

Roadmap

for implementation of the recommendations proposed in the DiXi Group study

"Environmental Impact Assessment (EIA) in the extractive industries. Practice and problematic issues of application"

Problem	Recommendation	Task	Responsible parties	Deadline	Performance indicators	Expected results
1. A significant number of EIA procedures for extractive company	Combine EIA procedures with obtaining a special subsoil use permit	Develop and submit to the VRU the draft Law of Ukraine "On amendments to some legislative acts regarding the possibility of submitting documents for acceptance of EIA conclusion and the special subsoil use permit simultaneously"	Ministry of Environmental Protection and Natural Resources Other subjects of legislative initiative (MPs of Ukraine)	January - May 2021	The Law of Ukraine "On amendments to some legislative acts regarding the possibility of submitting documents for acceptance of EIA conclusion and the special subsoil use permit simultaneously" adopted	<ul style="list-style-type: none"> - possibility of passing procedures of the EIA and the special permit simultaneously is determined in the legislation; - The general duration for passing the procedures connected with getting the special subsoil use permit reduced; - The administrative burden on business entities has been reduced;
		Develop and submit to the CMU the draft Resolution on amendments to the Procedure for issuing special subsoil use permits approved by Resolution of the CMU on 30 May 2011 No. 615 (on the possibility of submitting documents for acceptance of EIA conclusion and the special subsoil use permit simultaneously)	Ministry of Environmental Protection and Natural Resources	May - September 2021	Resolution of the CMU adopted on amendments to the Procedure for issuing special subsoil use permits, approved by Resolution of the CMU of 30 May 2011 No. 615 (on the possibility of submitting documents for acceptance of EIA conclusion and the special subsoil use permit simultaneously)	
		Develop a cooperation mechanism between the EIA authorized bodies and State Service for Geology and	Ministry of Environmental Protection and	September 2021 and further	Approved and registered by the Ministry of Justice the Order of the Ministry of Environmental	

	Mineral Resources on the implementation of the unified procedure	Natural Resources, State Service for Geology and Mineral Resources, other central executive bodies Authorized subdivisions of regional state administrations		Protection and Natural Resources that determines cooperation mechanism between the EIA authorized bodies and State Service for Geology and Mineral Resources on the implementation of the unified procedure	
Establish criteria for oil and gas extraction under the Annex I to Directive 2011/92/EU, and consider exemption from the EIA procedure for exploratory wells drilling	Develop and submit to the VRU the draft Law of Ukraine "On amendments to the Law of Ukraine "On Environmental Impact Assessment", including the exemption from the EIA procedure for exploratory wells drilling (with exceptions established by the CMU in accordance with the approved criteria)	Ministry of Environmental Protection and Natural Resources Other subjects of legislative initiative (MPs of Ukraine)	January - May 2021	Law of Ukraine "On amendments to the Law of Ukraine "On Environmental Impact Assessment" adopted, including the exemption from the EIA procedure for exploratory wells drilling	<ul style="list-style-type: none"> – clear criteria determining types of extractive activities under the EIA procedure defined on the legislative level ; – The total number of EIA procedures performed by extractive companies reduced; – The administrative burden on business entities and authorized bodies reduced;
	Develop and submit to the CMU the draft Resolution on amendments to Criteria for planned activity, which is not subject to environmental impact assessments (approved by Resolution of the CMU on 13 December 2017, No. 1010) on detailing criteria for	Ministry of Environmental Protection and Natural Resources	May - September 2021	Adopted criteria for the planned activity, which is not subject to environmental impact assessments (approved by Resolution of the CMU on 13 December 2017, No. 1010) on detailing criteria for	

		exploratory wells in line with the CJEU practice			exploratory wells in line with the CJEU practice	
		Arrange and conduct trainings for the EIA authorized bodies and extractive companies on application of the updated criteria	Ministry of Environmental Protection and Natural Resources National Civil Service Agency International technical assistance projects	September 2021 - April 2022	7-10 trainings for the EIA authorized bodies and extractive companies on application of the updated criteria conducted	
2. Lack of standardized approaches to the EIA report and the EIA conclusion	Approve methodological documents on preparation of the EIA conclusions and reports for extractive industry	Approve the general Methodological guidelines on conducting the EIA developed with support of the EU project	Ministry of Environmental Protection and Natural Resources International technical assistance projects	January - March 2021	General Methodological guidelines on the EIA conducting approved by the Order of Ministry of Environmental Protection and Natural Resources	<ul style="list-style-type: none"> – A unified approach to EIA reports and conclusions preparation in the extractive industry; – Improved quality of the EIA reports and conclusions in extractive industry; – Reduced total time required for the EIA procedure by extractive companies;
		Establish a working group (with the participation of Ministry of Environmental Protection and Natural Resources, State Service for Geology and Mineral Resources, business representatives, relevant research institutions, civil society organizations) to	Ministry of Environmental Protection and Natural Resources State Service for Geology and Mineral Resources	February 2021	Working group created at the Ministry of Environmental Protection and Natural Resources (with the participation of Ministry of Environmental Protection and Natural Resources, State Service for Geology and Mineral Resources, business	

		develop methodological documents (standards) on drawing the EIA conclusions and reports in extractive industries	relevant research institutions and CSOs, business associations, companies		representatives, relevant research institutions, civil society organizations) to develop methodological documents (standards) on preparation of the EIA conclusions and reports in extractive industries; Defined procedure of the working group activity.	
		Develop methodological documents (standards) on the preparation of the EIA conclusions and reports in extractive industries	Working group on development of methodological documents (standards)	February 2021 - February 2022	Draft methodological documents (standards) on preparation of the EIA conclusions and reports in the extractive industries developed and submitted to the Ministry of Environmental Protection and Natural Resources for further approval	
		Approve methodological documents (standards) on the preparation of the EIA conclusions and reports in the extractive industries with practical recommendations for the competent authorities based on the analysis of the practice of relevant legislation application in Ukraine	Ministry of Environmental Protection and Natural Resources, Ministry of Economy, SE "Ukrainian Research and Training Center of Standardization	February - June 2022	Methodological documents (standards) on the EIA conclusions and reports in the extractive industries approved, with practical recommendations to the competent authorities based on the analysis of the practice of relevant legislation application in Ukraine	

			n, Certification and Quality"			
Establish consultations of business entities with the authorized bodies to determine the potential environmental impact of the planned activities	Develop and submit to the VRU the draft Law of Ukraine "On amendments to the Law of Ukraine "On Environmental Impact Assessment", including introduction of an additional stage of the EIA consultations for business entities with the authorized bodies to determine the potential environmental impact of the planned activities	Ministry of Environmental Protection and Natural Resources Other subjects of legislative initiative (MPs of Ukraine)	January - May 2021	The Law of Ukraine "On amendments to the Law of Ukraine "On Environmental Impact Assessment" adopted, including introduction of an additional stage of EIA consultations for business entities with the authorized bodies to determine the potential environmental impact of the planned activities	<ul style="list-style-type: none"> – Possibility for business entities to hold consultations with authorized bodies in charge of natural resources use and environmental protection within the EIA procedure provided on the legislative level; – Business entities have the opportunity to receive expert support shared by the authorized bodies in the process of EIA procedure implementation; – The quality of the EIA reports and conclusions in the extractive industry improved; 	
	Ensure amendments to the statutes of relevant central executive bodies on consultations within the EIA procedure	Ministry of Environmental Protection and Natural Resources Other central executive bodies	January - June 2021	A draft Resolution of the CMU on amendments to statutes of relevant central executive bodies on consultations within the EIA procedure developed		
	Consider increasing the number of employees of the structural units of the authorized bodies to ensure consultations for business entities (<i>if necessary</i>)	Ministry of Environmental Protection and Natural Resources Other central executive bodies	January - June 2021	The central executive bodies' proposals on the need to increase the number of employees submitted to the Cabinet of Ministers of Ukraine; If necessary, the Resolution of the CMU of May 13, 2009 No. 464 amended (on changing		

					the maximum number of central executive bodies employees and their subordinate territorial bodies) and the staff list of the authorized bodies.	
		Conducting trainings for employees of the authorized bodies on consulting for business entities	Ministry of Environmental Protection and Natural Resources, National Civil Service Agency International technical assistance projects	June - December 2021	8-10 trainings on consulting for business entities conducted for employees of the authorized bodies	
Ensure openness of the data, necessary for EIA reports, by executive bodies carrying out activities in the field of environmental protection	To publish on website of the Ministry of Environmental Protection and Natural Resources and/or in the EIA Unified Register links to information resources, which contain data on environmental situation and the potential environmental impact of extractive activities	Ministry of Environmental Protection and Natural Resources	January - April 2021	Website of the Ministry of Environmental Protection and Natural Resources and/or the EIA Unified Register contains links to information resources, with data on the environmental situation and potential environmental impact of extractive industries	<ul style="list-style-type: none"> – Business entities have access to information on the environmental situation and potential environmental impact of extractive activities, necessary for the EIA reports preparation; – The time required for EIA reports preparation by business entities reduced; – The quality of the EIA reports and conclusions in the extractive industry improved; 	
	Ensure deployment and updating information on an EITI portal / online EITI platform on the environmental situation and potential	Ministry of Energy, Ministry of Environmental Protection and	From the date of the EITI portal operation	Data on environmental situation and potential impact of extractive activities on the environment published		

		environmental impact of extractive activities	Natural Resources, State Service for Geology and Mineral Resources, State Water Resources Agency, State Emergency Service of Ukraine	and beyond	on the EITI portal / online EITI platform contains, and/or synchronization is provided with the appropriate page on website of the Ministry of Environmental Protection and Natural Resources	
		Ensure cooperation between the EIA authorized bodies and state bodies in charge of information on the environmental situation	Ministry of Environmental Protection and Natural Resources, State Service for Geology and Mineral Resources, State Water Resources Agency, State Emergency Service of Ukraine	January 2021 and beyond	Established cooperation between the Ministry of Environmental Protection and Natural Resources and the central executive bodies in charge of information on environmental situation, on transfer and/or access for the Ministry of Environmental Protection and Natural Resources to information on the environmental situation; The Ministry of Environmental Protection and Natural Resources provides weekly updates of relevant information	

					on its website and/or on the EIA Unified Register.	
3. Lack of requirements for persons / companies preparing the EIA reports	Create opportunities for special education in the field of environmental impact assessment	Develop a series of trainings on the EIA procedure, post materials on educational online platforms	Ministry of Environmental Protection and Natural Resources, Ministry of Education and Science of Ukraine, Higher education institutions	January - June 2021	Education materials on the EIA procedure developed and placed on online training platforms for, at least, one training cycle, covering, at least, the following issues: - Ukrainian legislation on EIA; - Step-by-step EIA procedure, the authorized bodies and their competences; - General requirements for organizing public discussions and consideration of public proposals; - General requirements for EIA report preparation.	<ul style="list-style-type: none"> – Business entities have the opportunity to improve skills of the staff responsible for preparing EIA reports; – Business entities have access to the services of persons with special education in the field of EIA; – The quality of the EIA reports and conclusions in the extractive industry improved;
	Establish voluntary certification of individuals / companies engaged in the EIA reports preparation under conditions of the Law of Ukraine "On Technical Regulations and	Launch the experiment on certification of individuals and/or companies engaged in preparation EIA reports on a voluntary basis: 1) Ministry of Environmental Protection and Natural Resources – to initiate a meeting-discussion on the interest of stakeholders to carry out voluntary certification in	Ministry of Environmental Protection and Natural Resources, business associations, chambers of commerce,	February - April 2021	<p>A meeting-discussion was held and the interest of stakeholders in the introduction of voluntary certification in the field of EIA is determined;</p> <p>A procedure for cooperation defined with the entity (entities) which will carry out voluntary</p>	

	<p>Conformity Assessment"</p>	<p>the field of EIA with representatives of:</p> <ul style="list-style-type: none"> - the business entities that potentially can carry out certification of individuals and/or companies preparing the EIA reports (business associations, chambers of commerce, relevant research institutions, etc.); - the business entities whose activities are covered by the Law of Ukraine "On the EIA"; - the individuals and companies (their associations) that provide services on preparing EIA reports; <p>2) In case of interest in voluntary certification based on the results of the discussion – to determine the procedure for cooperation with the entity (entities) that will carry out voluntary certification in the field of EIA during the experiment (e.g., conclude a memorandum of cooperation) and determine the period of the experiment.</p>	<p>state scientific institutes (by consent)</p>		<p>certification the field of EIA during the experiment (e.g., a memorandum of cooperation was signed) and the period of the experiment is determined.</p>	
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		Arrange and carry out professional development trainings and certification of the individuals and/or companies that prepare voluntarily the EIA reports;	Business associations, chambers of commerce, state scientific institutes (by consent)	Since May 2021 and for the period of experiment	The experiment of voluntary certification of individuals and/or companies preparing the EIA reports was tested	
Conduct market analysis and hold a public discussion of the results of this practice and, if successful, introduce mandatory requirements for qualification and certification procedure	Analyze the practice of voluntary certification	Ministry of Environmental Protection and Natural Resources	September - December 2022	Business entities, of the EIA authorized bodies, subjects of voluntary certification surveyed on the practice of such certification conducted; Analysis of the survey results performed.	<ul style="list-style-type: none"> – At the legislative level, the requirements for the qualification of individuals / companies preparing the EIA reports defined; – Business entities have opportunity to improve skills of the staff responsible for the EIA reports; – Business entities have access to the services shared by the persons with special education in the field of EIA; – The quality of the EIA reports and conclusions in the extractive industry improved; 	
	Conduct public discussion of the results of voluntary certification practice	Ministry of Environmental Protection and Natural Resources	December 2022 - January 2023	Public discussion with stakeholders of the results of voluntary certification practice held.		
	In case of positive outcome of the analysis and discussion:					
	Develop and submit to the VRU the draft Law of Ukraine "On amendments to the Law of Ukraine "On Environmental Impact Assessment" to set mandatory qualification	Ministry of Environmental Protection and Natural Resources	February - June 2023	The Law of Ukraine "On amendments to the Law of Ukraine "On Environmental Impact Assessment" adopted to introduce mandatory		

		requirements for individuals / companies engaged in the EIA reports preparation	Other subjects of legislative initiative (MPs of Ukraine)		qualification requirements for individuals / companies engaged in EIA reports preparation	
		Develop and submit to the CMU for consideration the draft Resolution on the certification procedure for persons/companies engaged in the EIA reports preparation (in particular, determining the authorized certification body, procedure, criteria etc.)	Ministry of Environmental Protection and Natural Resources, Ministry for Development of Economy, Trade and Agriculture, Ministry of Education and Science	June - November 2023	Resolutions of the CMU adopted on the certification procedure for individuals / companies engaged in the EIA reports preparation	
4. "Fictional" public hearings in the EIA procedure	Provide adequate organizational and technical conditions for the public discussions (not only in the form of hearings) Develop recommendations for organizers and participants (companies, public representatives), as well as criteria for proposals and	Develop and approve recommendations for organizers and participants (companies, public representatives) on holding public hearings within the EIA process, as well as criteria for proposals and recommendations evaluation in the EIA process for their consideration/rejection by competent authorities	Ministry of Environmental Protection and Natural Resources	January - June 2021	Orders of the Ministry of Environmental Protection and Natural Resources approving recommendations for organizers and participants (companies, public representatives) on holding public hearings within the EIA process, as well as criteria for evaluating proposals and recommendations in the EIA process for their consideration/ rejection	<ul style="list-style-type: none"> – The results of public discussions taken into account in the EIA reports and conclusions; – Public input in making the decisions, which are potentially environmentally sensitive, has increased;

	recommendations evaluation for their consideration/ rejection by competent authorities				by competent authorities issued	
5. Non-compliance with the international legislation on EIA	Cancel amendments to the Law "On Production Sharing Agreements" of December 2019, which have lifted the EIA procedure for draft PSAs	Develop and submit to the VRU the draft Law of Ukraine "On amendments to the Law of Ukraine "On Production Sharing Agreements" to establish the obligation to carry out the EIA procedure for draft PSAs under the Law of Ukraine "On Environmental Impact Assessment" and on special provisions of the EIA for draft PSAs	Ministry of Environmental Protection and Natural Resources, Ministry of Energy, Other subjects of legislative initiative (MPs of Ukraine)	January - June 2021	The Law of Ukraine on amendments to the Law of Ukraine "On Production Sharing Agreements" adopted, establishing the obligation to carry out the EIA procedure for draft PSAs under the Law of Ukraine "On Environmental Impact Assessment" and on special provisions of the EIA for draft PSAs	<ul style="list-style-type: none"> – At the legislative level, the obligation for conducting the EIA for draft PSAs defined; – The EIA is carried out for draft PSAs; – The recommendations contained in the EIA conclusions are taken into account for implementation of the PSAs.
	Determine the state as a developer of the EIA procedure (e.g. the CMU) for draft PSAs, which will allow to launch the procedure after winner announcement, but before signing a PSA	Develop and submit to the CMU a Procedure of environmental impact assessments for draft PSAs	Ministry of Environmental Protection and Natural Resources, Ministry of Energy	June - December 2021	Procedure on environmental impact assessments for draft PSAs approved by the CMU	