



Annual report

2014

Environment-People-Law

Lviv-2015

1. Jurisprudence

Construction of nuclear power blocks 3 and 4 at Khmelnytsk nuclear power plant

The case is related to illegal construction of blocks 3 and 4, which creates serious threats for the environment. The ombudsman took into consideration EPL's appeal and asked to hold environmental expertise and consultations with the public.

EPL filed a cassation complaint challenging the resolution of Kyiv Appellate Administrative Court of 22 October 2013 in the case aimed at finding unlawful actions of the Ministry of Energy and Public enterprises "National nuclear energy company "Enerhoatom". By its resolution the Higher Administrative Court of Ukraine supported previous court decisions and did not consider the case on the merit. Currently EPL is preparing a complaint to the Supreme Court of Ukraine.

EPL prepared and submitted to the Ombudsman the draft appeal to the Constitutional Court of Ukraine. The Ombudsman replied that the document from EPL will be taken into consideration when preparing the appeal to the Constitutional Court of Ukraine.

EPL vs. the General Prosecutor's Office (inadequate investigation of EPL's complaint about violation of the legislation on public participation in the course of discussion of draft legal acts)

The Lviv Appellate Administrative Court made a decision about declining the appellate complaint and supporting the decision of Lviv Circuit Administrative Court, which partially satisfied EPL's demands (recognition of unlawful omissions and obligation to give replies to EPL's requests).

The suit against the National Nuclear Power Plant "Enerhoatom" about freeing the lands (Tashlyk hydro nuclear power plant)

EPL rewrote the suit against the NNPP "Enerhoatom" about freeing the lands, ceasing the right to land use and cancelling state certificates for the right to permanent use of land lots. There were discussions with the director of the National Natural Park "Buzkyi Gard" about the suit demands, in particular the right to permanent use of challenged land. The suit demanding cancelling state registration of state certificates for the right to permanent use of land lots was submitted to the Economic Court of Mykolayiv oblast. In September the court canceled the state certificate for land ownership. NNPP "Enerhoatom" challenged this decision in Odessa Appellate Economic Court.

Prolongation of the period of exploitation of energy block #1 on the South-Ukrainian Nuclear Power Plant

EPL prepared and filed a suit challenging the decision of the State Inspectorate of Nuclear Regulation of Ukraine on prolongation of exploitation of the block #1 of the South-Ukrainian Nuclear Power Plant. The Ministry of Environment informed that no state environmental expertise of the prolongation of the nuclear installation had been conducted. The organization collected information related to the case (permits for halt of the reactor and first launch after prolongation of its functioning, mapping materials about lands of *Hranitno-Stepove Pobuzhzhia National Natural Park*).

The List of data with the stamp "for internal use only" possessed by the State Geological Service of Ukraine (challenging unlawful limitation of access to conditions of the Product sharing agreement with Shell company)

This is the first court case related to extraction of shale gas in Ukraine that was won. The State Service of Geology and Mineral Resources unlawfully limited access to conditions of the Agreement on sharing hydrocarbons that will be extracted within Yuzivska field. Such a decision was adopted by Kyiv Appellate Administrative Court on 27 May 2014 as a result of consideration of an appellate complaint filed by Environment-People-Law.

Back on 12 December 2013, EPL addressed the Circuit Administrative Court of Kyiv with a request to find unlawful and abolish p. 5.4. of the List of data of the State Service of Geology and Mineral Resources of Ukraine that contains insider information owned by the state that was conferred the stamp "For insider use only" (hereinafter-the List) on the basis of which conditions of the Agreement were classified as insider information in breach of part 1 art. 9 of the Law of Ukraine "On Access to Public Information".

On 22 January 2014, the court of the first instance declined the suit.

Disagreeing with this decision of the court and insisting on the fact that conditions of the Agreement do not belong to the information that according to the law can be classified as insider information, on 3 February 2014, EPL filed an appellate complaint to Kyiv Appellate Administrative Court with the request to cancel the decision of the court of the first instance and adopt a new decision satisfying the suit.

Having reviewed the appellate complaint and explanations of EPL, the appellate court agreed that the State Service of Geology and Mineral Resources of Ukraine unlawfully classified conditions of the Agreement as insider information.

As a result, the Kyiv Appellate Administrative Court found unlawful classification as insider information on conditions of the Agreement with Shell company and cancelled p. 5.4. of the List of data of the State Service of Geology and Mineral Resources of Ukraine. The State Service of Geology and Mineral Resources of Ukraine submitted a cassation complaint and the Higher Administrative Court of Ukraine cancelled the decision of appellate court and supported the decision of the first instance. Therefore, although EPL had a small victory in the battle for information, access to environmental information is still hindered and, unfortunately, courts often disregard legal norms on access to information.

Expertise of draft product sharing agreement (the case is meant to find unlawful the signing of the product sharing agreement for Yuzivska field without prior expertise of the product sharing agreement envisaged by the law and to oblige the Cabinet of Ministers to stop from signing the product sharing agreement for Olesk field before conducting such expertise).

EPL filed an appellate suit challenging the decision of the Circuit Administrative Court that adopted the resolution by which found lawful actions of the Cabinet of Ministers of Ukraine, in particular the failure to conduct state environmental expertise and other expertise envisaged by law of the draft product sharing agreement for the Yuzivska field. Kyiv Appellate Administrative Court of Ukraine considered the appellate suit of "Environment-People-Law". The court partially satisfied the suit, namely leaving the decision essentially unchanged, changed the reasoning part of the decision. It declined EPL's suit because it challenged EPL's standing to be a plaintiff. EPL is preparing a cassation complaint.

The case challenging the agreement for land lot rent for construction a small hydro power plant in the village of Holoshyno, Ivano-Frankivsk region

In summer 2014 when residents of Holoshyno saw that "Hidropower" company brought heavy equipment to the bed of the Biliy Cheremosh river and started construction works, they started active protests. They said that the head of village council did not get approval from local communities as required by the legislation. Later residents of the village learnt that in the territory of the village four small hydro power plants are to be constructed: three by "Noosvit" association and one by an entrepreneur Myroniuk.

Residents of Holoshyno are sure that no "social benefits" can compensate the loss of the river. They know that because of functioning of a small hydro power plant in the

village of Probiyna in the neighboring district, the level of water in the river substantially decreased and sometimes water in wells disappears or is very poor quality. Local landscape has been ruined, there is not fish in the river and tourists do not find this place attractive any more. Thus, people in Holoshyno are determined not to allow any construction in their village. At the entrance to the villages Bila richka and Holoshyno, villagers organized a block-post and blocked all transport. After negotiations with local authorities people agreed to make way for cars but still did not allow heavy trucks with construction materials and heavy equipment.

People of Holoshyno made the head of the village council organize extraordinary meeting of the village council and cancel all decisions of the village council about approval of the construction projects.

At the end of 2014 EPL won a case against "Hidropower" company, the entrepreneur Myroniuk and Bistrets village council challenging illegal agreement for land rent for construction of a small hydro power plant in Holoshyno. This is the first victory in the fight but the developers will most probably appeal the court decision.

EPL vs. General Prosecutor's Office (improper consideration of EPL's complaint about violation of legislation about public participation during discussion of draft laws)

EPL worked on the implementation of the judgment. Information was obtained from the Register of court decisions: by its decision of 03.06.2014 the Supreme Administrative Court of Ukraine rejected cassation complaint of the Prosecution, and the decisions of the first and appellate instances remained unchanged. However, the State Execution Service of Ukraine adopted a resolution refusing to initiate enforcement proceedings due to the lack of the unified state registration code for enterprises and organizations in the execution letter. EPL lawyers worked to address this shortcoming because this is a legislative collision. On the one hand, General Prosecutor's Office as an authority body is not supposed to have a unified registration code for enterprises, on the other hand an execution letter is considered invalid without the code. EPL submitted a suit for Lviv Circuit Administrative Court of Ukraine to cancel the decision of State Executive Service of Ukraine to refuse to initiate enforcement proceedings and oblige it to start execution of the court decision. In October the court supported EPL's suit, which is an important victory for more effective enforcement of court decisions. Another positive decision in similar case EPL received regarding the Cabinet of Ministers of Ukraine that also does not have a unified state registration code and because of this the State Executive Service of Ukraine refused to initiate enforcement proceeding regarding a court decision.

EPL vs. the Ministry of Environment of Ukraine (challenging failure of the Ministry to disclose conclusions of state environmental expertise via media and web-site)

EPL has won in the courts of the 1st and the 2nd instances and the Ministry of Environment was obliged to publish 1300 conclusions of environmental expertise on its site. The Ministry filed a cassation complaint and in September 2014 the cassation court supported previous decisions in the case. EPL is controlling implementation of the court decisions. The Ministry has already published conclusions on its site but these were mostly only resolution parts, which is not full implementation of the court decision. Currently EPL is working to make the Ministry disclose also scientific and expert stipulations of the conclusions.

Confidentiality of information on concluded international agreements: protection of interests of one of the parties or creation of a corruption scheme?

On October 19, 2009, Ukraine and Japan signed an agreement about selling quotas on greenhouse gas emissions. EPL requested information from the Cabinet of Ministers of Ukraine (CMU) and from the National Environmental Investment Agency of Ukraine (NEIA) about such an agreement, about the amount of money received from this agreement, and about the areas where they will be spent. Despite the fact that the CMU is the information provider of the information we had requested, it didn't answer EPL but redirected informational request to the NEIA. NEIA only partly responded to the request: it did not provide the information about the contract value and the copy of the agreement about selling quotas on greenhouse gas emissions explaining that such information is confidential. Because of unlawful omission of public authorities to provide the information about the selling quotas on greenhouse gas emissions by Ukraine, EPL claimed against CMU and NEIA. The District Administrative Court of Lviv partly satisfied the claim: court found unlawful omission of the CMU and the NEIA in providing complete information on request and obliged the CMU and the NEIA to give answers on the informational requests except the information about the amount of money, received from the agreement about selling quotas on greenhouse gas emissions, about the areas where they will be spent, and the copy of such agreement. Thus, despite the fact that information about the contract value, as well as the text of the agreement, cannot be classified as confidential according to the law, the court supported NEIS's reasoning for not providing all requested information.

The Lviv Appellate Administrative Court upheld decision of the trial court and left the EPL's appeal unsatisfied. Because of the fact that, according to the Ukrainian law and international agreements, the information about the contract value and the text of the International agreement about selling quotas on greenhouse gas cannot be confidential, on May 4, 2011 EPL filed the cassation to the Court of Cassation against the decisions of the Lviv Appeal Administrative Court and of the District Administrative Court of Lviv. However, on June 26, 2014, the Supreme Administrative Court of Ukraine rejected EPL's cassation claim.

Closed access to the requested information created the opportunities for abuse in spending, distribution of funds received from signed agreement, and such facts were confirmed by investigation department of the Main Department of the MIA of Ukraine in the City of Kyiv that opened criminal proceedings against officials of SE "Derzhkoinvest" during 2012-2014 for embezzlement and appropriation of public funds, including funds received from the agreement about selling quotas on greenhouse gas emissions.

It is obvious that classification of information on international agreement about selling quotas on greenhouse gas emissions creates conditions for building corruption schemes that take away funds from environmental projects meant to reduce greenhouse gas emissions.

Similar situation repeated again. In 2013 the Ukrainian Government signed an agreement "About the distribution of hydrocarbons to be extracted in the Yuzivska Area", between Ukraine and the company "Shell Exploration and Production Ukraine Investments (IV) BV" and LLC "Nadra Yuzivska", and agreement "About the distribution of hydrocarbons to be extracted in the Oleska Area" between Ukraine and the company "Chevron Ukraine BV" and LLC "Nadra Oleska". Despite the fact, that these agreements contain environmental information, which, according to the law cannot be classified as confidential, their texts are classified. Exploration and production of shale gas in Ukraine today is one of the most pressing environmental problems, which must be solved with the participation of the public. However, court denied EPL access to these agreements, which made impossible any control over the situation.

EPL vs. the Ministry of Environment of Ukraine (challenging environmental expertise of the product sharing agreement for Olesk field)

EPL filed a suit against the Ministry of Environment of Ukraine aimed at cancelling the conclusion of state environmental expertise of the project "The agreement on sharing

hydrocarbons to be extracted in the Olesk field” #95. Also, a letter was prepared and submitted to the Ministry of Environment of Ukraine meant to clarify the legal position of the Ministry, the situation with ensuring environmental safety, the technology of water purification, social and economic benefits etc.

On 24 April 2014, the court stopped consideration of the case. EPL filed a suit again together with the application for extension of the deadline for submission of the suit. The court refused to restore consideration of the case and EPL filed a cassation complaint.

EPL vs. the State Service of Geology and Mineral of Ukraine

EPL filed a suit to challenge refusal of the State Service of Geology and Minerals to provide to EPL a copy of the permit for use of minerals issued to Shell company. EPL lost the case in the court of the first instance and filed an appellate complaint. Similar suit was filed regarding the permit for use of minerals issued to Chevron company because both the companies and the State Service of Geology and Minerals refused to provide this information in reply to EPL's requests.

Protection of the National Natural Park “Hutsulshchyna”

EPL entered the case of protection the national natural park “Hutsulshchyna” at the stage of its consideration by appellate court. The case is related to approval of a new general plan of the area, according to which the park loses 600 ha of protected lands. The Appellate Administrative Court of Lviv satisfied the appellate complain of the park and recognized unlawful the decision of Pistyn' village council “On approval of the general plan”. It is important to mention that in our arguments for court we used EPL's decision in the case of protection of the regional landscape park “Hranitne Stepove Pobuzhzhia”. Such problems with land ownership are typical for many natural reserves country-wide and have to be solved systematically.

Challenging limitation of the access to shale gas agreement in the Compliance Committee of the Aarhus Convention

Because we did not manage to disclose agreements on shale gas extraction using suits, the organization made a submission to the Compliance Committee of the Aarhus Convention on Ukraine's violation of its obligations within the Convention during development and signing agreements on product sharing with several international companies that plan to extract hydrocarbons in Ukraine.

The submission is based on violations of Art.3 (general provisions), Art. 4 (access to information) and Art. 6 (public participation) of the Aarhus Convention.

EPL vs. Ukraine: the case in the Compliance Committee of the Aarhus Convention

EPL made a detailed analysis of the draft law on amending the legislation of Ukraine on realization of provisions of the Convention on Environmental Impact Assessment in Transboundary Context and Convention on Access to Information, Public Participation in Decision Making in Environmental Matters that was prepared for the second reading.

On 12 March 2014, the Compliance Committee of the Aarhus Convention prepared and published the draft report on Ukraine's compliance with its obligations within the Convention where again made a conclusion about inadequacy of measures undertaken by Ukraine for realization of decisions of previous Meetings of Parties. In its report that will be submitted for approval at the Fifth Meeting of Parties in July 2014 the Compliance Committee suggests that in the current situation the MOP should consider depriving Ukraine of its rights and privileges within the Convention. On 12 March, the UNECE Executive Secretary sent the draft report to the government of

Ukraine and to EPL for commenting. EPL submitted to the Secretary of the Convention some technical comments regarding the report. EPL posted relevant news on its website.

The 5th Meeting of the Parties to the Aarhus Convention was held in Maastricht (Netherlands) from 30 June till 2 July 2014. International charitable organization Environment-People-Law was represented at this international meeting by the Chair of the Executive Board Prof. John Bonine and the head of information and analytical department Yelyzaveta Alekseyeva.

On 2 July 2014, the Meeting of Parties adopted a decision on compliance with the Convention by 14 countries including Ukraine. In 2005 International charitable organization Environment-People-Law addressed the Compliance Committee that reviewed the case and produced conclusions and recommendations for Ukraine, which later were supported by the 2nd Meeting of Parties in 2005. In 2008 and 2011 the Meeting of Parties stated the second and the third time that recommendations of the Committee were not implemented.

The decision of the 5th Meeting of the Parties on Ukraine for the fourth (!) time states that Ukraine ignores recommendations regarding proper implementation of provisions of the Aarhus Convention on public participation expressed by outstanding independent experts in the sphere of environmental law that constitute the Committee. In view of this, the 5th Meeting of Parties maintained the caution that is currently in place since 2011.

Moreover, the Meeting of Parties once again warned Ukraine that in case of failure to fully implement the decision of 2005 and the recommendations of the Committee, in 2017 the Meeting of Parties will consider depriving Ukraine of special rights and privileges granted to Ukraine within the Convention. The Meeting of Parties was supposed to consider this issue at the current session but recognizing and supporting the democratic processes that took place in Ukraine at the end of 2013 and beginning 2014, the Parties to the Convention decided to postpone deciding the issue of application to Ukraine of the most stringent sanction until the next session hoping that Europe-oriented government and parliament of Ukraine will finally adopt the long-awaited legislation needed for bringing Ukraine into compliance with the Convention.

In view of the events in Maastricht we should mention the relevant national processes, in particular the draft law on environmental impact assessment (registered in the Parliament at #4972). Despite the fact that Ukraine really has to implement an effective mechanism of environmental impact assessment as soon as possible because of a number of international obligations of the country, international charitable organization Environment-People-Law did not support that legislative initiative. In our opinion, general formulation of its provisions and lack of vitally important details will not improve the current situation in the country with public participation in the process of decision-making on specific projects. In such a situation international charitable organization Environment-People-Law urges members of the Parliament, public officials and the public of Ukraine to elaborate legislative mechanisms of environmental impact assessment, in particular concerning the procedures of public participation and transboundary assessment as well as regarding ensuring guarantees of access to justice in this sphere, which is envisaged by the Aarhus Convention and the EU Directive on EIA. The decision of the MOP allows Ukraine to lift the current caution by the 6th meeting (2017) if Ukraine realizes its tasks and informs the Secretariat about this by the end of 2015. In fact, having granted to Ukraine another year and a half, the Parties to the Convention stimulate Ukraine to do deep expert work and wide expert consultations in the process of developing legislative basis in the sphere of environmental impact assessment and public participation. Moreover, the Meeting of the Parties invited Ukraine to present the texts of the draft laws for the review of the Compliance Committee at any time until March 2015 for the Committee to evaluate them and, if necessary, to provide assistance so that the meeting in Maastricht becomes the last one where Ukraine was

found to be in non-compliance with its obligations in the sphere of human rights and the environment.

In order to promote implementation of provisions of the Aarhus Convention, EPL got actively involved into development of a draft law on environmental impact assessment that will fully comply with the requirements of the Compliance Committee of the Aarhus Convention. More information about this work can be found in the chapter "Analytics, participation in law drafting".

In view of implementation of provisions of the Aarhus Convention it is very important to mention realization by EPL of an initiative called **PRTR+ ("PRTR Plus")**, which is a new system for implementation in Ukraine of integrated instruments of accumulating, analyzing and disseminating environmental information. Environment--People--Law advocates the creation of an electronic system that we call "PRTR--plus" (PRTR+). This expanded version of PRTR will connect (1) PRTR reporting with (2) other emissions monitoring, (3) data from permits and, in the future, (4) EIA and (5) enforcement actions. This integrated approach will make the resulting electronic register much more useful for decision--making by government and its public authorities, environmental NGOs, and the public. In order to move in this direction, recognition of the efforts of independent NGOs is crucial. Furthermore, involvement of government bodies is crucial, as is financial support for meetings, conferences, publications, training.

It appears to us that reform of legislation will likely be needed to achieve this. Why PRTR+? The following categories of environmental and other information are possessed by government institutions in one place or another: 1. "Ordinary PRTR" -- Reports about actual amounts of use of natural resources, emissions, and other negative impacts on the environment by enterprises, institutions and organizations (emissions into the air, dumping into water resources, waste management etc). (Note: the present reporting system of Ukraine does not comply with PRTR standards, however.) 2. Data from monitoring of physical and chemical environmental indices (concentrations of pollutants in environmental media (air, water, soil), noise and vibration levels, etc.). 3. Permits for use of natural resources and negative impact on the environment (pollution). 4. EIA documents. 5. Reports of enforcement actions. At present, each of these categories of information is kept separate from one another and is not integrated with "ordinary PRTR." Environmental management will become much more efficient, honest, and effective if these elements can be brought together.

Currently we have the preconditions for creating a unified national system of storing, processing and disseminating environmental information via integration of the above-presented categories of information on the basis of: 1. Implementation in the legal field of universal interdepartmental classifiers that are used for permitting, reporting and monitoring. The use of such classifiers will ensure compatibility of these classifiers at the international level. 2. Changing the reporting system in Ukraine and elsewhere to ensure compliance with PRTR standards. 3. Standardization of electronic formats of documentation circulation and data storage. 4. Creation of instruments of access to data for public and interested persons.

Implementation of such a system of "PRTR+" will allow a country to: 1. Considerably increase the quality and effectiveness of governance in environmental protection on all levels 2. Create integrated instruments of providing environmental information to the public and interested persons. 3. Implement modern principles of accumulating and disseminating information on the state of environment and use of natural resources. See PRTR <https://en.wikipedia.org/wiki/PRTR> and SEIS <http://ec.europa.eu/environment/archives/seis/>.

Recent events in Ukraine have opened possibilities for considerable reform in state governance including in environmental protection and the rational use of natural resources. Also, the public demand for openness and transparency has increased, which among other aspects puts a focus on implementation of modern instruments of accumulating, processing and disseminating information. Environment--People--Law (EPL) and PRTR.org.ua are developing a system of accumulating and disseminating information on impact on the environment possessed by business structures on the basis of statistical reports and permits that are retrieved from governmental agencies through submission of information requests. Moreover, EPL intends to advocate for changes in the legislation of Ukraine in order to build a robust system of accumulating, analyzing and disseminating environmental information on the national level.

To view our results so far please see the prototype in English at <http://prtr.org.ua/en/>, in Russian at <http://prtr.org.ua/ru/>, and in Ukrainian at <http://prtr.org.ua/>.

The system was also presented in Maastricht at the side event on shared environmental information system.

2. Advocacy

The farming enterprise “Svit miasa” in the village of Zhukovo, Mukachevo district

EPL continued to work to help the local community in overcoming negative consequences of functioning of the enterprise “Svit miasa”.

The organization analyzed replies from the Chief Administration of Veterinarian Medicine in Zakarpattia region concerning unlawful management of animal bones and construction of a slaughter point, from the Administration of Veterinarian Medicine in Mukachevo district about compliance by Zhukiv village council with the law when adopting the decision #187 of 30.08.2013, the State Veterinarian and Phyto-sanitarian Service of Ukraine about granting the permit to conduct extraordinary inspection of the enterprise “Svit miasa”. EPL worked to clarify whether the enterprise obtained all necessary documents for construction of the slaughter point and the permit for development of the plant of the territory of the enterprise.

Also, the organization was preparing a suit challenging the decision of Zhukovo village council #187 of 30.08.13. EPL filed complaints challenging the decision of Zhukovo village council #187 of 30.08.14 to the Prosecutor’s Office of Mukachevo district and Mukachevo District State Administration. EPL collected information on the limits for construction activities by “Svit miasa enterprise” (construction of the slaughter point) and copies of the maps of the land lot for the construction.

Protection of the brown bear kept on the territory of the restaurant at “Pivdennyiy” trade center

EPL received reply to its complaint from the State Environmental Inspectorate that informed that the private enterprise “Model” (the restaurant “Hutsulskyi dvir”) had been given an act about administrative violation related to unlawful capture of the brown bear. Also, the Inspectorate submitted a solicitation to the Zaliznychnyi district court about expropriation of the brown bear. EPL addressed the State Environmental Inspectorate in Lviv region with the request to obtain copies of documents drafted as a result of the inspection with the aim to perform follow-up control over the fate of the bear. Moreover, the organization requested a copy of the court decision from Zaliznychnyi district court about expropriation of the brown bear.

Protection of homeless animals

The organization also works on protection of animals from cruel treatment. We analyzed functioning of Lviv municipality within the project "S.O.S. – safety of cohabitation of people and homeless animals on the Polish-Ukrainian border area: Lviv, Lublin, Lutsk, Ivano-Frankivsk" funded by the European Union within the Neighborhood Program Poland-Belarus-Ukraine 2007-2013.

EPL held a meeting with the vice-president of West-Ukrainian animal protecting society Yuriy Mykytiuk on solution of problems with homeless animals in Lviv. EPL studied European experience of controlling the number of homeless animals and is working jointly with colleagues on implementation of European standards in Ukraine.

Protection of water objects in the village of Briukhovychi (Lviv region)

The village of Briukhivychi is located in picturesque forest area 2 km. from Lviv. There are also several lakes in the territory of the village and that is why this area is a very attractive place for those who want illegally use the area for construction projects. Residents of the village are concerned about decrease of the area of lake #1 because some people dry the lake and expand its banks to make more space for construction works. EPL is currently working with the Regional Agency of Land Resources, Regional Department of Environmental Protection and local authorities in order to identify all violations of environmental legislation and undertake law enforcement actions.

Construction of small hydropower plants

Ukrainian government decided to support renewable energy sources such as hydroelectric power generation, and therefore stimulates businesses with tax privileges and "green" tariff. In the present situation "green tariff" became an economic stimulus for using budget funds while environmental aspect is openly neglected. Currently the situation is critical in the villages Dzembronya and Holoshyno in Verkhovyna district of Ivano - Frankivsk region, where construction of small hydropower plants is planned, as a number of environmental normative and legal acts have been violated.

EPL lawyers analyzed the legislation in the field of electricity and alternative energy sources; analyzed land and water legislation relating to construction of small hydropower plants and documentation on the construction of small hydropower plants in the villages Dzembronya and Holoshyno. They also submitted requests to the authorities regarding the construction of a number of other small hydropower plants.

Together with other members of the campaign against massive construction of small hydro power plants EPL is developing new "environmental criteria" of granting "green tariffs" to enterprises and the expert group is working with members of the Parliament to promote adoption of the new criteria.

3. Analytics, participation in law drafting

Reformation of the national institute of environmental impact assessment

Because of legislative amendments made in 2011, the institute of environmental impact assessment in Ukraine was substantially modified leaving almost no possibilities for public participation in environmental decision making and state and public control over environmentally hazardous investment projects. Therefore, EPL decided to use the change of government in Ukraine as a chance to make changes in this sphere and make the institute of environmental impact assessment an effective tool of environmental control.

In January, EPL prepared a position statement on reforming the national institute of environmental impact assessment. EPL got actively involved into activities of so called "**Reanimation package of reforms**" (RPR), which is a public initiative meant to

develop the package of laws that are urgently needed by the Ukrainian society. EPL joined “Environment” section of the initiative and has been working on draft laws on special use of water, environmental impact assessment, utilization of waste and packaging materials. EPL lawyers regularly participate in meetings of the working group, on-line discussions, forums and practical work on draft laws.

In June EPL worked with “Reanimation Reform Package” regarding the Law on Environmental Impact Assessment (EIA) registered in May in the parliament. The draft law was analyzed and a number of significant conceptual and editorial remarks were made. EPL lawyers participated in the meeting with the aim to coordinate expert positions on the draft law on environmental impact assessment. In addition, EPL prepared and submitted to the Committee of Verkhovna Rada of Ukraine on Environmental Policy, Nature Use and Consequences of the Chernobyl disaster its official position regarding the draft law on impact assessment. EPL lawyer participated in an expert meeting to discuss the draft law on EIA with foreign experts, held in Maastricht (Netherlands).

It was decided that in order to produce a high quality law on environmental impact assessment, it is important to organize a wide transparent discussion of the draft law among experts and the public. Therefore, at the end of December an expert discussion of a new addition of the draft law on EIA was organized. Also, the draft law was widely disseminated among key stakeholders with the aim to get comments and proposals. EPL analyzed all submitted comments and proposals and is working on finalizing the draft law on EIA. It is important to mention that at a joint meeting of public experts, the Ministry of Environment and expert institutions it was decided to take the draft law of EPL as a basis for developing unified version of the law that will be submitted to the Parliament of Ukraine for approval.

In August, EPL became the coordinator of the group “Reanimation Package of Reforms - Environment” and developed a list of urgent legislative changes that are to be implemented jointly with the new Parliament of Ukraine.

Other analysis in regulatory sphere

Also, in January EPL lawyers studied statutory and other documents of the European Energy Community in view of possibility for EPL to address bodies of the community challenging Ukraine’s failure to perform its obligations to implement certain EU environmental Directives.

EPL studied the following issues: the procedure of obtaining permits for special water use, sale of agricultural lands by Ukraine to China, functioning of Argamysh mine of marble limestone, city construction system “Great Lviv”, consequences of administrative reform in the sphere of natural reserves preservation.

In legislation analysis EPL focused on the following draft legal acts: draft law “On Production and Circulation of Organic Agricultural Products and raw Materials”, “On Amending the Law of Ukraine “On Judicial System and Status of Judges” and the Law of Ukraine “On the List of Permitting Documents in the Sphere of Economic Activities”, the document “Reform of the environmental legislation”.

In September 2014, EPL prepared an analysis of planned amendments to the Law of Ukraine “On Information” regarding technological information. The analytical review was published on EPL’s web-site.

EPL lawyers also developed draft amendments to the Water Code of Ukraine related to permits for special water use.

EPL lawyers analyzed legislation on establishment and activities of non-profit organizations to update written consultations on the web-site in the following areas:

- a) registration of symbols of NGOs;
- b) registration of charities;
- c) tax aspects of registration of non-profit organizations.

Integration of environmental component into Coalition agreement

EPL is proud that managed to persuade members of the new Parliament to include into the Coalition agreement several points on environmental protection. The draft Coalition agreement did not contain anything about environmental protection, and EPL managed to persuade parliamentarians that integration of environmental components into all spheres of life is important step towards ensuring better conditions of life for Ukrainian citizens and preserving the environment for future generations.

Analysis of the environmental and adjacent policies of the EBRD

The organization made a detailed analysis of the updated environmental policy of the EBRD. Currently EPL is preparing comments to the policy.

Appeal to the Extraction Industries Transparency Initiative (EITI)

EPL analyzed possibilities of addressing EITI regarding actions of Shell and Chevron companies related to their obtaining exclusive rights to extraction of natural gas using the hydraulic fracturing technology in Ukraine.

EPL Position statement on necessary steps for reforming the environmental policy by the new government

EPL developed and submitted to the Verkhovna Rada Committee on environmental policy and to the Ministry of Environment of Ukraine the Position statement on necessary steps for reforming the environmental policy by new government.

Development of the register of court decisions

Since the state register of judgments has certain drawbacks, namely it does not contain all judgments, it is difficult to search through topics, there is no connection between decisions on one case in various instances, the organization decided to make an electronic register of judgments relating to the environment. The structure and design of the register were developed and we began filling the register with court decisions at <http://caselawepl.org.ua/> .

Environmental democratic index for Ukraine

The organization made a study of environmental democratic index for Ukraine that consists of more than a hundred parameters in the sphere of access to information, public participation and access to justice in environmental matters. The study was organized by The Access Initiative (TAI) of the World Resource Institute. After review of the study results by a reviewer, they will be located in the interactive system for various countries of the world and on the web-site of TAI.

Proposed changes in the system of environmental governance

Because of political changes in Ukraine and appointment of the new government EPL developed criteria for a candidate for the post of the minister of environment and the list of the most urgent tasks for the minister. Also, EPL issues a list of important changes in the system of environmental governance in Ukraine that are very important in order to eliminate corruption schemes and make the system effective.

EPL continues the **public expertise of the Chief Administration of Statistics in Lviv region**. We analyzed the reply of the State Statistics Service of Ukraine concerning the right of the statistics bodies to release copies of reports that contain primary data and developed a template of the information request to regional statistics departments on continuation of the work on collecting the information for the interactive map. EPL submitted information requests to Lviv and Kyiv Statistics Administrations with the aim to collect information for the interactive map.

Public expertise of Lviv Regional Administration of Water Resources

EPL received and analyzed the reply from the State Agency of Water Resources of Ukraine on the right of water management authorities to release copies of reports that contain primary data.

EPL lawyers developed written consultations for the web-site on the following issues:

- the procedure of registering symbols of NGOs;
- registration of charitable organizations;
- taxation of registration of non-for-profit organizations.

Analysis of impact on the environment and human health and life of military actions in eastern Ukraine

The military actions in eastern Ukraine are causing serious damage to the environment, which directly impacts human health and life. Lack of environmental monitoring is the main hindrance for full assessment of the whole scope of damage caused. Thus, EPL started independent studies obtaining information from NASA that provided satellite images, central and regional environmental authorities, experts and volunteers who reside in the conflict zone. Moreover, EPL travelled to the conflict zone to do on-site studies and take samples of water and soils.

The main problems revealed as result of the studies are:

- damage to chemical and metallurgic plants that cause hazardous emissions into the air;
- pollution of soil as result of shelling explosions;
- contamination of water objects and sources of drinking water by hazardous waste;
- damage to protected areas.

EPL collected information on all known consequences of the war for protected areas and uploaded them on the interactive map <https://www.google.com/maps/d/edit?mid=zbSMscEgA8nQ.k3-ikECY7sf0> .

For more detailed information about results of EPL's studies of impact of military actions on the environment and people please see the following links:

<http://epl.org.ua/en/news/annotation/browse/1/backPid/393/article/7192/>_

<http://epl.org.ua/en/news/annotation/browse/1/backPid/393/article/7212/>_

<http://epl.org.ua/en/news/annotation/backPid/393/article/7247/>_

<http://epl.org.ua/en/news/annotation/backPid/393/article/7330/>_

<http://epl.org.ua/en/news/annotation/backPid/393/article/7436/>

<http://epl.org.ua/en/news/annotation/backPid/393/article/7454/>

<http://epl.org.ua/en/news/annotation/backPid/393/article/7456/>

<http://epl.org.ua/en/news/annotation/backPid/393/article/7588/>

EPL will continue the studies and is working to establish cooperation with the Ministry of Environment and Natural Resources, State Service of Emergencies, Sanitary and Epidemiological Service, local authorities with the aim to start remediation actions in the conflict zone.

4. Education

Clinical program

The director of the clinical program

- worked with students on drafting the contradiction to a suit;
- gave to students of the Faculty of Geography, specialty “Environment” a lecture entitled “Environmental rights and obligations of citizens”;
- worked with students on special characteristics of the search for and work with technical documents (State Construction Norms, environmental standards etc);
- explained to students the methodology of drafting memos and suits;
- explained to students peculiarities of Ukraine’s legislation in the sphere of waste management and the relevant EU legislations;
- delivered a lecture on conducting environmental expertise and submitting materials for environmental impact assessment;
- dealt with organizational issues related to the student Olympiad on law (section land, environmental and agrarian law);
- explained to students special aspects of work in the civil sector. He held a discussion on the basis of the civil society, grounds of pro bono legal aid provided by lawyers to low-income people for protection of their rights and freedoms;
- gave a lecture to students of Law Faculty of Lviv Academy of Commerce, informed them about work of EPL and the clinical program;
- helped students to develop materials for student academic conference on the right to environmental information;
- supervised student’s work on Ukrainian legislation that provides norms of protected areas for water objects used for medical treatment;
- developed the program of the training “Preparing legal expert conclusions” for students of EPL clinical program;
- gave a training for students entitled “Interviewing and ethics of communication with clients”.

It is very important to mention that due to the fact that EPL hired four environmentalists, EPL was able to launch **an environmental branch of the clinical program**. Students who major in environmental studies now have a possibility to practice their theoretical knowledge and help EPL lawyers to prepare scientific stipulation for court cases and consultations. The environmental clinical program functions both in Lviv and in Kyiv, where EPL launched an office.

5. Institutional development of the organization

Over the reporting period the organization worked to finalize some procedural documents for the organization (risk policy, audit policy, procurement policy, anticorruption policy, fire safety instruction, labor security instruction, instruction on labor security when working on personal computers).

EPL also updated its Strategic plan and prepared the annual plan for 2014.

Also, EPL launched an office in Kyiv, which is very important in terms of expanding our national and international networking and maintaining active communication with central authorities.

6. International cooperation

EPL participated in the training of Extractive industry transparency initiative and in Climate forum of the Eastern Partnership countries held in Brussels and in the international conference in Kyiv entitled "Development of agrarian and land law in Ukraine", in the training of Extractive industry transparency initiative, the training «The school of advocacy and policy analysis», the Climate Forum of Eastern Partnership.

EPL took part in the meeting of the Compliance Committee of the Aarhus Convention, the meeting of the Working Group of the Parties to the Aarhus Convention, the Fifth Session of the Conference of the Parties to the Aarhus Convention and the Second Session of the Conference of the Parties to the Protocol on PRTR, that was held in Maastricht (Netherlands) in June 2014.

During the meetings, the representatives of the Parties of Ecoforum exchanged information and experience in the period between the fourth session of the Meeting of the Parties to the Aarhus (2011), namely the progress in implementation of the Convention and realization of decisions of the Conference of the Parties. The parties adopted a number of documents, including the decision on Ukraine's being in non-compliance with the Convention.

Executive Director and Development director of EPL participated in the second phase of the training program "Adaptation of environmental legislation with a focus on the EU" held in Brussels.

In September, a group of EPL experts participated in the Annual meeting of Environmental Law Alliance Worldwide that was held in Berlin. Back-to-back to the meeting was held the conference "Legal Remedies for Resource Equality" where EPL presented its experience of fighting for openness and public participation in agreements on product sharing agreements in Ukraine.

Projects

International Renaissance Foundation, the project "Administrative reform in the sphere of environmental protection: consequences and ways of improvement"

The project experts analyzed provisions of department of environment and natural resources in all regions of Ukraine and developed comparative tables of these provisions. They revealed incongruities in the legislation and difference in authorities among various regions. Experts also analyzed job descriptions of employees of Kyiv department of environment and natural resources. Results of the analysis of consequences of the administrative reform were presented at the National Environmental Forum that was held in the Aarhus center at the Ministry of Environment and organized jointly by EPL, the National Environmental Center of

Ukraine and WWF. The Forum was attended by over 50 participants – representatives of environmental NGOs and staff of the Ministry of Environment – who discussed the future of the environment protecting system in Ukraine.

Within the program “Civil society and good governance” EPL staff participated in the seminar on infographics and writing journalistic articles.

On 30 May 2014, EPL held a national round-table discussion of the draft typical provision for department of environment and natural resources developed by the expert group. Representatives of departments discussed the drawbacks that currently exist in their provisions and ways of eliminating them.

The expert group of the project developed a draft Resolution of the Cabinet of Ministers of Ukraine by which one typical provision can be adopted for all departments. We also disseminated draft provision among all regional departments of environment and natural resources and got a few positive replies proving that departments are ready to adopt the typical provision.

International Renaissance Foundation, the project “Activation of actions of civil society with the aim to lobby improvement of water legislation of Ukraine on the basis of standards of the EU Water Framework Directive”

Within the reporting period the work of the expert group was organized and the main problematic issues were discussed. Also, they outlined the directions of their joint work, drafted the work schedule and developed the content of the analytical publication.

EPL held a round-table discussion entitled “Water legislation of Ukraine in the context of harmonization with the EU legislation”. The expert group discussed the plan of the publication «Principles of Acquis Communautaire as preconditions of improvement of water legislation in Ukraine”, approved the content of the publication and the schedule of work on it.

The working group analyzed the water legislation and developed proposals of amendments to the Water Code, in particular related to permits for special water use. The proposals were submitted to the Reanimation reform package initiative and were adopted by the Parliament of Ukraine.

The publication produced within the project is available at the following link: http://epl.org.ua/fileadmin/user_upload/publications/1676_EPL_Maket_Posibnyk.pdf

UNDP, the project Strategic litigation for protection of environmental rights of citizens”

Within the project participants of the network are discussing strategies of handling strategic cases via a specially created listserve. Listserv became an important tool of experience exchange among public interest environmental lawyers and promotion of the concept of strategic litigation for protection of environmental rights.

EPL developed a video clip to promote the use of strategic litigation for attaining systematic changes <https://www.youtube.com/watch?v=7DSDqkNKmCc>.

Also, EPL published a compendium on strategic litigation, which contains the description of criteria of strategic litigation, strategies of handling strategic cases and analysis of strategic jurisprudence from various countries. The Ukrainian version of the compendium can be viewed at the following link: http://epl.org.ua/fileadmin/user_upload/publications/1690_EPL_NewPosibnyk_PRAVKY_END_NET.pdf

With the aim to promote application of strategic litigation as an effective tool of attaining systematic changes, EPL published and disseminated among NGOs and citizens leaflets and posters: http://epl.org.ua/fileadmin/user_upload/images/publication/001_Poster_Spug_NET.pdf

http://epl.org.ua/fileadmin/user_upload/images/publication/002_Poster_EPL_NET.pdf

http://epl.org.ua/fileadmin/user_upload/images/publication/004_Flayer_SPUG_Yellow_NET.pdf

UN Democracy Fund, the project “Strengthening participatory democracy for effective environmental protection in Ukraine”

The following materials on the project were developed:

- the list of candidates for membership in the network;
- a questionnaire for members;
- invitations for participants of the coordination meeting.

EPL launched a site of the project in Facebook. There was a meeting in Kyiv with the supervisor of the project Hanna Norrell.

On 6 May 2014, in Lviv there was held a Coordination meeting of non-governmental organizations providing pro bono legal aid for protection of environmental rights of communities.

Pro bono legal aid is important in Ukraine especially now when majority of people cannot afford professional legal aid. Environmental rights are directly related to the basic human right to life and the level of their protection, especially in industrial regions of East and South of Ukraine is very low. Under such conditions, it is particularly important to develop organizations providing pro bono legal aid for protection of environmental rights and show importance of environmental direction to those human rights protecting organizations that so far do not consider them to be a priority.

Participants of the meeting exchanged their experience and interesting mechanisms and tools of cooperation with communities, providing advisory assistance, in particular maintaining hot lines and providing consultations via modern communication means, litigation and also realization of analytical activities and information and advocacy campaigns. The directions and methods of work were outlined by participants of the national network.

An important aspect of the network functioning is a possibility for members of the network to get assistance in development of institutional capacity, organizational and financial management, strategic planning, realization of information campaigns.

Citizens and communities are expected to strengthen their capacity to protect their environmental rights thanks to strengthened role of centers of pro bono legal aid.

With the aim to strengthen capacity of NGOs to provide pro bono legal aid for protection of environmental rights and the environment EPL held a series of trainings in Lviv, Kyiv and Odessa. The trainings focused on types and forms of consultative assistance to citizens, characteristics of strategic litigation and strategies of handling strategic cases, the jurisprudence of the European Court of Human Rights. Moreover, EPL presented the newly created electronic register of court decisions in the sphere of environmental protection. The register is developed by EPL in order to facilitate the process of search for and use of environmental court decisions. The trainings were also a good opportunity for NGOs to exchange information on environmental threats in

their regions and start cooperation on solving specific problems. EPL lawyers provide legal assistance to local organizations nationwide in handling specific environmental cases.

An important outcome of the project is the fact and three experienced environmental organizations decided to get lawyers on staff and pay more attention to legal tools of protecting the environment and environmental rights of citizens.

On 19-21 September, 2014, EPL hosted an international symposium “Human Rights and Environment in a New Ukraine: In Honor of Prof. Svitlana Kravchenko”

The event was unique for Ukraine because for the first time in history of independence of this country it gathered leading environmental lawyers from all over the world who form environmental policy and environmental law in such countries as the USA, Canada, Poland, Sweden, Spain, Germany, Hungary, Georgia, Armenia, Mexico, Moldova, Belarus. Participants of the symposium were the most successful practical lawyers and scholars in the sphere of environmental law, developers of environmental legislation in their countries, authors of international agreements and conventions in the sphere of environmental protection, members of environmental protection international bodies, in particular of relevant commissions and committees of the United Nations Organization.

The forum was very important for Ukraine because it was for the first time that discussion of interrelation of environmental protection and the basic human right – the right to life – was taken to such a high level. This innovative approach first introduced by Prof. Svitlana Kravchenko is increasingly recognized in the whole world and finds its reflection in legislation and jurisprudence.

Environmental law cannot be treated separately whether through policy options, legislation or judicial doctrine in cases. Law in the field of human rights cannot be alienated from care about life quality on the earth. For decades environmental rights have been recognized by professors and practical lawyers as inalienable part of human rights. International and national courts in Europe, Africa, Asia, and the Americas interpret agreements and conventions, national constitutions and human rights legislation in the way to advance environmental protection. The international symposium in Lviv was devoted to consideration of environmental issues through the prism of human rights, the role of environmental law in European reforms in new Ukraine.

Participants of the symposium worked to develop practical proposals for Ukraine in the sphere of legal protection of the environment, in particular the ways of improving environmental legislation and solving such urgent problems as rehabilitation of environment in the zone of antiterrorist operation (ATO). Colleagues from the Environmental Law Alliance Worldwide (ELAW) shared their experience of restoring environment in zones of armed conflicts and developed a program of joint work together with Ukrainian colleagues.

“The event became a milestone for opening new dimensions of legal methods of protecting environmental rights and environment in a new Ukraine, and as wrote the human rights lawyer in the period of military dictatorship of 1976-1983 in Argentina, the victim of tortures, professor of environmental law Alberto Kattan, “Once you open your eyes in this world, it is a commitment. You can never close them again.” We also have no right to stop after having outlined the main issues in the sphere of protection of human rights and environment in Ukraine. We have to do our best to restore the environment in the ATO zone, to preserve favorable environment for future generations in this country.

Participants of the symposium wrote an open statement encouraging environmental lawyers from all over the world to do everything possible to stop Russian military aggression in the East of Ukraine and stop destruction of the environment in the zone of military actions.

The EU Danube Strategy

The EU Strategy for the Danube Region (hereinafter - the Danube Strategy) for Ukraine is a step towards European integration, the ability to become a full-fledged player in the political - legal and socio - economic scene in Europe. So, the relevance of its proper implementation is obvious. The Danube Strategy can be an effective cooperation platform for Ukraine, contribute to acceleration of Ukraine's approach to the European Community, but Ukraine has to use opportunities and resources effectively. Thanks to the Danube region, Ukraine could strengthen its position in the world, contributing to economic growth, employment and positive global impact.

EPL maintains the site "Civil Space of the Danube Region".

EPL analyzed the concept of the State target regional development program for the Danube-adjacent area for 2014-2017 and prepared an interim narrative report on realization of the project "Strengthening civil society role in promoting the government's participation in realization of the EU Danube Strategy".

Financial statement

	Amounts (USD)
Income	365,968
Expenditures	323,909