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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

38<sup>th</sup> meeting  
Strasbourg, 27-30 November 2018

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**Other complaints**

**Presumed threat to Emerald site “Polonina  
Borzhava” (UA0000263) from wind energy  
development (Ukraine)**

**- COMPLAINT FORM -**

*Document prepared by  
the Ministry of Ecology and Natural Resources of Ukraine*

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**MINISTRY OF ECOLOGY AND NATURAL RESOURCES OF  
UKRAINE**

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Kyiv, September 04, 2018

To: Mrs. Iva OBRETENOVA  
Secretary of the Bern Convention  
Head of the Biodiversity Unit  
Directorate of Democratic Governance  
Directorate General II  
Council of Europe

***Title: complaint submitted by the NGO «UKRAINIAN NATURE CONSERVATION  
GROUP» on March 29, 2018 and letter of the Secretariat on June 4, 2018***

Dear Mrs. Iva OBRETENOVA,

Department of EcoNet and Protected Areas of the Ministry of Ecology and Natural Resources of Ukraine presents its compliments to the Secretariat of the Bern Convention and informs about state of protection of the Polonyna Borzhava, Zakarpattia oblast of Ukraine, which is included in Emerald Network site UA 0000263 (complaint submitted by the NGO «UKRAINIAN NATURE CONSERVATION GROUP» on March 29, 2018 and letter of the Secretariat on June 4, 2018).

Since December 18, 2017, the Law of Ukraine «On Environmental Impact Assessment» (hereinafter the Law) came into force. The first paragraph of part 1 of its Article 3 provides that the environmental impact assessment is mandatory in the decision-making process on the implementation of the planned activity, defined by the second and third paragraphs of Article 3 of the Law and being the subject to an assessment of the environmental impact before making a decision on the implementation of the planned activity.

According to paragraph 7 of the part 4 of the Article 3 of the Law, wind parks, wind power plants which have two or more turbines or a height of 50 meters and more belong to the second category of types of planned activities and objects that can have a significant impact on the environment and are subjects to an assessment of the environmental impact.

On August 2, 2018 TOV «Atlas Volovets Energy» launched a procedure for assessing environmental impacts using the Environmental Impact Assessment Registry, namely, the notification of planned activity being the subject to environmental impact assessment (registration No. 2018821379) with regard to 120 MW wind power plant construction on the territory of Volovets settlement council of Volovets district and on the territory of Bereznyky, Dusyno, Nelipyno and Tybava village councils (outside settlements) of Svalyava district of Zakarpattia oblast. This area is the part of the Emerald Network site UA 0000263.

The Law provides wide opportunities for public participation in the procedure of environmental impact assessment which is realized using the Environmental Impact Assessment Registry (<http://eia.menr.gov.ua>) and contains information about each planned activity in free access. Within 20 working days from the date of the official announcement of a planned activity, that is subject to

environmental impact assessment, the public can comment and make suggestions on the planned activity, scope of investigation and level of detail of the information to be included in the environmental impact assessment report.

Comments and suggestions of the public on the planned activities, scope of investigation were published in the Environmental Impact Assessment Registry on September 3, 2018 (<http://eia.menr.gov.ua/uploads/documents/1379/reports/a8cbb435fd324f60e83df39884606b2c.pdf>).

Public Environmental Initiative «Emerald-Natura 2000 in Ukraine» has proposed that an environmental impact assessment report should include detailed investigations on the project's impact on flora and flora species and types of natural habitats are protected on the Polonyna Borzhava Emerald Network site (according to SDF data), as follows:

- types of natural habitats: C2.12, C2.18, C2.19, C2.25, D2.226, D2.3, E1.71, E4.11, E4.3, E5.5, F4.2, G1. 6;
- species of flora and fauna: A223 *Aegolius funereus*, A091 *Aquila chrysaetos*, A089 *Aquila pomarina*, 1308 *Barbastella barbastellus*, A104 *Bonasa bonasia*, 4070 *Campanula serrata*, A224 *Caprimulgus europaeus*, 4012 *Carabus hampei*, A080 *Circaetus gallicus*, A239 *Dendrocopos leucotos*, A236 *Dryocopus martius*, A103 *Falco peregrinus*, A272 *Luscinia svecica*, 1355 *Lutra lutra*, 1324 *Myotis myotis*, A072 *Pernis apivorus*, A241 *Picoides tridactylus*, A234 *Picus canus*, 2316 *Poa granitica*, A220 *Strix uralensis*.

In addition, their comments and proposals to the planned activities and scope of investigation were expressed by the Institute of the Ecology of the Carpathians of the National Academy of Sciences of Ukraine, the State Natural History Museum of the National Academy of Sciences of Ukraine, Ivan Franko National University of Lviv, Public Environmental Organization «Ecosfera», the Western Ukrainian Ornithological Society, the Borzhava Initiative Group, MBO «Ecology-Law-Man», individual scientists and public persons.

In accordance with Article 5 of the Law, a business entity preparing an environmental impact assessment report takes into consideration (fully or partially) or rejects on reasonable ground public comments and suggestions are given during public discussion of the scope of investigation and the level of detail of information to be included in the environmental impact assessment report. In accordance with Article 7 of the Law, the report on the environmental impact assessment is subject to public discussion which is conducted as public hearings and written comments and proposals (including digital version).

We also inform that in 2014 within the framework of the international project «Introduction of EU standards and methods for habitat identification and classification (Pilot Project in the Carpathian Mountains)» funded by the Ministry of Agriculture, Environment and Food Quality of the Netherlands (BBI-MATRA Program) on the territory of Zakarpattia oblast inventory of natural habitats (biotopes) was conducted. According to the results of this work, the decision of the Zakarpattia Regional Council dated May 28, 2015 № 1263 approved the List of species of vascular plants and habitats (biotopes) that are subject to special protection in the Zakarpattia oblast.

In addition, the Ministry of Ecology and Natural Resources of Ukraine has elaborated a draft of the Law of Ukraine «On the territory of the Emerald Network» which will determine the legal mechanisms for ensuring the conservation of natural habitats and natural fauna and flora on the territory of Ukraine by identifying the Emerald Network sites within Ukraine and their conservation.

The Ministry avails itself of this opportunity to renew the assurances of its highest consideration.

Best regards,

Deputy Minister for  
the European Integration

Mykola KUZYO