

ENVIRONMENTAL COLLABORATION FOR THE BLACK SEA PROJECT

The Second Meeting of the Legal and ICZM Expert Group March 17, 2008

Minutes

Present: Clare Dupont, Natalia Malysheva, Tamara Panchenko, Victor Karamushka, Olena Panina.

Agenda items:

1. Draft Law on Coastal Zone: overview, opinion exchange, planning follow up steps.
2. Secondary law drafting including the one for implementation of Law on Coastal Zone – tasks for the ICZM WG.
3. ICZM stakeholder workshop.
4. Administrative issues.

Summary:

1. Following the ICZM WG Meeting on 29 February, 2008, experts have reviewed the draft Law and submitted their comments to Prof. Malysheva. She made assessment of the draft Law and prepared general conclusions. The main comments refer to the following: the draft Law does not correspond to current requirements and won't make any progress in ICZM regulation. The draft Law has to be revised in terms of structure, terminology, and content.

Members of the Expert Group agreed with resume made by Prof. Malysheva. Their main comments to the existing draft Law were as follows:

- the structure does not correspond to traditional structure used in Ukraine
- although the title refers to integrated coastal zone management, there is very little in the law which corresponds to this title. In particular, zoning, property aspects, natural resource use, servitudes, etc. are not covered. Besides, there is no provision for restricting economic activities, but only reference to other laws.
- terminology: need to use terms used in other legislations and not to create new ones. Some definitions, which are included in the body of the law should be put in the definition section. Some additional definitions should be added.

In summary, this is a very general law, referring to other legislation, which does not set up new requirements and, as it stands, is not applicable.

2. The project approach was discussed taking into account the timing planned for the adoption of the law. At present, the draft law should be submitted to the Government by 20 April and all comments should be received by 20 March.
3. Experts have discussed approaches to draft Law revision:
 - Minimum impact on other laws
 - Maximum provisions of direct action
4. It was decided that, rather than to redraft the law from scratch (which would be the easiest solution), the project team will strive to introduce the necessary changes. The project team should also prepare a table with all comments received by the Ministry and answers to these comments. This activity is the responsibility of the Ministry as the proponent of the draft legislation.

5. After communication with the MEP by phone, a meeting with the MEP officials was appointed on March 19, 2008. It was very important to confirm the project approach with the Ministry, to agree on timing and deadlines (in particular, the possibility to extend the deadline of 20 April should be discussed). This meeting would also give an opportunity to discuss the organization of a workshop as provided per the Project work plan but also planned by the Ministry. Again, linked to the timing, the objective of such a consultation (coordination) meeting should be discussed.
6. Discussion of the secondary law drafts was postponed till clarification of the draft Law related key issues.
7. O. Panina informed national experts about service contracts having been drafted however the signing issue was delayed till arrival of the Project Director early April. Considering that the Law re-drafting needs time and substantial effort O. Panina informed the experts that the Project would look for the opportunity to increase the number of expert days to provide this work.
8. Next meeting of the legal and ICZM WG will be set after timing and deadlines are clarified at the meeting with the MEP representatives.