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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 30 November – 3 December 2021

Other Complaint: 2018/5

**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)**

- REPORT BY THE COMPLAINANT -

*Document prepared by
Environment – People – Law, Ukraine*



від _____ № _____

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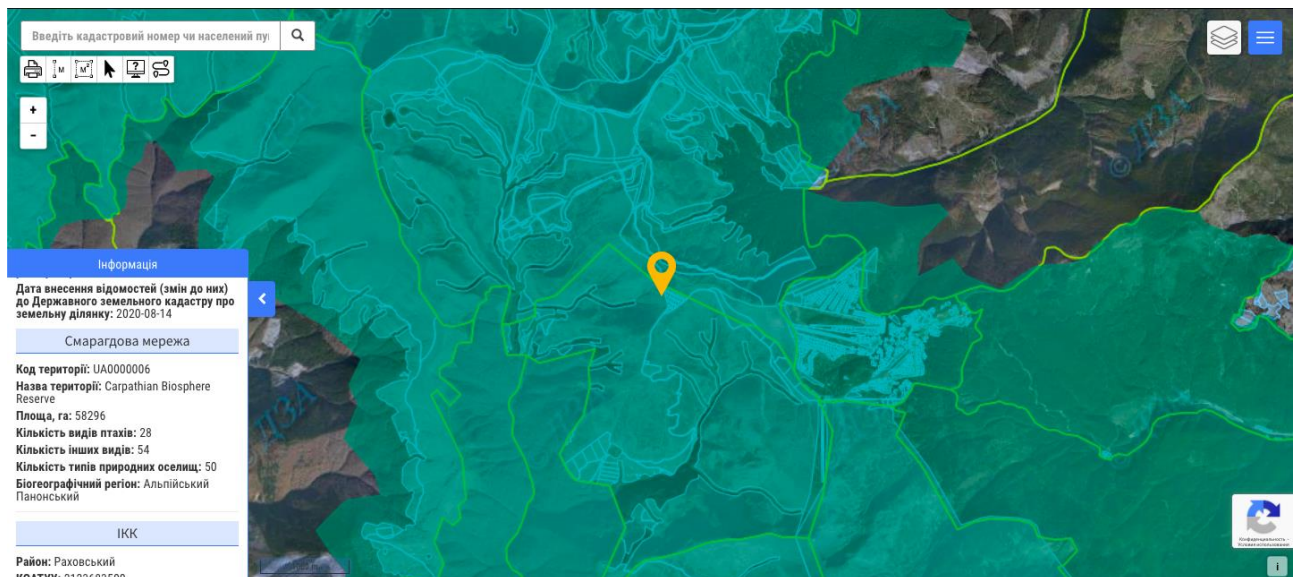
Secretariat of the Bern Convention

**Subject: Information on the following complaints concerning Ukraine:
Complaint No. 2018/5: Other complaint: Alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve**

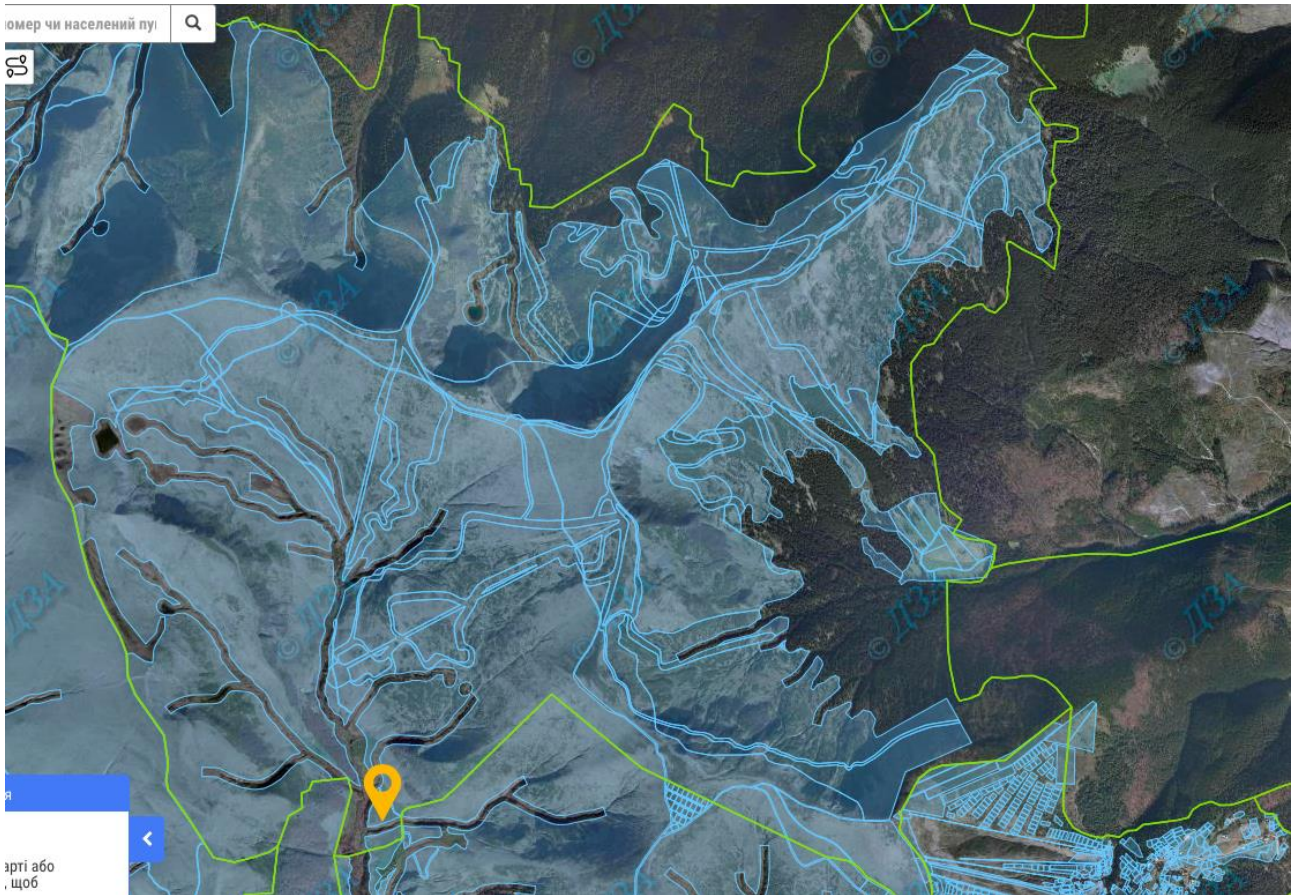
Dear Ms. Iva OBRETENOVA,

Environment – People – Law expressing their respect informs about changes, which have taken place on the following complaints concerning Ukraine.

1. The state of Ukraine has approved on the public cadastral map the information about the territories of the Emerald network, which allows us to clearly see that the planned activities are planned within the territories of particularly valuable protected areas (<https://map.land.gov.ua/>).



Also, on the cadastral map you can see the distribution of land for the future ski resort, where you can clearly see the outlines of the ski slopes.



2. More than 10 years Ukraine was among the countries in status of non-compliance under the Aarhus Convention because of the lack of the Strategic Environmental Assessment (SEA) procedure in the domestic legislation. But, in 2018 the situation changed and a new SEA law was adopted and came into force in October 2018. In accordance with the Law of Ukraine “On regulation of urban planning activities”, detailed plans of territories are subject to strategic environmental assessment. Detailed plans of the territories for approval of the project of a new –tourist recreation complex "Svydovets" with a network of suspended passenger cable cars, ski trails, hotel infrastructure did not pass the strategic environmental assessment. To date, no strategic environmental assessment has been conducted.

3. The environmental impact assessment (EIA) procedure initiated by the head of the Zakarpattia Regional Administration has not been completed and is unlikely to be completed due to violation of the procedure. The customer of the EIA should be the investor, not the authority. The scientific community of Ukraine, university staff, representatives of environmental organizations sent their comments to the notification of the planned activities. They are publicly available at <http://eia.menr.gov.ua/uk/case/id-288>.

No transboundary environmental assessment has been carried out, in particular an impact assessment on the Tisza River, which flows through 7 countries.

4. The European Parliament resolution of 11 February 2021 on the implementation of the EU Association Agreement with Ukraine https://www.europarl.europa.eu/doceo/document/TA-9-2021-0050_EN.html?fbclid=IwAR1RA37W0EhgNiTKwiPuqi459kTHWq6ZhDR-tPv7hiCwJpb1Qgm727KqIJQ “urges Ukraine to effectively fight illegal logging in accordance with sustainable forestry management and environmental protection standards, and to take action to put an end to the environmental damage caused by the illegal and unsustainable exploitation of natural resources, such as illegal logging in the primeval Carpathian forests, which is also the main reason for the floods in the region calls for the EU to contribute to preventing illegal logging in connection with the unlawful Svydovets ski resort project”. During All-Ukrainian Forum "Ukraine 30. Infrastructure"

<https://www.youtube.com/watch?fbclid=IwAR1V84xFOc258b8qmO3Bp5Tlqr9LfYBQNUTZewN1MpvPZj3HqfJcFI6nII&v=DoItlfHaFS0&feature=youtu.be> ,the program of the President of Ukraine Large Construction mentioned about the Carpathian ring road <https://bigbud.kmu.gov.ua/#analytic>. Although the program does not provide for direct construction in Svydovets, Oleksandr Shevchenko's speech at the forum and the fact that the State Tourism Agency of Ukraine signed the memorandum with Avtodor State Enterprise and private investors show that the state has not abandoned the plans which can alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve.

5. The Supreme Court of Ukraine is considering a case on cancellation of orders of Tyachiv and Rakhiv district administrations on approval of a detailed plan of the territory for the construction of a ski resort on the grounds of violation of environmental and urban planning legislation.

6. More details on the case can be found in the article at <https://www.nytimes.com/2019/11/03/world/europe/ukraine-kolomoisky-zelensky-ski-resort.html>

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