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Bulgaria:

Centre for Environmental
Information and Education
(CEIE)
For the Earth

Czech Republic:

Centrum pro dopravu a
energetiku (CDE)
Hnutí Duha

Estonia:

Estonian Green Movement–FoE

Georgia:

Green Alternative

Hungary:

National Society of
Conservationists – Friends of
the Earth Hungary (MTVSZ)

Lithuania:

Atgaja

Macedonia:

Ekò–svest

Poland:

Polish Green Network (PGN)
Institute of Environmental
Economics (IEE)

Serbia:

Center for Ecology and
Sustainable Development
(CEKOR)

Slovakia:

Friends of the Earth – Center
for Environmental Public
Advocacy (FoE–CEPA)

Ukraine:

National Ecological Centre of
Ukraine (NECU)

CEE Bankwatch Network's
mission is to prevent
environmentally and socially
harmful impacts of
international development
finance, and to promote
alternative solutions and public
participation.

TO:

Mr José Manuel Pinto Teixeira
Ambassador,
Head of European Commission Delegation in Ukraine
10 Kruhlo–Universytetska St.
Kyiv, 01024 Ukraine

Mr Hugues Mingarelli
Deputy Director, European Neighbourhood Policy,
Relations with Eastern Europe, Southern Caucasus and Central Asia,
Middle East and South Mediterranean, DG RELEX

Mr Andrzej Januszewski
Policy Officer – Desk Officer for Ukraine and Central Asia
International Relations and Enlargement Unit,
DG Environment

22 September 2010

Dear Mr Teixeira,

CEE Bankwatch Network is writing to you to draw your attention to the ongoing situation concerning the Government of Ukraine's violation of citizen rights as it seeks to fulfil preconditions for receiving financial support under the European Neighborhood Partnership Instrument (ENPI). The European Commission should also be alert to the threat of European taxpayers's money going to support a potentially carbon-intensive new environmental strategy for Ukraine.

Under the 2009 Annual Action Plan (AAP) Ukraine is hoping to receive European Commission sectoral budget support for the implementation of the following two programs:

- Transport sector development (EUR 65 million)
- Environmental protection (EUR 35 million)

The existence of relevant sectoral strategies is one of the preconditions for receiving budgetary support from the European Commission. Ukraine, however, currently has neither a Transport Strategy nor a Strategy for Environmental Policy, although according to the initial schedule mentioned in the Action Fiche to AAP 2009, these should have been adopted by summer 2009.

As the final deadline for the adoption of the sectoral strategies is approaching (namely, by the end of 2010), the Ukrainian government is moving fast to finalise and then pass them to the Parliament for its

consideration. We are highly concerned that such a belated and rushed process appears to be having serious ramifications for the quality of these strategically important documents. It is also resulting in breaches of national and international legislation regarding public consultations.

The National Ecological Centre of Ukraine (NECU), CEE Bankwatch Network's member group in Ukraine, and other Ukrainian environmental NGOs have been attempting to participate in the process of developing a National Strategy for Environmental Protection since 2007, but the first public discussion of the strategy was scheduled only in June 2010.

This discussion was widely regarded as invalid, coming as it did two weeks after the draft strategy had been submitted to the Ukrainian parliament. The Ministry of Environmental Protection was compelled to reschedule the hearings to August 26 this year so that the public could provide comments.

During these second hearings the dialogue between the public and ministry representatives was generally viewed as productive and a number of NGO comments were included into the draft.

Yet the day after the hearings the draft National Strategy for Environmental Protection was passed by the Cabinet of Ministers to the parliament for consideration – without any public comments. Such an abuse of citizens' rights from a democratic government is intolerable. The European Commission should be informed that the environmental strategy in line for support from European money is in the process of being adopted without the legally required involvement of the public.

The quality of the draft National Strategy for Environmental Protection is also proving to be of major concern. The draft has been analysed by NECU primarily in terms of its climate change implications, and was found to be deeply flawed.

Not only is there a lack of specific mechanisms that could help to reduce Ukraine's greenhouse gas emissions (GHG) but, further, the goals set out in the draft strategy allow for increases in Ukraine's GHG emissions. The draft strategy proposes to set a GHG emissions reduction of 20 percent by 2020, in comparison with Ukraine's emissions level in 1990. However, this in fact represents an increase in emissions as Ukraine currently emits 50 percent less than the 1990 baseline figure due to a sharp decline in economic output throughout the 1990s.

When it comes to the preparation of Ukraine's transport sector strategy, with the draft strategy currently being further elaborated at the Ministry of Transport, the situation with public participation is even worse. Environmental organisations were not only excluded as stakeholders and not informed about the public consultations, but they were also denied the right to have their written comments accepted for consideration.

In terms of substance, the impact that transport has vis-à-vis climate change is not even mentioned. The strategy is concerned with the further development of the transport system rather than its optimisation – the outcome is sure to be additional GHG emissions.

Therefore, in light of the abuses and inadequacies outlined in this letter, we believe that the European Commission should freeze any allocation of sectoral budget support to Ukraine until such time as the Ukrainian government develops satisfactory environmental and transport strategies that have benefitted from the proper public consultations in line with national legislation and Ukraine's international obligations.

Your sincerely,

Iryna Holovko



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