



**National Strategy for Introduction of SEA
and Implementation of the UNECE SEA Protocol
requirements:**

Ukraine

May 2006 (official version 1)

DISCLAIMER

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The views expressed in this document are those of the authors and do not necessarily represent those of the United Nations, its Member States, UNDP or the REC.

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List of abbreviations

| | |
|------------------|--|
| Espoo Convention | UNECE Convention on the Environmental impact assessment in a transboundary context |
| MoEP | Ministry of Environmental Protection of Ukraine |
| NGO | Non-governmental organization |
| OVOS | Assessment of the Impacts on the Environment (abbreviations of the term in Russian language) |
| SEA | Strategic environmental assessment |
| SEA Protocol | UNECE Protocol on Strategic Environmental Assessment to the Convention on the Environmental Impact Assessment in a Transboundary Context |
| SER | State Environmental Review |
| Strategy | National Strategy for Introduction of SEA and Implementation of the UNECE SEA Protocol requirements |
| UNDP | United Nations Development Programme |
| UNECE | United National Economic Commission for Europe |

Preamble

Present Strategy has been drafted by in-country consultants¹ commissioned by UN Economic Commission for Europe Secretariat to the Espoo Convention², UNDP Regional Centre for Europe and CIS, and Regional Environmental Center for Central and Eastern Europe (implementing agency) under the workplan of the Third Meeting of the Parties to the Espoo Convention. It was approved by the Ministry of Environmental Protection (MoEP) of Ukraine.

Strategy has been developed with professional support of the national SEA capacity building team and in close consultations with the main stakeholders, first of all the above MoEP, representatives of the Ministry of Health of Ukraine, and Ministry of Emergency Situations and Affairs of Population Protection from Consequences of Chornobyl Catastrophe of Ukraine (further - Ministry of Emergency Situations). Strategy has been presented and discussed at the national workshop on SEA promotion and capacity building (Kiev, March 13, 2006) where the representatives of the sectoral ministries, planners, practitioners in environmental assessment, researchers and NGOs contributed to the draft, especially with regards to the implementation arrangements and short-term priorities. For the contact information on the leading contributors, list of the participants of the national workshop and the resolution of the workshop see Annexes *I, II, III*.

This Strategy should be treated as a living document which can be changed and expanded in the future as the practical implementation of the UNECE Protocol on Strategic Environmental Assessment to the Convention on the Environmental Impact Assessment in a Transboundary Context (further – the SEA Protocol) in Ukraine proceeds.

Whole Strategy elaboration will be finalised with the following formal steps:

1. National focal points for the SEA Protocol will be requested by the donors to complete any domestic consultations and provide the endorsed document which would be ready for dissemination on international level.
2. The endorsed document will be placed on the UNECE web site.
3. The Strategy will be formally presented by national representative at the next meeting of the SEA Protocol in 2007.

¹ Contact info see in Annex I

² UNECE Convention on the Environmental impact assessment in a transboundary context

I. Background

In May 2003 Ukraine demonstrated the commitment of national political elite to the goals of sustainable development by signing the SEA Protocol. Since that step, despite complicated socio-economic and political situation in the country, certain attempts have been undertaken in order to bring national system of assessment of the human impacts on environmental in line with international best practice. In particular, National Strategy for Introduction of Strategic Environmental Assessment and Implementation of the UNECE SEA Protocol requirements (further – the Strategy) has been developed under the workplan of the Third Meeting of the Parties to the Espoo Convention. The Strategy maps the capacity development needs for the future implementation of the SEA Protocol. It will be formally presented to the next meeting of the Signatories to the SEA Protocol and may be used for coordination of any future strategic environmental assessment related donor assistance programmes in Ukraine.

The strategy departs from the following factors that reinforce SEA capacity development and SEA Protocol implementation process in Ukraine:

- country's long-term ambition to join the EU
- progressive national environmental legislation and international obligations,
- high level of knowledge and skills among practitioners,
- long-term traditions of environmental assessment activities,

The strategy also takes into account some trends that impose limitations on the SEA practice development, namely:

- constrains of transitional economic situation,
- relatively weak coordination between the main in-country actors of the SEA process,
- lack of synergism between various internationally funded environmental-related activities in Ukraine

The strategy is supplemented by a detailed national capacity needs assessment "Capacity Building Needs Assessment for the Implementation of the UN/ECE Strategic Environmental Assessment (SEA) Protocol ". This document has been elaborated by national experts within a project "SEA Promotion and Capacity Development" that was jointly implemented by the UNDP, REC (implementing agency) and UNECE³.

³ Funded by the UNDP and the Environment and Security Initiative

II. Country needs assessment

II. 1. Planning context

Ukrainian system of the state prognosis of economic and social development is the key framework in which SEA should operate and where major innovations should be sought. SEA could and should become an essential tool of the state policy of economic and social development, relevant prognosis and programming.

The legislative basis, strategic and tactical tasks of the system of prognosis and indicative planning of socio-economic development of the country are identified and regulated by the Constitution of Ukraine, acts of legislative and executive power, annual message of the President of Ukraine to Verkhovna Rada of Ukraine. Long-term prognosis of economic development is carried out by the research institutions with participation and assistance of the executive power bodies and is submitted to the Cabinet of Ministers of Ukraine for agreement and confirmation.

General trend related to the planning and prognosis in Ukraine has the following features:

- planning, as it is understood in the higher income countries, does not exist in Ukraine. There is an annual programming of the state and governmental policy in the field of socio-economic development. This programming document is adopted together with the forecast of the state budget use and is a budget-related document.
- programme of socio-economic development includes the components of environmental strategic planning and prognosis, where SEA implementation shall, in principle, take place.
- framework legislative, regulative, and organizational provisions and management conditions for SEA system introduction to the general structure of national programming and prognosis of economic development are contained in the Laws of Ukraine “On state prognosis and development of the programmes of economic and social development of Ukraine” (2000), and “On the state targeted programs” (2004).
- preparation of the master plan of the territory may become, *inter alia*, a valuable mechanism for SEA implementation regulated by the Laws of Ukraine “On the Preparation of the Master Plan of the Territory of Ukraine”(2002), and “On planning and civic engineering construction on the territory (2000)”.

II.2 Environmental assessment context

Table 1 below gives an overview of Ukraine environmental assessment procedure.

Assessment of the impacts on the environment (OVOS) in Ukraine is a process of the determination of the scales and levels of environmental impacts of designed activity, development of anticipatory or mitigation measures for reducing of these impacts (State Building Norms DBN A.2.2.-1-2003), an assessment of eligibility of projects’ decisions from the environmental point of view. In practice, OVOS in Ukraine plays the role of pollution control procedure and, in the first place, has to examine and provide for compliance and enforcement of ecological and environmental standards, norms and regulations as the consequence of planned activity. Therefore, OVOS in Ukraine is not an instrument of decision making, but mandatory part of the process of preparation of one part of pre-project development or project documentations. OVOS is conducted according to strict regulations and is a part of the project design rather than planning process. Design process starts when a decision on realization of economic activity has been already approved. In that way, OVOS loses its decision-making relevance, since it is being carried out as a part of justification of already

taken decision. Therefore, OVOS in Ukraine has currently limited correlation with the SEA Protocol requirements.

State environmental review (SER) in Ukraine “is a type of scientific practical activity of specially authorized state authorities, environmental expert associations and public unions that is based on interfiled environmental investigation, analysis and assessment of pre-projects, projects and other materials or objects, realization and activities of which can produce or is producing a negative impact on environmental condition” (Law of Ukraine “On state environmental review”, 1992). SER is directed to the preparation of conclusions on compliance of designed or finished activity with the norms and requirements of environmental legislation, and provision of environmental safety. In practice, SER often constitutes the examination of OVOS quality. However, according to the above Law, proposals of legislative and regulation acts, pre-projects, project materials, documentations on introduction of new techniques, technologies, materials, substances and productions realization of which can lead to an infringement of environmental norms and negative impact on environment should be subjected to the state environmental review. The Law does not specifically mention the assessment of the plans, programmes and policies (although some of them might fall into the category of ‘regulatory acts’).

Supervisory responsibility for national environmental assessment practice (State Environmental Review, or SER and the Assessment of the Impacts on the Environment, or OVOS) lies with the authorized bodies of the Ministry of Environmental Protection of Ukraine:

- a. The SER office at the MoEP and it’s regional (‘oblast’) subdivisions;
- b. SER offices at the MoEP subdivisions in the cities of Kyiv and Sevastopol and Autonomy Republic of Crimea⁴;
- c. The State inspections for the Black and Azov seas protection of the MoEP.

⁴ Authorities of the cities of Kyiv and Sevastopol, are of the same status as the authorities of the regions (‘oblast’); Autonomy Republic of Crimea has it’s own government and corresponding administrative structures

Table 1. Overview of the environmental impacts assessment procedure in Ukraine⁵

| Planning + programming steps | National assessment (SER +OVOS) process steps | Substantive focus | Consultations with env. and health authorities | | Public access to info and public participation | |
|------------------------------|--|---|--|---------------------|--|---------------------|
| | | | Legally required | Applied in practice | Legally required | Applied in practice |
| <i>Pre-investment study</i> | Preliminary assessment of impact on environment | TOR for assessment study | No | No | No | No |
| | Compiling of the statement on intentions | The statement on intentions contains brief characteristic of the kinds of impacts of the planned activity and their list. | No | No | Yes | Yes |
| | Compiling of the task on development of OVOS materials in the composition of task for the development of technical-economical background (TEB) | Agreement of TOR for assessment study with the TOR for whole project | No | No | No | No |
| | Development of OVOS materials in the composition of TEB. Compiling of the environmental impact statement. | To examine and provide for compliance and enforcement of ecological and environmental standards, norms and regulations as the consequences of planned activity | Yes, but not clear indication | Yes | Yes | Yes |
| | Environmental review of OVOS materials. Passing of the environmental impact statement. | Directed to the preparation of conclusions on compliance of designed or accomplished activity with the norms and requirements of environmental legislation, and provision of environmental safety. In practice, often consists of examination of OVOS quality | Yes | Yes | Yes | Yes |
| <i>Designing</i> | Refinement of the task on OVOS materials development in the composition of task for the project development in a case of solutions alteration, which have been adopted in TEB, or town planning situation. | Adjustment of environmental assessment process to the changes in the project | No | No | No | No |
| | Refinement of OVOS in accordance with modified task | Clarification of environmental assessment findings depending on the changes in the project | No | No | No | No |
| | Environmental review of refined OVOS materials | examination of OVOS quality | No | No | No | No |
| <i>Construction</i> | Refinement of OVOS materials under the alteration of manufacturing technology and fulfillment of constructive and assembling works which make worse the environmental quality | To examine and provide for compliance and enforcement of ecological and environmental standards, norms and regulations as the consequences of planned activity | No | No | No | No |
| | Realization of actions provided in OVOS materials | Environmental protection and mitigation measures implementation | No | Non | No | No |
| <i>Exploitation</i> | Assessment of efficiency of environmental protection actions provided in OVOS materials. Refinement of OVOS materials in the case of necessity. | OVOS monitoring | No | No | No | No |

⁵ For the list of the legal acts regulating the whole environmental assessment procedure see *Annex IV*
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II.3. Key considerations in the future implementation of the SEA Protocol

Legislative and certain methodological basis for the SEA implementation does exist in Ukraine, although the **practice** of environmental review of legislative, regulatory and policy acts is so far limited. In many respects it is connected with the fact that a differential approach to the objects of various complexity and scales of impact on environment is absent in Ukrainian system of environmental review. The list of the objects of environmental review is very long; screening is not effective; impact significance vs impact size is rarely differentiated; alternatives are not treated properly. At the same time, significant positive experience of carrying out public environmental examination of the legislative documents and projects is accumulated in Ukraine, in particular by the non-governmental environmental organizations. In spite of insufficient provisions for public opinion to be taken into account during decision making process, these precedents have a valuable methodological meaning and testify potential of the Ukrainian public to use the SEA procedure effectively. Since SEA by definition is, unlike SER, a planning tool rather than an assessment mechanism, in order for SEA to be incorporated into the existing national system of environmental assessment, targeted capacity building shall take place in the country.

The initial capacity development needs assessment for the SEA Protocol implementation in Ukraine (further as the initial needs assessment) conducted in 2004 therefore showed that it is necessary to amend current legislative base, improve the mechanisms of public participation, regulate the process of preliminary assessment of the project documentations, and develop conditions for practical realization of the procedure of alternatives examination in the assessment process. On the above mentioned assessment demonstrated that the real possibility exists for the SEA introduction in Ukraine.

National practice of environmental impacts assessment and planning and programming process provides for implementation of the SEA Protocol requirements without radical reconstruction of the current system and mechanisms of environmental regulation. Following options are being considered for the Protocol transposition:

- Adoption of the new framework generic legislative act (Law). A new Environmental Code is in the adoption process in Ukraine (draft of the Code has been introduced to Verkhovna Rada of Ukraine, the number and date of registration are 5170 of 20.02.2004), which does not implicitly talk on SEA implementation but provides, in the view of EA practitioners, the bases for taking into consideration the requirements of SEA Protocol in legislative base
- Amendment of the existing laws (in particular, Law ‘On state environmental review’, 1992; Law ‘On state prognosis and development of the programs of economic and social development of Ukraine’, 2000; Law “On planning and civic engineering construction on the territories” ,2002; Law, “On state targeted programs”, 2004).
- Amendment of the existing relevant secondary regulations (instructions, orders, provisions, guidances, etc)

Development and adoption of the new legislative act of the state law level is time- and resource-consuming and politically sensitive procedure. It is considered as an option, but alternative and complementary measures shall be also foreseen in order to ensure SEA Protocol implementation in a reasonable future.

Amendment of the existing legislative and regulatory basis is a workable option. In particular, it could involve introduction of the SEA requirement to the following acts:

- Instruction of the Cabinet of Ministries “On the order of development of the targeted development programs” (in the process of preparation);

- Methodological guidance on development of the programs of economic and social development (in the process of preparation).

In order to proceed with this option, it is necessary to carry out in-depth study of regulatory framework, in order to identify secondary regulatory acts that define the process of preparation of the documents subject to SEA in national context. In order to ensure compliance with the amended regulative acts, the Methodology and Instruction on SEA of the plans and programs shall be developed and adopted by the inter-sectoral Decree.

II.4 Institutional context and human resources

Leading role in SEA Protocol implementation process belongs to the Ministry of Environmental protection. Department of sustainable development of the Ministry of Economy, department of prognosis of the Ministry of Emergency Situations, Ministry of Health, and environmental service of the Council on National Safety and Defence are the leading units to be directly involved into the process. Local authorities, planners, investors, developers and public shall play the role in SEA process implementation as foreseen by the Aarhus Convention and national legislation.

The following environmental authorities, being the local subsidiaries of the MoEP, will be the key stakeholders in consultations within SEA process:

- SER office at the MoEP and it's regional ('oblast') subdivisions;
- SER offices at the MoEP subdivisions in the cities of Kyiv and Sevastopol and Autonomy Republic of Crimea⁶; and
- the State inspections for the Black and Azov seas protection of the MoEP

In addition, planning and programming process in Ukraine currently theoretically allows other relevant authorities to play a leading role in initiating, commissioning, organising, and implementing SEA process depending on the type of the SEA-subject documentation. In particular, local administration (municipalities) could become the leading agency for SEA of the program of socio-economic development of the city/town/region; Ministry of the Emergency Situations could play the same role for SEA of their regional and national programs. Final roles and responsibilities in SEA process implementation should be the part of the future national SEA system development

More detailed review of systemic, institutional and human capacities for the implementation of the SEA Protocol in the context of this overall system is provided in Annex IV to this strategy.

It is evident that thorough attention needs to be given to implementing the elements of the SEA practice into existing system of environmental assessment and prognosis and planning process within acting existing legislative and regulative framework. This could be achieved by information dissemination, best practices setting and promotion, training, educational activities.

⁶ Authorities of the cities of Kyiv and Sevastopol, are of the same status as the authorities of the regions ('oblast'); Autonomy Republic of Crimea has it's own government and corresponding administrative structures

III. Medium-term Strategy

Capacity development process shall ideally rely as much as possible on the existing in-country practice, knowledge, expertise and skills. As initial capacity needs analysis has shown, sound prerequisites exist in Ukraine for SEA implementation. In order to develop these prerequisites into active agents of SEA implementation process, system, institutional and human capacity shall be developed in the country.

The mid-term capacity development strategy aims to achieve one goal: that ***SEA becomes an integral part of elaboration of plans and programmes and of decision-making on them.***

This mid-term strategy should be implemented through a process that adheres to the following general recommendations that have been defined during consultations with relevant stakeholders within the country:

- Step-by-step approach is desirable
- Networking, at the national and regional level (NIS and CEE) is of paramount importance
- Regional approach (NIS and CEE) allowing best practice dissemination when developing initial implementation steps shall be used
- Pilot/demonstration SEA projects are one of the most fruitful type of capacity building activities. Criteria for identification and selection of possible SEA pilot objects have been outlined (*Annex VI*)
- Pipeline of the projects rather than isolated activities is to be designed.

IV. Short-term priorities

Capacity building activities proposed below to implement the mid-term strategy are seen as the ‘bricks’ or units that could be combined to form various projects depending on the resources available and interests of the participants/donors.

The main building blocks could be described as:

- Various educational/training activities, starting from one or two days training for the officials of the MoEP and Ministry of Emergency Situations in the form of role game up to university curriculum upgrade, including development of the teaching materials, e-learning and other forms of distance learning and qualification upgrade
- Networking activities, starting from the regional or/and national conference and up to series of regional promotional workshops, consultation centers establishment and regional expert/practitioners network development, including web-page development, e-networking, etc
- Legislative/regulatory basis analysis/upgrade, starting from drafting the new framework law up to developing the inter-sectoral or specified guidance and instructions on SEA implementation
- SEA process *per se*, namely demonstration SEA activities on the plan/program/policy of national standing.

It is important to underline that all capacity building elements would benefit if based on actual demonstration activities (pilot SEA), but could be, in principle, implemented as self-sufficient projects.

In this context, the following priority projects (described in detail in the attached Appendix 1) have been proposed:

- Project 1: Development of legislative and regulatory basis for SEA implementation in Ukraine
- Project 2: SEA demonstration project
- Project 3: SEA network development in Ukraine
- Project 4: Introducing SEA into the Ukrainian high education system

All the projects have been discussed with potential implementation agencies and beneficiaries, are supported by the expert team and are seen as practicable and potentially beneficiaries.

VI. Implementation arrangements

Process of SEA implementation shall become nationally owned and could become a powerful tool for development of coordination, and, further, cooperation, between the planning bodies, sectoral ministries, regional authorities, and environmental authorities of all levels.

The MoEP will play the leading role and take the responsibility for establishing the dialog and arranging cooperation between interested parties in the SEA process. The MoEP has necessary authority and capacity and needs to formally designate staff on national and regional levels, and provide focused training for responsible officers. The MoEP has expressed its interest in system, institutional and human capacity building elements of the strategy and for the overall Strategy implementation, including monitoring and evaluation stages. Indicators for these stages will have to be developed further on. Monitoring and evaluation could also be carried out with the participation of public and international EA community. When the Strategy is adopted, it is to be published on the MoEP website and become an open living document subject to public discussion and evaluation.

Ministry of Emergency Situations Ukraine is one of the most interested in the SEA process implementation agencies since its responsibility includes significant planning of land use, potentially risky industrial development, infrastructure development (partly), etc. Ministry may become one of the leading implementation agencies since it has the experience in multi-discipline studies, planning and complex programming. Ministry has expressed its interest, in particular, in participation in the demonstration project that is to initialize in-country institutional capacity development.

Council of the Study of Productive Forces of the National Academy of Science of Ukraine, Kyiv (CSPF) is the leading research institution responsible for land use and development planning. CSPF annually develops, by the contracts with regional and local authorities, the complex territorial schemes of regional development. By nature, CSPF has to become main SEA think tank and execution agency in Ukraine. CSPF is ready to participate in SEA strategy implementation and promotion of SEA best practice in the country.

National Academy of Municipal Economy, Kharkiv (NAMEK) is the top university training urban planners, environmental officers, architects, managers; it has been designated by the Ministry of Science and Education of Ukraine as a pioneering university in environmental education. NAMEK, jointly with the Methodological Commission on Environmental Education of the Ministry of Science and Education will lead development and implementation of the SEA training and educational elements introduction into environmental university curricula in Ukraine, and into the system of vocational training and qualification upgrade.

Public involvement is crucial for successful implementation of SEA strategy. Environmental NGOs shall play the role of crystallization centers in the process of informing and engaging the public. Network of independent environmental NGOs EcoPravo (offices in Kyiv, Lviv and Kharkiv) has significant experience in participation in EIA demonstration projects, Aarhus convention implementation process. It is ready to disseminate best practice, organize awareness raising, and generally facilitate public participation on all necessary stages of SEA development in Ukraine.

Letters of support from the above-mentioned institutions are available upon request.

Important role in the process of SEA implementation in Ukraine could be played by the international organizations (e.g., UNDP and other UN organizations, bilateral donors, development agencies). Key issue here will be to identify bottlenecks where international interventions will be most beneficial, and ensure synergism with other national and international activities. Feasibility study to identify possibly types of international support may be recommended to be carried out.

Appendix 1: Project fiches

Project 1: Development of legislative and regulatory basis for SEA implementation in Ukraine

| | |
|---|-----------------------|
| Names and mailing addresses of local partners | |
| UNDP country office, MoEP | |
| Project Duration: | No. months: 15 |
| Project Vision | |
| <p>Ukraine is going through transitional process, towards the democratization of the society and a full market economy. Constraints of the transitional period require that thorough attention be paid to the issues of planning, especially concerning the environment where decisions are often irreversible. Strategic Environmental Assessment is a key instrument for integrating environmental concerns and sustainable development principles into the development frameworks of a country.</p> <p>This project will provide the legislative and regulatory basis for SEA process implementation, so supporting Ukraine's move towards sustainable development and transparent and democratic decision-making processes, without compromising the competitiveness of the economy</p> | |
| Project Goals | |
| <p>The main goal of the project is to promote system capacity development in country, by bringing the legislative and regulatory basis in line with the requirements of the SEA Protocol. The project focuses on analysis of existing legislative and regulative framework, identifying gaps, and suggesting ways to bridge these gaps</p> | |
| Indicative project budget: 40,000 USD | |
| Project Description | |
| <p>The project follows from the results of the projects “National SEA capacity building manual as the tool for UNECE SEA Protocol Implementation in Ukraine”, “The Country review: capacity needs assessment for the implementation of the UNECE SEA Protocol”(link to be inserted later), internationally supported activities on Aarhus convention implementations, and local workshops. Needs assessment carried out in the framework of the previous UNDP study has clearly indicated that the development of the legislative and regulatory basis is necessary in order to ensure successful SEA implementation.</p> <p>Project will be conducted in two phases. During the Phase I, the project will focus on the analysis and evaluation of the existing Ukrainian regulatory framework, identifying gaps, and drafting and submitting appropriate changes/amendments to the relevant state bodies. It is expected that the main emphasis will be given to the regulatory documents; feasibility study for development of the SEA regulative act (Guidance, Instruction) and adoption of this document by the Cabinet of the Ministries will be carried out. If considered feasible, as a Phase II, the draft version of the regulative act will be presented to the responsible organization. The project will be carried out by a joint group of international and national experts, with broad public involvement and will have the elements of human capacity building (dissemination, possibly training courses).</p> | |
| Proposed project timetable | |
| Phase I | |
| <ul style="list-style-type: none"> ➤ Analysis of legislative and regulatory basis (3 months); ➤ Feasibility study for development of the SEA Provision (6 months) | |
| Phase II | |
| <ul style="list-style-type: none"> ➤ Drafting the Provision and other changes/amendments; dissemination and training (6 months) ➤ Reporting: interim report in 6 months, final report upon completing | |
| Project Deliverables | |
| <ul style="list-style-type: none"> ➤ Study of the legislative and regulatory basis ➤ Drafts of changes/amendments to the current legislation/regulations and SEA regulatory act ➤ Training courses in SEA legislative and regulatory provisions in Ukraine ➤ Dissemination materials (reports, awareness raising leaflets); ➤ Brief progress reports | |

Project 2: SEA demonstration project

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|---|-----------------------|
| Names and mailing addresses of local partners | |
| UNDP country office, MoEP, Ministry of Emergency Situations | |
| Project Duration: | No. months: 12 |
| Project Vision | |
| <p>Strategic environmental assessment is a process of integrating environmental considerations into policy-making and planning. At present few transitional countries that are signatories of the UNECE SEA Protocol have established formal arrangements for SEA, and SEA process is still at an early stage of development. However, a growing number of SEA-type processes and elements are being applied in poorly organized manner.</p> <p>The project will promote SEA institutional capacity development through establishing of national practice of SEA based on existing environmental assessment and planning and programming processes and by implementation and adjustment of SEA specific tools and approaches.</p> | |
| Project Goals | |
| <p>The main goal of the project is to streamline and strengthen SEA process in Ukraine, by supporting (methodologically, logistically, by information and knowledge dissemination) and motivating country professional bodies responsible for on-the-ground SEA implementation. The project focuses on establishing and disseminating best national practice patterns through implementation of demonstration SEA projects, applying national SEA tools and adopting international ones.</p> | |
| Indicative project budget: 50,000 USD | |
| Project Description | |
| <p>Demonstration project of SEA of the framework programme of the Ministry of Emergency Situations of Ukraine ‘State program on prevention of the emergency situations of natural and technogenic character and minimization of natural and technogenic risks’(support of the Ministry is ensured). The project follows from the results of the projects “National SEA capacity building manual as the tool for UNECE SEA Protocol Implementation in Ukraine”, “The Country review: capacity needs assessment for the implementation of the UNECE SEA Protocol” (link to be inserted later), and will draw upon the successful experience of the joint UNDP-USAID demonstration project of EIA in Western Ukraine. The project will focus on developing and strengthening the methodological and organizational framework of the SEA process in the national context, based upon existing skills and expertise in the country. Demonstration project includes significant elements of SEA training for country officials and professionals, based upon ‘learning by doing’ principle. Basing upon practical experience, recommendations will be developed for SEA implementation in regional planning processes, and a web site created with information and materials on SEA. Project results may serve as a feasibility study and detailed needs analysis for the system and human capacity building activities. Project will support institutional capacity building in SEA in Ukraine. Project will be implemented with participation of well-known international experts having experience of working in transitional countries, and, whenever possible, with involvement of international development agencies representatives.</p> | |
| Project Phases | |
| <ul style="list-style-type: none"> ➤ Development of demonstration SEA terms of reference (1 month); ➤ Implementation of demonstration SEA (5 months) ➤ Analytical stage (preparing demonstration, training and dissemination materials, recommendations, reporting) – 2 months ➤ Updating and refining the SEA findings (4 months) ➤ Reporting: interim report in 6 months, final report upon completing | |
| Project Deliverables | |
| <ul style="list-style-type: none"> ➤ Recommendations on strengthening and streamlining national SEA processes ➤ Training courses in SEA practice in Ukraine ➤ Dissemination materials (reports, awareness raising leaflets) ➤ Brief progress report | |

Project 3: SEA network development in Ukraine

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|--|
| <p>Names and mailing addresses of local partners UNDP country office, MoEP, Ministry of Emergency Situations, Ministry of Science and Education, sectoral ministries, research institutions, NGOs</p> |
| <p>Project Duration: No. months: 12</p> |
| <p>Project Vision Strategic environmental assessment (SEA) is a process of integrating environmental considerations into policy-making and planning. SEA is an internationally recognised tool of harmonizing societal and environmental needs, so SEA implementation in Ukraine will support the country ambition to achieve sustainable development without compromising economic growth. SEA capacity development activities in Ukraine shall have binary focus: first, on transferring world best practice of SEA to Ukraine; second, on applying already existing skills, knowledge, expertise and infrastructure for the new tasks. The project will promote SEA institutional and human capacity development through facilitating information, knowledge and experience exchange, as within the country, so with the international SEA community, establishing best national practice, and adopting best international patterns of SEA implementation.</p> |
| <p>Project Goals The main goal of the project is to facilitate SEA process in Ukraine, by networking of national SEA/EA institutions and professionals and establishing the contacts with international SEA community. The project focuses on networking of existing ‘centres of excellence in SEA’ as key players providing regular and stable assistance with organization and implementation of SEA process, and developing new ones as necessary. This would be achieved through the organization of national SEA conference, joint projects and, as a long-term goal, joining international EA/SEA professional network (IAIA)</p> |
| <p>Indicative project budget 50,000 USD</p> |
| <p>Project Description The project follows from the results of the projects “National SEA capacity building manual as the tool for UNECE SEA Protocol Implementation in Ukraine”, “The Country review: capacity needs assessment for the implementation of the UNECE SEA Protocol”, local consultations and workshops. In order to ensure the coordination of actions, dialogue and synergy between various SEA actors, a network of regional SEA ‘centers of excellence’, starting from four Ukrainian cities (Kyiv, Kharkiv, Lviv and Simpheropol), and growing upon demand after project accomplishment, will be established. ‘Centres’ will develop recommendations for SEA implementation in regional planning processes, provide organizational assistance on SEA processes, support close cooperation with international environmental assessment agencies and stakeholders, carry out joint work on assistance for realization of the national and transboundary SEA projects, provide capacity-building training courses for stakeholders in SEA concepts and methodology, and create a web site with information and materials on SEA. The ‘centres’ shall also be the resource centres for international donors, providing information on institutional and human capacity and the legal framework, and running activities supported by international assistance, in order to avoid duplication of effort and provide for synergy between actions. On the later stages the project foresees national conference on SEA theory and practice, with the involvement of the professionals from post-Soviet, post-socialist countries and representatives of the international SEA community. National conference shall launch national SEA professional network (in the form of association or other professional body) where centers (or anyone interested) may join in, to be linked further with the similar networks (e.g., IAIA). Project will support institutional and human capacity development in the country.</p> |
| <p>Project Phases</p> <ul style="list-style-type: none"> ➤ Coordination activities between the first ‘centers of excellence’ (1 month); ➤ Presentation of regional ‘centres of excellence’ by training and dissemination events (6 months) ➤ Informational campaign on SEA promotion (12 months, in parallel with other activities) ➤ Preparation of the national SEA conference (5 months) ➤ National SEA conference (last month of the project) ➤ Reporting: interim report in 6 months, final report upon completing |
| <p>Project Deliverables</p> <ul style="list-style-type: none"> ➤ Network of SEA professionals and ‘centres of excellence’ in Ukraine ➤ Training materials for SEA implementation in Ukraine ➤ Internet-based database of Ukrainian SEA experts and international experts involved in work in Ukraine ➤ Dissemination materials (reports, awareness raising leaflets) |

Project 4: Introducing SEA into the Ukrainian high education system

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| <p>Names and mailing addresses of local partners UNDP country office, MoEP, Ministry of Science and Education</p> |
| <p>Project Duration: No. months: 12</p> |
| <p>Project Vision The environmental field, where decisions are often irreversible and may have national or global impacts, requires the development of both professional and social responsibilities and skills to be part of the framework of University education. For Ukraine, a country surviving the Chernobyl disaster, one of the major environmental disasters of the 20th century, advanced training in environmental decision-making with particular reference to openness, transparency and critical thinking applied throughout the decision-making process is of paramount importance. SEA teaching and training should become an integral part of University-level environmental education in Ukraine in order to support human capacity development and ensure human capital available for SEA implementation</p> |
| <p>Project Goals The main goal of the project is to promote human capacity development in country, by enabling university-level environmental education in Ukraine to meet the needs of society in SEA professionals, and to enable society to appreciate the outcomes of the SEA implementation. The project focuses on the analysis of existing university curricula in environmental assessment, regional planning and land-use fields, identifying the locations for SEA teaching and training in environmental education in Ukraine, developing the curriculum for an MSc in EIA and SEA and teaching materials to support SEA postgraduate, vocational, and qualification upgrade education</p> |
| <p>Indicative project budget 30,000 USD</p> |
| <p>Project Description Capacity analysis carried out in the framework of the previous UNDP study (“The Country review: capacity needs assessment for the implementation of the UNECE SEA Protocol”, link to be inserted later) has indicated that significant basis exists for EIA/SEA university education in Ukraine. That basis needs to be structured, updated and brought in line with best national and international environmental assessment theory and practice . The project will focus on the analysis and evaluation of the university postgraduate curricula in related fields, identifying the gaps, drafting, discussing and submitting to the Ministry of Science and Education the curriculum for an MSc in EIA and SEA built upon the Bologna principles and with provisions to be taught in English and in Ukrainian (interest of the Ministry of Science and Education has been confirmed). The project will draw on best international practice in SEA training, including the elements of distance learning and, if necessary, English language training (in order to master the terminology, as a minimum). The project includes the development of the whole range of teaching and methodological materials to provide for step-by step implementation of SEA teaching and training in university-level environmental education in Ukraine. The curriculum will be developed for the SEA modules to be included in existing obligatory courses on Environmental Law, Environmental Management and Environmental Impact Assessment; for training courses within the framework of a qualification upgrade for officials, and for the elements (up to the whole curriculum) to be included in the teaching process in the Academy of Management under the auspices of the President of Ukraine. The project will be carried out with the involvement of international experts, and will draw upon and support system and institutional capacity-building in Ukraine.</p> |
| <p>Project Phases</p> <ul style="list-style-type: none"> ➤ Analysis and evaluation of university curricula in related fields (4 months); ➤ Drafting the curriculum and teaching materials for SEA modules to be included into existing courses, for training and qualification upgrade (3 months) ➤ Drafting the curricula for an MSc in EIA and SEA in Ukraine (3 months) ➤ Dissemination and discussion: presentation workshops (1 month) ➤ Updating the curriculum and teaching materials on the basis of discussion and consultations; reporting (1 month) |
| <p>Project Deliverables</p> <ul style="list-style-type: none"> ➤ Teaching modules in SEA to be included to existing obligatory courses on Environmental Law, Environmental Management and Environmental Impact Assessment ➤ Curricula, with supporting materials, for training courses within the framework of a qualification upgrade for officials ➤ Curriculum for an MSc in EIA and SEA built upon the Bologna principles and with provisions to be taught in English and in Ukrainian ➤ Dissemination materials (reports, informational leaflets). |

Annex I: Lead contributors to the development of the strategy

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Annex II: List of participants of a national workshop on “Strategic Environmental Assessment - Promotion and Capacity Building”, Kyiv, 13 March 2006

| | Name | Organization | Position | Contact info |
|-----|--------------------|--|---|---|
| 1. | Grytsenko Anatoliy | The MoEP | Deputy Minister | 03035, Kyiv -35 Urytskogo str., 35. |
| 2. | Tudel Nina | The MoEP | Focal point for the Espoo Convention | 03035, Kyiv -35 Urytskogo str, 35.. |
| 3. | Voloshin Sergiy | The Ministry of Emergency Situations and Affairs of Population Protection from Consequences of Chornobyl Catastrophe of Ukraine | Deputy director – director of the Department of prognosis | 01030, Kyiv, O. Gonchara str., 55 tel. +380-44-247-31-87, vsn@mns.gov.ua |
| 4. | Andriychenko Uriy | The Ministry of Economy | Director of the Department of sustainable development | 01008, Kyiv, Grushevskykogo str, 12/2. |
| 5. | Baranivsyka Vanda | The State environmental institute of the Ministry of environmental protection of Ukraine | Vice- deputy rector | 03035, Kyiv -35 Urytskogo str., 35. fax +380-44-2063185 |
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| 8. | Kuzin Oleksandr | Ukrainian Research Institute for Ecological Problems | Deputy director | Kharkiv, Bakulina, 6 Tel/fax +380- (057)7021578 |
| 9. | Lysichenko Georgiy | The Institute of geochemistry of environment of the National Scientific Academy of Ukraine and Ministry of Emergency Situations | Deputy scientific director | 03680, Kyiv, Palladina, 34-a tel. +380-44-424-00-29 |
| 10. | Galushkina Tetyana | The Institute of the problems of market and economic and environmental research of the National Academy of Science of Ukraine | Chief senior researcher | 65044, Odessa, French boulevard, 29. tel. +380-0482-247-086 E-Mail: pa2@od.ukrtelecom.net |
| 11. | Tyschenko Uriy | The Institute of geochemistry of environment of the National Scientific Academy of Ukraine and The Ministry of of Emergency Situations | Senior researcher | 03680, Kyiv, Palladina, 34-a tel.+380-44-424-00-29 u-risk@naverex.kiev.ua |
| 12. | Palekhova Ludmila | The national Mining university of Ukraine, The Department of international relations | Associate professor | 49027, Dnipropetrovysk, K. Marksa. str , E-mail: pall@hotmail.ru |

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|-----|------------------------|--|---------------------|---|
| | | | | tel. +380 056 778 25 41 |
| 13. | Maksymiv Ludmyla | The Institute of environmental economy of the Lviv national forestry university | Associate professor | 79057, Lviv,- 57, Gen. Chyprynky str, 103. |
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| 15. | Budyakova Tetyana | The Bureau of environmental investigations | Lawyer | 79017, Lviv, O. Basarab 9/6 str. btanya@darkwing.uoregon.edu |
| 16. | Bulych Yaroslav | The centre of innovations technologies | Expert | Tel. +380(032) 781264 yazhiv@yahoo.com |
| 17. | Zavadovytsch Oleksandr | The Administration of architecture and city building of the Lviv City Council, Regional Landscape park “Znesinnya” | Director | Lviv, Novoznesensyka str. Tel. +380(032)2917527, 79024 |

National team on SEA capacity development in Ukraine

| | | Responsibility | Position | Contact info |
|---|----------------------|--|--|----------------------------|
| 18. | Borysova Olena | Coordinator | National Academy of Municipal Economy, associate professor | borysova@velton.kharkov.ua |
| 19. | Varyvoda Yevgeniya | The SEA Protocol expert | Kharkiv Humanitarian Institute “People’s Ukrainian Academy”, lecturer | yarostchuk@yahoo.com |
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| 21. | Yevgeniy Khlobystov | Planning and development expert | Academy of Science of Ukraine, The Council on the study of productive forces, Head of the Department | khlobystov@rvps.kiev.ua |
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| 23. | Dmytro Skrylnikov | Environmental assessment methods expert | Private Attorney (Ecoadvocacy) | dskrylnikov@mail.lviv.ua |
| 24. | Vitaliy Zuev | Environmental assessment methods expert | Kharkiv NGO EcoPravo-Kharkiv, expert | vaz@ecopravo.kharkov.ua |
| The representatives of donor organizations | | | | |
| 25. | Henrieta Martonakova | UNDP- Bratislava | | |
| 26. | Ausra Jurkeviciute | The REC | | |

Annex III: List of the legal acts regulating the environmental assessment procedure in Ukraine

- Law of Ukraine “On protection of environment”, 1991;
- Law of Ukraine “On environmental review”, 1992;
- The complex state review in the Law “On introduction of changes in to the Law of Ukraine “On investment activity”, 1998;
- Regulation on the State committee of Ukraine on building and architecture, 2002;
- The state building norms DBN A.2.2.-3-2004 “The composition and order of the development, agreement and confirmation of the project documentation for building”, 2004;
- The Decree of the Cabinet of Ministers of Ukraine “The order of confirmation of the investment programmes and building projects and carrying out of their complex state review”, 2002;
- The state building norms DBN A.2.2.-1-2003 “The composition and content of the materials of assessment of impacts on environment under designing and construction of enterprises, buildings and constructions”, 2003. The point 1.4 of the DBN A.2.2.-1-2003 points out that under the development of OVOS materials it is necessary to follow the requirements of the acting legislation (annex B in DBN), the standard of Ukraine DSTU ISO-14001-97 and acting state building, sanitary and fire fighting norms.

Annex IV: Overview of capacity development needs to the implementation of the SEA Protocol in Ukraine

System capacity

Systems capacity is created by frameworks that enable institutions and individuals operate and interact with each other. Development of system capacity aims to enhance effectiveness of these interactions on different levels of institutional and political hierarchy.

SEA development objectives for system capacity in Ukraine are

- to bring legislative and regulatory basis in line with the UNECE SEA Protocol requirements;
- to develop the mechanisms of the SEA-related legislative and regulatory basis implementation and enforcement; and
- to designate and make effective the body for review of SEA practice effectiveness, practical guidance development, best practice dissemination.

One of the biggest problems to be addressed within the system capacity building in Ukraine is development of an interactive practice between the SEA actors in ‘horizontal’ (sectoral and planning) and ‘vertical’ (local-regional-country-wide) dimensions. System capacity building in Ukraine shall be first of all focused on facilitating consultations, dialog, cooperation between various representatives of authorities and society in the process of strategic decision-making. If implemented successfully, SEA by nature may become a powerful tool of finding consensus between the interests of the society, state, business and the environment. It will set a precedent of cooperation of various interest groups that does not have an analogous in the history of independent and market-oriented economy of the country.

System capacity development for SEA implementation in Ukraine is based on the following assumptions:

- Democracy, rule of law and human rights are the basic values of the society;
- The development direction aimed at Europe (EU);
- Sustainable development goals and principles are shared by the government, society and business;
- International obligations are observed.

Institutional capacity

Institutional capacity is the ability of an organization to effectively operate within the given system. Development of institutional capacity aims to enhance an overall organizational performance. This requires ability of an organization to adapt to changes.

SEA institutional capacity objectives for Ukraine is:

- to develop national practice of SEA basing on existing environmental assessment and planning and programming processes and by implementation and adjustment of SEA specific tools and approaches.

SEA institutional capacity development activities in Ukraine shall focus on streamlining and strengthening SEA process, by supporting (methodologically, logistically, by information and knowledge dissemination) and motivating country professional bodies responsible for on-the-ground SEA implementation. Important task here will be to create the network of the ‘SEA centres

of excellence' that will disseminate best international and national practice, be the training centres, serve for cross-auditing for performance and help setting 'rules of the game' in the national context. These 'centres' shall also ensure that all available institutional and human capacity (not just in environmental, but also in managerial, technological, etc fields) is used for the SEA implementation purposes, and, *vice versa*, that all SEA-generated benefits are clearly demonstrated to and made use of by potential customers. The 'centres' shall also be the resource centres for the international donors, providing the information on institutional and human capacity, legal framework and running activities supported by international assistance, in order to avoid duplication of efforts and provide for the synergism between actions.

Assumptions for the institutional capacity development for SEA implementation in Ukraine are:

- Benefits of SEA are demonstrated and appreciated by the potential users
- Existing institutional capacity is substantial and needs streamlining, improved communication and focusing rather than major restructuring of key institutions
- Institutions responsible for SEA implementation in Ukraine are ready to adopt necessary changes

Human capacity

Human resources play a central role in SEA. It comprises of skills and expertise of persons. Capacity development of human resources aims to change attitudes and behaviors, develop skills and support long-term motivation and commitment.

SEA human capacity development objective for Ukraine is:

- to prepare a critical mass of professionals (representing authorities, research institutes, consultancies, etc) and public members able and willing to participate fully and in constructive way in implementation of SEA practice and able to maintain newly adopted capacity features.

SEA human capacity development activities in Ukraine shall have binary focus: first, on transferring world good practices of SEA to Ukraine; second, on applying already existing skills, knowledge, expertise and infrastructure for the new tasks. SEA-related human capacity development activities shall ideally be related to the labour market situation (increasing competitiveness of the practitioners), fit into the educational conception of the country (in order to achieve synergism), have well-specified target audience. Human capacity in SEA in Ukraine shall develop, not only in terms of the professional skills, but also in terms of the ability for the team work, delegating responsibilities, accepting trade-offs.

Annex V: Resolution of the national workshop “Strategic Environmental Assessment- Promotion and Capacity Building” Ukraine, Kiev, March 13, 2006

1. Ukraine ratified the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) on 19 March 1999; Ukraine among four other NIS countries signed the Protocol on Strategic Environmental Assessment (SEA Protocol) to Espoo Convention on 21 May 2003 in Kyiv in the frame of the Ministerial Conference “Environment for Europe” and is planning to ratify it further on.
2. National workshop “Strategic Environmental Assessment- Promotion and Capacity Building” took place in Kyiv on March 13, 2006 with the support of the UNDP Bratislava Regional Center, and Regional Environmental Centre for Central and Eastern Europe (REC). Representatives of the leading national ministries, scientific and research organizations and institutions acting in the field of environmental protection and environmental assessment, leaders of environmental NGO’s, experts in national practice of environmental assessments participated in the national SEA workshop (list of participants attached).
3. Aim of the workshop was to discuss the possibilities and perspectives of the implementation of international system of environmental assessment of realization of proposed plans and programmes, and, to the extent appropriate, policies and legislation in Ukraine.
4. Workshop confirmed the interest of Ukrainian professionals to the cooperation in the SEA promotion and capacity building field. Partnership was defined as being instrumental for establishing the practice of environmental assessment on the strategic level, the process beginning of which was done in Kyiv 2003 in the framework of the Ministerial Conference “Environment for Europe”.
5. Workshop recognized the issues and tasks of the main stakeholders on successful promotion of SEA process on national level defined by the Country Review assessing the capacity needs for the implementation of the UNECE Strategic Environmental Assessment (SEA) Protocol (2004) and in Ukrainian National Capacity Building Manual for the UNECE Protocol on Strategic Environmental Assessment (2006).
6. Interdisciplinary and intersectoral working group on SEA implementation in Ukraine has been organized as the result of workshop aiming in further capacity building on the national and regional levels.
7. Practical steps on SEA implementation in Ukraine have been discussed. Implementation of the national pilot/demonstrational project on SEA process was suggested as the first step. Criteria for identification and selection of the pilot projects and strategy for fundraising for realization of such initiative were discussed and adopted (attached).
8. Establishment of SEA centers partnership network has been recognized as the essential tool for SEA promotion in EECCA countries aiming in strengthening and streamlining of SEA process by providing support (methodological and informational) and motivation for the regional and national organizations responsible for SEA implementation.
9. Participants of the workshop expressed their appreciation to the representatives of UNDP, the REC, the MoEP and national team on SEA capacity development for the organization of the workshop.

Annex VI: Criteria for identification and selection of the objects for pilot/ demonstration SEA projects

NOTE: the criteria have been developed at the national SEA promotion and capacity building workshop on workshop “Strategic Environmental Assessment- Promotion and Capacity Building”, Ukraine, Kiev, March 13, 2006

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|---|--|
| The level of realization | City, region, transboundary territory, regional/sectoral programme |
| Term for realization | <u>Short-term</u> , Mid-term, Long-term |
| The stage of development of plan, programme | Is it possible to integrate SEA in the process of development of plan, programme |
| Potential customer and level of its interest to SEA | The Ministry of transport, Municipal authorities, <u>The MoEP</u> , the Ministry of fuel and power energy resources, the Ministry of science and education |
| Financing | International donors <u>Co-financing</u> |
| Examples of possible SEA objects | <u>Programme of roads development</u> , Programmes of environmental safety of the objects of hydro, nuclear and thermal power energy, Programme of socio-economic development of Sumy city, Programme of reconstruction of municipal economy, State Environmental programme , Programme of provision of the state reserve of fuel resources, Programme of development of Kharkiv subway. |