



MINISTRY OF ENVIRONMENT

STATE SECRETARY'S CABINET

16696/LAN/01.11.2017

To: Mr. Romas Svedas, Chair

Implementation Committee of the Convention on Environmental Impact Assessment in a Transboundary Context and Protocol on Strategic Environmental Assessment

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

Dear Chair,

Please allow me to take this opportunity to congratulate you for your election in this important position of the Espoo Convention. I am confident that we will continue to work together to further the provisions of the Convention.

I would also like to thank you very much for your letter dated 19 September 2017, where you invited us to provide information on the ongoing consultation with Ukraine on the post-project analysis and the recent development in concluding a bilateral agreement on the implementation of the Espoo Convention, taking into consideration decision VI/2 of the Meeting of the Parties to the Convention.

As you are well aware, the Romanian authorities were reluctant, initially, to conclude a bilateral agreement with Ukraine, because of its evident unwillingness to implement the provisions of the Convention. Following repeated requests from the Committee, however, and in response to the Ukrainian text proposal, the Romanian relevant authorities have prepared a counterproposal, which contains the main elements of the environmental impact assessment procedure in a transboundary context in order to practically implement the obligations of Romania and Ukraine under the Espoo Convention.

On 29 of September 2016 the draft agreement has been submitted to the Ukrainian Party for analysis and input. Unfortunately, to this day, more than a year after its submittal, we have received no answer from Ukraine.

Moreover, Ukraine continues to breach the Convention and the decisions of the Meeting of the Parties, by continuing to conduct dredging works on the entire length of its proposed canal in the Danube Delta. This was confirmed by Ukraine during two recent meetings of the working groups of the Danube Commission, and duly reflected in the reports of those meeting. From the statements made by the Ukrainian representatives in the Danube Commission it results that Ukraine intends to continue to perform works for maintenance of the navigational depths, despite the consistent findings of the Implementation Committee to the effect that maintenance works in the framework of the project are not in compliance with the Convention. Romania is concerned by the performance of such works and would welcome the involvement of the Implementation Committee to ensure effective compliance with the Espoo Convention. Should you so require, we can make the above mentioned reports available to the Committee.

Romania, for its part, remains committed to find a durable solution to the issue of the Bystroe Canal that is in line with international law, namely the relevant international environmental law provisions as well as the relevant bilateral legal framework.

Please accept, Chair, the assurances of my highest consideration.

Yours sincerely,

State Secretary

Laurențiu Adrian NECULAESCU

