

# ENVIRONMENTAL COLLABORATION FOR THE BLACK SEA PROJECT

Meeting at the Ministry of Environmental Protection (MEP) of Ukraine  
19 March 2008

## Minutes

**Present:** Oleksander Bon, Head, Division of the Black and Azov Seas;  
Project experts: Clare Dupont, Natalia Malysheva, Victor Karamushka, Olena Panina.

### **Purpose of the Meeting:**

To clarify the vision of the MEP on the existing draft Law on Coastal Zone (LCZ), its improvement, the drafting process including timing and deadlines for the work of the Project expert group

### **Items discussed:**

1. State-of-the-art and timing for draft Law on Coastal Zone
2. Requirements to the draft Law on Coastal Zone
3. Project input into the draft LCZ development
4. Follow up steps
5. Other issues

### **Summary of the discussion:**

Prof. Malysheva informed Mr. Bon about the review of the current version of the draft LCZ by the Project Expert group, which concluded that the current draft Law does not correspond to modern requirements and has to be improved. Therefore, the Project experts would like to know the position of the Ministry in terms of the draft Law improvement and timing.

Oleksander Bon noted that the draft law has been going through consultation for the last 4 years. The current version does not contain anymore more stringent limitations and regulations that were included in previous versions. On the other hand, provisions on territorial zoning have been added. Now, there is an urgent need to improve drastically the draft. He added that he is in favour of a law that would be directly applicable. The MEP is interested to have a high-quality Coastal Zone Law, which will provide proper basis for regulation of the ICZM issues in the country. The draft should be presented to the Cabinet of Ministers on 20 April. It is unlikely that this deadline will be respected. The draft must be agreed with 27 different organizations, including 12 different ministries and oblast administrations. The main issue is how it will be possible within the time limits to make necessary changes, incorporating comments from other institutions. It would be possible to build on some general comments to introduce new provisions.

Most likely, the MEP will request the Cabinet of Ministers to extend the time for the draft LCZ improvement.

The experts asked if it was possible to obtain preparatory documents, in particular previous versions of the draft law. Within the Black and Azov Sea Department, one person, Olga Vasilievna Hutsel, was responsible for the draft law. She is currently on sick leave and it will not be possible to obtain the different drafts and tables of comment (if any) before she comes back. Meanwhile, Oleksander Bon will send what is available.

With regard to timing, the experts noted that a minimum of two months will be necessary to

produce a satisfactory new version. It was decided that a first revised version will be prepared within one month, focusing on priority downfalls, i.e. legal technical aspects, terminology, clear definition of zoning and the legal regime of economic activities in these zones. Elements of 'integrated management' should be considered which is not really done in the current version. The only institutions provided for are Coordinating Councils, which have only an advisory role and whose functions and composition are not defined. Finally, it is recommended to include in the preparatory works proposed changes and additions to existing legislation. However, it would be difficult to finalise this aspect within the tight time frame.

Necessary secondary legislation, in particular the regulations which are planned to be developed

under the project, should be mentioned in the draft law. However, the actual work on these regulations will not start before a consolidated version of the draft Law is produced. The consolidated version will be presented to other ministries and official stakeholders. If time allows, a consultation workshop will be organized. Meanwhile, the consolidated draft will be made available on internet.

In the coming month, communication will be done mainly by email. Oleksander Bon is available for meetings if specific questions need to be discussed. If Olha Hutsel comes back from sick leave, a meeting should also be organized.

Some more specific issues have been discussed:

- Ports are not covered by the draft as the Ministry of Transport is currently developing draft legislation on port and fluvial transport
- Protection zones established under existing legislation should be taken into account and reflected in the draft
- It is not possible to propose amendments to the existing territorial planning legislation which is very comprehensive and 'solid'. However, existing planning documents should be taken into account.

Participants agreed:

- the first revised version to be prepared within one month, focusing on priorities, as far as current draft LCZ is a product of balance of interests of many parties involved in or affected by ICZM, revision of the current draft should be based on the principle of wise practicability;
- priority downfalls to be considered in the improved draft Law: legal technical aspects, terminology, clear definition of zoning and the legal regime of economic activities in these zones, elements of integrated management, competence and responsibilities of stakeholders, role of local communities, property issues;
- the Project experts will be in regular communication with the MEP exchanging information and new developments;
- the MEP will provide the expert group with previous drafts Law and tables of comment (if any);
- the consolidated version of the draft Law will be presented to other ministries and official stakeholders;
- the work on draft Regulations will be launched after a consolidated version of the draft Law is produced;
- next meeting of the legal and ICZM Group with the MEP representatives will take place in a month (preliminary – April 19-20, to be specified);
- the stakeholder workshop will be arranged in cooperation of the MEP and Project since the new draft Law is prepared.

Participants have emphasized constructiveness and practical orientation of the Meeting.