

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

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Ref. Follow-up on decision VI/2 of the Meeting of the Parties
(EIA/IC/S/1 Bystroe Canal Project)

20 November 2018

Dear Mr Tarasenko,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its forty-second session, held in Geneva from 11 to 14 September 2018, the Committee continued the consideration of the follow-up by Ukraine on decision VI/2 (paras. 15–28), concerning compliance by Ukraine with its obligations under the Convention in respect of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta (Bystroe Canal Project, EIA/IC/S/1).

I am now writing to you on behalf of the Committee to thank the Government of Ukraine for the information provided and to inform you about the Committee's deliberation at that session.

Noting the information provided by Ukraine on 30 July 2018 and by Romania on 27 July 2018, the Committee focused on finalizing draft decision IS/1f on compliance by Ukraine with its obligations under the Convention in respect of the Bystroe Canal Project.

It welcomed once again the efforts demonstrated by the Government of Ukraine to follow the recommendations of the Meeting of the Parties addressed to it in decision VI/2 and in particular, the adoption by Ukraine of the Law on Environmental impact assessment in May 2017 followed by a number of pieces of secondary legislation as concrete legislative steps towards implementation of the strategy of the Government of Ukraine to implement the Convention as referred to in paragraph 25(a) of decision VI/2.

The Committee also welcomed the declaration of Ukraine of its genuine wish to bring the Bystroe Canal Project into full compliance with the Convention and the roadmap developed by Ukraine and discussed at the forty-first session of the Implementation Committee, including the readiness to stop works, to repeal the final decision with regard to the phases I and II of the Project, to conduct an assessment of the damage to the environment and to develop a plan for compensatory and mitigation measures. It also took note of Ukraine's

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intention to develop a new project for 'Bystroe Route' and to carry out a transboundary environmental impact assessment procedure according to the Convention;¹

Analysing information from Ukraine and Romania further, the Committee agreed on the recommendation part of the draft decision IS/1 f, noting in particular that Ukraine had taken first practical, but yet limited, steps to implement the road map. The Committee also noted that Ukraine had not yet provided information with regard to repealing the final decision on Phase I, and that additional efforts are needed to conclude the bilateral agreement between Ukraine and Romania for improved implementation of the Convention. Once prepared as an official document the secretariat will transmit the draft decision IS/1 (f) to the Governments of Ukraine and Romania for information and to the Meeting of the Parties for consideration at its intermediary session (5–7 February 2019).

Please be informed that the Committee found it important to bring to your attention that, at its forty-first session, the Committee had not "adopted", "agreed" or "endorsed" the road map presented by Ukraine, as Ukraine had indicated in its letter to the Committee. Instead, the Committee had concluded that the draft road map represented a good basis and a way forward for bringing the project into full compliance with the Convention, and had pointed out that the list of the declared steps presented in the draft road map was not exhaustive (ECE/MP.EIA/IC/2018/2, para. 34).

In conclusion, at the request of the Committee I would like to take this opportunity to reiterate the Committee's previous invitation to the Government of Ukraine:

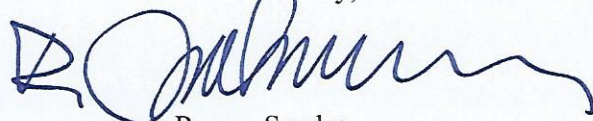
- (a) To complete its legislative reform of its environmental assessment system, including the adoption of the secondary legislation on transboundary environmental assessment procedure;
- (b) To implement the road map without delay, including repealing the final decision on Phase I of the Bystroe Canal Project, and to provide documentation confirming that the respective steps and decisions had been taken;
- (c) To enter into consultations with Romania on implementation of the road map, including assessing the damage and development of a plan of compensatory measures.

Please also supplement the monitoring reports transmitted to Romania with:

- (d) Baseline data that would allow the assessment of changes;
- (e) An assessment of the impact of the operation, including regular maintenance dredging and shipping traffic.

You are kindly invited to provide the report on the progress achieved and the relevant documentation confirming that progress through the secretariat by **15 February 2019** for the Committee to consider at its forty-fourth session (12-15 March 2018).

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Yours sincerely,



Romas Svedas
Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context
Protocol on Strategic Environmental Assessment

¹ Ibid.