Communiqué visit Mr. Ivan Zayets to European Parliament and EU Commission
24 to 26 November 2003
Written by Alex de Roo and John Vijgen

This communiqué reflects the main items discussed and conclusions of the visit of Mr. Zayets, presently Vice Deputy of the Committee on Environmental Policy, Nature Resources, Utilization and Elimination of the Consequences of the Chernobyl Catastrophe of the Ukrainian Parliament and former Minister of Ecology and Natural Resources accompanied by Mr. John Vijgen of IHPA with various Members of the Parliament (MEPs), and representatives of the EU Commission (See programme overview in Annex 1)

1. Main requests of Mr. Zayets

- The first priority of his visit is the improvement of the exchange between the European Union and Ukraine on the Parliamentary level. The present relations between the European Union (EU) and Ukraine are in need to be thoroughly deepened and be converted towards more concrete actions by means of real projects. At present, many projects are local and short-term but not directed as long-term and sustainable. Such relations should be a basic element for the creation of the United Europe without borders and should enable to execute an European policy of Ukraine including its EU Membership

- The second aim is the problem of obsolete pesticides in Ukraine, which was accumulated under former Soviet times and the official numbers amount to ca 20.000 tons spread over the whole country at around than 5000 unsuitable warehouses, from which a large part is unsuitable, under conditions that create great danger for the environment and health of people. This problem is not only harming Ukraine but also the other countries with economies under transition.

- Ukraine has been working very hard to bring the issue of obsolete pesticides on the international agenda at the 5th Conference of Ministers of Environment of Europe, where Ukraine has been pressing for the inclusion of the obsolete pesticides issue in the final Declaration. In June 2003, Ukraine has been putting an enormous effort in the hosting of the 7th International HCH and Pesticides Forum, where 150 participants unanimously adopted in the building of the Ukrainian Parliament a resolution requesting the set up a an action programme and the installation of an Ad Hoc Working Group to prepare this programme for the countries of Central and Eastern European Countries, Caucasus and Central Asia (ECCA) Countries.

- The problem of obsolete can be divided in 3 main categories:
    - 1. forbidden identified pesticides not allowed to be used
    - 2. obsolete pesticides which cannot be identified anymore
    - 3. mix of pesticides and other agrochemicals which can be identified only by high analytical costs

- In order to solve this problem Ukraine has been acting during the last years by means of the implementation of a new legislation:
    - Law on pesticides and chemicals
    - Law on waste
    - National programme on toxic waste management
    - Regulation of Cabinet of ministers for the creation of industrial infrastructure for the elimination of forbidden and obsolete pesticides
    - Allocation and utilization of budget for the national action programme

- Ukraine has signed the Stockholm Convention on POPs

- In the framework of this national action programme the following measures have been taken:
    - Utilization of a budget at the national level varying of 2 Million Gryvna
    - Construction of special containers in each region for the long-term securing of obsolete pesticides till sufficient funds for a final solutions can be obtained
    - Major responsibility for dealing with the problems is up to the local governments, which lack sufficient budget
    - Work with the society by means of the discussion of governments and NGOs is ongoing

- For the final solution external financial help is needed due to:
    - Lack of environmentally sound modern technologies in the country for the final destruction
    - The high costs for such technologies
    - The need for further international exchange on the experience on the settlement of such problems and particularly on technologies

- Present international context on solutions for Ukraine:
    - All international attention on obsolete pesticides is at present focussed on the African continent, where the GEF and the World Bank and other stakeholders finance a programme for the elimination of 50.000 tons with around 280 Million Dollars
    - This is the first programme of its kind, but in spite that Ukraine on its own has about 40 % of the total amount of Africa, at present financing is highly questionable by the abovementioned organisations.

Solutions proposed:

- Good intentions of EU towards Ukraine could be shown by the establishment of a specific programme for Ukraine within the existing EU funding system. In order to solve the obsolete pesticides problem of Ukraine, by means of environmentally sound methods, a programme in the range of 60 to 100 Million Euro should be considered. Such a programme could be set up in different stages. The TACIS fund seems at present to lack sufficient resources, the programme is already defined till 2006 and it looks more favourable to find openings in RELEX.
- A second alternative of co-funding by EU and GEF could be considered referring the letter of the GEF in January 2003, showing the interest in such a programme under condition of co-operation with the EU

- A pilot/demonstration project for the repackaging of 200 tons of obsolete pesticides in the Poltava Oblast, based on full involvement of local government and NGO's has been handed over to Mr. Alex de Roo. This project could be a good start, as a financial support of 50% has been already secured.

2. Reactions of MEPs and other representatives in the Parliament

All MEPs unanimously express their deep concern on the huge Ukrainian problem on obsolete pesticides and are willing to support the issue.

It is emphasized that next European elections will take place, so actions have to take place with the present parliament before or thereafter with the new parliament.

MEP Ms. Dorette Corbey will support efforts via the Delegation to the EU-Ukraine and the EU-Moldavia Parliamentary Cooperation Committees and Delegation for relations with Belarus.

MEP Mr. Alex de Roo recommends that Ukraine sends proposal to the EU Commission and considers further to send a letter to the EU Commissioner

Mr. Francis Jacobs (secretary of the Environmental Committee) welcomes the persistent returning of the issue of obsolete pesticides in the discussion of the Environmental Committee and suggests, as the present Parliament will be re-elected next year to make a state of the art summary on the start and progress of this issue for the present parliament.

MEPs Mr. Jan Marinus Wiersma and Ms. Marie Isler Béguin underline that the new EU Policy for neighbouring countries should offer new opportunities for Ukraine, although it is not clear how the EU Commission will address the environmental issues, as the plan has not yet been presented by the Commission.

Last week EU Parliament Resolution for wider Europe was adapted and makes reference to the use of the screening instrument for countries like Ukraine. This is an important element in the negotiations between EU Parliament and EU Commission and in the case Ukraine wants to align its laws to the EU-standard, the EU should assist Ukraine with the setting up of such screening measures

New neighbouring countries are offered to participate in all areas. Call for freedom gives access to the EU internal market. It has to be emphasised that cross border issues will be very important and issues such as watershed management (water framework directive) and waste disposal will get high attention. Especially the co-operation with Poland and the experiences they made in this field would be very beneficial for Ukraine.

Finally Mr. Wiersma and MEP Bart Staes suggest to place the obsolete pesticides issue on the agenda of the Delegation to the EU-Ukraine and the EU-Moldavia Parliamentary Cooperation Committees and Delegation for relations with Belarus, which will meet in February 2004 in Brussels, in order to make a recommendation to the Ministerial levels.

Bart Staes means after now more than 3 years of questions it is time to act and is willing to pose questions EU Commissioner Patten.

MEP Ms. Elisabeth Schroedter, as a Vice Chair of the Delegation to the EU-Ukraine and the EU-Moldavia Parliamentary Cooperation Committees and Delegation for relations with Belarus and rapporteur for Wider Europe means that the Wider Europe concept contains a partnership with deals with environmental common values, which can be used for the obsolete pesticides issue. So by using these existing tools she means that one can act directly. Of vital importance is if Ukraine is willing to adopt the Acquis Communitaire. Such legal framework has to be prepared.
Main emphasis Ms. Schroedter puts on the "real field inventory". This inventory should include exact data also public and private locations, and waste dumps, where pesticides waste is mixed in household dumps. It is important that the present laws distinguish between obsolete pesticides before the law, which will fall under public responsibility and pesticides created after the implementation of the law, being new sources which will fall under private responsibility. Such an inventory can be directly financed via the present TACIS Fund

MEP Robert Goodwill explains that we have to reckon with more environmental disasters in the future. He is willing to pose questions to the Commission but also indicates hat the issue could be brought forward during the coming Irish chairmanship.

Mr. Dag Sounders, knows the issue already from the discussions in the Delegation to the EU-Armenia, EU-Azerbaijan and EU-Georgia Parliamentary Cooperation Committees, and is impressed on the information on huge amounts spread over 5000 locations, explained by Mr. Zayets.

3. Reactions EU Commission Representatives

Mr. Jaime Pérez Vidal of the European Commission's DG RELEX indicated that at this time he had no knowledge of any budgets being available for obsolete pesticide destruction in Ukraine. Moreover, he underlined that in the context of the previous week's meeting in Kiev of the relevant subcommittee under the Ukraine/EU Partnership and Co-operation Agreement, the issue of obsolete pesticides was not mentioned at all by the Ukrainian Delegation. The TACIS Indicative Programme for Ukraine 2004-2006 sets the priorities for that period and obsolete pesticide disposal is not included in these.
Mr.Martin Pohlmann of DG Environment noted that the funding programmes managed by DG Environment are not suitable for the management of obsolete pesticides and added that there is simply not sufficient staff to tackle this issue.

Mr. Vijgen indicates that DG Environment has adopted the 6th Environmental Action Plan since June 2001, being now 2,5 years ago with a special chapter on pesticides, where clear actions have been defined, and no concrete actions towards elimination have been taken yet. Mr. Kersten (assistant MEP De Roo) asks also if one always has to wait for a food scandal, which occurred in just 1 year ago in former Eastern Germany or if we are able to set up the appropriate framework programme in order to

avoid such actions, or if such a scandal is the only reason for action by the Commission? Is it for example so unreasonable to imagine that food coming from Ukraine to the EU, with 5000 locations of obsolete pesticides, can create future food scandals and that we should make all common efforts to avoid this and take the pleas of Mr. Zayets serious?

Mr. Vijgen mentions that even now in the Germany the problems have not been solved as the final report of the inspection to DG SANCO from February 2003 states that clearly that even at present in Germany, collection and destruction of plant production products after reunification were not properly and clearly organised and that there is no clear overview on obsolete pesticides in Germany. If a country like Germany was not able to solve this problem, how difficult one can imagine it is for a huge country like Ukraine? The report even says clearly that the Commission should encourage the access countries to have the overview of stocks of plant production products. On the last issue, Commissioner Wallström has made considerable efforts to the Accession countries and has made a report which was published in September 2002.

Mr. Vijgen handed over a pilot-demonstration project, initiated directly after the 7th Int. HCH and Pesticides Forum in Kiev, supported by the local government, institutes and NGO's in Poltava Oblast, to the Commission to be considered.

4. Discussions with PAN

Ms. Catherine Wattiez explains the organisation of PAN and its work in the field of pesticides reduction via the present PURE campaign. The present campaign on the final prohibition of paraquat is explained.