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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

31<sup>st</sup> meeting  
Strasbourg, 29 November – 2 December 2011

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**Specific Site - File open**

**Proposed navigable waterway in the Bystroe Estuary  
(Danube delta)  
(Ukraine)**

**REPORT BY THE EUROPEAN COMMISSION**

*Document prepared by:  
the Directorate B - Protecting the Natural Environment, European Commission*

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**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate B - Protecting the Natural Environment  
**ENV.B.2 –Nature, Biodiversity and Land Use**

Brussels,  
ENV/B2/MK/fb Ares(2011)

Ms Ivana d'Alessandro  
Secretary of the Bern Convention  
Biological Diversity Unit  
Council of Europe  
F-67075 STRASBOURG Cedex

**Subject: Ukraine: Case-file opened under the Bern Convention on the "Proposed navigable waterway in the Bystroe Estuary (Danube Delta)"**

Dear Ms d'Alessandro,

With regard to the Bystroe Estuary case-file opened under the Bern Convention I would like to provide you with information on recent activities of the European Commission. The EC delegation took part in the meeting on implementation of the Espoo and Aarhus Conventions (Kyiv, 8 June 2011). The meeting was to define the follow-up of the project financed by the EC to help Ukraine implement the Espoo and Aarhus Conventions, especially with regard to the Bystroe Channel project. As a result of the project, a report was produced and presented in July 2010. The EU expressed its willingness to support a follow-up project if Ukraine approves the first phase. As to the follow-up of the project, Ukraine asked for a project that would put equal emphasis on the Espoo and Aarhus Conventions. As regards Espoo, it particularly expressed interest in capacity building and legal drafting to implement the SEA Protocol. With regard to Aarhus, Ukraine emphasised the need for capacity building to implement the Amendment on GMOs and the Protocol on Pollutant Release and Transfer Registers (PRTRs).

The EU side reported that there may be funds for a separate project on SEA Protocol. The EU also suggested organising a TAIEX seminar on the Aarhus Convention for Ukrainian judges.

Ukraine approved the report and agreed to make it public during the Espoo MOP in Geneva in June 2011. However, Ukraine received warnings for non-compliance at both this MOP as well as at the MOP of the Aarhus Convention, which took place in Chisinau.

At the same time Ukraine volunteered to host the future MOPs of the two Conventions in Ukraine. We hope that the time will be used by Ukraine to improve implementation of the Espoo and Aarhus Conventions, as well as any other conventions that follow the Bystroe case.

At the moment the Terms of Reference for a new project are being drafted. We hope that, if realised, the project will help Ukraine to achieve compliance with the Conventions.

Marta Kaczynska, Policy Officer

Cc: N. Hanley, Head of International Relations and Enlargement Unit, DG ENV  
G. Kremlis, Cohesion Policy and Environmental Impact Assessment Unit, DG ENV