



Statement

The public participation in EIA and SEA in Belarus, Moldova and Ukraine - trends and lessons

Task Force on Public Participation in Decision-Making Eighth meeting

Geneva, 8–9 October 2018

For Agenda Item 2 *Ensuring effective public participation; (ii) the availability of all relevant documents to the public*

Dear Madams/ Sirs!

I represent a project called “Environmental Assessments Watch”, which is running in the frame of Eastern Partnership Civil Society Forum and funded by the European Union.

Strategic Environmental Assessments (SEA) and Environmental Impact Assessments (EIA) legislations are listed among key priorities in programming document “Eastern Partnership - 20 deliverables for 2020”. It is an ambitious task to implement them in accordance to EU directives and standards, in compliance with relevant Conventions (Espoo Convention and the SEA Protocol, Aarhus Convention), and make them applicable across all sectors.

Our project team consists of partner organisations from Ukraine, Moldova, Belarus with expertise from EU country Bulgaria, which are well known in Aarhus process and in the same time are members of EaP CSF, Working Group 3, deal with environment and climate change. Our project task is to develop and test on practice a common system for civil society monitoring of implementation of SEA and EIA tools in the target countries. We aware how different are conditions in our 3 countries: AA countries (Ukraine and Moldova) and non-AA (Belarus). It’s useful and interesting to compare and analyze existing trends and problems, and to bring EU experience from Bulgaria to assist finding of relevant solutions for EaP countries. Our experts learn from each other to find out the best solutions for monitoring implementation process and make it as visible for civil society as possible.

The country researches provided by Green Dossier in Ukraine, by Public Association “Ecohome” in Belarus and by Public Association EcoContact in Moldova show that we all have such common problems like lack of community interest to environmental assessment, especially at early stage. In Belarus, for example, people usually miss that stage, and start to be active only when face a real danger of implementation of an approved project/programme. They theoretically have a right to participate earlier, but don’t use it because of number of reasons. The new EIA law in Belarus creates EIA register which is available online with short summary of project, obligate local authorities to publish on their web pages EIA reports and results of public participation (hearings protocols) and regulate reports drafting: only certified persons may run assessment. SEA appears as an obligation for some decisions and projects. An opportunity to appeal the EIA/SEA report is provided by law but there obstacles in court proceeding legislation to enjoy this right.

In Moldova, according to Association Agreement, the open EIA register was created, but it is a simple table that includes not a lot of information. For the eight months of 2018 – 15 requests have been submitted to Central Environmental Authorities. Unfortunately, from the register is not possible to identified the current statute and if the public consultations have been initiated; there is no access to EIA cases, due to the fact that files are not available online, one of reason could be the fact that the official web page of Ministry of Environment was liquidate and the new one doesn’t offers detailed information

and access to documents. In Ukraine, the new EIA law has been in operation since December 18, 2017; the open EIA register is active and regularly updated with more than 1000 entries for now, but there is a problem to navigate all these entries. The amount of public activity here became rather high – over 25% got comments from public on planned activities. Open EIA register in Ukraine, for sure, is a great step forward, but in the same time it demonstrates how much work need to be done to change the situation. The EIA reports content and expertise available are the weakest points for the process in both, Moldova and Ukraine.

In Bulgaria there are public registers for EIA and SEA procedures for more than 10 years with all the relevant documents available with good filtering system and are user-friendly to contain all necessary information. The lessons from the Bulgarian practice show that even a country a member of EU for more than 10 years faces significant problems in ensuring effective public participation in assessment procedures. Since the EIA/SEA procedures are carried by the environmental authorities and the consultations by the developers, the real inputs of public participation are often formal or at very late stage of the procedures.

The next step of our project is to develop a model system for civil society monitoring of SEA and EIA (Environmental Assessments Watch), based on the country researches and EU experience, and share to other EaP countries. The project partner “Environment. People. Law” (EPL, Ukraine), which is extensively involved into the issue in Ukraine and do a lot for implementation of the assessments around the whole country, is responsible for developing a methodology.

We will further inform the Task Force and the Secretariat about project findings, in due course. We believe that our project makes a significant input for strengthening the links between UN conventions and EU environmental legislation. It will strengthen the continuity and interconnection between processes implemented by different international structures (EaP and UN conventions), and assist in increasing of effectiveness of so important international tools and approaches, and in the same time demonstrating to

local communities their opportunities and impact at international level.

