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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

32<sup>nd</sup> meeting  
Strasbourg, 27-30 November 2012

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**Proposed navigable waterway in the Bystroe Estuary  
(Danube delta)  
(Ukraine)**

**REPORT BY THE GOVERNMENT OF UKRAINE**

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

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**UPDATED REPORT OF UKRAINE**

**ON EXECUTING OF RECOMMENDATION N 111 (2004) OF THE STANDING COMMITTEE OF THE  
BERNE CONVENTION ON THE PROPOSAL NAVIGABLE WATERWAY THROUGH THE BYSTRE  
ESTUARY (DANUBE DELTA, UKRAINE) ADOPTED BY THE STANDING COMMITTEE ON 3  
DECEMBER 2004**

**Recommendation concerning Ukraine:**

**A. Suspend works, except the completion of phase 1, and do not proceed with phase 2 of the project until:**

**- the EIA for phase 2 is undertaken to international standards and submitted to the relevant international experts and organizations**

According to this recommendation, activities within the Phase 2 are not initiated. Ukrainian side handed, pursuant to Articles 2.3, 2.6, 3.8, 4.1, 4.2 of the Espoo Convention, to the Romanian side over the documentation of Environment Impact Assessment (EIA) for the project "Creation the deepwater navigable channel Danube-Black Sea on Ukrainian section of the Delta. Full development" (Note of the Embassy of Ukraine in Romania from 19.01.2009 N 96). The above mentioned EIA is developed in accordance with article 4 of the Espoo Convention.

Ukraine has provided an international assessment of the EIA, which was attended by experts and scientists of different national and international institutions - altogether 17 experts.

**- the public consultation on the EIA for phase 2 takes place and the proposals made during the discussions are duly considered**

In recent years Ukraine has initiated public hearings on the implementation of this project. Despite numerous attempts of the Ukrainian side to bring on both as on the Romanian territory and the Ukrainian side public hearings on these issues in accordance with the recommendations and requirements of international organizations and agreements and procedures, the Romanian side has avoided the cooperation on this matter. The consultations with representatives of the European Commission on the draft of deep water navigable way "Danube-Black Sea" took place on October 8, 2010 in Kyiv (Ukraine). During the consultations the sides discussed the issues of the project renewing of deep water navigable way Danube-Black Sea.

**- the data collected during the additional monitoring program with involvement of international experts is analyzed and adequate recommendations are elaborated**

Ukrainian Party as a result of numerous international meetings with the Romanian side, UNEP, UNESCO, European Commission, International Commission for Protection of the Danube River (ICPDR), secretariats of the Ramsar and Aarhus Conventions and the Espoo Convention, the World Wildlife Fund, Center for International Environmental Law and International Union for Conservation of Nature on developing of Ukraine the project t DNP Danube-Black Sea, as well as consideration of

additional data monitoring programs prepared appropriate recommendations on which was completed EIA project.

**2. provide additional information on ecological and socio-economic aspects of alternative solutions and viable options of further development of shipping activities in the Ukrainian part of the Danube Delta; to this end prepare an Environmental Impact Assessment report with independent international experts, including from neighbouring states**

While developing the project "Establishment of the deepwater navigable channel in the Ukrainian part of the delta" all alternatives to the route of waterway are thoroughly considered. More detailed information can be obtained in the document "Evaluation of the likely transboundary environmental impacts of deep water way Danube-Black Sea on Ukrainian section of the Delta (Revision 2), part 3 "Description of the proposed activity, its objectives and alternatives" (for the link: <http://www.menr.gov.ua/content/article/7098>). EIA for Phase 1 of projects and for Phase of full development was presented to the international community, national scientific and public organizations, and posted on the Internet - websites GP "Delta-pilot" and the Ministry of Transport of Ukraine.

These documents were considered by international experts, specialists from neighboring countries. The final document took into account their concerns and was amended in 2008 with a separate analysis of impacts in a transboundary context.

**3. provide, for measures of ecological compensation and mitigation for any possible environmental damage; in that context finalize the official approval of proposed zonation which foresees the considerable expansion both in quality and quantity of the protected area; analyze the impact of phase 1 of the project**

These measures are described in detail in the document "Evaluation of the potential transboundary environmental impacts of DNP Danube-Black Sea on Ukrainian section of the delta (Revision 2), Section 5.3.7," Analysis of the structure of possible transboundary cumulative effects of shipping, habitats losses and / or disturbance/ of fish life and birds and the assessment of mitigating measures effectiveness" and section 7 "Measures to minimize the potential negative transboundary environmental impact", which can be found at the link: <http://www.menr.gov.ua/content/article/7098> .

As a result of comprehensive monitoring measures for environmental compensation are designed, size of payment for water pollution and for the dredging damage caused to fish stocks are specified. Management Plan of the Danube Biosphere Reserve approved by the Order of the Ministry of 04.10.2010 N435 and functional zoning of the Reserve is revised, considering, additional territories, those became pert to the Danube Biosphere Reserve.

**4. invite in the coming months the international community to participate in a process to elaborate a Strategic Development Plan for the region that would stress the sustainability of social and economic activities and would assure the maintenance of the unique ecological values of the area and their long-term preservation**

One of the main priorities of Ukraine has become an active part in the preparation and subsequent implementation of measures within the EU Strategy for the Danube Region (EUSDR), which was approved in 2011. These measures will take into account the interests of all basin countries, especially those outside the EU Member States.

June 13, 2011 in c. Izmail (Ukraine) a public hearings "The priorities of the Ukrainian National Action Plan for the Danube Strategy the EU" held as part of the International Fund "Renaissance" project "Informing and public participation encouraging in developing of the National Action Plan for the European Strategy for the Danube Region". Proposals to this Plan are elaborated.

**5. consolidate a large area of strict protection free as far as possible of human interference, placing outside the protected area economic activities that are likely to negatively affect biological diversity, such as industrial activities linked to shipping, new building, etc.**

Ukraine has taken appropriate measures to enhance the conservation status of the Danube Delta Biosphere Reserve and to expand its territory. By the Decree of President of Ukraine of 02.02.2004 N 117/2004 "On the expansion of the Danube Delta Biosphere Reserve" its area was increased to 3850

hectares and 1295 hectares were granted to permanent use of the Danube Biosphere Reserve, which increased the area of strict conservation. According to UNESCO Programme "Man and Biosphere" in the Management Plan of the Danube Biosphere Reserve it is thoroughly regulated the measures for strict protection of natural complexes and objects of the biosphere reserve.

**Recommends Moldova, Romania and Ukraine to:**

**6. Complete national legal procedures for entry into force of the Agreement between Moldova, Romania and Ukraine on cooperation in the area of protected natural areas Danube Delta and the lower part of the Prut River**

Agreement between the Ministry of Environment and Territorial Planning of the Republic of Moldova, Ministry of Water, Forests and Environmental Protection of Romania and the Ministry of Environment and Natural Resources of Ukraine on cooperation in the zone of the Danube Delta and Lower River Prut nature protected areas, signed by Ukraine June 5, 2000 and after completion of internal procedures came into force on October 4, 2006.

In accordance with paragraph 2 of Article 4 of this Agreement in March 2011 in Bucharest, Romania, hosted the first meeting of the Joint Tripartite Commission. The meeting discussed coordinated initiatives sides of the protected area of the Danube Delta and Lower Prut, the development of joint monitoring programs of environmental factors and economic activities, a trilateral biosphere reserve, experience exchange and cooperation for the joint management of protected areas in the border region. Following the meeting the Protocol of the Joint Commission was signed, which contains rules and organization of the Joint Commission

**7. Develop constructive dialogue between the national and local authorities, local communities, non-governmental organizations, and scientists, and communicate openly about the progress of decision making**

During 2007 - 2011 years there were implemented the numbers of joint activities such as consulting, Internet conferences, media forums, public hearings with involving the governmental, public and non-governmental organizations representatives concerning further developing of the Project.

In October, 2010 in Kyiv it was held the consultations with the EU on the project of the deep water way "Danube-Black Sea". During the consultations the sides discussed the issues of project renewing of DWW "Danube - Black Sea", the works under Phase I and Phase II of the project implementation, information on the monitoring of the Ukrainian part of Danube Delta, the steps taken for implementation of the Espoo Convention as part of the DWW "Danube - Black Sea". Ukrainian side informed the European Commission and the Secretariat of the Espoo Convention about rejection of the Romanian side to participate in bilateral Ukrainian-Romanian negotiations on implementation of the provisions of the Espoo Convention.

**8. welcoming Ukraine's initiative to launch a scientific monitoring programme to assess, in the long term, the environmental state of the Danube delta, including the effects of the navigable waterway and the success of any mitigation and compensation measures, invite experts from the Danube basin countries to participate in the programme and hold periodic meetings and consultation**

Ukraine has launched a comprehensive monitoring system for the environment of the Danube Delta, which contains the programs of environmental and engineering monitoring, in 2004. To carry out these programs dozens of leading scientific and engineering institutions were attracted. The coordination of these activities is carried by Ukrainian Research Institute of Ecological Problems.

Long-term hydrobiological studies for 2004-2011 allow to affirm the absence of direct impact of the renewing and maintenance of waterway Danube - Black Sea to the biotic communities of phytoplankton, zooplankton, zoobenthos, fish fauna of the studied water bodies, except for certain violations of local community structures in the immediate areas of hydraulic engineering works.

Overall, the results of monitoring carried out during the restoration and maintenance of DWW Danube - Black Sea, not the facts recorded of the decrease of species diversity of flora and fauna in

protected areas. The comprehensive monitoring results from 2004 showed that the impacts of DWW renewing can be characterized as a local and limited. That is, recorded impacts do not result in significant changes in basic parameters of the environment and biodiversity of the Danube Delta, and actual changes in controlled parameters do not exceed the forecast, and often less substantial. Impact on plant and animal communities of the delta development during the reporting period was mainly related to climatic and seasonal hydrological changes.

In early 2011 under the auspices of the International Commission for the Protection of the Danube River (ICPDR) and UN ECE, Ukraine, Romania and Moldova launched the project "Joint environmental monitoring, evaluation and exchange of information for integrated management of the Danube Delta region."

**9. Use the framework of that agreement and the Bern Convention to promote dialogue on environmental issues affecting the biological diversity of the Danube Delta**

**10. call, under the auspices of the Council of Europe, for a meeting of the states signatories of the Agreement to discuss relevant matters concerning this and other issues dealt with in the Agreement**

(Work on the implementation of paragraphs 9, 10 described in item 6).

c. Kyiv, Ukraine, February 2012