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AND NATURAL HABITATS

Standing Committee

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10-12 September 2024
Strasbourg

Stand by File: 2018/1

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

- REPORT BY THE GOVERNMENT -

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



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Mikaël POUTIERS
Secretary of the Bern Convention
Council of Europe, Avenue de l'Europe
F-67075 Strasbourg Cedex, France

Dear Mr. Mikaël POUTIERS,

The Ministry of Environmental Protection and Natural Resources of Ukraine (hereinafter – the Ministry) certifies its respect to the Secretariat of the Bern Convention and sends you the final answer to your letter of January 18, 2024 regarding the resumption of cooperation with the Bern Convention regarding Ukrainian cases.

Annex 1 provides a comprehensive response to the case 2018/1 «Alleged threats to the Emerald network sites «Skhidnyi Svydovets» (UA 0000259), «Marmaroski ta Chyvchyno-Hryniavski Hory» (UA 0000117) and «Carpathian Biosphere Reserve» (UA 0000006) (Ukraine)». The most recent official government response to the case in 2018/1 was officially provided and published in 2019.

Since then, no action has taken place on this territory and no complaint has been sent, in particular during the period of military war status in Ukraine from 24 February 2022. The specified activity regarding the development of a ski resort in Ukraine is not timely. Please dismiss the complaint and the corresponding case No 2018/1.

Annex 2 provides a comprehensive response to the case 2018/5 «Presumed threat to Emerald site «Polonina Borzhava» (UA0000263) from wind energy development». Please take into account the fulfillment of the main demand of the complainant and Recommendation No. 213 (2021) of the Standing Committee of Bern Convention - the implementation of plans for the development of the wind energy complex has been canceled by court decision.

We also inform you about the new complaint No. 1114/2023 dated 06.11.2023 of the Ukrainian Nature Conservation Group, which is devoted to the lack of a proper environmental impact assessment of hydropower facilities within the boundaries of the «Skhidnyi Svydovets» (UA 0000259), «Marmaroski ta Chyvchyno-Hryniavski» facilities Hory» (UA 0000117) and Shopurka river valley» (UA0000374). This complaint has a new subject and does not relate to the case 2018/5. The complaint poor correspond to reality, because leading scientific institutions of Ukraine were involved in the environmental impact assessment, and the presence of Emerald sites was taken into account. Effective decisions were made to

ensure sustainable development of these territories. Public and non-governmental organizations representatives took an active part in the discussion of the relevant projects, whose opinion was taken into account when issuing conclusions on the impact on the environment. Therefore we kindly ask you to not open a new case.

Annexes 1 and 2

Sincerely,

Oleksandr Krasnolutskyi
First Deputy Minister

Annex 1

Case 2018/5 "Presumed threat to Emerald site "Polonina Borzhava" (UA0000263)

The decision of the Supreme Court of Ukraine dated April 24, 2024 in case No. 260/1058/19 left unchanged the decision of the Eighth Administrative Court of Appeal dated September 2, 2020. The latest resolution declared illegal and canceled the permit for construction work dated September 18, 2019 No. IU 112192611915. The said permit was issued by the State Architectural and Construction Inspection of Ukraine for the object "New construction of a 120 MW wind power plant outside the settlement on the territory of the Volovetsk settlement council of the Volovetsky district and outside the villages of Berezhnyki, Dusyno, Nelipino and Tybava of the Svalyavsky district of the Zakarpattia region (I state of construction)".

Considering the above, it can be seen that the final decision regarding the "Construction of a 120 MW wind power plant outside the settlement on the territory of the Volovetska settlement council of the Volovetska district and on the territory of the Berezhnykivska, Dusynska, Nelipinska and Tybavska village councils (outside the population centers) of the Svalyavska district of the Zakarpattia region" is currently cancelled.

Please note that the Ministry of Environment and Natural Resources of Ukraine is actively developing and implementing methodological recommendations for environmental impact assessment in various industries, which in turn include approaches to collecting data and information on biodiversity.

The following methodical recommendations are currently approved:

- General methodological recommendations regarding the content and procedure of drawing up an environmental impact assessment report – order of the Ministry of Environment dated March 15, 2021 No. 193;
- Methodological recommendations for the development of an environmental impact assessment report in the field of forestry – order of the Ministry of Environment dated March 2, 2020 No. 136;
- Methodological recommendations for the post-project monitoring – order of the Ministry of Environment dated 03/15/2024 No. 291.

Director of Department of
Protected Areas and Biodiversity
Pavlo Ivanov