

**IMPLEMENTATION COMMITTEE**  
**CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY**  
**CONTEXT**  
**PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT**

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Ref. EIA/IC/INFO/29: Construction of Svydovets tourism complex

14 January 2020

Dear Mr. Schälle,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its forty-sixth session, held in Geneva from 10 to 13 December 2019, the Committee continued to consider the information it had gathered on the construction of a large tourism complex in the Svydovets mountain range in Ukraine, close to the border with Hungary and Romania, further to information provided by Swiss NGO Bruno Manser Fonds on 28 November 2018. The discussions under this agenda item were held in the absence of the members nominated by Hungary and Ukraine, to avoid any direct or indirect conflict of interests.

Hereby, I am writing to you, on behalf of the Committee, to inform Bruno Manser Fonds about the outcomes of the Committee's deliberations on the matter at the session.

First, the Committee reviewed the information from Bulgaria, Czechia, Serbia and Slovakia dated 22, 7, 8 and 11 November 2019, respectively. It noted that those Parties had not been notified by Ukraine under article 3(1) of the Convention regarding the proposed activity. Czechia, Serbia and Slovakia had concluded – after examining the English translation of the public notice of Ukraine on the activity – that they would not be affected by a significant adverse transboundary impact of the activity. Slovakia intended to continue monitoring the project and wished to receive relevant new information. Bulgaria would inform the Committee about its intention to use mechanism under article 3(7) of the Convention at a later stage.

Mr. Jonas Schälle  
Bruno Manser Fonds  
Basel, Switzerland

The Committee then recalled that Hungary had sent a request for a notification to Ukraine on 3 May 2018. It noted the information from Hungary, dated 20 November 2019, that to date Hungary had not received a notification and had been considering making use of the mechanism provided by article 3 (7) of the Convention regarding the construction of a tourism complex in the Svydovets.

The Committee reviewed the information from Romania, dated 14 November 2019, and information from Ukraine, received on 28 November 2019. It noted that Romania on 24 October 2019 had initiated the discussion with Ukraine using the mechanism under article 3(7) and that Ukraine in its response to Romania and also Slovakia stated that its competent authority had not been able to establish whether a significant transboundary environmental impact was likely pending the receipt of the environmental impact assessment documentation from the developer. Should the transboundary impact be determined based on that documentation, Ukraine would inform Romania and Slovakia accordingly.

On 14 October 2020, the Committee invited the Government of Ukraine to engage without delay into consultations with Hungary, Romania and other Parties, wishing to exchange sufficient information and to hold discussions as provided for under article 3(7) of the Convention, taking into account the following views of the Committee:

(a) When no notification has taken place in accordance with article 3(1) of the Convention and when a Party that considers to be potentially affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, requests to hold discussions under article 3(7), in particular at an early stage of the proposed activity, the Party of origin should immediately respond to the request of such Party, providing it with sufficient information on the activity and its potential environmental impacts;

(b) In case the likelihood of a significant transboundary impact has not been comprehensively assessed at the time of the request, the competent authority of the Party of origin should provide to the potentially affected Party available information on the activity along with a timetable for its decision-making process regarding the activity indicating timing when the discussion on whether a significant adverse transboundary impact is likely would take place.

The Government of Ukraine was also invited to inform the Committee on the steps taken and to update it on the activity's state of play.

The Committee agreed to continue its deliberations on the matter at its at its forty-seventh session scheduled to take place in Geneva from 16 to 19 March 2020.

Should Bruno Manser Fonds have any additional information that it considers relevant for the Committee to assess at that session, you are kindly invited to submit this information through the secretariat by no later than **14 February 2020**.

Yours sincerely,



Romas Svedas

Chair of the Implementation Committee