



**International charitable organization
“Environment-People-Law”**

Annual report 2013

Lviv -2013

Statistics

Cases handled by EPL – 27

Consultations to citizens and NGOS: 316

Comments to draft laws: 5

Clinical students attending EPL clinic: 12

Conferences, seminars, workshops organized by EPL: 4

Conferences, seminars, workshops attended by EPL: 29

1. Advocacy

a) Strategic litigation

Top five court decisions important for human rights protection taken in 2012

At the beginning of 2013 the rating of top five court decisions was released. The Center for Political and Legal Reforms together with experts from NGOs within a project “Public enforcement of independence and fairness of courts” developed a list of five top court decisions in Ukraine important for human rights protection.

The selection was made on the basis of five criteria: importance of protected rights, potential or actual impact of a court decision on judicial or administrative proceeding; consideration of international standards of human rights; persuasive wording of a court decision; “courage” of a judge or judges who ruled in spite of a dominant practice or “political line”.

The fourth award was won by the decision of 31 August 2012 taken in the case initiated by EPL. By this decision the Economic court in Lviv for the first time in judicial practice proved the obligation of a private enterprise causing adverse impact on the environment to release public information related to this impact according to the Law of Ukraine “On Access to Public Information”. Thus, the rating emphasizes the importance of ensuring proper access to environmental information.

Over a thousand of EIA decisions posted by the Ministry of Environment and Natural Resources of Ukraine on its web-site following the court decision

At the beginning of 2013 following a court decision in the EPL’s case against the Ministry of Environment and Natural Resources of Ukraine, the Ministry posted on its web-page texts of over a thousand of environmental impact assessment decisions taken in 2009, 2010. This is a huge step toward openness and accountability of the government in terms of environmental safety. However, EPL detected that the texts of the decisions lacked scientific stipulation of the decisions, and thus it was not full implementation of the court decision. Consequently, EPL started working on enforcing full implementation of the court decision. EPL filed to the court its positional document concerning inadequate implementation of the court decision by the Ministry of Environment and Natural Resources. In March 2013 the Ministry presented to the court the report on implementation of the court decision. The court decided that the action undertaken by the defendant are not sufficient for full implementation of the court decision and obliged the defendant to publish full texts of the decisions including introduction, scientific stipulation and resolution part of the decisions.

EPL vs. State Environmental Administration in Lviv region (overturning the stamp “for official use only” conferred to conclusions of state environmental expertise)

In February 2013, the appellate court made a decision in favor of EPL in the case on classifying the information by the State Environmental Administration in Lviv region. In 2009 EPL won in the court of the first instance challenging the Resolution of the State Administration of Environmental Protection in Lviv oblast #54 of 05.05.2006 according to which conclusions of state environmental expertise are conferred the stamp "for official use only". The defendant filed an appellate complaint. It took more than three years for the court to appoint the hearing of the case and in February 2013 the court supported EPL's position again and cancelled the challenged Resolution. EPL filed an information request to the State Administration for Environmental Protection in Lviv region and found out that the challenged resolution was canceled and there is no other normative act conferring the stamp "for official use only" to conclusions of state environmental expertise.

The Appellate Court found unlawful redirection of EPL's complaints to a body actions of which we challenge

The General Prosecutor's Office of Ukraine as well as local prosecutor's offices have a widespread practice of not considering complaints on the merit and redirecting them to a body an activity or a decision of which is challenged by a physical or legal entity. This is a violation of p. 4 Article 7 of the Law of Ukraine "On Appeals from Citizens", which contains clear prohibition to redirect complaints of citizens for consideration to bodies or officials whose actions or decisions are challenged.

In view of systematic violations of this provision by the General Prosecutor's Office, in 2008 EPL challenged in Lviv Circuit Administrative Court unlawfulness of redirecting and failure to consider on the merit a complaint from the organization.

In 2010 EPL suit was satisfied and the General Prosecutor's Office filed an appeal.

It took more than 4 years for the Appellate court to appoint hearing of the case. Finally, on 17 October 2013 the Lviv Appellate Administrative Court made a decision about decline of the appellate complaint of the General Prosecutor's Office and support of the decision of the first instance.

Thus, both the court of the first instance and the court of appellate instance made the same decision about unlawfulness of redirecting complaints.

According to p.1 Article 255 of the Code of Administrative Procedures of Ukraine, a resolution that came into force is mandatory for persons involved into a case, their followers and for all bodies, enterprises, institutions and organizations, officials and other physical entities and is binding on the whole territory of Ukraine.

The public addresses the court on the issue of construction of blocks 3 and 4 at Khmelnytsk nuclear power plant (KhNPP).

On June 11, 2013, the District Administrative Court of Kyiv scheduled the first court hearing in a case initiated by EPL against the Ministry of Energy and Coal Industry of Ukraine alleging the illegality of the preparation of the draft law «On placement, projecting and construction of blocks 3 and 4 at KhNPP». This law was adopted by the Parliament of Ukraine on 6 September 2012 and as a result the Enegroatom company and the defendant started the process of preparation of the building project for blocks 3 and 4 at KhNPP.

The plaintiff pointed out numerous violations and shortcomings of the process of development and preparation of the draft law before its approval by the parliament that influenced the wording of the law. The most important is the fact that at the stage of the feasibility study the defendant did not study the possibility of construction of blocks 3 and 4 on the top of existing constructions of NPP which were erected 20 years ago and have not been subject to conservation measures. The defendant failed to carry out the consultative referendum in settlements and obtain the approval from the local state bodies and bodies of local self-government in observation area of KnNPP. Only in 14 settlements out of 200 the

public hearings were held. The position of local population and local authorities which will be affected by the operation of new blocks at KhNPP was ignored by the defendant and the text of the law is the evidence of it.

The plaintiff asks the court to declare such actions of the defendant illegal and demand the preparation of amendments to the law «On placement, projecting and construction of blocks 3 and 4 at KhNPP».

Unfortunately, courts were reluctant to consider the merits of the case, thus the legality of the construction of two nuclear reactors at KhNPP should be considered by different forums or institutions.

In cooperation with People's deputies of the Parliament EPL made investigation of the use of budget funds for construction of energy blocks 3 and 4, prepared and submitted a Constitutional Appeal to the Constitutional Court of Ukraine challenging actions of the Parliament. Also, we filed an appeal to the ombudsman about ensuring the human right to safe and healthy environment and the ombudsmen opened the proceeding on this appeal.

The court obliged the Ministry of Environment to implement the National plan of actions for realization of provisions of the Kyoto Protocol

The Ministry of Environment and Natural Resources of Ukraine is the coordinator of activities for implementation of Ukraine's obligations within the UN Framework Convention on Climate Change, although the degree of Ukraine's compliance with these obligations is far from being sufficient. Back in 2008 EPL filed a suit against the Ministry; the case went through all three instances and was returned by the Higher Administrative Court to the first instance. In July 2013 the Circuit Administrative Court of Kyiv partially satisfied EPL's demands. In particular, the court found unlawful omissions of the Ministry and obliged it to implement certain obligations. The Ministry filed an appeal and in December 2013 the court declined the appellate complaint and supported the decision of the court of the first instance that partially satisfied EPL's demands.

Challenging confidentiality of shale gas agreement

Perspectives of large-scale shale gas development in Ukraine may soon become reality but majority of Ukrainians know very little about the nature of shale gas, technologies of extracting it and potential environmental risks related to shale gas development. In January 2013 Ukraine signed the production sharing agreement with Shell company for shale gas field Yuzivska but the text of the agreement remains secret for the public.

Neither Shell company nor the Cabinet of Ministers of Ukraine or the Ministry of Environment and Natural Resources, State Service of Geology and Minerals of Ukraine provided EPL with the draft agreement with Shell company, which we requested. Kharkiv and Donetsk regional administrations that approved the draft agreement did not provide the text of the draft agreement either. All the bodies we addressed stipulated their refusal to provide the text of the draft agreement by the fact that it was classified as confidential information. In view of this fact EPL submitted to the Cabinet of Ministers of Ukraine the request to provide Minutes of the government's meeting at which the text of the agreement was classified as confidential information. The Secretariat of the Cabinet of Ministers replied that the Minutes #11 of the government's meeting is also classified as "for official use only" document and cannot be disclosed.

On May 23, 2013 the Administrative Court of the City of Kyiv opened proceedings on the lawsuit filed by Environment-People-Law against the Cabinet of Ministers of Ukraine regarding limited access of the public to information regarding a product sharing agreement signed by the Government of Ukraine and Shell.

By this agreement, the Government vested investors with exclusive rights to conduct oil and gas activities including exploration and exploitation of hydrocarbons, which are the property of the People of Ukraine, on a field as big as 1/4 of Belgium for the next 50 years. According

to the agreement, the profit from these activities is to be divided between the Government of Ukraine, Shell and a brand new private Ukrainian company of an unknown origin.

Moreover, having signed the text of the first shale agreement, the Government and the investors imposed confidentiality limitations on the text of the agreement itself as well as any other documents, information or data on oil and gas activity under the agreement, including any documents of public authorities on this issue. Such a classification of information is a serious violation of legislation.

Both the court of the first instance and appellate instance declined EPL's complaint. EPL filed a cassation complaint but the court refused to open cassation proceeding. Thus, having exhausted all national legal remedies, EPL is preparing a complaint to the Compliance Committee of the Aarhus Convention.

Challenging the refusal to release the permit for minerals use of Shell company

It turned out that not only product sharing agreements on shale gas development are classified as confidential information but also permits issued on the basis of such agreements.

On 20 August 2013, the State Service for Geology and Minerals refused to release to EPL a special permit for use of minerals issued to Shell company for performing oil and gas extraction within the product sharing agreement because of classification of this information as insider information. EPL challenged such a decision in court.

In October the court partially satisfied EPL's demands, in particular it declared unlawful refusal of the State Service of Geology and Minerals to provide EPL with the information on the fact of issuance of the permit and the date of the issuance. However, the court found lawful the limitation of access to copies of permits for use of minerals. EPL filed an appellate complaint.

Expertise of draft product sharing agreements

In August EPL filed an administrative suit against the Cabinet of Ministers of Ukraine and State Service of Geology and Minerals about finding unlawful their omissions, in particular concerning performing expertise of product sharing agreements. The court proceeding of the case has been started.

Development of Olesko field of shale gas

The organization prepared and submitted an administrative suit aimed at getting injunction for signing the agreement for sharing hydrocarbons extracted within the Olesko field.

The case in the Compliance Committee of the Aarhus Convention

EPL continued working on promoting Ukraine's compliance with provisions of the Aarhus Convention. On 27 February 2013 EPL submitted to the Compliance Committee of the Aarhus Convention its position concerning the governmental report submitted by Ukraine to the Compliance Committee and presented its view of true situation in Ukraine with realization of the recommendations of the Compliance Committee.

On March 28, the Compliance Committee reviewed the progress of Ukraine towards realization of the decisions of the Meeting of Parties to the Aarhus Convention concerning Ukraine. The Committee considered the report of Ukraine's government, the shadow report of EPL and listened to representatives of parties. The Committee again expressed its

concern regarding deterioration of environmental legislation in Ukraine, in particular the legislation on environmental impact assessment (EIA). Also, the Committee requested that the government answer the questions raised in EPL's report and asked for translation of the draft law on implementation of the Aarhus Convention submitted for review by ministries.

The state of realization by Ukraine of the Aarhus Convention was also discussed at the meeting of the Working Groups 3 "Environment, climate change and energy security" of the National Platform of Eastern Partnership Civil Society Forum where EPL presented results of the analysis performed within a comprehensive analysis of realization of environmental component of the EU Association Agenda for Ukraine.

On June 19-21, 2013 EPL participated in the meeting of the Working group of the Parties to the Aarhus Convention in Geneva.

Starting from August 2013 EPL was actively cooperating with the Committee on Environmental Policy of the parliament of Ukraine trying to promote adoption of the law on EIA in transboundary context and public participation in this process. Adoption of such a law is a prerequisite of Ukraine's avoiding the most rigid sanctions within the Aarhus Convention. The law was adopted in the first reading but unfortunately the process stopped at this stage, which means that Ukraine is very likely to be imposed very rigid sanctions. .

Launching the National platform of strategic litigation for protection of environmental human rights

EPL has created the National platform of strategic litigation for protection of environmental rights. Since environmental rights are directly related to the basic human right – the right to life – it is vital to develop this direction within Ukrainian human rights protecting groups. The platform is created to facilitate exchange of experience, information and skills in handling strategic litigation for protection of the environment and environmental rights of people, increase professional level of participants in developing effective strategies of handling such cases, application of evidence and expert database, research results, building the database and exchange of jurisprudence, decisions of international organizations and institutions etc. Also, the platform will work on developing clear criteria of a strategic case, will enable more effective reaction to violations of environmental legislation and environmental rights of citizens nationwide, form and change policy, legislation and practice of authorities and business, implement European approaches and methods of legal work.

Participants of the platform, representatives of think tanks and civil society organizations, have a possibility for personal communication, education and exchange of information. We created an electronic litserve for members who disseminate information, hold discussions of litigation strategies, disseminate publications and other materials, hold discussions of strategic jurisprudence for protection of environmental rights and rights of the environment.

In October EPL held the Coordination meeting of the National platform for strategic litigation attended by civil society activists, lawyers of law firms, participants of clinical programs, attorneys and common citizens that care about the environment. The participants of the meeting discussed the ways of increasing effectiveness of judicial protection of the environment and environmental rights of citizens.

b) Law-drafting, analytical work

Over the year EPL developed and submitted comments and proposals to the following draft legislation and analytical documents:

- draft law of Ukraine "On packaging materials and waste of packaging";
- draft law of Ukraine "On amending some legislative acts of Ukraine concerning ensuring environmental safety, prevention and liquidation of adverse impact on the

environment of extraction of unconventional hydrocarbons because of conclusion of and in the course of realization of product sharing agreements”;

- Action plan for realization in 2013 of the National strategy of adaptation to the EU legislation, particularly in the section “Environment”;
- analysis of draft law on amending some laws of Ukraine related to realization of provisions of the Convention on Environmental Impact Assessment in transboundary context № 2109a of 23.05.2013;
- preparation of the expert report on results of public expertize of the Chief Administration of Statistics in Lviv region;
- analysis of access to public information on official site of State Agency of Environmental Investments;
- draft law “On Amending some Legal Acts of Ukraine on Decreasing the Number of Permitting Documents”;
- draft law on GMO;
- Provision on keeping dolphins in captivity;
- prepared a chapter on the compliance with the Aarhus Convention for Assessment of Environmental Performance According to the Priorities of the Eastern partnership Flagship Initiative on Environmental Governance, 2012-2013.

c) Consultations

EPL continued working with citizens providing consultative legal assistance to communities and individual citizens. Consultative assistance is aimed at strengthening capacity of citizens to protect their rights and increasing their motivation to be proactive.

As a good example of active position of a community and results of EPL’s consultative assistance is presented below.

Local communities and EPL forced Danish company to give up its plan on piggery construction in the village

Since 2005 the village Sivka-Vojnylivska has been facing the resistance between Danish company “Danosha” and local population fighting against the plans of the company to construct the piggery with the capacity of 11,900 animal units in the village. The company was given the land plot in a lease for 49 years by rayon state administration for the piggery construction but it failed to implement its plans due to the protesting activities of local population. The latter used all possible tools to prevent construction of such environmentally unsafe facility.

Left without support of the village council, the local population applied for the legal aid to EPL in 2010 and EPL assisted local activists in carrying out local referendum. It showed that almost 100 % of local residents were against the construction of the piggery and other facilities of Danosha within the territory of village council. Local people had negative attitude towards this company due to the facts of illegal use of private land plots for manure disposal, inadequate operation of manure storage facilities and creation of unbearable living and leisure conditions.

Under the pressure of the local population the village council took a unilateral decision to terminate the land lease contract with Danosha which later was challenged in court by the company. During the court hearing the public discovered lots of violations of the laws during the allocation of the land to Danish company in 2005. As a result, in May, 2013 “Danosha” company agreed to terminate the land lease agreement and signed the necessary annex to the land lease agreement, guided by the desire to keep the good neighborhood relationships with local population.

As for today, local residents await the cancellation of the state registration of land lease agreement and are ready to fight against violations of their rights, showing positive example

for local communities in the region, which are suffering from the adverse effect from piggeries and other related facilities.

Access to information

Electronic system of environmental information for Lviv region

EPL has been working on creation of the electronic system of environmental information for Lviv region. The goal of such a system is twofold: to provide the public with wide access to information on main pollutants in the oblast and create a model for the national universal electronic system of environmental information. Actually the main scope of work lies in collecting information on the most serious pollutants in the region. We submit information requests to the Statistics Administration, State Environmental Inspectorate and enterprises and then officially obtained information is uploaded to the system. The map with indicated enterprises and information on them can be viewed at the following link data-eco.info.

EPL performed another public expertise of realization of the Law of Ukraine “On Access to Public Information”

From January until September 2013 EPL was performing the public expertise of functioning of the Chief Statistics Administration in Lviv region analyzing the level of access to primary data that are supposed to be open.

This is the third public expertise performed by EPL since entry into force of the Law of Ukraine “On Access to Public Information”. Before this EPL had analyzed functioning of the State Administration of Environmental Protection and State Environmental Inspectorate in Lviv region.

The expertise revealed some instances of incompliance with the Law of Ukraine “On Access to Public Information”. The main violations revealed by EPL were incompliance of the reports registering system with provisions of the law and limited access to primary data that have to be open.

Results of the public expertise were summarized in expert proposals, which were submitted to the Chief Statistics Administration. The proposals relate to ways of improving access to primary data that according to the legislation are to be open.

Access to general plans of residential areas

Enforcing access to general plans of residential areas is one of EPL’s directions of work. Earlier the organization held public expertise of access to general plans in Lviv region. In August the organization addressed the Ministry of Regional Development, Construction and Municipal Economy of Ukraine, Lviv Regional State Administration and presented results of the analysis of access to general plans in Lviv region and proposals to take actions to solve the problems.

Another sphere of work is promoting openness of information in cadasters of natural resources. The organization studied the degree of openness of such information and worked towards cancelling those paragraphs of the Order of State Agency of Forest Resources that classify environmental information as insider information. To this end EPL sent a complaint to the Ministry of Regional Development, the Cabinet of Ministers of Ukraine, the General Prosecutor’s Office.

2. Environmental and legal education and research

a) Research

Besides the constant topics we are working on, EPL started research of a few new topics.

Yalta mountain and forest natural reserve

This unique natural reserve is currently under threat of losing its territories. There are plans to decrease the area of Yalta natural reserve, especially in the area in the vicinity of Yalta, Alupka and Koreiz to use these lands for construction of resorts.

EPL analyzed the information on the issue available through the Internet, submitted information requests to the Ministry of Environment and Natural Resources, the Cabinet of Ministers of Ukraine, the Ministry of Justice, the president, the Council of Ministers of the Republic of Crimea, the State Agency of Forestry, the State Agency of Land Resources, the Institute of Land Arrangements and Environment and analyzed replies received from these authorities.

An article devoted to this topic was published in EPL Journal.

Utilization of dangerous waste

Utilization of dangerous waste, in particular electronic waste, is considered one of problematic issues in Ukraine. There are a few projects underway in Ukraine meant to promote sorting and utilization of electronic waste. However, it is important to consider real effectiveness of such projects, that is how the collected electronic waste is utilized. The state enterprise "Argentum" based in Lviv is known as the only one utilizing dangerous waste. But there are a few obscure facts related to functioning of this enterprise and EPL decided to make its own investigation to assess legality of the work of this enterprise. Earlier the media informed that the state enterprise "Argentum" twice refused to let in environmental inspectors, which raises some suspicions. According to the law, enterprises dealing with utilization of dangerous waste are supposed to have special licenses. EPL submitted information requests to the Department of Environment and Natural Resources in Lviv oblast and the Ministry of Environment and Natural Resources asking about licenses issued to the enterprise. The Department of Environment and Natural Resources stated that no license was issued to "Argentum". Moreover, the Ministry stated that in Ukraine there is no enterprise having a license for utilization of electronic and other dangerous waste. EPL also addressed the state enterprise "Argentum" with an information request asking for copies of permit documents the enterprise possesses but no reply was given to this request. EPL will continue this research and will try to make sure that the efforts made in the country towards improvement of waste management are real rather than imitative.

Monitoring Ukraine's implementation of environmental priorities of the EU-Ukraine cooperation plans

EPL participated in analysis of realization of environmental component of the EU Association Agenda and Eastern Partnership road map. The analysis was performed by a group of experts from a number of environmental NGOs who developed special methodology of analysis. EPL analyzed the following aspects:

- development of national implementation instruments for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;
- further development and implementation of Ukrainian legislation, strategies and plans in the sphere of access to information on the environment and participation in environmental decision-making.

b) Educational and awareness-raising events

One of important directions of EPL's work is raising awareness of people and authorities of key environmental issues and ways of solving them. Perspectives of shale gas production in Ukraine and environmental risks of this process became top issue on EPL's agenda. Since the government of Ukraine is actively promoting shale gas development in Eastern and Western Ukraine without any environmental risks analysis and violating a number of legislative norms, we considered as our primary task to provide citizens of Ukraine with unbiased scientifically grounded information on advantages and disadvantages of shale gas development. We studied international experience of shale gas development, analyzed the draft agreement between the government of Ukraine and Shell company, which we got unofficially, analyzed current institutional and legislative conditions for shale gas development and summarized this information in the brochure *Shale gas exploration and extraction: social, legal and environmental issues*. It was published jointly with World Wildlife Fund (WWF) and was aimed to facilitate deeper understanding of social, legal and environmental consequences of shale gas exploration and extraction, evaluate social and environmental challenges of the drilling process and shale gas exploitation in the USA, Western Europe, Ukraine, analyze the draft Agreement on sharing hydrocarbons to be extracted within Yuzivska field concluded between (1) Ukraine and (2) Shell Exploration and Production Ukraine Investments (IV) B. V. and (3) Nadra Yuzivska Ltd, provide reference information that helps better understanding of the fracking process, reveal legal aspects of withdrawing lands for public needs. The brochure was published in Ukrainian and in English and the English version can be downloaded at the following link http://epl.org.ua/fileadmin/user_upload/images/publication/EPL_GAS_ENG_mini.pdf

Also, in February EPL organized and held a round-table discussion for local communities and authorities in the areas where shale gas exploration is to be started. The round-table discussion was entitled "Shale gas exploration and drilling: social and environmental challenges" and raised an active discussion of environmental risks for local communities.

As an important achievement we consider the fact that environmental activists together with the Verkhovna Rada Committee on Environmental Policy, Use of Natural Resources and Liquidation of Consequences of Chornobyl Disaster held hearings on shale gas development in the Parliament of Ukraine. The Committee hearings were attended by deputies, staff of the Verkhovna Rada committees, representatives of central and local authorities, scientists, representatives of environment protecting NGOs, representatives of Shell and Chevron companies. Iryna Sekh, the head of the Committee, emphasized that on the one hand shale gas is important energy resource among unconventional fuels but on the other hand potential environmental problems related to shale gas development in Ukraine cause public protests. As Iryna Sekh stated, we have an obvious problem – lack of comprehensive and open discussion of the issue, which makes impossible adoption of reasonable decision affecting millions of people.

Expert position of environment protecting NGOs was presented by International public interest environmental law organization "Environment-People-Law", Bureau of Environmental Investigations, the National Environmental Center of Ukraine, "Mama-86" NGO, "Zelenyi front" NGO, All-Ukrainian Environmental League, Greenvideo. Environmental activists drew attention to a number of international documents that contain profound analysis of environmental, social, legal issues related to shale gas drilling and extraction that are fully neglected by the government of Ukraine.

Another round-table discussion of shale gas development issues was organized for Lviv region on 31 May. EPL again presented the overview of environmental, social and legislative aspects of the issue.

In June EPL organized a round-table discussion "Problems of solid waste management in Lviv region: ways of their solution and new perspectives". The event was attended by representatives of local authorities, business, the public. The Lviv regional administration

outlined the main provisions of the draft regional program of solid waste management for the period of 2012-2020. Representatives of business presented new technologies and mechanisms of processing and utilizing solid waste.

Also, EPL is constantly striving to raise the level of its organizational and professional development. Thus, EPL participated in several educational events including the training on methods of project results monitoring and evaluation conducted by the Swedish International Development Agency, trainings on developing analytical component of the organization and a training on gender analysis of policies held by International Renaissance Foundation.

It is important to mention that in February 2013 EPL went through a system-based audit of the organization commissioned by Swedish International Development Agency. The report on the audit contains recommendations for EPL on ways to improve financial and governance systems of the organization and we strongly believe that through implementation of these recommendations EPL will raise to a qualitatively new level of its development.

c) EPL Journal

EPL published a special issue of EPL Journal devoted to analysis of natural reserves development in Ukraine. Over a dozen of authors who are representatives of environmental NGOs from all over Ukraine contributed to this issue. The analysis presented in the Journal covers two contrastive periods in the development of nature preservation in Ukraine: the first period (2008-2010), which faced the biggest rise in the development of reserved territories and declarations of intentions to integrate nature preservation into all spheres of social and economic life of Ukraine, and the second period (2010-2012) characterized by a severe fall in the sphere of nature preservation. The text includes materials from the report "Public assessment of state environmental policy in Ukraine for the period of 2003-2011, materials of the project "Public control and support for the network of nature reserves in Kyiv region as the main direction of development of the national environmental network of Ukraine" realized by the National Environmental Center of Ukraine and other works of the authors.

At the end of the year the organization prepared for publishing the next issue of the Journal (#19-20).

d) Clinical program

In 2013 the curriculum of the clinical program was updated to better reflect needs of a practical environmental lawyer.

Over the reporting period EPL delivered lectures to law students on the following topics:

- legal consultancy to citizens;
- drafting an information request;
- drafting complaints to controlling bodies.

Also, EPL arranged group watching of movies showing the work of lawyers: Gasland, Civic Action, Erin Brokovich. Each movie show was followed by a discussion of legal strategies used and other aspects of legal work depicted in the movies.

In September started the new academic year (2013-2014), which is also a new academic year for the clinical program. The students received training on access to environmental information (drafting information requests), basis of attorney's activities (preparation of expert conclusions, collection of facts on cases, legal analysis, systematization of sources, drafting written legal analysis).

The sphere of the clinical program was expanded and lectures on legal aspects of access to environmental information were also delivered for students of Biology Faculty of Lviv

National University majoring in environmental studies. Also, lectures were delivered to students the First Lviv Private Gymnasium.

e) National and international networking

In January 2013, EPL became a member of the Academy of Environmental Law of International Union for Conservation of Nature (IUCN). The IUCN Academy of Environmental Law (<http://www.iucnael.org/>) is positioned in building environmental law education capacity and promoting conceptual development of environmental law and its implementation, particularly in developing countries. As its aims the Academy sees building individual talents and institutional capacity in environmental law and policy, developing new legal strategies and mechanisms of solving urgent environmental problems.

The Academy realizes international projects of developing and implementing new environmental law curricula, exchanging experience among environmental law teachers and doing joint research and producing publications. The Academy members meet in person at annual colloquiums as well as at working seminars held before and after the colloquiums.

EPL continued participating in the work of Eastern Partnership Civil Society Forum (EP CSF). In February 2013 EPL participated in the meeting of the Working group 3 "Environment, climate change and energy security" of the EP CSF. The meeting was aimed at activating the joint work within this unit and establishing a dialogue with other stakeholders in European integration process in environmental and energy spheres.

The Working Group 3 is one of the most active ones within the National platform. Taking into consideration the fact that the group considerably expanded at the end of 2012, there was a need to gather all members of the group and discuss added value of joint activities within the National platform of EP CSF and priority issue where joint efforts of Working group 3 would be important for approximation of environmental, climate protecting and energy policy of Ukraine to European standards. There was also a discussion of key obstacles on the way to successful realization of European integration reforms. Special attention was paid to issues of ensuring public access to environmental information and public participation in environmental decision-making, overall weakness of the governance system and lack of coordination among relevant central authorities, low priority of environmental issues in the regional development programs.

Another meeting of the Working group 3 of the Eastern Partnership Civil Society Forum attended by EPL representative took place in Moldova in July.

This year EPL activated its participation in Climate Action Network for Eastern Europe Caucasus and Central Asia (EECCA). Climate Network EECCA NGOs was created to develop common positions and coordinate the work of environmental organizations before and during international negotiations on Climate Change. EPL participated in the meeting of the network to discuss further directions of work and ways of increasing effectiveness of its work.

In November EPL participated in the 19th Conference of Parties of the UN Framework Convention on Climate Change.

3. Projects

Promotion of European standards of environmental impact assessment in Ukraine (funded by the European Program of International renaissance Foundation)

The project is aimed at development and promotion of a joint expert position on the ways of legislative regulation of environmental impact assessment and public participation in this process on the basis of comparative analysis of Ukrainian and European legislation. The

expert group held several meetings to discuss information and materials collected by the experts.

Results of the work of the expert group within the project were summarized in the analytical publication “Environmental impact assessment and public participation: analytical comparative review of the European and Ukrainian legislation and recommendations concerning implementation of the European standards in Ukraine”. Authors of the publication present the model of environmental impact assessment that takes into account political and economic situation in Ukraine and complies with European standards. It also dwells upon national procedure of EIA in Ukraine, Ukraine’s international obligations in the sphere of EIA in transboundary context and public participation, European instruments of EIA. On the basis of comparative analysis of the Ukrainian and European legislation the publication gives specific recommendations concerning reforming the system of EIA in Ukraine. The publication can be downloaded at the following link [http://epl.org.ua/fileadmin/user_upload/images/publication/Broshura EPL 2013 CHANGE .pdf](http://epl.org.ua/fileadmin/user_upload/images/publication/Broshura_EPL_2013_CHANGE.pdf).

On 21-22 October 2013, EPL held an international round-table discussion “Implementing European standards of environmental impact assessment in Ukraine” involving national and international experts in this field, representatives of central executive authorities, academic institutions and the public interested in environmental protection.

During the round-table there were discussions of recommendations for reforming the system of environmental impact assessment developed by experts of EPL.

Also, at the round-table there was a presentation of an analytical and referential publication on environmental impact assessment prepared by EPL lawyers and external experts.

Improvement of regulation of environmental aspects in regional programs in Lviv region (funded by Civil Society and Good Governance Program of International Renaissance Foundation)

The project is aimed at improving the regulation of environmental component in certain strategies and programs for Lviv region by developing and submitting expert proposals to these documents and performing Strategic Environmental Assessment of the Regional Program of Handling Solid Domestic Waste for the period until 2015. Within the project experts held consultative meetings, established cooperation with the Regional State Administration in Lviv region and worked together on improvement of the draft of the Regional Program of Handling Solid Domestic Waste, conducted and published a report on Strategic Environmental Assessment of the draft Program. Also, experts prepared and published Methodological recommendations on monitoring and evaluation of regional programs of solid domestic waste management. In June EPL held a round-table discussion of the situation with solid waste management in Lviv region and ways of solving the existing problems. Participants of the round-table discussion were representatives of regional and local authorities, businessmen, environmental NGOs and journalists. The event was followed by a press-conference.

Within the project two representatives of EPL participated in study visits to analytical centers of Poland, Slovakia and Baltic countries.

The project team produced a leaflet to educate people about harm of using plastic packaging.

Also, the project experts analyzed draft national program of handling waste for 2012-2020 and submitted comments to the Ministry of Environment and the Cabinet of Ministers.

Two radio programs at Nezalezhnist radio were arranged. The coordinator of the project participated in the press-conference on waste management. An article for EPL Journal has been prepared.

Strengthening the role of civil society in promoting Ukraine's realization of the EU Strategy for the Danube region (funded by the European Commission)

The project is realized by the Center of Regional Studies and EPL is a partner. EPL is responsible for monitoring Ukraine's implementation of the EU Strategy for the Danube region (EUSDR), maintaining the web-site "Civil space for the Danube region", coordinating activities in the framework of the working group; providing expertise to develop a Public monitoring scheme for assessing the efficiency of Ukraine's involvement in the EUSDR implementation; producing the Public monitoring scheme as a publication.

The organization commented replies to information requests received from central authorities and Regional State Administration concerning realization of the Danube strategy. EPL completed a table about realization of the EU Danube Strategy in Ukraine.

At the end of 2013 EPL started realization of three new projects: "Adaptation of the Ukrainian legislation to principles of the Water Framework Directive" supported by the European programme of the International Renaissance Foundation, the project "Improvement of governance in the sphere of environmental protection" supported by the Civil Society and Good Governance Program of the International Renaissance Foundation, and the project "Participatory democracy for environmental protection" supported by United Nations Democracy Fund.