

2022

ENVIRONMENTAL
LAW NETWORK
INTERNATIONAL

RÉSEAU
INTERNATIONAL
DE DROIT DE
L'ENVIRONNEMENT

INTERNATIONALES
NETZWERK
UMWELTRECHT

elni

REVIEW

Public participation in decisions on specific activities in Ukraine: state of the art and way forward

Yelyzaveta Aleksyeyeva

LL.M. in Environmental and Natural Resources Law at the University of Oregon (USA), senior lawyer at Environment-People-Law (Ukraine);

e.aleksyeyeva@gmail.com

Abstract

The article provides a critical analysis of the state of development of participatory democracy instruments in Ukraine in particular of access to information relevant to the decision-making and public participation in environmental matters. The piece explores the major regulatory shifts in these areas brought by implementation of the EU-Ukraine Association Agreement and associated adoption of legal frameworks on access to public information and on environmental impact assessment. Current legislative proposals on industrial emissions soon to be considered by the Parliament of Ukraine are analysed in detail to demonstrate the continuation of the trend. This leads to a conclusion that access to information and public participation in decisions on specific activities in Ukraine are developing in conformity with the European standards and will continue to develop both in terms of further digitalisation, automatization and customisation for the needs of a specific decision-making, and in terms of covering more environmental permits and other decisions on specific activities.

Vol. 22, pp. 51 - 57

<https://doi.org/10.46850/elni.2022.009>

Public participation in decisions on specific activities in Ukraine: state of the art and way forward

Yelyzaveta Aleksyeyeva

1 Introduction

The Constitution of Ukraine (1996) proclaimed everyone's right to a safe environment and to free access to environmental information. In the late 90th pursuing its democratic development Ukraine signed and promptly ratified the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

The gap that Ukraine has overcome in ensuring procedural environmental rights is impressive. The country which started its democratic transformations only in the 90th nowadays has instruments of participatory democracy that many European states are yet to implement. The Law of Ukraine on Environmental Impact Assessment (2017) established a nationwide on-line database on environmental impact assessment (hereinafter – EIA). The EIA register provides free public access to all documents originating throughout the EIA procedure and makes it possible to follow any EIA procedure in the country in real time. The Supreme Court of Ukraine maintains a consistent legal position on the duty of the state to ensure access to justice in environmental matters to the public including to non-governmental organizations promoting environmental protection¹. Given the poor compliance with environmental legislation in Ukraine, granting the public with legal standing to enforce environmental law serves more than one public interest as it protects the environment and strengthens the rule of law².

The unprovoked and unjustified russia's military aggression has put a temporary halt on Ukraine's further political and economic development, but it has also created opportunities that did not exist before. With the prospects of Ukraine becoming the EU candidate and the post-war reconstruction support strongly tied to a green transition and fundamental European values³, Ukraine now has more incentives than ever to pursue its European path and to further develop its participatory democracy.

2 Transposition of public participation provisions in Ukraine

In 1999 Ukraine ratified both the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter – Espoo Convention) and the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter – Aarhus Convention) making them integral elements of the national legislation directly applicable by domestic courts.

Following the ratification, the Parliament of Ukraine and the Ministry of Environment (hereinafter – MENR) adopted amendments to laws and implementing regulations on access to environmental information and public participation in environmental decision-making. However, in terms of access to public information and public participation in decisions on specific activities these proved inadequate⁴ and resulted in a decade-long non-compliance case in the Aarhus Convention Compliance Committee⁵.

2.1 Access to public information law

The first significant step in implementing access to information provisions of the Aarhus Convention including those on access to information relevant to decision-making was taken in 2011, when Ukraine adopted a comprehensive framework on access to public information. The Law of Ukraine on Information and the Law of Ukraine on Access to Public Information (hereinafter – Law on API) defined public information, set its legal regime and laid down the procedure for public access thereto.

According to the Law on API, public information means information in any form created or held by a public authority or another administrator of public information (Article 1). Environmental information belongs to public information through Article 15 of the Law on API. Therefore, even private parties possessing environmental information are considered to be administrators of public information and thus obliged by law to apply the established legal regime and provide (including upon request) environmental

¹ Supreme Court of Ukraine, 2021.

² Aleksyeyeva, 2019.

³ European Commission, 2022a.

⁴ Ladychenko and Golovko, 2018.

⁵ See ACCC/C/2004/3 Ukraine, available [here](#).

information to the public following the procedure established by the Law on API (Article 15).

The Law on API spells out a general rule under which all public information is open (non-classified) unless otherwise provided by law (Article 1). Further in its Article 6 the Law on API provides for a three-tier test to be applied by a public information administrator to every case of limiting/restricting public access to information. Thus, (1) the restriction of access to information shall serve one of the protected interests (national security, territorial integrity, public order, public health, confidentiality of personal data, commercial secrets, impartiality of justice); (2) the disclosure of information shall cause a significant damage to one of the interests; (3) the damage shall override the public interest in disclosure of the requested information.

The Law on API requires public authorities and other administrators of public information to provide the said information upon request (Articles 19-22) and to disseminate certain public information (e.g., decisions made by public authorities, instructions on how to request information) via their official web-pages (Article 15).

The Law of Ukraine on Information defines environmental information (in line with the Aarhus Convention with some minor omissions) and provides for a special rule under which environmental information shall not be limited in access (Article 13).

The adoption of the new legal framework brought a real change in access to information in general and in access to environmental information in particular. Furthermore, since the Ukraine's legislation of the time provided neither for the right nor for an effective procedure on access to information relevant to decision-making on specific activities, the rules and procedures established by the new legal framework filled this gap to a large extent. In 2014 the World Resources Institute⁶ in partnership with the Access Initiative calculated the Environmental Democracy Index (EDI) to measure the extent and degree to which the national laws in 70 countries (including Ukraine) promote environmental democracy rights. Back in 2014 Ukraine's overall score was 1.58 (out of 3 max)⁷ with 2.35 score on access to information pillar.

2.2 The EIA Law of Ukraine

In 2014 Ukraine entered into the EU-Ukraine Association Agreement which provided (in Annex XXX) for a list of EU acquis that Ukraine committed to transpose into its legislation with the Directive

2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (the EIA Directive) among them. Experts⁸ had argued that the EU-Ukraine Association Agreement had played a decisive role in bringing about Ukraine's compliance with its international obligations in the field of environmental assessment prompted by the approximation of the environmental legislation of Ukraine to the EU law.

In 2017 the Parliament of Ukraine adopted the Law of Ukraine on Environmental Impact Assessment (the EIA Law). The issue of the compliance of the EIA law in Ukraine with the international and EU standards of public participation in decisions on specific activities was researched in a special doctor's dissertation in Poland in 2020⁹. Analysis concluded the compliance of Ukrainian legislation on public participation in environmental decision-making with the respective international and European requirements (even in situations when these requirements are not consistent with each other), as well as on the development in Ukraine of a clear legal framework on public participation in EIA procedure. Public participation provisions of the EIA Law were also assessed by the Aarhus Convention Compliance Committee and found to be in compliance with its requirements¹⁰.

The EIA Law brought a long-awaited change in the permitting procedure for proposed activities which may have a significant effect on the environment in Ukraine¹¹. All the main elements of effective public participation in decision-making under the relevant EU Directives and the Aarhus Convention¹² - such as public notification of the decision-making process, access to information relevant to the decision-making, collection of comments and suggestions from the public, taking due account of them by a decision-making body, and informing the public on the decision taken along with the reasons and considerations on which the decision is based - were transposed into the EIA Law and further developed in the implementing regulations.

It is particularly noticeable that the EIA Law allows any member of the public - any natural or legal persons, their associations, organizations or groups - to be notified of the decision-making and to submit any comments, information, analyses or opinions that they consider relevant to the proposed activity. For the purpose of wide public participation both the

⁶ World Resources Institute, see <https://www.wri.org>.

⁷ The Access Initiative, 2014.

⁸ Vyhryst, 2019.

⁹ Raczyńska, 2020.

¹⁰ UNECE, 2017.

¹¹ Vyhryst, 2019.

¹² UNECE, 2014.

notification of the public and access to information relevant to the decision-making are designed in a way to effectively reach both the public likely to be affected by the proposed activity and a greater public (EIA Law, Article 4). As argued by W. Raczyńska in this way the EIA Law of Ukraine is simultaneously compliant with the Aarhus Convention and the EIA Directive even though the two are contradictory to each other in terms of assigning participatory rights to the 'public' and 'public concerned'¹³.

In compliance with the Aarhus Convention's requirement for early public participation when all options are open and effective public participation can take place, the EIA Law prescribes public participation in the scoping stage of the EIA procedure. Later on, when the EIA report is prepared the public has yet another opportunity to express its comments, suggestions and opinions in the decision-making process.

In order to facilitate adequate and effective public participation in a modern world of digitalisation the EIA Law established an Internet based EIA Register to hold all the documents created in the course of EIA procedure by various stakeholders including by the proponents and the public. The EIA Law prescribes the documents in the Register to be accessible to the public 24/7 on the dedicated Internet resource. Each EIA case in the Register includes the following documents (in PDF):

- notification on a proposed activity;
- request for scoping (if submitted by a proponent);
- all public comments collected at the stage of notification and scoping;
- EIA report and any additional information submitted by a proponent;
- notification on the commencement of public consultations;
- all documents generated in the course of a transboundary EIA procedure (if held);
- report on public consultations (includes minutes of public hearings, all the comments received, information on taking due account of them);
- EIA conclusion;
- information on a development consent.

The EIA Register is not only a storage of documents generated during the EIA procedure, but also a tool for the initiation of and following the appropriate administrative procedures. A notification on a proposed activity, EIA report, notification on the commencement of public consultations and any other documents and materials submitted by a proponent to the competent authority within the EIA procedure

have to be submitted via the proponent's account on the web-page of the EIA Register. Within 3 business days the competent authority has to acknowledge the receipt of any document submitted to it which leads to an automatic publication of that document on the web-page of the EIA Register.

Similarly, within 3 business days from taking any formal decision or finalizing a document in the EIA procedure – a scoping decision, EIA conclusion (positive or negative), report on public consultations - the competent authority has to upload it to the EIA Register. Automatic publication on the EIA Register's web-page follows. Competent authorities shall also upload to the EIA Register all the relevant documents, comments and suggestions received from outside authorities and the public.

As a result, the EIA Register ensures a single nationwide systematic storage of all documents created within the EIA procedure, but also allows to follow in real time any EIA procedure that is being carried out anywhere in Ukraine. The EIA Register became operational on December 18th 2017 – the date when the EIA Law became effective. Within the first 6 months almost 800 EIA procedures were initiated throughout Ukraine. None of them were conducted outside of the EIA Register.

Despite the obvious advantages of the on-line nationwide EIA Register, it is the authors opinion that other means of public notification – the ones that are designed to notify the public likely to be affected by the proposed activity – shall remain in the law and be applied responsibly by the developers in practice. Although the business currently lobbies the idea of abandoning publication of notifications in the printed media, covering the areas likely to be affected by the proposed activity, and some authors¹⁴ see the content of the notification to be too detailed and ineffective, as of June 2022 the EIA law has not been amended in this regard. After all, according to the Aarhus Convention it is the public concerned (foremost the public likely to be affected by the proposed activity) who shall be effectively notified about the proposed activity and their possibilities to participate in the respective decision-making.

In 2021 the Environment-People-Law¹⁵ used WRI initial questionnaire and scoring methodology to measure the progress made by Ukraine over the period of time since the first EDI for Ukraine was calculated in 2014. The new evaluation showed a significant increase in transparency and public participation in environmental matters. Due to successful implementation of the environmental assessments

¹³ Raczyńska, 2020b, p. 257.

¹⁴ Shparyk, 2018.

¹⁵ Environment-People-Law, see <http://epl.org.ua/en/>.

reform in 2017-2018 (EIA and SEA) the score on participation pillar increased by 26% from 0,69 to 1,47 (out of 3 max) leading to the overall increase of the EDI score for Ukraine by 17% from 1,58 to 2,09 (out of 3 max)¹⁶.

2.3 Further legislative developments: public participation in the IEP procedure

Similarly to the EIA Directive, the implementation of the Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control)¹⁷ (hereinafter – the IED) in Ukraine is foreseen by the 2014 EU-Ukraine Association Agreement. In autumn 2021, a series of draft laws on industrial emissions were submitted to the Parliament of Ukraine: the draft Law on Integrated Prevention and Control of Industrial Pollution ref. # 6004 and two alternative draft laws ref. # 6004-1 and ref. # 6004-2.

With a view to implementing the relevant provisions of the IED and the Aarhus Convention, all currently registered draft laws (6004, 6004-1, and 6004-2) provide for public participation in the permitting procedure. The draft Law 6004 and the draft Law 6004-2 (which is the most likely to proceed to the next stage of consideration in the Parliament) are identical in their public participation provisions which, in the author's opinion, ensure compliance with the relevant requirements of the EU acquis and the Aarhus Convention. The draft Law 6004-1, instead, contains a number of provisions that do not meet the IED requirements and simultaneously contradict other international obligations of Ukraine. The present article analyses the model of public participation in the procedure for granting (updating) of the Integrated Environmental Permit (IEP) proposed by the draft Laws 6004 and 6004-2. The provisions of the draft Law 6004 are cited to provide an example.

The international standards of effective public participation in the decision-making under the EU acquis and the Aarhus Convention¹⁸, which have already been transposed, in particular, into the EIA Law and the Law of Ukraine on Strategic Environmental Assessment (SEA) and are now proposed in the draft laws transposing the IED, cover the notification of the public on the decision-making process, access to information relevant to the decision-making, collection of comments and suggestions from the public, taking due account of them by a decision-making body, and informing the public on the decision taken along with the reasons and considerations on which the decision is based. The permitting authority has a key role to play in

providing timely and effective opportunities for public participation.

The proposed model of public participation adopts the same wide approach by effectively notifying and soliciting comments from both the public likely to be affected by the installation and a wider public, as well as provides for the establishment of the Single State Electronic Information System of Integrated Environmental Permits (hereinafter - the electronic system), ensuring free public access via the Internet to a wide range of documents on installations operating on the basis of IEP. These include both documents and information generated in the IEP granting process and other documents originated during the operation of an installation until a definite cessation of its operation and site closure.

As argued by Prof. Jendroška¹⁹, to ensure compliance with the Aarhus convention (Article 6.10) in terms of application of public participation provisions in case of reconsideration or update of the operating conditions for a specific activity the proposed draft laws prescribe for an identical procedure for both amending the IEP as for its granting with the respective public participation provisions therein.

2.3.1 Notification of the public on the decision-making process

It is proposed that having decided on the admissibility of the application for granting (updating) of the IEP, the permitting authority prepares and publishes a notification on the commencement of public consultations (hereinafter – the notification) (the draft Law 6004, Article 6.2). In addition, the notification prepared by the permitting authority is sent to the operator, who is also obliged to publish it (the draft Law 6004, Article 6.3). This ensures that as many people as possible are informed about the commencement of public consultations.

The content of the notification is regulated in detail. As required by subparagraphs (c) to (g) of paragraph 1 of Annex IV to the EID, the notification shall provide the information necessary for the public to participate effectively in the relevant permitting procedure, in particular the information on the details of public consultation procedure (deadlines, forms, responsible persons) and on access to information provided by the operator (the draft Law 6004, Article 6.5).

The permitting authority shall publish the notification by means of the electronic system (the draft Law 6004, Articles 6.4 and 28). The operator shall also publish the notification on his official website, as well as in the print media (at least two), the distribution area of which covers administrative-territorial units

¹⁶ Environment People Law, 2021.

¹⁷ See the version in Ukrainian language [here](#).

¹⁸ UNECE, 2014.

¹⁹ Anapyanova and Jendroška, 2021.

that are likely to be affected by the installation. The operator shall also provide for the placement of the notification on the notice boards of local authorities, and in addition in other public places (the draft Law 6004, Article 4.3).

Various means of the notification conducted by two main actors of the permitting procedure are intended to meet the requirements of Annex IV to the IED and Article 6 of the Aarhus Convention on effective notification of the public concerned. Moreover, the means of notification included in the draft laws, in the author's opinion, provide for an effective notification of the public in general. After all, for the purpose of the procedure for granting (amending) the IEP, as well as for the purpose of the EIA, SEA and some other environmental decision-making procedures already in place - it is proposed to notify and solicit comments from both the public likely to be affected by the installation and the public in general.

2.3.2 Access to information relevant to the decision-making

Pursuant to subparagraph (a) of paragraph 1 of Annex IV to the IED, the provisions of the draft laws stipulate that all documents provided by the operator for granting (amending) the IEP, including the application, shall be open and made public (the draft Law 6004, Articles 6.6 and 6.8). As required by Article 6.6 of the Aarhus Convention²⁰, the permitting authority and the public in the procedure of granting (amending) the IEP are provided with the same information for review and examination - in scope, content and form.

Public access to information relevant to the decision-making shall be provided in several ways. Firstly, from the commencement of public consultations all documentation shall be made available by means of the electronic system on the Internet. Secondly, it shall be placed in the premises of the permitting authority, the local self-governance authority of the administrative-territorial unit that is likely to be affected by the installation, as well as in the premises of the operator (the draft Law 6004, Article 6.6). The operator may additionally disseminate it in other publicly accessible places. According to the provisions of the draft laws, the public has the right to examine the documents free of charge in the premises, make copies (photocopies) and notes (the draft Law 6004, Articles 6.6 and 6.8).

Concerning the information relevant to the decision-making in case of amending the IEP, the draft laws require additional information to be made available to the public. In particular, the results of emission monitoring by the automated measurement systems

shall be published by the permitting authority on the Internet (the draft Law 6004, Article 19.5). The results of inspections of the installation conducted by the controlling authority as well as periodic reports of the operator on compliance with the IEP conditions shall be published by the means of the electronic system (the draft Law 6004, Articles 20.6 and Article 17.1).

2.3.3 Collection of comments and suggestions from the public

In accordance with paragraph 5 of Annex IV to the IED, detailed mechanisms for public consultations (for example, by submitting written comments and suggestions or by holding public hearings) shall be determined by the Member States themselves. At the same time, reasonable timeframes shall be set for various stages of the procedure ensuring sufficient time for public notification, preparation and effective participation in the procedure of granting (amending) the IEP.

The draft laws establish that the public has the right to submit during the 30-day public consultations period any comments and suggestions it considers relevant to the application for granting (amending) the IEP, the installation or its activities without the need to justify them (the draft Law 6004, Article 6.9).

Two forms of public consultations are envisaged: collecting written comments and suggestions (including in an electronic form) throughout the public consultations period and holding public hearings with comments and suggestions reflected in the minutes (the draft Law 6004, Article 6.9). Any member of the public (defined as one or more individuals or legal entities, their associations, organizations or groups – the draft Law 6004, Article 1.2; the EIA Law, Article 1 para 1.2) has the right to participate in the public hearings. However, given the practice of public hearings within the EIA procedure, the draft laws in point avoid the rule of mandatory public hearings in each IEP procedure, and instead provide for a public interest filter. Public hearings shall be organized by the permitting authority only if at least five members of the public have registered for them (the draft Law 6004, Article 6.10). This filter is designed to save the permitting authority's (MENR) resources related to the organization of public hearings throughout Ukraine in situations where public interest in an individual IEP procedure is very low or non-existent.

The procedure for granting (amending) the IEP provides yet another opportunity for public participation - participation in the conciliation meeting. Such a meeting shall be convened by the permitting authority following the consideration of the application for the IEP by the public authorities concerned. The list of grounds for convening a meeting is quite long, so it is expected that the

²⁰ UNECE, 2014, p. 147-149.

conciliation meeting will be convened in a significant number of permitting procedures (the draft Law 6004, Article 7.5). A draft IEP prepared by the permitting authority is to be discussed at the meeting. The public shall also be invited to participate in the meeting, although only those members of the public who submitted comments and suggestions during the public consultations phase (the draft Law 6004, Article 7.5).

It is expected that implementing regulations on the electronic system and on public hearings will provide significant automation of processes in granting (amending) the IEP in general and in terms of public participation in particular. For example, it is expected that the electronic system through the relevant web portal will provide the ability to instantly access all documents submitted by the operator, public authorities concerned and the public as they are received by the permitting authority, to submit electronic comments and suggestions, to register for public hearings and more.

2.3.4 Due account of public comments and suggestions by a decision-making body

According to the draft laws comments and suggestions received during the public consultations shall be initially considered by the public authorities concerned. Within their competence the public authorities concerned shall provide their opinion on the application for the IEP and on the way to take due account of public comments and suggestions (the draft Law 6004, Article 6.11, Article 7.4).

When deciding on granting (amending) the IEP and formulating its conditions the permitting authority shall consider among other things comments and suggestions from the public as well as opinions of the public authorities concerned (the draft Law 6004, Article 9.1). Summaries of comments and suggestions received during the public consultations as well as explanation of how those have been taken into account in the IEP shall be provided in the descriptive part of the IEP (the draft Law 6004, Article 9.2). In accordance with international standards²¹, the permitting authority shall also prepare a report on public consultations, which shall include the comments and suggestions received and indicate how they were taken into account in the context of the IEP (fully taken into account, partially taken into account or rejected with justification provided (the draft Law 6004, Article 6.12)). Minutes of the public hearings (if held) and the received written comments and

suggestions shall be attached to the report on public consultations (the draft Law 6004, Article 6.12).

2.3.5 Informing the public on the decision taken along with the reasons and considerations on which the decision is based

Pursuant to Article 24.2 of the IED, once the decision is taken, the permitting authority shall publish the IEP (or any amendments made to it) or a decision not to grant (amend) the IEP (the draft Law 6004, Article 15.1) by means of the electronic system. Along with that the permitting authority shall publish the report on public consultations.

To effectively inform the public in the area likely to be affected by the installation, the draft laws provide for the operator's obligation to ensure prompt disclosure of information on granting (amending) the IEP. Such information shall be made public on the website of the operator (if available), in the print media (at least two), the distribution area of which covers administrative-territorial units likely to be affected by the installation, on the notice boards of relevant local authorities, and may additionally be published in other public places on the operator's choice (the draft Law 6004, Article 15.2)

3 Conclusion

As of today, the domestic legal framework of Ukraine has successfully implemented the Aarhus Convention requirements on public participation on specific activities within the EIA procedure. The mechanisms for public involvement in the EIA procedure fully meet the requirements of the Aarhus Convention and the relevant EU acquis. Moreover, operation of a nationwide internet-based electronic EIA Register allows to effectively notify and solicit comments from both the public concerned and a much wider public. The on-line EIA Register provides for easy and instant access to all documents originating in the EIA procedure both during the permitting procedure for the purpose of public participation within and during carrying out of activities which may have a significant effect on the environment for the purpose of compliance monitoring and enforcement.

Furthermore, recently registered in the Parliament draft laws on industrial emissions establishing the procedure for granting (amending) the IEP also provide for a full fletch public participation. All essential elements of effective public participation according to the international standards such as notification of the public on the decision-making process, access to information relevant to the decision-making, collection of comments and suggestions from the public, taking due account of them by a decision-making body, and informing the public on the decision taken along with the reasons and

²¹ Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters prepared under the Aarhus Convention, para. 131.

considerations on which the decision is based – are transposed into the draft laws. Taking into account the lessons learnt in the EIA procedure the public participation within the granting (amending) of the IEP is designed in an even more sophisticated and tailored manner to better meet the needs of all stakeholders (the authorities, the business and the public).

Although the war has not reached its finale yet and adoption of the legal framework on industrial emissions has been somewhat postponed, today the Government of Ukraine more than ever shows a clear willingness for the further EU integration which most recently was met by the EC recommendation to grant Ukraine with the EU candidate status²². It is thus expected that public participation mechanisms in decisions on specific activities in Ukraine will continue to develop both in terms of further digitalisation, automatization and customisation for the needs of a specific decision-making, and in terms of covering more environmental permits and other decisions on specific activities (for example, appropriate assessment, etc).

Bibliography

- Aleksyeyeva, Ye. (2019). Legal standing in cases related to violations of environmental legislation. *Compendium of Abstracts from the International judicial forum Judicial Protection of Natural Environment and Environmental Rights*. Accessible [here](#).
- Anapyanova, A., Jendroška, J. (2021). Conference report: 'Revision of the Industrial Emissions Directive: in search of consistency with climate, energy and circular economy policies?'. *elni Review 2021*, Vol. 21, pp. 35-40. DOI: <https://doi.org/10.46850/elni.2021.005>.
- Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part. Accessible [here](#).
- Convention on Access to Information, Public Participation in the Process decision-making and access to justice in environmental matters, 25 June 1998. Accessible [here](#) (in Ukrainian).
- Draft Law on Ensuring the Constitutional Rights of Citizens to a Safe Environment for Life and Health, ref. # 6004-2, September 22, 2021. Accessible [here](#).
- Draft Law on Integrated Prevention and Control of Industrial Pollution, ref. # 6004 September 7, 2021. Accessible [here](#).
- Draft Law on Prevention, Reduction and Control of Pollution Occurring as a Result of Industrial Activity, ref. # 6004-1, September 7, 2021. Accessible [here](#).
- Environment People Law (2021). The environmental democracy index: an updated score for Ukraine. Accessible [here](#).
- European Commission (2022a). Communication from the Commission COM(2022) 233. 'Ukraine relief and reconstruction'. Accessible [here](#).
- European Commission (2022b). 'European Commission recommends to Council confirming Ukraine, Moldova and Georgia's perspective to become members of the EU and provides its opinion on granting them candidate status'. Press release IP/22/3790. Accessible [here](#).
- Ladychenko, V. and Golovko, L. (2018). The Right of Access to Environmental Information in Ukraine and the EU. *European Journal of Sustainable Development*, 7(3): 455-459. DOI: <https://doi.org/10.14207/ejsd.2018.v7n3p455>.
- Law of Ukraine on Access to Public Information (as of 2016). Accessible [here](#) (in English).
- Law of Ukraine on Environmental Impact Assessment (as of 2017). Accessible [here](#) (in English).
- Law of Ukraine on Information (as of 2022). Accessible [here](#) (in Ukrainian).
- Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters prepared under the Aarhus Convention. ECE/MP.PP/10-ECE/MP.EIA/SEA/5, November 2015. Accessible [here](#).
- Raczyńska, W. (2020a). Public participation procedure in the new Ukrainian legal framework on environmental impact assessment in the light of the requirements of international, EU and Polish. Summary. Uniwersytet Opolski Instytut Nauk Prawnych. Accessible [here](#).
- Raczyńska, W. (2020b). Public participation procedure in the new Ukrainian legal framework on environmental impact assessment in the light of the requirements of international, EU and Polish. PhD Thesis. Uniwersytet Opolski Instytut Nauk Prawnych.
- Shparyk, N. (2018). Legal Regulation of Environmental Impact Assessment in Ukraine: Current State. *Journal of Vasyli Stefanyk Precarpathian National University*, 5(2): 152-162. DOI: <https://doi.org/10.15330/jpnu.5.1.152-162>.
- Supreme Court of Ukraine (2021). 'Citizens' Access to Justice to Protect the Right to Safe Environment May Not Be Restricted in Any Way', 17 February Accessible [here](#).
- The Access Initiative (2014). Environmental Democracy Index score for Ukraine. Accessible [here](#).
- UNECE (2014). The Aarhus Convention: An Implementation Guide (second edition). ECE/CEP/72/Rev.1. Accessible [here](#).
- UNECE (2017). Compliance by Ukraine with its obligations under the Convention, Report of the Compliance Committee to the Sixth session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Budva, Montenegro, 11 – 13 September. Accessible [here](#).
- Vyhryst, S. (2019). Introduction of the EU model of EIA and SEA in Ukraine. *Ukrainian Journal of International Law*, № 2/2019: 56-59. Accessible [here](#).

²² European Commission, 2022b.



sofia

Öko-Institut e.V.
Institut für angewandte Ökologie
Institute for Applied Ecology



NATUUR
& MILIEU



elni

In many countries lawyers are working on aspects of environmental law, often as part of environmental initiatives and organisations or as legislators. However, they generally have limited contact with other lawyers abroad, in spite of the fact that such contact and communication is vital for the successful and effective implementation of environmental law.

Therefore, a group of lawyers from various countries decided to initiate the Environmental Law Network International (elni) in 1990 to promote international communication and cooperation worldwide. elni is a registered non-profit association under German Law.

elni coordinates a number of different activities in order to facilitate the communication and connections of those interested in environmental law around the world.

Coordinating Bureau

Three organisations currently share the organisational work of the network: Öko-Institut, Technische Hochschule Bingen (TH Bingen) and sofia, the Society for Institutional Analysis, located at the Darmstadt University of Applied Sciences. The person of contact is Prof. Dr. Roller at TH Bingen.

elni Review

The elni Review is an English language law review. It publishes articles on environmental law, focussing on European and international environmental law as well as recent developments in the EU Member States. elni encourages its members to submit articles to the elni Review (info@elni.org) in order to support and further the exchange and sharing of experiences with other members.

The first issue of the elni Review was published in 2001. It replaced the elni Newsletter, which was released in 1995 for the first time.

The elni Review is published by Öko-Institut, TH Bingen and sofia.

elni Conferences and Fora

elni conferences and fora are a core element of the network. They provide scientific input and the possibility for discussion on a relevant subject of environmental law and policy for international experts. The aim is to gather together scientists, policy makers and young researches, providing them with the opportunity to exchange views and information as well as to develop new perspectives.

The aim of the elni fora initiative is to bring together, on a convivial basis and in a seminar-sized group, environmental lawyers living or working in the Brussels area, who are interested in sharing and discussing views on specific topics related to environmental law and policies.

Publications series

elni publishes a series of books entitled "Publications of the Environmental Law Network International". Each volume contains papers by various authors on a particular theme in environmental law and in some cases is based on the proceedings of the annual conference.

elni Website: elni.org

The elni website www.elni.org contains news about the network. The members have the opportunity to submit information on interesting events and recent studies on environmental law issues. An index of articles provides an overview of the elni Review publications. Past issues are downloadable online free of charge.

elni Board of Directors

- Martin Führ - Society for Institutional Analysis (sofia), Darmstadt, Germany;
- Jerzy Jendroska - Centrum Prawa Ekologicznego (CPE), Wroclaw, Poland;
- Isabelle Larmuseau - Vlaamse Vereniging voor Omgevingsrecht (VVOR), Ghent, Belgium;
- Delphine Misonne - CEDRE - Center for Environmental Law, Université Saint-Louis Bruxelles, Belgium
- Marga Robesin - Stichting Natuur en Milieu, Utrecht, The Netherlands;
- Gerhard Roller - Technische Hochschule Bingen (TH Bingen)

elni, c/o Institute for Environmental Studies and Applied Research
FH Bingen, Berliner Straße 109, 55411 Bingen/Germany

www.elni.org