

Ukraine

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EIA Law: Law of Ukraine on Environmental Impact Assessment

Law Link: [Link](#) [2]

EIA Guidelines or Other Guidance: Guidance

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Projects Requiring EIA: Government projects
Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Screening is conducted in accordance with a list of activities identified in the EIA law. See EIA Law, Art. 3(2), (3).

Criteria for Screening: List or appendix of project or activity types

Criteria for Screening Detail: "The environmental impact assessment shall be mandatory in the process of decision-making on carrying out the proposed activity identified in paragraphs 2 and 3 of this Article. Such a proposed activity shall be made subject to the environmental impact assessment before the decision on carrying out the proposed activity is made." EIA Law, Art. 3.

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "Environmental impact assessment means a procedure, consisting of: . . . 1) the preparation of an environmental impact assessment report by the developer[.]" EIA Law, Art. 2(1)(1)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: Although the EIA law does not specifically mention the project developer is responsible for the costs of preparing the EIA, it can be assumed from context. See, e.g., "The developer shall bear the costs related to the public consultations." EIA Law, Art. 7(8).

EIA Contractor Qualifications: No

Conflict of Interest: No

Terms of Reference: No

Days for Decision Maker Review: Not specified

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: The EIA conclusion is issued by a competent environmental authority (either local or central depending on the circumstances). The conclusion is binding for implementation even though a different public authority may issue a final decision allowing the project or activity to proceed. The required contents of the conclusion are described in Article 9 of the EIA law, and must be made available to the public within 3 days of completion.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: The competent local or central authorities shall "determine the environmental conditions for carrying out" the proposed activity. EIA Law, Art. 9(1). Further, "If the public authority or the local self-governance authority decides so, the decision on carrying out the proposed activity may include the environmental conditions for carrying out the proposed activity." EIA Law, Art. 11(2).

Expiry of Decision: 5 years

Expiry of Decision Detail: "The environmental impact assessment conclusion shall be invalid after 5 years where the decision on carrying out the proposed activity has not been taken." EIA Law, Art. 9(8).

Financial Assurances or Bond: No

Financial Assurances Detail: Financial assurances are not required by the EIA law.

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA shall include "a description of the reasonable alternatives . . . relevant to the proposed activity," including geographical or technological alternatives. EIA Law, Art. 6(2).

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Other

Mitigation: Yes

Mitigation Detail: The EIA report must include "measures to prevent or mitigate the effects of emergencies on the environment and the response measures to emergencies." EIA Law, Art. 5(2)(8).

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA report must include "an outline of the monitoring and control programmes as to the effects on the environment of carrying out of the proposed activity." EIA Law, Art. 6(2)(11)

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Available Detail: A draft EIA is not made available to the public.

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: The EIA shall be made accessible to the public within 3 working days after it is submitted to the competent authority. EIA Law, Art. 4(3), (4).

Final EIA Available: Yes

Final EIA Available Detail: The EIA report and documentation must be made available at numerous public places, as well as the internet. EIA Law, Art. 4(4), (5), (10).

Final EIA Locations: Internet

Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "The environmental impact assessment report and other documentation requisite for the environmental impact assessment and provided by the developer shall be open . . . and provided by the competent authority, local self-governance authority and the developer for examination." EIA Law, Art. 4(5). Some confidential information may be excluded under exceptional circumstances. See Art. 4(8).

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "[T]he competent central authority, shall make the environmental impact assessment conclusion public within 3 working days of the adoption thereof." EIA Law, Art. 9(3). Decisions must be added to the EIA registry within 3 days of being issued. EIA Law, Art. 11(5).

Public Scoping: Yes

Public Scoping Detail: "[T]he public may forward . . . its comments and suggestions to the proposed activity, the scope of assessment and the level of detail of the information to be included in the environmental impact assessment report. EIA Law, Art. 5(7).

Public Review of TOR: No

Public Review of TOR Detail: No terms of reference is prepared.

Public Participation Opportunities: Scoping

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: "Public consultations in the process of the environmental impact assessment shall be carried out with a view to identify, collect and take into account comments and suggestions from the public to the proposed activity." EIA Law, Art. 7(1). "Public consultations on the proposed activity after the submission of the environmental impact assessment report shall be carried out in the form of public hearings and in the form of submission of written comments and suggestions (including in an electronic form)." EIA Law, Art. 7(5)

Public Input at Meeting: Yes

Public Input at Meeting Detail: The public may comment on the proposed activity in writing during the public consultation period or orally during consultations. EIA Law, Art. 7(2).

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Days for Public to Review Final EIA: 25-35 days

Public Comments on Draft EIA: No

Public Comments on Draft EIA Detail: A draft EIA is not made available to the public.

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: "The public shall have the right to submit any comments or suggestions it considers relevant to the proposed activity without the need to substantiate them." EIA Law, Art. 7(2). Such comments can be written and submitted during public consultations or orally during consultations. Id.

Response to Public Comments: Yes

Response to Public Comments Detail: "The developer shall fully accept, partially accept or reasonably reject

comments and suggestions from the public submitted through the public consultations." EIA Law, Art. 5(10).

Facilitation of Public Participation: No

Citizen Administrative Review: No

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: The EIA "may be challenged by any natural or legal person through a judicial procedure." EIA Law, Art. 12(1). According to the Code of Administrative Legal Proceedings of Ukraine: "In administrative courts any decisions, actions or failure to act of subjects of powers of authority can be appealed," except in cases where the Constitution or laws establish another judicial procedure." Code of Administrative Legal Proceedings of Ukraine, Art. 2, sec. 2 (2005) (available at <http://cis-legislation.com/document.fwx?rgn=10720>).

Project Monitoring: Sometimes

Project Monitoring Detail: "Where envisaged by the environmental impact assessment conclusion, the developer shall ensure the post-project monitoring with a view to identify any discrepancies and deviations of predicted levels of exposure and efficiency of measures for prevention of environmental pollution and mitigation thereof." EIA Law, Art. 13

Enforceability of EIA: Yes

Enforceability of EIA Detail: "The infringement of the environmental impact assessment procedure, groundless and unjustified non-consideration or improper taking into account of the results of public participation, other violations of the legislation in the sphere of environmental impact assessment shall form the grounds for cancellation of the environmental impact assessment conclusion and the decision on carrying out the proposed activity through a judicial procedure." EIA Law, Art. 12(2).

Enforceability of Permit: No

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[2] <https://elaw.org/law-ukraine-environmental-impact-assessment>

[3] <http://eia.menr.gov.ua/uk#legislation>