



Future Climate without Risk for Life!

Ukrainian NGO Working Group on Climate Change

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Comments to the 5th National communication on climate change of Ukraine

NGO WG welcomes opportunity to participate at the discussion of the 5th National Communication (NC) of Ukraine.

The overall comment is that the 5th National Communication is of much better quality than the previous NC and contains much more comprehensive and detailed information and analysis under different sections. Nevertheless, there are a number of important issues, which we would like to raise.

1. Development and implementation of climate change mitigation policy in Ukraine.

- The basis for the development and implementation of the Climate Change mitigation policy is set in the National Plan on UNFCCC implementation. According to this plan, in 2006 Ukraine was supposed to develop Climate change mitigation program, but it is not implemented till now. The regional climate change mitigation plans are also not developed.
- In the 5th NC there is hardly any information on the policy instruments, which are implemented or planned in Ukraine to stimulate GHG emissions reductions. Most of the measures mentioned are supposed to be funded from state budget and due to lack of funds often are not implemented.
- GHGs are not included into the list of pollutants in Ukraine, that is why many rules, and norms on pollutants monitoring and controlling are not applied to them, which makes control, monitoring and reduction of GHGs systems harder to implement.
- Ukraine has not adopted the law on greenhouse gases that would regulate the issue of greenhouse gases, their accounting, monitoring, and issuance of permits for greenhouse gases.
- There is no clear separation of duties and responsibilities between Ministry of ecology and natural resources and State Agency of Environmental Investments in climate change policy in Ukraine.

2. Estimation of the GHG emission reduction potential by 2020.

The overall methodological approach for estimation of GHG potential used in the latest National Communication (MEPU, 2009) seems to be quite similar to the approach used in the Report on Demonstrable Progress under the Kyoto Protocol (MEPU, 2006a). However, the results differ considerably, and no explanation is given for such a deviation. If to compare figure 3.2.3 and figure 3.3.1 it could be noted that under the “without measures” scenario of the RDP GHG emissions would reach 1990 baseline by 2020, while the same scenario of NC5 delivers

emissions projections of 18% reduction from 1990. While “with measures scenario” of NC5 would deliver about 10% lower GHG emissions reductions than the same scenario used for RDP. Interestingly, total effect of mitigation measures analysed for RDP is four times higher than for NC5. The question is what measures have not been considered in the NC5 or what are the methodological differences that estimated effects are incomparable. Emissions projections of NC5 are different from the estimates obtained for the NC2 because the latter projections are based on three different scenarios of macroeconomic development.

NGO WG has high concerns regarding assumptions used in the estimation GHG emission reduction potential in NC5. Projections of 8-9% of annual GDP growth anticipated in the NC5 seem to be over- optimistic comparing to about 3-4% estimated for non-EU Eastern European countries in the World Energy Outlook (IEA, 2010). Moreover, the estimates of economic growth prepared for NC5 are even higher than GDP growth projections under the most optimistic scenario of the NC2 (compare Tables 3.2.1 and 3.3.1). The latter was prepared in 2006 and, therefore, it did not take into an account financial crisis in 2008-2009.

Finally, NC5 estimations are based on the Energy strategy of Ukraine by 2030, which was adopted in 2005., The strategy is considerably outdated since assumptions on macroeconomic indicators based on 2005 data absolutely do not reflect present reality, especially, after the economic crisis, which resulted in substantial decline in production and energy use. Analysis of GDP growth and GHG emissions trends revealed the evidence that the latter are growing much more slowly than the economy of Ukraine because of technological modernization and structural change which is naturally happening without specific government interference in energy and climate policy.

Considering all the problems with national estimates of GHG potential for Ukraine, it is clear that these studies could not guide energy and climate policy of Ukraine. Research project of much better quality is required to underpin climate policy of the country. In 2010, EBRD initiated a project on estimation of emissions reduction potential and costs. It is a great challenge to deliver accurate estimates on GHG projections and reduction potential in the absence of any reliable documents on the prospective energy consumption of Ukraine. Nevertheless, we hope that the expertise of consulting companies involved in the project and reliable local partners will enable preparation of a high quality study and it will be taken into account while preparing 6th NC.

3. Implementation of a Green Investment Scheme under international emissions trading by Ukraine.

- Limited access to information regarding methodologies for GHG emission reduction calculations, detailed data on specific projects.
- Non-transparency in project selection procedure and allocation of funds. According to approved by Cabinet of Ministers Resolution on 28.07.2010 № 671) funds from international Emissions trading can be used not only to reduce GHG emissions, but also for other purposes, such as publishing activities, organization of conferences, seminars and participation in international negotiations. There is no information on the allocation of funds for “soft” greening and achieved results.
- Lack of state control over the funds allocation during GIS implementation. As experience has shown, the non-purpose funds allocation is possible during their diversion after international emissions trading. This information became available, mainly due to political changes in the

state. Thus, the supervisory functions in this area at the appropriate level should be implemented. Proper reporting and disclosure of information about the use of these trust funds is not happening. In late 2010 the situation changed for the better and there are great hopes that the necessary legal basis for a transparent process of implementation of GIS will also be created.

4. Access to information on climate change, its consequences, etc.

- The government of Ukraine doesn't disseminate the information about the signed international agreements on greenhouse gas emissions trading. As the result, public has no access to the information on Ukraine's obligations after signing the agreements, on funds allocations, actual sum of these funds, which responsibility is established for the non-purpose funds spending. Environment-People-Law filed a lawsuit, challenging in the court the wrongfulness of the classification of such information as confidential by the Cabinet of Ministers of Ukraine (CMU) and National (State) Environmental Investments Agency (SEIA, NEIA). In our opinion, this situation is unacceptable because, under current legislation and international agreements of Ukraine, information on international environmental agreements should be open to public.

- According to information given in the 5th National communication on climate change (paragraph 4.1) SEIA would receive information on the consumption of all fuels, as well as activities which lead to anthropogenic GHG emissions, but such information is not public. It would be useful if such information is available on the website of the governmental responsible agency.

- There is barely any scientific information about climate change and its consequences on the official websites of governmental bodies of Ukraine (SEIA, CMU), which is a negative tendency. Public information dissemination on this issue would help raise awareness among the population in Ukraine.

5. Public Participation in Decision-making process. Functioning of the Public Council of the SEIA.

- The public in Ukraine is not involved in decision-making process on climate change issues on a regular basis, as for example public has no role to play during decision making procedure on selecting projects for funding under the Kyoto Protocol (during GIS implementation).

- Many sub-legal acts in this field are approved without their public discussion. Results of public participation are often taken into account when making a final decision, and that most negatively - the public is not provided with the information on the reasons and grounds for the rejection of public proposals. Results of public discussion of draft decisions should be contrary disclosed according to current legislation and Aarhus Convention, signed and ratified by Ukraine. The public wants to express hope that the dialogue between the government and the public will be established, and none of the comments, suggestions and additions of the public to draft documents or a draft decisions will not be ignored.

- Public Council of the SEIA organizes meetings extremely rare and is not mostly involved in decision-making on climate change. It gathered twice during 2010. The negative experience has shown that during organization of the law-drafts discussion public is informed on the meeting and the texts of the law draft few days before the actual meeting. This makes impossible for the public to get acquainted with the documents and prepare professional comments and proposals.

6. Activities of the Interagency Commission on UNFCCC implementation in Ukraine.

- The positive fact is that NGO representative holds a place in the Commission.
- Paragraph 4.1.5 of the National report said that the Commission meets quarterly, but such information is untrue, as the meetings are not taking place. Information on the activities and functioning of the Commission is not available.

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