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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Other complaints

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

- COMPLAINT FORM -

*Document prepared by
the Ukrainian Nature Conservation Group, Ukraine*

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM

NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.

Please, fill in this form and send it to the attention of:

Iva OBRETENOVA

Directorate of Democratic Governance, Culture and Diversity

Council of Europe

F-67075 Strasbourg Cedex

E-mail: Iva.OBRETENOVA@coe.int

First name:.

Oleksii.....

Surname(s): Vasyliuk

On behalf of (if applicable): NGO «UKRAINIAN NATURE CONSERVATION GROUP»....

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Date : 29.03.2018.

Electronic Signature

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

At this time, the threat of damage of the objects of protection of the territory of the Emerald network in Ukraine - "Polonina Borzhava" (UA0000263) has appeared. The Transcarpathian Regional State Administration of Ukraine decided to allocate land plots for the construction of a wind power plant on the Emerald territory "Polonina Borzhava".

Articles of the Bern Convention, which might be violated: 2, 3, 4, 5, 6, 7, 10.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

On the Emerald area "Polonina Borzhava" are under protection:

Emerald species (from SDF):

A223 *Aegolius funereus*, A091 *Aquila chrysaetos*, 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*, 1324 *Myotis myotis*, A072 *Pernis apivorus*, A241 *Picoides tridactylus*, A234 *Picus canus*, 2316 *Poa granitica*, A220 *Strix uralensis*.

Emerald Habitat types (from SDF):

C2.12, C2.18, C2.19, C2.25, D2.226, D2.3, E1.71, E4.11, E4.3, E5.5, F4.2 G1.6

3. What might be the negative effects for the specie/s or habitat/s involved?

According to expert zoologists, the construction of wind power plant on Polonina Borzhava will negatively affect on the natural values of this territory, especially on the conservation of birds and bats species, listed in Resolution 6 of the Berne Convention, which are the objects of protection of this territory of the Emerald network in Ukraine. Migratory routes of many birds and bats species are taking place through the Borzhavsky array.

Due to the peculiarity of occurrence of thermal ascending flows in different parts of the array, wind turbines would be a significant potential danger for birds using these streams for fly up. First of all, it concerns predatory and other large migratory birds, most of which are listed in the Red Book of Ukraine and many environmental lists of European and world importance. The particular danger from wind turbines will set for those species of birds and bats, which mainly migrate at night.

It should also be noted, that the Borzhava array is one of the eight arrays of the Ukrainian Carpathians, where alpine mountain valleys are represented. Also, significant part of the flow of the Borzhava, Latoritsa, Rika and other rivers, which are forming the catchment of the Tisza River forms on the Borzhavsky array. Tisza is an important transboundary river and its upper part is a part of one of the most rivers in Europe, the Danube. During the construction of wind power plant earthworks will lead to a violation of the hydrogeological regime of mentioned rivers.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

This territory is an area of the Emerald network in Ukraine - "Polonina Borzhava" (UA0000263)

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

In December 2017 it has entered into force a new procedure on Environmental Impact Assessment (law of Ukraine № 2059-VIII signed 23.05.2017), but, as we know, the project of building of wind power plant on the territory of the Emerald area "Polonina Borzhava" (UA0000263) were not accessed the procedure of Environmental Impact Assessment either on the old and on the new procedure. Also, on the area of the planned project, there were no seasonal ornithological research conducted to assess the possible negative impact on birds species. At this time, Emerald areas in Ukraine are not reflected in urban planning documentation, which causes the situations like described above.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

Environmental Impact Assessment (EIA) were not developed for the project of wind power plant. Many NGOs have sent appeals to the Ministry of Ecology and Natural Resources of Ukraine and asked them to take measures to prevent the negative impact on the Emerald area "Polonina Borzhava" (UA0000263) by prohibiting building wind power plant on its territory, because it will affect not only the nature, but also eco-friendly tourism development in this region.