

Ukrainian Report
on issues raised in paragraph 24 of the Resolution V/4
adopted at the Fifth Meeting of the Parties of the ESPO
Convention,
June 20-23, 2011, Geneva, Switzerland

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1. Report on the Action Plan Implementation (Strategy) with regard to paragraphs 11-22 of the Resolution IV/2 of the Meeting of the Parties of the Convention on Environmental Impact Assessment in a Transboundary Context approved by the Decree of the Cabinet of Ministers of Ukraine No. 9-p dated 06.01.2010

1. By Sub-paragraph 1 Paragraph 1 of the Action Plan Implementation (Strategy) with regard to paragraphs 11-12 of the Resolution IV/2 of the Meeting of the Parties of the Convention on Environmental Impact Assessment in a Transboundary Context approved by the Decree of the Cabinet of Ministers of Ukraine No. 9-p dated 06.01.2010 (hereinafter referred to as – the “Strategy”) provides for the development and submission to the Cabinet of Ministers of Ukraine the draft Law of Ukraine “On Amendments to Some Laws of Ukraine to Implement the Convention on the Assessment of the Environmental Impact in a Transboundary Context”.

In order to bring the local legislation into conformity with the requirements of the Directive 2011/92/EC including proposals of the public, the Ministry of Ecology and Natural Resources of Ukraine has developed a new draft Law of Ukraine “*On Environmental Impact Assessment*”. A similar draft law has been submitted by the group of people’s deputies registered in the Verkhovna Rada of Ukraine under No. 2009a and it was reviewed on 15.07.2015 by the Committee on Environmental Policy, Natural Resources use and Elimination of Chornobyl Catastrophe Consequences and it was recommended to be considered by the Verkhovna Rada in the first reading.

2. Report on measures taken to ensure implementation of the ESPO Convention during implementation of the Project “Creation of Deep-Water Navigable Route of Danube and Black Sea”

2.1. Measures taken to ensure implementation of the ESPO Convention during implementation of the Project “Creation of Deep-Water Navigable Route of Danube River and Black Sea”

Paragraph 30 of the Resolution V/4 *encourages* the governments of Romania and Ukraine to accelerate negotiations to cooperate in preparation of bilateral agreement or other measures in order to support the provisions of the Conference as described in Article 8 of the Convention, in addition to paragraph 14 of the Resolution IV/2 and invites them to consider expansion of operation under the Convention on protection of Danube Delta and to develop provisions on management and monitoring.

Consultations held on the 5th March 2015 in the building of the Ministry of Ecology and Natural Resources together with Romanian experts and representatives of the Ministry of Foreign Affairs and the State Enterprise “Administration of Seaports of Ukraine” of the Ministry of Infrastructure of Ukraine on the implementation of resolutions of meetings of the Parties of the ESPO Convention with regard to “Deep-Water Navigable Route of Danube and Black Sea”.

Second round of Ukrainian-Romanian consultations on comprehensive solution on Danube Delta was held on the 9th October 2015.

The need to conclude bilateral agreement on implementation of article 8 of the ESPO Convention has been mentioned. It should be noted that such proposal was indicated by Ukraine before (the draft agreement was sent Romania in 2010). The Romanian experts proposed to send new version of the Agreement to Ukrainian representatives.

It was proposed to come back to discussing of initiative of the presidents of Ukraine and Romania of 2007 on launching a comprehensive environmental monitoring of the whole Danube Delta. To do this, the Romanian experts sent invitation to come to Ukraine in order to discuss bilateral comprehensive environmental monitoring program in Danube Delta.

Consultations of experts has been planned for the 23rd of November 2015.

In addition, the Ministry of Ecology and Natural Resources of Ukraine by its additional letter No. 5/25-13/12909-15 dated 20.10.2015 has sent Romania a report on Comprehensive Environmental Monitoring during construction and operation of channel of deep navigation Danube-Black Sea in 2014: Marine Sea Channel”.

2.2. Measures for post-project analysis done within the Project “Creation of Deep-Water Navigable Route of Danube River and Black Sea” (stage I)

In 2004, Ukraine launched a comprehensive environmental monitoring of Danube Delta which includes environmental and engineering monitoring programs. Dozens of leading scientific and engineering institutions have been involved. The coordination of these activities is done by Ukrainian Institute for Research of Environmental Problems.

Summary monitoring results conducted in 2004-2012 allow to make conclusion with regard to ecosystems of Ukrainian part of Danube Delta during restoration of deep-water navigable channel of Danube and Black Sea under stage I.

The trend of ration of flowing redistribution between arm Kiliyskiy and Tulchynskiy consists in constant growth of the flowing share of Romanian Tulchynskiy arm (from 33% to 51% for the last 50 years of observations) and corresponding reduction of flowing share of Kiliyskiy arm. The main reason for this is the consequences of large-scale hydroengineering works in Romania that were started last century and continue to this day.

Long hydrobiological studies provide an opportunity to argue the lack of direct impact of recovery and operation of deep-water navigable channel of Danube and Black Sea on biotic communities of phytoplankton, zooplankton, zoobenthos, fish fauna of studied water bodies, except for some local disturbances of community structures in the area of direct conduct of engineering works.

Overall, based on monitoring results conducted during restoration and operation of deep-water navigable channel of Danube and Black Sea it was not fixed the facts of reduction of ecosystem diversity of protected areas. The results of comprehensive environmental monitoring described that impact of restoration of deep-water navigable channel can be described as local and limited. So, fixed impacts will not lead to significant changes of basic parameters of environment and biodiversity of Danube Delta, and actual changes of controlled parameters do not exceed forecasted parameters, but less substantial ones. The impact on development of plant and animal communities of delta of the reporting period was mainly related to climatic and seasonal hydrological changes.

A report on Comprehensive Environmental Monitoring during Construction and Operation of channel of deep navigation Danube-Black Sea in 2014: Marine Sea Channel” was sent Romania by letters No. № 5/4-9/3705-15 dated 07.04.2015 and No. 5/25-13/12909-15 dated 20.10.2015.