including mining and use of man-caused mineral deposits, as well as changes to this activity or extension thereof – until the compliance with such environmental conditions is ensured.

3. The carrying out of the proposed activity subject to the environmental impact assessment, without such an assessment and a decision on carrying out the proposed activity or the systematic infringements in the sphere environmental impact assessment, which cannot be removed for technical, economic or other reasons, shall form the basis for the termination of the operation of an enterprise or its individual units (sections) and pieces of equipment.

4. The decision to put a temporary ban (suspend) or terminate the activities of enterprises in violation of the legislation on environmental impact assessment shall be made exclusively by the court on the motion (claim) of the central state executive authority implementing the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources, its territorial authorities or on the motion (claim) of other persons whose rights and interests have been violated.

Article 17. Final and transitional provisions

1. This Law shall enter into force on the day following the date of its publication and shall take effect in six months after the day of its entry into force. This Law shall not apply to the developers which have obtained the decision on carrying out the proposed activity before the entry into force of this Law, except for the cases referred to in point 22 of paragraph 2 and point 14 of paragraph 3 of Article 3 of this Law.

2. The conclusions of the state ecological expertise, granted before this Law takes effect, shall preserve their validity and shall possess the status of the environmental impact assessment conclusion.

3. Repeal:

The Law of Ukraine "On ecological expertise" (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 8, art. 54; 2000, № 27, art. 213; 2003, № 4, art. 31; 2007, № 34, art. 444; 2009, № 30, art. 428; 2011, № 34, art. 343; 2012, № 2-3, art. 3; 2013, № 46, art. 640);

The Resolution of the Verkhovna Rada of Ukraine "On the enactment of the Law of Ukraine "On ecological expertise" (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 8, art. 55).

4. Amend the following legislative acts of Ukraine:

1) in the Code on Administrative Violations of Ukraine (Vidomosti of the Verkhovna Rada of UkrSSR, 1984, annex to № 51, art. 1122):

add article 91-5 as follows:

"Article 91-5. Infringement of the legislative requirements in the field of environmental impact assessment

The provision of knowingly false or incomplete information on the environmental impact of the proposed activity, infringement of the established by the legislation requirements on carrying out the environmental impact assessment, including the procedure for informing the public and the procedure for public consultations and taking into account the results thereof, -

shall entail the imposition of a fine on officials, citizens-entrepreneurs – from fifty to two hundred tax-free minimum citizen incomes.

The failure to comply, when carrying out the economic activity, operating the objects, intervening in other manner into the environment and landscapes, including mining and use of man-caused mineral deposits, with environmental conditions envisaged by the environmental impact assessment conclusion, the decision on carrying out the proposed activity and the projects of construction, expansion, conversion, elimination (dismantling) of objects, other interventions into the environment and landscapes, including mining and use of man-caused mineral deposits, as well as changes to this activity or extension thereof – until the compliance with such environmental conditions is ensured, -

shall entail the imposition of a fine on officials, citizens-entrepreneurs – from two hundred to five hundred tax-free minimum citizen incomes";

add article 172-9-2 as follow:

"Article 172-9-2. Infringement of the legislation in the field of environmental

impact assessment

Infringement of the established by the legislation procedure and time frames of environmental impact assessment, interference into the preparation and granting of the environmental impact assessment conclusion or the decision on taking into account of the outcome of the transboundary environmental impacts assessment, refusal of the competent local authority, the competent central executive authority to grant the environmental impact assessment conclusion on the grounds not established by the law, -

shall entail the imposition of a fine on officials – from two hundred to four hundred tax-free minimum citizen incomes.

The same act committed by the person who within one year has been held administratively liable for the violation envisaged by paragraph 1 of this Article, -

shall entail the imposition of a fine on officials – from four hundred to six hundred tax-free minimum citizen incomes with disqualification to hold certain positions or engage in certain activities for the period of one year.

Note. Offenders under this article shall be persons referred to in point 1, points 2 “a” and 2 “b” of paragraph 1 of Article 3 of the Law of Ukraine “On corruption prevention”.

in Article 212-3:

add the words “On environmental impact assessment” after the words “On access to public information” in the first indent of paragraph 1;

add a new paragraph after paragraph 7 as follows:

“The untimely inclusion of documents into the Single environmental impact assessment registry pursuant to the Law of Ukraine “On environmental impact assessment”, the restriction of access to information contained in the Single environmental impact assessment registry - shall entail the imposition of a fine on officials – from twenty five to fifty tax-free minimum citizen incomes”.

Thereby assume paragraph 8 to be paragraph 9;

Replace the words “one-seven” in the first indent of paragraph 9 with the words “one-eight”;

replace the words and figures “articles 85-1, 88-88-2, 90, 91, 92-1, articles 98, 101-103” with the words and figures “articles 85-1, 88-88-2, 90, 91, 91-5, 92-1, 98, 101-103” in paragraph 1 of Article 221;

add figures “172-9-2” after the figures “172-4-172-9” in paragraph 2 of Article 250;

in point 1 of paragraph 1 of Article 255:

add the figures “172-9-2” after the figures “172-4-172-9” in the second indent;

indent “the central state executive authority implementing the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources (paragraphs two, four and five of Article 85, Articles 85-1, 88, 88-1, 88-2, 90, 91, 164 – as regards the infringement of the procedure for carrying out of economic activity, related to the rational use, reproduction and protection of natural resources (land, bowels, surface waters, ambient air, fauna and flora, natural resources of the territorial sea, continental shelf and exclusive (sea) economic zone of Ukraine, fisheries and use of fish and other

living aquatic resources), waste management (except for the radioactive waste management), hazardous chemicals, pesticides and agrochemicals" formulate as follows:

"the central state executive authority implementing the state policy of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources (paragraphs two, four and five of Article 85, Articles 85-1, 88, 88-1, 88-2, 90, 91, 91-5, 164 – as regards the infringement of the procedure for carrying out of economic activity, related to the rational use, reproduction and protection of natural resources (land, bowels, surface waters, ambient air, fauna and flora, natural resources of the territorial sea, continental shelf and exclusive (sea) economic zone of Ukraine, fisheries and use of fish and other living aquatic resources), waste management (except for the radioactive waste management), hazardous chemicals, pesticides and agrochemicals, infringement of the legislative requirements in the field of environmental impact assessment";

indent "National corruption prevention agency (Articles 172-4-172-9, 188-46, 212-15, 212-21)" formulate as follows:

"National corruption prevention agency (Articles 172-4-172-9, 172-9-2, 188-46, 212-15, 212-21)".

2) in the Code of Ukraine on Bowels (Vidomosti of the Verkhovna Rada of Ukraine, 1994, № 36, art. 340):

add with Article 15-1 as follows:

"Article 15-1. Environmental impact assessment

Where the use of bowels is related to the activity referred to in the Law of Ukraine "On environmental impact assessment" the renting thereof shall be carried out taking into account the results of the environmental impact assessment";

replace the word "ecological" with the words "environmental impact assessment" in paragraph 3 of Article 48;

3) in the Water Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 24, art. 189):

delete point 4 of Article 11;

point 4 of paragraph 1 of Article 15-1 formulate as follows:

"4) implementation of powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment";

in Article 22:

formulate the title as follows:

"Article 22. Environmental impact assessment";

replace the words "state, public and other ecological expertise" with the words "environmental impact assessment";

4) in the first indent of paragraph 1 of Article 236 of the Criminal Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine of Ukraine, 2001, № 25-26, art. 131) replace the words "ecological expertise" with the words "environmental impact assessment";

5) point «в» of paragraph 1 of Article 14-1 of the Land Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2002, № 3-4, art. 27) formulate as follows:

"в) "coordination and ensuring the environmental impact assessment";

6) in the Forest Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2006, № 21, art. 170):

replace the words "ecological expertise" with the words "environmental impact assessment" in point 9 of paragraph 1 of Article 29;

replace the words "ecological expertise" with the words "environmental impact assessment" in point 3 of Article 29-1;

add the sixth indent to paragraph 8 of Article 69 as follows:

"results of the environmental impact assessment";

7) replace the words "technical, economic and ecological conclusions" with the words "technical and economic conclusions and the environmental impact assessment" in paragraph 3 of Article 76 of the Air Code of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 2011, № 48-49, art. 536);

8) in the Law of Ukraine "On environmental protection" (Vidomosti of the Verkhovna Rada of Ukraine, 1991, № 41, art. 546 with the following amendments):

point «є» of Article 3 formulate as follows:

"є) binding character of the environmental impact assessment";

point «є» of paragraph 1 of Article 9 formulate as follows:

"є) participation in public consultations on the impact of the proposed activity on the environment";

delete point «ж» of paragraph 1 of Article 15;

replace the words "ecological expertise" with the words "environmental impact assessment" in paragraph 1 of Article 16;

replace the words "ecological expertise" with the words "environmental impact assessment" in point «з» of paragraph 1 of Article 18;

in Article 20:

in paragraph 1:

delete point «л»;

add point «п» as follows:

"п) coordination and ensuring the environmental impact assessment and adoption of the environmental impact assessment conclusion";

delete the words "and imposed on it by the acts of the President" in paragraph 2;

point «б» of paragraph 1 of Article 20-1 formulate as follows:

"б) implement powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment";

in paragraph 1 of Article 20-2:

add the words "on the environmental impact assessment" to indent two of point «а»;

add the words "legislation on environmental impact assessment" after the words "environmental legislation" in point «в»;

point «г» of paragraph 1 of Article 20-3 formulate as follows:

“г) implementation of powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment”;

point «г» of paragraph 1 of Article 20-4 formulate as follows:

“г) implementation of powers in the field of environmental impact assessment pursuant to the legislation on environmental impact assessment”;

delete point «г» of paragraph 1 of Article 21;

delete Chapter VI;

replace the words “Conclusion of the state ecological expertise” with the words “environmental impact assessment conclusion” in paragraph 4 of Article 52;

in paragraph 2 of Article 68:

points «в» and «г» formulate as follows:

“в) infringement of the legislation on environmental impact assessment, including the submission of the knowingly false environmental impact assessment report or knowingly false environmental impact assessment conclusion”;

“г) failure to take into account according to the established procedure the results of the environmental impact assessment and the failure to implement the environmental conditions determined in the environmental impact assessment conclusion”;

delete point «д»;

9) add a new indent after the second indent to paragraph 1 of Article 8 of the Law of Ukraine “On investment activity” (Vidomosti of the Verkhovna Rada of Ukraine, 1991, N 47, art. 646 with the following amendments) as follows:

“obtain the environmental impact assessment conclusion in cases and pursuant to the procedure established by the Law of Ukraine “On environmental impact assessment”.

Thereby assume the third-fifth indents to be the fourth-sixth indents accordingly;

10) in the Law of Ukraine “On Nature Reserve Fund” (Vidomosti of the Verkhovna Rada of Ukraine, 1992, № 34, art. 502; 2000, № 4, art. 26; 2010, № 11, art. 112):

replace the words “ecological expetises” with the words “environmental impact assessment” in fifth indent of Article 8;

replace the words “ecological expetise” with the words “environmental impact assessment” in the fourth indent of Article 13;

in Article 40:

replace the words “surrounding natural environment” with the words “environment” in paragraph 1;

delete the words “on the basis of ecological expertise, carried out” in paragraph 2;

replace the words “ecological expertise” with the words “environmental impact assessment” and the words “its conclusions” with the words “environmental conditions” in point «в» of paragraph 2 of Article 64;

11) replace the words “ecological expertise” with the words “environmental impact assessment” in paragraph 22 of the Law of Ukraine “On road trafic” (Vidomosti of the Verkhovna Rada of Ukraine, 1993, № 31, art. 338);

12) in the Law of Ukraine “On the use of nuclear energy and radiation safety” (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 12, art. 81; 2000, № 30, art. 236; 2005, № 27, art. 362; 2006, № 49, art. 486; 2014, № 2-3, art. 41):

replace the words “ecological expertise” with the words “environmental impact assessment” in the third indent of paragraph 1 of Article 20;

in Article 37:

add the words “on environment” after the words “impact assessment” and delete the words “on humans and surrounding natural environment” in the third indent of paragraph 4;

add the words “environmental impact assessment,” after the words “The decision shall be made on the basis” in the second sentence of paragraph 5;

in Article 40:

add the words “environmental impact assessment” after the words “taking into account” in paragraph 2;

add the words “and the environmental impact assessment conclusion” after the words “Conclusions of state expertises” and replace the words “conclusions of the state ecological expertise” with the words “the environmental impact assessment conclusion” in paragraph 7;

add the words “environmental impact assessment” after the words “carrying out” and delete the words “including the ecological” in Article 83;

13) in the Law of Ukraine “On pesticides and agrochemicals” (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 14, art. 91; 2004, № 26, art. 362; 2013, № 46, art. 640):

add the words “and positive ecological-expert assessment of the materials submitted for the registration of pesticides and agrochemicals” after the words “sanitary-epidemiological expertise” in paragraph 3 of Article 7;

replace the words “state ecological expertise” with the words “ecological-expert assessment pursuant to the procedure established by the Cabinet of Ministers of Ukraine” in the third indent of paragraph 1 of Article 164;

14) in the Law of Ukraine “On radioactive waste management” (Vidomosti of the Verkhovna Rada of Ukraine, 1995, № 27, art. 198, 2000, № 30, art. 236, 2005, № 27, art. 362):

replace the words “ecological expertise” with the words “environmental impact assessment” in the third indent of paragraph 1 of Article 8;

in Article 22:

formulate the third indent of paragraph 3 as follows:

“results of the environmental impact assessment”;

paragraph 4 formulate as follows:

“Results of the environmental impact assessment and conclusions of the expertises shall be made accessible for the public”;

add the words “environmental impact assessment conclusion and” after the words “In case of a positive” in the second sentence of paragraph 3 of Article 24;

add the words “the environmental impact assessment and” after the words “the legislative requirements on” in the sixth indent of paragraph 1 of Article 29;

15) replace the words “Ecological expertise” and “mandatory state ecological expertise” with the words “environmental impact assessment” in the title and text of Article 15 of the Law of Ukraine “On pipeline transport” (Vidomosti of the Verkhovna Rada of Ukraine, 1996, № 29, art. 139);

16) in the Law of Ukraine “On mining and processing of uranium ores” (Vidomosti of the Verkhovna Rada of Ukraine, 1998, № 11-12, art. 39):

replace the words “positive conclusions of the state ecological expertise” with the words “positive environmental impact assessment conclusion” and the words “On ecological expertise and” with the words “On environmental impact assessment” and the positive conclusions” in paragraph 6 of Article 7;

replace the words “state ecological expertise” with the words “environmental impact assessment” in paragraph 3 of Article 12;

17) in the Law of Ukraine “On wastes” (Vidomosti of the Verkhovna Rada of Ukraine, 1998, № 36-37, art. 242 with the following amendments):

add Article 7-1 to Chapter I as follows:

“Article 7-1. Environmental impact assessment

The granting of permits referred to in this Law for types of activity and objects subject to the environmental impact assessment shall be carried out taking into account the results of the environmental impact assessment of such an activity pursuant to the Law of Ukraine “On environmental impact assessment”;

subpoint «а» of paragraph 2 of Article 20 formulate as follows:

“а) ensuring the environmental impact assessment and the environmental impact assessment conclusion for the scientific-research and technological developments and the project documentation for the construction and reconstruction of enterprises, installations, landfills, complexes, dwellings, other specially assigned sites or objects pursuant to the legislation on the environmental impact assessment”;

subpoint «а» of Article 20-1 formulate as follows:

“а) ensuring the environmental impact assessment and the environmental impact assessment conclusion for the scientific-research and technological developments and the project documentation for the construction and reconstruction of enterprises, installations, landfills, complexes, dwellings, other specially assigned sites or objects pursuant to the legislation on the environmental impact assessment”;

subpoint «в» of paragraph 1 of Article 23 formulate as follows:

“в) ensuring the environmental impact assessment and the environmental impact assessment conclusion for the scientific-research and technological developments and the project documentation for the construction and reconstruction of enterprises, installations, landfills, complexes, dwellings, other specially assigned sites or objects pursuant to the legislation on the environmental impact assessment”;

18) in the Law of Ukraine “On flora” (Vidomosti of the Verkhovna Rada of Ukraine, 1999, № 22-23, art. 198):

replace the words “conducting of ecological expertise” with the words “carrying out the environmental impact assessment” in point three of paragraph 1 of Article 26;

in Article 28:

replace the words “ecological expertise” with the words “expertise and environmental impact assessment” in the title;

delete the word “ecological”, and replace the word “calculations” with the words “in carrying out the environmental impact assessment”;

19) replace the words “shall be carried out their” with the words “shall be carried out their environmental impact assessment and performed” in paragraph 5 of Article 7 of the Law of Ukraine “On architectural activity” (Vidomosti of the Verkhovna Rada of Ukraine, 1999, № 31, art. 246; 2011, № 34, art. 343);

20) in Article 11 of the Law of Ukraine “On production sharing agreements” (Vidomosti of the Verkhovna Rada of Ukraine, 1999, № 44, art. 391; 2011, № 6, art. 47):

add the words “environmental impact assessment and” after the words “subject to” and delete the words “nature protection” in paragraph 2;

in paragraph 3:

add the words “environmental impact assessment and” after the word “conducted” in the first indent;

replace the words “additional or repeated expertise may be conducted” with the words “additional or repeated environmental impact assessment or expertise may be conducted” in the third indent;

21) in the Mining Law of Ukraine (Vidomosti of the Verkhovna Rada of Ukraine, 1999, № 50, art. 433; 2001, № 32, art. 172; 2005, № 6, art. 138; 2013, № 48, art. 682):

replace the word “ecological” with the words “environmental impact assessment” in paragraph 3 of Article 13;

replace the word “ecological” with the words “environmental impact assessment” in Article 16;

in Article 22:

replace the words “State technical (construction-technical), ecological” with the words “Environmental impact assessment, state technical (construction-technical)” in paragraph 1;

add the words “environmental impact assessment and” after the word “Articles” in paragraph 2;

replace the word “ecological” with the words “environmental impact assessment” in paragraph 1 of Article 45;

22) replace the words “conducting the state ecological expertise” with the words “coordination and ensuring the environmental impact assessment and the environmental impact assessment conclusion as regards” in the third indent of Article 16 of the Law of Ukraine “On redemption, processing, recovery, destruction and further use of defective and hazardous products” (Vidomosti of the Verkhovna Rada of Ukraine, 2000, № 12, art. 95);

23) in the Law of Ukraine “On resorts” (Vidomosti of the Verkhovna Rada of Ukraine, 2000, № 50, art. 435; 2014, № 2-3, art. 41):

replace the words “state ecological and”, “expertises” and “On state ecological expertise” with the words “environmental impact assessment and state”, “expertise” and “On environmental impact assessment” accordingly in Article 10;

replace the words “positive conclusion of the state ecological and sanitary-hygiene expertise” with the words “positive environmental impact assessment conclusion and the positive conclusion of the state sanitary-hygiene expertise” in paragraph 1 of Article 11;

replace the words “and ecological expertises” with the words “expertise and the environmental impact assessment” in paragraph 3 of Article 31;

24) formulate Article 25 of the Law of Ukraine “On ambient air protection” (Vidomosti of the Verkhovna Rada of Ukraine, 2001, № 48, art. 252) as follows:

“Environmental impact assessment and the state sanitary-hygiene expertise”

To ascertain safety for human health and environment in the process of projecting, placement, construction of new and reconstruction of functioning undertakings and other objects the environmental impact assessment and the state sanitary-hygiene expertise shall be carried out pursuant to the procedure established by the legislation”;

25) in the Law of Ukraine “On oil and gas” (Vidomosti of the Verkhovna Rada of Ukraine, 2001, № 50, art. 262; 2004, № 23, art. 324; 2011, № 29, art. 272; 2014, № 2-3, art. 41):

add the ninth indent to paragraph 1 of Article 12 as follows:

“taking into account of the results of environmental impact assessment”;

add paragraph 3 to Article 14 as follows:

“The granting of special permits to use oil- and gas-bearing bowels shall be carried out taking into account the results of environmental impact assessment”;

add the words “environmental impact assessment and” after the words “pursuant to the established procedure” in paragraph 2 of Article 41;

replace the words “ecological expertise” with the words “environmental impact assessment” in paragraph 2 of Article 45;

26) in the Law of Ukraine “On fauna” (Vidomosti of the Verkhovna Rada of Ukraine, 2002, № 14, art. 97):

replace the words “conclusions of ecological expertise on” with the words “results of the environmental impact assessment” in the ninth indent of Article 9;

replace the words “carrying out of ecological expertise of impact of objects of expertise” with the words “carrying out of the environmental impact assessment” and the words “conducting ecological expertise of the functioning objects” with the words “carrying out the environmental impact assessment” in the title and text of Article 41;

replace the words “positive conclusions of the state ecological expertise” with the words “positive environmental impact assessment conclusion” in Article 51;

formulate the sixth indent of paragraph 2 of Article 63 as follows:

“failure to comply with environmental conditions established in the environmental impact assessment conclusion”;

27) in the Law of Ukraine “On drinking water and drinking water supply” (Vidomosti of the Verkhovna Rada of Ukraine, 2002, № 16, art. 112):

replace the words “state ecological and” with the words “environmental impact assessment and the state” in the eleventh indent of Article 6;

replace the word “ecological and” with the words “environmental impact assessment and the state” in eighth indent of paragraph 1 of Article 7;

delete the words "ecological and" in the fifth indent of Article 13;

delete the third indent of paragraph 3 of Article 45;

28) replace the words "conducting of ecological expertise" with the words "carrying out the environmental impact assessment" in the eighth indent of paragraph 2 of Article 11 of the Law of Ukraine "On the Red Book of Ukraine" (Vidomosti of the Verkhovna Rada of Ukraine, 2002, № 30, art. 201; 2009, № 19, art. 259; 2015, № 25, art. 195);

29) replace the words "conducting the state ecological expertise" with the words "carrying out the environmental impact assessment" in paragraph 2 of Article 49 of the Law of Ukraine "On the protection of lands" (Vidomosti of the Verkhovna Rada of Ukraine, 2003, № 39, art. 349);

30) add the words "environmental impact assessment and" after the words "subject to" in paragraph 1 of Article 31 of the Law of Ukraine "On telecommunications" (Vidomosti of the Verkhovna Rada of Ukraine, 2004, № 12, art. 155; 2011, № 34, art. 343);

31) replace the words "state ecological expertise of the documentation on introduction and use of explosives" with the words "ecological-expert assessment of the documentation on introduction and use of explosives, which shall be carried out by the state executive authority which implements the state policy in the field of environmental protection, pursuant to the procedure established by the Cabinet of Ministers of Ukraine" in paragraph 2 of Article 10 of the Law of Ukraine "On treatment of industrial explosives" (Vidomosti of the Verkhovna Rada of Ukraine, 2005, № 6, art. 138);

32) formulate the third indent of paragraph 1 of Article 5 of the Law of Ukraine "On decision-making procedure regarding the placement, projecting, construction of nuclear installations and objects of the all-state importance designated to manage the radioactive waste" (Vidomosti of the Verkhovna Rada of Ukraine, 2005, № 51, art. 555; 2009, № 51, art. 759) as follows:

"results of the environmental impact assessment";

33) in the Law of Ukraine "On chemical sources of current" (Vidomosti of the Verkhovna Rada of Ukraine, 2006, № 33, art. 279):

add the words "environmental impact assessment" after the words "subject to" in paragraph 2 of Article 14;

add the words "environmental impact assessment" after the words "subject to" in paragraph 2 of Article 20;

34) replace the words "conclusion of the state ecological expertise" with the words "results of the environmental impact assessment" in paragraph 3 of Article 8 of the Law of Ukraine "On children's food" (Vidomosti of the Verkhovna Rada of Ukraine, 2006, № 44, art. 433; 2011, № 22, art. 149);

35) in the Law of Ukraine "On the state system of biosafety when creating, testing, transporting and using the genetically modified organisms" (Vidomosti of the Verkhovna Rada of Ukraine, 2007, № 35, art. 484; 2013, № 46, art. 640):

replace the words "shall carry out the state ecological expertise" with the words "shall ensure the environmental impact assessment" in the second indent of paragraph 1 of Article 9;

add the words “prior to the environmental impact assessment and” after the words “The deliberate release of GMOs” in paragraph 3 of Article 13;

36) in the Law of Ukraine “On the regulation of urban planning activity” (Vidomosti of the Verkhovna Rada of Ukraine, 2011, № 34, art. 343; 2012, № 29, art. 345; 2015, № 28, art. 236):

in Article 31:

the third indent of paragraph 1 formulate as follows:

“The project documentation for the construction of objects subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment” shall be supplemented by the results of the environmental impact assessment”;

add a new indent after the fourth indent to paragraph 4 as follows:

“4) shall be made subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment”.

Thereby assume the fifth indent to be the sixth indent;

add the words “or subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment” in point 3 of paragraph 1 of Article 34;

add a new indent after the seventh indent to paragraph 3 as follows:

“7) results of the environmental impact assessment in cases, determined by the Law of Ukraine “On environmental impact assessment”.

Thereby assume the eighth indent to be the ninth indent;

add a new indent after the fifth indent to paragraph 4 as follows:

«4) results of the environmental impact assessment in cases, determined by the Law of Ukraine “On environmental impact assessment”».

Thereby assume the sixth indent to be the seventh indent;

37) formulate point 4 of the List of Authorization Documents in the Area of Economic Activity, approved by the Law of Ukraine “On the List of Authorization Documents in the Area of Economic Activity” (Vidomosti of the Verkhovna Rada of Ukraine, 2011, № 47, art. 532 with the following amendments) as follows:

“4. Environmental impact assessment conclusion	Law of Ukraine “On environmental impact assessment”;

38) replace the words “ecological expertise” with the words “environmental impact assessment” in the fourth indent of paragraph 1 of Article 4 of the Law of Ukraine “On aquaculture” (Vidomosti of the Verkhovna Rada of Ukraine, 2013, № 43, art. 616);

39) add paragraph 4 to Article 3 of the Law of Ukraine “On foundations of functioning of the electricity market of Ukraine” (Vidomosti of the Verkhovna Rada of Ukraine, 2014, № 22, art. 781) as follows:

“4. In cases foreseen by the legislation activity of the subjects of the market shall be subject to the environmental impact assessment”;

40) In the Law of Ukraine “On amending certain legal acts of Ukraine as regards the improvement of urban development activity” (Golos of Ukraine of 20.10.2017 № 26):

add a new indent after the words “blocks of flats of more than four stores” in point 4 of paragraph 7 as follows: “objects, subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment”;

add the words “or subject to the environmental impact assessment pursuant to the Law of Ukraine “On environmental impact assessment” after the words and figures “which according to the class of effects (responsibility) belong to the objects with medium (CC2) and significant (CC3) effects” in the second indent of point 8 of paragraph 7.

5. Within six months of the entry into force of this Law the Cabinet of Ministers of Ukraine shall:

ensure adoption of legal acts, envisioned by this Law;

reconcile its legal acts with this Law;

ensure the reconciliation by ministries and other central state executive authorities of their legal acts with this Law.

Head of the Verkhovna Rada of Ukraine A.PARUBIY