



United Nations Environment Programme

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PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT • PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE
ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ

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Workshop on liability and redress in the context of the Stockholm Convention on Persistent Organic Pollutants Vienna, 19-21 September 2002

FURTHER SUBMISSIONS OF INFORMATION ON LIABILITY AND REDRESS

Note by the secretariat

1. In addition to the six submissions presented under cover of the secretariat's note of 19 August 2002, and subsequent submissions from Sudan and Poland (circulated 11 and 17 September), the attached submission from the Government of **Ukraine** has since been received.

Interim Secretariat of the Stockholm Convention
Geneva

19 September 2002

WORKSHOP ON LIABILITY AND REDRESS
in the context of the Stockholm Convention
on Persistent Organic Pollutants

Ukraine

Legal and Legislative Basis for Environmental Policy and Regulation

The legal basis governing the environmental policy and regulation in Ukraine is founded in the National Constitution (1996) where several key environmental principles are enshrined. In particular it establishes the right of citizens to safe and healthy environment and to compensation for damages resulting from the violation of this right. Every citizen is also guaranteed the right to free access to information on environment condition, quality of food and consumer goods as well as the right to disseminate this information.

The governing overall legislative instrument is the Law of Ukraine "On Environmental Protection" (1991). It covers the basic principles of environmental protection, the rational use of natural resources as well as ecological safety and formed the foundation for further legislation and regulation on land, water, forests, on mineral wealth, on ambient air protection, on protection and use of vegetables and animals and of the other specialised legislation over the past 10 years.

Within this framework, the most significant laws and codes related to the management of POPs are the Law on "On Ambient Air Protection" (1992), Water Code of Ukraine (1995), the Law on "On Pesticides and Agrochemicals", the Law "On Wastes" (1998) and the Law "On Ecological Expertise" (1996). Besides, there are numerous other sub-regulations, which are also relevant to governing the environmental impact assessment and approval of measures proposed for the management of POPs.

Under the authority of this constitutional and legislative legal framework, environmental protection regulation including that which would be applied to POPs can be undertaken using a variety of instruments with various levels of legal force, sphere of application and authorisation.

Adoption of the national and regional programs relevant to the management of POPs requires their official submission for consideration to the Cabinet of Ministers of Ukraine or their adoption by Verhovna Rada (Parliament of Ukraine). First of all, it concerns Ukraine's international obligations and commitments, as well as the use of budget funds. Two National Programs, which are currently implemented in Ukraine, are adopted by Verhovna Rada (the Decree "On the National Program for Hazardous Waste Management" (2000) and the Decree "On improvement of safety, occupational health and industrial environment" (2001)). These programs ensure institutional, conceptual and regulative measures for solving the important problems in the field of environmental protection and contain the concrete implementation plans related to the management of some POPs.

Organization of Environmental Management Regulatory Responsibility

The Ministry of the Environment and Natural Resources of Ukraine is the primary designated national executive agency and state authority responsible for environmental protection, and is the lead authority responsible for national action and control measures related to POPs. This responsibility ultimately lies with a Government Minister and within the Ministry's organizational structure would fall under the Department of Ecological Safety.

At the local level, implementation of the Ministry's responsibilities are accomplished through the State Departments for Environmental Protection under the Ministry of the Environment and Natural Resources of Ukraine in 24 Oblasts, the Republic of Crimea, and the cities of

Kyiv and Sevastopol. These state authorities apply state standards, rules and regulations, collect and review information on facilities operation and emissions, issue permits as required, and act as the local the enforcement and compliance verification authority.

Related executive responsibility for aspects of the POPs issue is also accomplished by the Ministry of Agrarian Policy in relation to management of arable land and water resources. Besides that, the Sanitary and Epidemiological Department of the Ministry of Health Care is responsible in setting ambient standards for air, drinking water and in monitoring public health.

International Obligations and Commitments

Ukraine is an active participant in most major global and regional environmental Conventions and the processes involved in their development. The following table summarizes the status of Ukraine's participation in those Conventions that may be related to the POPs issue:

Convention/Treaty	Signed	Ratified	Remarks
Stockholm Convention on POPs	May 23, 2001	No	
Basel Convention on Transboundary Movement of Hazardous Waste	No	01 July 1999 №803-XIV The Law of Ukraine "On Joining to the Basel Convention"	
Rotterdam Convention on Prior Informed Consent	No	No	A Draft of the Law of Ukraine "On Joining to the Rotterdam Convention" is submitted to the President of Ukraine for his consideration
UNECE LRTAP Convention	14 November 1979	05 July 1980	
UNECE LRTAP Convention -Aarhus POPs Protocol	25 June 1998	No	Ratification under active study within the Ministry of the Environment and Natural Resources
UNECE LRTAP Convention -Aarhus Heavy Metals Protocol	25 June 1998		Ratification under active study within the Ministry of the Environment and Natural Resources
Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters	June 1998	July 1999	

Current Legislation and Regulations Related to Persistent Organic Pollutants

In addition to the Law of Ukraine "On Environmental Protection" (1991), the Law of Ukraine "On Air Protection" (1992), the Law of Ukraine "On Pesticides and Agricultural Chemicals" (1995), Law "On Ecological Expertise" (1996) and the Law of Ukraine "On Wastes" (1998) noted above, the following laws, regulations and official administrative approvals that relate to POPs are currently in force in Ukraine:

- Law of Ukraine "On Provision of Sanitary and Epidemiological Safety of Population" (1994);
- Law of Ukraine "Basic Laws on Health Protection" (1992);
- Law of Ukraine "On Plant Protection" (1999);
- The Decree of the Cabinet of Ministers dated 30.03.98 N 391 "On Approval of Statement about the State Monitoring System of the Environment";
- The Decree of the Cabinet of Ministers dated 17.11.2001 N 1520 "On Approval of Statement about the State Ecological Inspection;
- Sanitary and Epidemiological Department Regulation: "List of substances, products, technological processes, home and nature factors carcinogenic for man": List Approved by the Ministry of Health of Ukraine 7.02.1997, N25;
- National Cancer Register of Ukraine. Prevalence of malignant tumours in the population of Ukraine in 1991-1996. Ministry of Health Care of Ukraine, 1997;
- Decree of the Cabinet of Ministers of 27.03.1993 No 354 "On approving of the order of the removal and disposal of unfit or banned for use of pesticides and agricultural chemicals and their packaging";
- Decree of the Cabinet of Ministers of Ukraine N 440 from 20.06.1996 "Order of receiving permission on the production, storage, transportation, use, destruction and disposal of poisonous substances including toxic industrial waste, biotechnology products and other biological agents";
- "List of pesticides banned for use in agriculture"; Approved by the State Interdepartmental Commission on Testing and Registration of Plant Protection Products, Growth Regulators and Fertilizers, dated on 5/08/1997; Agreed with the Ministry of Health Care of Ukraine;
- "List of Pesticides and Agricultural Chemicals allowed to use in Ukraine" (1999); Revised every 5 years.

Specific bans on the use of Annex A POPs pesticides: Aldrin, Dieldrin, Chloradane, Endrin, Heptachlor and Hexachlorobenzene; and Annex B pesticide DDT were applied in the 1970's and 1980's in the Soviet Union and are now formally banned in the List of pesticides prohibited for use in agriculture of 05/08/1997 noted above. Annex A pesticide: Mirex is not explicitly banned but is not registered as required under the Law on "Pesticides and Agricultural Chemicals". At present no explicit regulatory controls are applicable to PCBs or Annex C POPs.

The following table provides a brief summary of the current situation on POPs in Ukraine:

Name of POP	Status in UKRAINE
DDT	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
Aldrin	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
Dieldrin	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.

Chlordane	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
Endrin	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
Heptachlor	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
Hexachlorobenzene (HCB)	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
Mirex	Mirex is not registered in Ukraine and therefore according to the national legislation is not allowed to use.
Toxaphene	Not produced, not used, banned during the existence of the Soviet Union in 70-80ies. In 1997 was additionally banned after declaration of independence of Ukraine in 1991.
PCBs	Not produced but currently applied in electrochemical equipment. According to the Ukrainian legislation now in force these substances are not referred to the list of pollutants that must be controlled.
Dioxins and furans	According to the Ukrainian legislation now in force these substances are not referred to the list of pollutants that must be controlled.
List of pesticides prohibited for use in agriculture of 05/08/1997. State Interdepartmental Commission on Testing and Registration of Plant Protection Products, Growth Regulators and Fertilizers.	
** Law on Pesticides and Fertilizers, 2 March, 1995	

Ukraine does not have a fully developed regulatory and assessment scheme for pesticides and industrial chemicals but has been working toward such a system for a number of years. The Law of Ukraine "On Pesticides and Agricultural Chemicals" (1995) requires formal registration of all pesticides and agricultural chemicals. Within the National Program of Hazardous Waste Management a National Plan for the Elimination of Risks Related to Stockpiled Obsolete Pesticides in Ukraine is under implementation through the National Center for Hazardous Waste Management under the Ministry of the Environment and Natural Resources of Ukraine.