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**CO-OPERATION BETWEEN THE UKRAINE  
AND THE EUROPEAN UNION  
IN THE FIELD OF ENVIRONMENTAL  
AND NUCLEAR SAFETY IN THE PROCESS  
OF EUROPEAN UNION ENLARGEMENT**

**Introduction**

Today, the environment in the countries of Central and Eastern Europe (CEE) is in a very poor state. The enlargement of the European Union to include these countries creates an environmental challenge on a far greater scale than previous accessions. In its work programme for 1999 the European Commission identified environmental protection as one of the fundamental challenges facing the European Union (EU). Now it is publicly recognized that the new global environmental issues humanity is facing (growing industrialization, food hazards, the rapid degradation of the natural environment, etc.) cannot be solved without close co-operation between all the countries of the world. Sustainable development can only be achieved through international co-operation, approximation of national environmental legislation to world standards. In this context the EU can provide such an example. EU enlargement will create new opportunities for Ukrainian-EU co-operation in the field of environmental and nuclear safety, since the Ukraine will share common borders with the EU.

The main objective of the paper is to analyze five aspects of co-operation between the EU and the Ukraine in this field and draw some

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conclusions based on selected literature. This paper deals with legal aspects of co-operation, the state of regional and global co-operation, EU assistance to the Ukraine regarding Chernobyl closure and the role of TACIS in developing an environmental policy. Environmental human rights are issue of growing public interest, so it is necessary to provide an outline of indirect co-operation between the EU and the Ukraine in this field. The practical value of this paper is to fill the gap in the information about co-operation between the EU and the Ukraine in the field of environmental and nuclear safety. To achieve this goal the following methods of analysis were used: impartiality, logic and legal methods.

## **1. The legal bases for co-operation in the field of environmental protection**

International co-operation by the EU is conducted according to Article 174 (former Article 130R) of The Treaty on the European Union. One of the objectives of EU policy on the environment is to promote measures at international level to deal with regional or world-wide environmental problems. Under the Treaty, the EU may co-operate with third party countries and with competent international organizations. Today, there is a sufficient legal basis for co-operation between the Ukraine and the EU. It encompasses the Partnership and Co-operation Agreement, the EU Common Strategy on the Ukraine and multilateral environmental agreements the Ukraine and the EU are parties to.

The Partnership and Co-operation Agreement (PCA) between the European Union and the Ukraine was signed on June 14, 1994 and entered into force on March 1, 1998. This agreement provides a framework for political relations, based on democratic values, including political dialogue. The full implementation of PCA is a prerequisite for the Ukraine's successful integration into the European economy and it will also help the Ukraine assert its European identity. The Union believes that rule of law is a prerequisite for the development of a functioning market economy, which offers opportunities and benefits to all the citizens of the Ukraine.

According to Articles 51, 62, 63 of PCA, the parties shall develop and strengthen their co-operation in the field of environment and public health protection. Co-operation is aimed at reducing damage caused to the environment and, in particular, deals with such issues as:

- effective monitoring of the scale of pollution range and assessment of the state of the environment;
- biodiversity conservation;
- sustainable and responsible use of natural resources;

– seeking common solutions to global environmental problems.

In order to achieve the objectives mentioned above, the Ukraine and the EU should co-operate at international and regional level via an exchange of information and experts, conducting common research and studying the impact on the environment.

In December 1999, the Helsinki European Council adopted an EU Common Strategy on the Ukraine. It aims at developing a strategic partnership between the EU and the Ukraine on the basis of PCA. The strategy sets three principal objectives, notably:

- a) support of the democratic and economic transition in Ukraine;
- b) meeting common challenges on the European continent (stability and nuclear safety);
- c) support for strengthened co-operation between the EU and the Ukraine in the context of enlargement.

According to Point 31 of the strategy, the EU encourages the Ukraine to take resolute measures concerning the protection of public health against pollution of drinking water, air and soil, sustainable and responsible use of natural resources, as well as the limitation of transboundary pollution of air and water, which are considered to be priorities in the field of environmental protection. Point 58 also provides for support in the Ukraine's efforts to reduce the negative impact on public health of the environmental situation in the Ukraine – notably as regards the quality of drinking water, wastewater treatment, waste collection and disposal, as well as air pollution. The EU will support institutional reform in the public utilities responsible for environmental services. The EU Common Strategy also deals with such issues as energy and nuclear safety, which are covered by Points 56 and 57.

International environmental agreements (conventions and protocols) are also the legislative bases for co-operation. The institutions, generally involved in their implementation and enforcement, are the Cabinet of Ministers, President Administration, the Ministry for Ecology and National Resources, the Ministry of Foreign Affairs and the National Agency of the Ukraine for Reconstruction and European Integration. The EU and the Ukraine are parties to approximately 30 conventions and agreements on environmental protection and nuclear safety. Since the 1970s the European Community has taken an active part in this process, in particular in the activities of UN agencies and programmes. The Ukraine and the EU are also parties to the Rio Declaration on the Environment and Development (1992) and the UN Convention on Climate Change.

The Ukraine obtained the status of observer in the Helsinki Commission (Convention on the Protection of the Baltic Sea from Pollution).

Active work is being done in implementing regional conventions, such as: the Convention on the Trans-boundary Long Distance Air Pollution and protocol to it (Geneva, 1973); the Convention on the Protection and Use of the Trans-boundary Watercourses and International Lakes (Helsinki, 1992); the Convention on the Trans-boundary Impact of Industrial Accidents (Helsinki, 1992); the Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo, 1991). The Ukraine ratified the Vienna Convention on the Protection of the Ozone Layer (in 1996), the Montreal Protocol (in 1988). The Ukraine is a party to the Convention on Biological Diversity (ratified in 1994); signed the Protocol on Bio-diversity to this Convention in 2000. In 1999 the Ukraine ratified the Aarhus Convention. Several bilateral agreements were concluded with Denmark and the Netherlands concerning energy conservation, climate change issues and clean technologies.

In December 1995 the Ukraine and the G7 countries signed the Memorandum of Understanding on the closure of the Chernobyl nuclear power plant. In July 1999 the European Atomic Energy Community and the Ukraine signed two agreements on co-operation in the fields of nuclear safety and controlled thermonuclear fusion. Under Point 51 of the EU Common Strategy, the EU will support the progressive approximation of Ukrainian legislation to that of the EU, in particular in the field of environmental and nuclear safety. The EU shall provide the Ukraine with technical assistance appropriate to the implementation of these measures, which may include:

1. the exchange of experts;
2. the provision of early information, especially on relevant legislation;
3. organisation of seminars;
4. training activities;
5. aid for translation of Community legislation in the relevant sectors.

To help the national authorities of applicant countries in this way, the European Commission prepared the working paper "The Guide to the Approximation of the EU Environmental Legislation" [1997], which identifies the main problems faced by the applicant countries (including the Ukraine) and described in detail the steps to be taken. The European Commission set out the Union's pre-accession strategy on the incorporation of the environmental *acquis communautaire* into the legislation of the candidate countries. It will help to improve their national programmes for the adoption of EU *acquis*, which include approximately 21 regulations and 70 directives, and thus to fulfil one of the accession criteria – candidates countries' environmental standards should be in line with the EU standards.

There is a large gap between the levels of protection in the EU and the Ukraine. While bridging it applicant countries will face a lot of difficulties, such as a lack of financial and human resources for transposition of EU environmental legislation. That is why the EU provides pre-accession aid in this way via, for example, the PHARE and LIFE programmes to applicant countries.

## **2. Development of Global and Regional Co-operation**

### **2.1. EU and Ukrainian participation in global co-operation in the field of the environment**

The European Union co-operates actively with other countries through the UN organizations such as UNEP, WHO, the UN Commission on Sustainable Development, UNDP and via OECD, World Bank, etc. It also co-operates with other bodies to promote global consensual solutions to global environmental problems such as climate change, ozone layer depletion and biodiversity.

The European Union promotes Agenda 21, the Global Agenda for Sustainable Development from Rio de Janeiro, in June 1992 at the UN Conference on the Environment and Development. The EU hopes it can introduce models of sustainable behaviour, that will be useful for inter-state collaboration in other regions of the world. "Towards sustainability", the 5<sup>th</sup> EU Environment Action Programme was developed in parallel to Agenda 21. The 5<sup>th</sup> Programme for 1992–2000 addressed some of the most important environmental issues requiring international co-operation: climate change, air pollution, and bio-diversity. The new 6<sup>th</sup> Environmental Action Programme "Environment 2010: Our Future, Our Choice" goes further adopting a more a strategic approach. It calls for the active involvement and accountability of all sections of society in the search for innovative, workable and sustainable solutions to environmental problems.

The Ukraine participates in global co-operation in the field of the environment mostly through UN agencies and bodies such as UNDP, UNEP, WHO, FAO, IAEA, and the UN Commission on Sustainable Development. In the 1990s co-operation between the Ukraine and international financial institutions (IFIs) such as the World Bank and EBRD was also established. Unfortunately, the concept of sustainable development is not so popular in the Ukraine. Though the Ukraine signed the Rio Declaration on the Environment and Development and other Rio Agreements (Agenda 21, the UN Convention on Climate Change, and Convention on Biodiversity Conservation), the National Commission for Sustainable

Development was only set up in 1997 and elaboration of the National Concept of Sustainable development only started in 1998. Such policy documents on the Ukraine often lack a pragmatic approach and usually only state the facts but rarely propose actions.

When in 1992 the UN Commission on Sustainable Development proclaimed the concept of sustainable development, it raised lively debates among governments and Non-Governmental Organizations (NGOs) on how to achieve sustainability. It is generally known, that sustainable development comprises three interdependent components: social development, economic development, and environmental protection.

But what achievements since Rio have been made? The UN Council Assembly decided in December 2000 to hold the ten year review of the Rio Conference on the Environment and Development as the World Summit on Sustainable Development in South Africa in 2002. The UN Commission on Sustainable Development will serve as a Preparatory Committee for this event. The main objective of the World Summit is to assess the progress achieved in the implementation of the Rio agreements. The summit will fully consider the impact of technological advance on biology and communication, as well as the impact of globalization.

The European Commission stressed the need for an effective EU contribution to this event. Its contribution should include the EU Sustainable Development Strategy and the 6<sup>th</sup> Environment Action Programme. The Ukraine is unlikely to make such an effective contribution. During the 1990s only two important policy documents were adopted: the National Environmental Action Plan (NEAP) in 1998 and the National Strategy on the Conservation of Bio-diversity in 2000.

## **2.2. Regional co-operation. "The Environment for Europe" process**

The "Environment for Europe" process is the only form of the kind, where the environment ministers of the European countries can discuss and agree upon actions to be taken regarding global environmental problems. It started with the First Pan-European Conference of Environment Ministers at Dobris Castle in June 1991. This conference was supposed to set the relationships between the European countries, until recently divided into two political blocks. In Dobris Ministers called for the preparation of the State of the European Environment Report – the "Dobris Assessment" elaboration of the Environment Programme for Europe (EPE) and Environmental Action Plan for Central and Eastern Europe (EAP). The overriding goal for EPE is to seek Pan-European solutions to environmental problems. The UN/ECE, and, in particular, its

Committee for Environmental Policy has the overall responsibility for Environment Programme for Europe.

The ministers of environment endorsed the Environmental Action Plan for Central and Eastern Europe at the second conference in Lucerne. It was elaborated in close co-operation with the World Bank and the Organization for Economic Co-operation and Development (OECD) and describes in broad terms what needs to be done to restore and protect the environment. The Plan proposes policy actions within the context of transition to a market economy. Market reforms should entail a shift to less resource-intensive and cleaner activities and technologies. These changes should be encouraged by the removal of energy subsidies and proper pricing of energy. According to the Environmental Action Plan, the production of heavy industry will permanently decline, but growth in private transport and packaging will pose new problems for cities (traffic pollution and municipal waste). Simple changes in the organization of production will allow enterprises to reduce waste of resources, labour and capital.

To implement the Environmental Action Plan two bodies were created: Task Force and Project Preparation Committee (PPC). The EAP Task Force deals with three main tasks:

1. financing environmental protection – in close co-operation with PPC,
2. environmental policy development, in particular National Environmental Action Plans,
3. environmental management in enterprises.

Perhaps, the most visible part of the EAP Task Force was institution building in Central and Eastern European Countries/NIS and the elaboration of NEAPs in many countries.

The Project Preparation Committee was established in order to facilitate the identification, preparation and implementation of environmental investment projects in CEEC and NIS. Its main objective is to distribute aid presented by donor governments and IFIs, in order to finance prioritized environmental projects. In the "Environment for Europe" process such international organizations as UNEP, UNDP, the World Bank, OECD, and EBRD and the Council of Europe play a very important role, not to mention the European Union represented by the European Commission.

Environmental information provides a background for environmental policy making. At Pan-European level, European Environment Agency (EEA) prepares regular reports on the state of environment: "Europe's Environment: Dobris Assessment" (1995) and "Europe's Environment: Second Assessment" (1998). Some NIS countries, including the Ukraine, took part in the preparation of the latter report. This project was funded

by TACIS. EEA's main objective is to integrate environmental information systems throughout Europe, creating a firm basis for policymaking. Noticeable progress was made in the EPE. The Espoo Convention on EIA and the Convention on Transboundary Watercourses and International Lakes entered into force.

The Ukraine has participated in the "Environment for Europe" process since the second Ministerial Conference in Lucerne, Switzerland (1993). The endorsement of the EAP served as an important impetus to the Ukraine for the development of its National Environmental Action Plan (NEAP) – "Main Aspects of the National Policy on Environmental Protection, Use of National Resources and a Guarantee of Environmental Safety". It was adopted by parliament in March 1998.

In 1995 at the third Pan-European Conference of environment ministers in Sofia, the Pan-European Biological and Landscape Diversity Strategy was endorsed. The Ukrainian delegation also participated in the 4<sup>th</sup> Pan-European Ministerial Conference "Environment for Europe" process in Aarhus, June 1998. The Ukraine signed the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and ratified it in 1999. The Aarhus Conference proved to be a turning point in the "Environment for Europe" process. Environmental NGOs participated in preparations for the conference, formed a coalition in order to ensure their demands were taken into account. The Aarhus Convention was also prepared due to close co-operation of governmental experts and environmental NGOs (European Eco-forum). For the first time in the EPE process ministers expressed the need to focus more financial resources and attention on NIS and CEE countries, which are not involved in the EU enlargement process. In their Ministerial Declaration they stated: "EU enlargement process creates new challenges both for the economy and for the environment, but the enlargement can also provide a powerful stimulus for environmental improvement in the applicant countries". They also reaffirmed their commitment to promoting a convergence in environmental policies and conditions within the European region as a step towards sustainable development.

In Aarhus Ministers decided to respond to NIS specific environmental problems in three ways:

- strengthening the role of the EAP Task Force and PPC;
- establishing National RECs in Russia, Georgia, Moldova and Ukraine;
- holding the next Pan-European Conference of the "Environment for Europe" process in one of the NIS countries, thus raising public awareness there and making the governments of these countries work more actively in solving environmental problems.



The EAP Task Force played an important role in promoting environmental policy reform capacity building in CEEC and NIS. Taking into account the dynamism of the EU enlargement process and the large amount of resources that the European Commission, the Member States and the applicant states will devote to it, ministers agreed that the main focus of future EAP TF work should shift towards the CEE countries and the NIS that are not part of the pre-accession process. In countries like the Ukraine the need for the external support of project preparation and implementation capabilities, as well as strengthening the operations of national environmental funds is the greatest. NEAPs, environmental financing and environmental management in enterprises should continue to provide the framework for the authorities of the EAP Task Force, but the work should be better designed and implemented to respond to the different needs of CEE countries and NIS. EAP Task Force and PPC should work to analyze and facilitate the efforts of all partners: CEEC, NIS, IFIs, and donor countries. In the NIS and non-accession countries of Central and Eastern Europe there is a need for a shift from development to implementation of NEAPs, as well as for a pragmatic, result-oriented approach. PPC should respond to the particular need for external financing and promote co-operation between recipients, donor governments and IFIs on this issue.

In Aarhus ministers also endorsed the establishment of new Regional Environmental Centres (REC) in Georgia, Moldova, Russia, and Ukraine. The REC in Kiev was established in April 2000 in close co-operation with the US, TACIS programme and EU countries. According to its Statute REC-Kiev is an independent, self-governing, non-profit-making and non-political organization of international character. Its main objectives are:

- to foster solving environmental problems in the Ukraine and neighbouring countries;
- support environmental rights of citizens, developing civil society in the Ukraine and other countries;
- foster co-operation in the field of environmental protection between central governments, local authorities, NGOs, business, scientific institutions and other parties at international, regional, national, local levels;
- ensure efficient distribution of financial assistance presented by donor countries (USA), EU and IFIs;
- support free exchange of experience and information;
- encourage public participation in environmental policymaking;
- support ECOs (environmental NGOs) in their activities.

Environment ministers of Europe wished in their Declaration that one of the NIS should host the next Conference. They took note of the offers

by Kazakhstan, Moldova and the Ukraine to host the Conference. In the autumn of 1998 a special meeting of senior officials chose the Ukraine to be the host of the 5th Ministerial Conference of the "Environment for Europe" process. Due to difficulties connected with the preparations for the World Summit on Sustainable Development in 2002, the Kiev Conference is expected to be held in 2003. The European Eco-Forum – a coalition of European environmental NGOs – proposed the agenda for Kiev 2003:

- discussion of implementation of the Aarhus Convention;
- adoption of possible amendments (concerning GMOs);
- Protocol on Strategic Environmental Assessment;
- Charter on Environmental Education.

Thus, the Ukraine is responsible for the practical preparations for the next Conference. The Ukraine also chairs the Working Group of Senior Officials (WGSO). WGSO is responsible for co-ordination of the preparatory process for the next Conference. The work of WGSO is prepared by the Executive Committee (EXECOM) composed of two senior officials from CEEC, two from the NIS and four from the Western European Countries. The Ukraine also chairs EXECOM. The EU Common Strategy on the Ukraine provides for the possibility of offering technical assistance to the Ministry of Environment and Natural Resources during the preparations, in particular through the TACIS programme, as it was also stated in the TACIS Indicative Programme for the Ukraine 2000–2003.

### **2.3. Co-operation between the Ukraine and the EU on Chernobyl Closure**

The European Union and Group of Seven industrialized nations undertook to find a safer and more permanent form of protection for the ruined reactor in 1995, having signed the G7/Ukraine Memorandum of Understanding on the Closure of Chernobyl. According to the EU Common Strategy on the Ukraine (1999), nuclear safety and the decommissioning of the Chernobyl Nuclear Power Plant were set as priorities in EU-Ukraine relations (Point 29). The European Union also expresses its complete readiness to support the G7 Action Plan and contribute to financing short-term safety improvements in Chernobyl via the Nuclear Safety Account managed by EBRD (Point 57). It should be mentioned that EBRD plays the leading role in the Chernobyl closure process and runs two main grant mechanisms – the Nuclear Safety Account and the Shelter Plan Fund.

There are three main aspects of the Chernobyl nuclear plant closure:

1. The closure of Unit 3 of the Chernobyl nuclear power plant, including short-term safety improvements, before closure via the Nuclear safety Account managed by the European Bank for Reconstruction and De-

velopment, treating radioactive wastes and nuclear fuel, plan to reduce social consequences and reconstruction of and investments in energy sector.

2. Chernobyl Shelter repairs (reconstruction of the sarcophagus covering the ruins of Unit 4 via international assistance concentrated in the Chernobyl Shelter Fund (EBRD).
3. construction of compensating capacities at the Rivne and Khmelnytsky nuclear power plants.

Under the terms of the agreement signed in 1996, EBRD granted 118 million euros to several improvements before closure. In the 1995 Memorandum of Understanding, the G7 countries and the European Commission pledged \$2.3 billion, in grants and loans to support the Chernobyl Nuclear Power Plant closure. The EU Common Strategy also provides for implementation of the Shelter Plan and participation in the financing of alternative facilities. The Shelter Project was worked out in 1997 and estimated at \$760 million.

A first conference of donors was held in November 1997 in New York to gather the funds needed for the protection of the ruined reactor. The sum raised by the EU and G7 countries was about \$300 million. At the two-day conference in Berlin donors from more than forty countries agreed to announce additional aid, doubling their contribution. So an extra \$370 million were pledged to urgent repairs of the concrete sarcophagus covering the ruined reactor. The Ukraine provided a total of \$50 million and, thus, after the conference the Chernobyl Shelter Fund amounted to \$715 million. In return, the Ukraine promised to shut down the entire Chernobyl Plant by the end of the century (December 15, 2000).

In January 2000 the European Union and 25 other countries committed \$395 million in loans to shelter stabilization. An unstable chimney towering above the reactor was stabilized in 1998; some of the beams inside the shelter were reinforced in 1999. Among the next steps planned are efforts to limit the contamination that would result because from earthquake, accident or extreme weather, if the shelter were to collapse. Once the project is completed, in 2005, it is envisaged that the sarcophagus will remain safe for another 50–100 years. The ideas proposed so far include a hermetically sealed dome over the existing plant and removing the radioactive debris and returning Chernobyl to a green field site.

To replace the power-supply from Chernobyl two new nuclear reactors at Rivne and Khmelnytsky must be completed. But Germany, Austria and Sweden, who are pushing for the phasing out of nuclear power, voiced concerns about the project estimated at \$1.5 billion. But European Commission officials insisted on the implementation of the commitment made in the 1995 Memorandum of understanding to fund

alternative sources of energy, including nuclear reactors in the Ukraine. And with the Chernobyl closure on December 15, 2000 the European Union provided a loan of nearly \$1 billion to help build these two reactors. On the other hand, Ukraine pledged not to use Chernobyl for electricity generation again.

#### **2.4. TACIS role in developing environmental policy and financing environmental investments**

The TACIS programme is the EU initiative for the NIS (13 countries) and Mongolia, founded to foster the development of prosperous and harmonious economic and political links between the EU and these partner countries. The programme aims to support the states' initiatives to develop democratic societies based on political freedom and economic prosperity. TACIS technical assistance is provided in the form of grants.

The European Union provides assistance to the Ukraine through TACIS indicative and action programmes. During the 1990s TACIS activities in the Ukraine were publicly criticized because of their insufficient attention to the environment. Often the environment is not a sector that receives the highest priority in the Ukraine. And the situation only changed in 1996 by including energy and environment sector in the TACIS Indicative Programme 1996–1999. It was considered to be a priority area for financing among the other focal sectors: institutional reform and development and economic reform and private sector development. From 1996 to 1999 the Ukraine also benefited through cross-border and interstate programmes. The former provided assistance to environmental projects concerning transboundary waters and conservation of biological and landscape diversity. The latter supported elaboration and implementation of the National Environmental Action Plan and also measures for raising environmental public awareness. The findings mentioned show us the considerable progress in EU-Ukrainian relations in particular, via the TACIS programme. But, as it was concluded, the TACIS results in Ukraine were mixed (according to the independent evaluation of the TACIS national programme in July 1998). In practice assistance tended to be spread too thinly in these three broad sectors.

The new TACIS national indicative programme for 2000–2003 focuses on two main components to be supported: support for the development of the legal system and assistance in improving the legal framework of the Ukraine, in particular through approximation to EU legislation in the field of the environment. The programme also provides assistance to the Ukrainian Government to fulfil key international commitments. The TACIS indicative programme 2000–2003 focuses on legal and admini-

strative reforms and the environment is considered to be a part of the process. So TACIS counts on institutional strengthening, improvement of legislation towards community standards and raising environmental awareness to achieve crosscutting environmental benefits.

Energy conservation remains to be a priority issue in 2000–2003. Several environmental projects are funded by the TACIS programme in the field of energy conservation such as: assistance with the setting up of energy saving institutions, the department of energy saving action programme for the Ukraine and others. Under the PCA, the Co-operation Council and Co-operation Committee were established. There is also a sub-committee on energy, nuclear issues and the environment. The sub-committee meets at least once a year and at the meeting ongoing TACIS assistance is discussed along with priorities for future assistance. These priorities are taken into account during the TACIS programming process.

TACIS assistance to the Ukraine in the area of nuclear safety totals over 370 million euros. This includes 210 million euros in grants for Chernobyl and Chernobyl-related projects. Out of this, 100 million euros were for the special Shelter Fund administered by EBRD. Over 160 million euros have been given in grants for nuclear safety improvements in the Ukraine. The EU has funded research and development projects in nuclear safety and radiation protection under the agreement for international collaboration on the consequences of the Chernobyl accident.

The TACIS projects have been particularly successful in the area of water quality and control of biodiversity. The major environmental projects, funded by TACIS programme, are:

1. Strengthening of the state ecological inspectorate at the ministry of environment of the Ukraine.
2. Development of common environmental policies in the NIS and Mongolia.
3. Raising environmental awareness and developing environmental media in the NIS and Mongolia.
4. Accident Emergency Warning System (AEWS), and Monitoring, Laboratory and Information Management (MLIN) for the Ukraine and the Moldovan part of the Danube basin.
5. Development of international co-operation on the implementation of Trans-boundary water assessment in the Bug river basin and the Latoritza and Uzh river basins.
6. Conservation of biological and landscape diversity of the Bukovyna Carpathians and the establishment of a Trans-frontier ecological network on the borders of the Ukraine and Romania.
7. TACIS 1995 funds for the Black sea programme.

8. TACIS 1996 and 1997 funds for the Black Sea programme – phase 1.
9. Dobris + 3 for the TACIS countries.
10. Widening of the EAP to the NIS and Mongolia – Environmental project identification action programme.
11. Setting up new regional environmental centres in Ukraine, Georgia, Russia and Moldova.
12. Strengthening these new regional environmental centres.
13. Management and operational support for water and wastewater to Mariupol.
14. Development of an energy plan for the Crimea.
15. Cleaning up and addressing the secondary medical effects of the Chernobyl disaster.

Source: [www.delukr.cec.eu.int](http://www.delukr.cec.eu.int)

### 3. Conclusion

There is a sufficient legislative base for EU-Ukrainian co-operation in the field of the environment and nuclear safety. The Partnership and Co-operation Agreement between the European Union and the Ukraine, the EU Common Strategy on the Ukraine, as well as bilateral and multi-lateral environmental agreements provide a framework for co-operation. In this way, there are a lot of issues, in particular the bilateral implementation of PCA, admitted to be priority in EU-Ukrainian relations; the EU implementation of the Common Strategy on the Ukraine. The PCA provides for the approximation of Ukrainian environmental legislation to EU standards.

The Ukraine is aware of the necessity of close co-operation between all European states to achieve sustainable development and the need for environmental harmonisation throughout Europe. The eastward expansion of the EU provides an example of such a network: environmental problems do not respect national boundaries, compared to the EU, the Ukraine has not yet attached significant importance to the implementation of sustainable development principles at national level. Only in 1998 the Supreme Council of Ukraine (the parliament) adopted the National Environmental Action Plan. The elaboration of the National Conception on Sustainable Development started as late as 1997, while the European Union was implementing its Fifth Environmental Action Programme "Towards Sustainability" for 1992–2000. The European Union has also started the implementation of its Sixth Environment Action Programme Environment 2010 "Our Future, Our Choice".

Ukrainian participation in the "Environment for Europe" process creates opportunities for close co-operation between European Union coun-

tries. The EU enlargement creates new opportunities for accession countries and enhances unity among European states. This accession to the EU helps applicant countries to develop harmonised, environmentally sound policies. The environment should be integrated into other sectional policies, so we think that a national environmental policy is the responsibility of every country, and models of sustainable behaviour should be transferred via international co-operation.

Under the 1995 Memorandum of Understanding between the G7 countries and the Ukraine, Ukrainian government pledged to shut down the Chernobyl nuclear power plant by the year 2000. The G7 countries' governments and the European Commission pledged to finance construction of compensating capacities in Rivne and Khmelnytsky, together with implementation of the Shelter Plan and related projects.

Between 1996 and 1999 TACIS played a positive role in developing environmental policy and financing environmental projects, in particular, concerning transboundary watercourses, conservation of biological and landscape diversity. Environmental human rights are an area of lively interest throughout Europe. The Ukraine has already ratified the Aarhus convention on environmental rights, while the European Union is only a signatory to it. Implementation of the convention may raise lots of problems in its enforcement in the Ukraine and member states of the European Union. In the Ukraine, as well as in the European Union, the public is not fully aware of its rights.

## APPENDIX

### Environmental Human Rights in the Context of Co-operation between the Ukraine and the European Union

Principle 1 of the Stockholm Declaration on the Human Environment established the fundamental right to "an environment of a quality that permits a life of dignity and well-being". Nowadays, environmental issues cannot be solved without the close co-operation of all nations of the world. The main objective of co-operation is to achieve sustainable and environmentally sound development. Principle 10 of the Rio Declaration proclaimed the right of every person to access to environmental information held by public authorities, the possibility of public participation in environmental decision-making and access to justice in environmental matters. The principles mentioned above are fully implemented in the Aarhus Convention on Access to Environmental Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. These three rights are necessary to assert the fundamental right of every person to live in a healthy environment and meet the obligation of protecting the environment. There are no direct forms of co-operation in the field of the environment between the EU and the Ukraine. The co-operation is conducted indirectly within the framework of the "Environment for Europe" process.

During the continuous co-operation aimed at the elaboration of international legally binding instrument on environmental rights participants on the "Environment for Europe" process took note of the EEC Directive of 27 June 1985 on the Assessment of Effects

of Certain Public and Private Projects on the Environment and the EC Directive of 7 June 1985 on the Freedom of Access to Information on the Environment.

In 1995 environmental ministers endorsed Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making at the UN/ECE. In the same year ministers decided to elaborate the draft Convention on Environmental Rights. It was prepared in April 1997 in close co-operation between a group of experts and representatives of the public. It was thoroughly discussed at the meeting of the UN/ECE Task Force by representatives of Governments, environmental NGOs and international organizations. The final draft convention was signed by ministers of the environment at the "Environment for Europe" conference in Aarhus in June 1998. The European Union and the Ukraine are also signatories to this Convention. The Ukraine ratified it in 1999. After the meeting of signatories held in Chisinau and Dubrovnik, the following Task Forces were set up:

1. Task Force on Pollutants Release and Transfer Registers;
2. On Public Participation;
3. On GMO Releases;
4. On Access to Justice;
5. On Electronic Tools.

The European Union is expected to ratify the Convention in 2002/2003.

Environmental NGOs (European Eco-Forum) expressed in their Dubrovnik Declaration (July 3–5, 2000) a request to the EU "to ratify the Convention without any reservations for its own institutions, reject the draft regulations on Access to Documents of the European Commission, the Council and Parliament, which clearly violates the spirit and letter of the Convention".

The Aarhus Convention stands on three "pillars": access to information, public participation and access to justice, provided for under Articles 4 to 9.

## Access to Information

Effective public participation in decision-making depends on full, accurate, up-to-date information. The first pillar can also stand alone – the public may seek access to information for any number of purposes, not just to participate. This pillar is split in two. The first part concerns the right of the public to seek information from public authorities (and their obligation to respond to the request). This type of access to information is called "passive" and covered by Article 4. The second part concerns the obligation of authorities to collect and disseminate information of public interest without the necessity of a specific request. This is called "active" access to information and covered by Article 5.

## Public Participation

The second pillar of the Aarhus Convention is the public-participation pillar. It relies upon the other two pillars for its effectiveness – the information pillar to ensure the public can participate in an informed fashion; and the access-to-justice pillar to ensure that participation happens in reality and not just on paper. The second pillar is divided into three parts. The first part concerns participation by the public that may be interested in decision-making on a specific activity and is covered by Article 6. The second part concerns the participation of the public in the development of plans, programmes and policies relating to the environment, and is covered by Article 7. Finally, Article 8 covers the role of laws, rules and legally binding norms.



## Access to Justice

The third pillar of the convention is the access-to-justice pillar. It regulates both the information and the participation pillars in domestic legal systems; it also strengthens the enforcement of domestic environmental law (Article 9). Specific provisions in this article enforce the provisions of the convention that convey rights onto members of the public. These are Article 4 (on passive information), Article 6 (on public participation in decisions on specific activities), and whatever other provisions of the convention parties choose to enforce in this manner. This justice pillar also provides a mechanism for the public to enforce environmental law directly.

## List of Abbreviations

- AEWS – Accident Emergency Warning System
- CEE – Central and Eastern Europe
- CEEC – Central and Eastern European Countries
- EAEC – European Atomic Energy Community
- EAP – Environmental Action Plan for Central and Eastern Europe
- EBRD – European Bank of Reconstruction and Development
- EPE – Environment Programme for Europe
- EU – European Union
- EXECOM – Executive Committee
- FAO – Food and Agriculture Organization
- IAEA – International Atomic Energy Agency
- IFI – International Financial Institution
- MLIN – Monitoring, Laboratory and Information Management
- NEAP – National Environmental Action Plan
- NGOs – Non-Governmental Organizations
- NIS – Newly Independent States
- OECD – Organization for Economic Co-operation and Development
- PCA – Partnership and Co-operation Agreement between European Union and Ukraine
- PPC – Project Preparation Committee
- REC – Regional Environmental Center
- UN – United Nations Organization
- UN CSD – UN Commission on Sustainable Development
- UNDP – UN Development Programme
- UNEP – UN Environmental Programme
- WGSO – Working Group of Senior Officials
- WHO – World Health Organization

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