

Ministry of Health of Ukraine

**Serving People Improving Health
Additional Financing Project**

Environmental and Social Management Framework (ESMF)*

Kyiv, 2020

*This document is an update of the Environmental Management Framework of the parent SPIH project.

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Acronyms

| | |
|---------|--|
| AF | Additional Financing |
| CMU | Cabinet of Ministers of Ukraine |
| DBN | In Ukrainian: <i>Derzhavni budivelni normy</i> (State Construction Norms) |
| EA | Environmental Assessment |
| EIA | Environmental Impact Assessment |
| EMF | Environmental Management Framework |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| MENR | Ministry of Ecology and Natural Resources |
| MEEP | Ministry of Energy and Environmental Protection |
| GRM | Grievance Redress Mechanism |
| MOH | Ministry of Health |
| OP | Operational Policy of the World Bank |
| OVD | In Ukrainian: <i>Otsinka vplyvy na dovkillya</i> (Environmental impact assessment) |
| MCTD | Ministry for Communities and Territories Development |
| OVNS | In Ukrainian: <i>Otsinka Vplyvu na Navkolyshnie Seredovysche</i> - process and document of environmental impact assessment |
| NGO | non-governmental organization |
| PIU | Project Implementation Unit |
| SPIH | Serving People Improving Health |
| SSUFSCP | State Service of Ukraine on Food Safety and Consumer Protection |
| UKB | In Ukrainian: <i>Upravlinnya Kapitalnogo Budivnytstva</i> (Department of Capital Construction) |
| WB | World Bank |

1. EXECUTIVE SUMMARY

1. This ESMF, prepared for SPIH AF project is an updated version of the Environmental Management Framework for parent SPIH project that was prepared and approved in 2014.

2. **Project objective.** The proposed “Serving People, Improving Health” AF Project seeks to improve the quality of health services in selected oblasts, with special focus in primary and secondary prevention of non- communicable diseases, and enhance efficiency and governance of the health care system.

3. **Project description. Component 1 of the Additional Financing** will support upgrades of service delivery in select hospitals and outpatient facilities. The Project will support procurement of the necessary equipment for the emergency departments, surgical departments, and stroke units in the selected hospitals. As a precondition to receive the procured equipment, these hospitals will need to complete the refurbishment and reconstruction works financed by the state program foreseen for the upgrade of the hospitals and local co-financing funds.

The Borrower and implementing agency for the project is the Government of Ukraine (represented by the Ministry of Health), and in each oblast, the implementing agency is oblast State Administration and its Department of Health Care. Technical aspects of construction work in oblasts will be managed by Departments of Capital Construction of oblast State Administrations.

4. **Location and project activities.**

The hospitals which will be selected for procurement of equipment for the emergency departments, surgical departments, and stroke units from AF, will carry on refurbishment and reconstruction works of their premises. These works, in spite of being financed not from the WB loan, are considered by the WB as associated activities, and thus WB safeguards policies fully apply to them.

Selection of the hospitals will be done at later stages of the SPIH AF project.

Reconstruction usually will involve various works inside the building, windows/doors replacement, roofing (if needed), facade works and necessary improvement of existing infrastructure on the site. There will be no infrastructure works outside the facility site (power, water, sewerage lines) carried out in the framework of this project.

5. **Project category.** The World Bank has established its social and environmental safeguard policies in order to prevent and mitigate potential adverse impacts associated with the Bank's lending operations to people and their environment. These policies are triggered if a project is likely to have potential adverse environmental and social risks and impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; social environment.

Potential negative impacts of the proposed Project are predictable, small-scale and manageable. These potential impacts are associated with rehabilitation and reconstruction of existing premises of hospitals, polyclinics, and primary care centers. Both parent and SPIH AF projects are assigned a Category “B” rating, and sub-projects of Component 1 of the SPIH AF will be either Category B or Category C (the C being procurement of medical equipment without reconstruction works) According to category B, subprojects described above require environmental assessment procedure which should be in compliance with Ukrainian legislation

and World Bank policies. The scope of environmental assessment may vary from subproject to subproject. The Borrower is responsible for carrying on environmental and social assessment and providing information to the public through public consultations.

Any activities that may cause any permanent or temporary physical or economic displacement would be excluded from the project. Therefore, the Involuntary Resettlement Policy OP4.12 is not triggered.

6. Potential negative environmental and social impacts are predictable, small-scale and manageable. *These potential impacts are associated with rehabilitation and reconstruction of existing premises of hospitals.* The subprojects to be supported under the project (reconstruction and refurbishment activities) might cause some environmental impacts that can be summarized as follows:

During construction phase:

- soil and air pollution; acoustic, aesthetics impacts, etc. Overall, all these impacts will be site-specific and mostly temporary, and can be easily mitigated through good project design and implementation practices.

During operation phase:

- health care facilities will generate household waste and medical waste, which will be disposed of through existing practices (collection and processing by licensed waste collection companies).

If environmental policies of the World Bank are more stringent than the requirements of Ukrainian regulations, the World Bank requirements should be applied.

7. Potential social impacts can be summarized as follows

- Positive: better access to health care services; higher level of satisfaction with the provided services due to better ventilation, sanitary and heating conditions; higher level of services provided with modern equipment. The social impact of the proposed Project is expected to be benefiting disproportionately the rural and more disadvantaged population.
- Negative: changes in functionality of existing hospitals; during potentially long period of reconstruction people will have limited access to locally provided health care.

8. Environmental and social screening. All subprojects to be supported under SPIH AF project will be subject to environmental screening, which will be conducted by implementing agencies (MOH and oblast State Administrations). Most of the refurbishing sub-projects will fall under Category B and low-B, which will require a simple Environmental and Social Assessment and/or preparation of a simple ESMP Checklist.

9. Environmental Management Framework. In order to address safeguard issues, the Borrower (Ministry of Health) has developed the ESMF. In accordance with this ESMF, all participating oblasts will develop site-specific ESMPs or ESMP-checklists for every refurbishment microproject to be implemented in each oblast. These ESMP and ESMP-checklists will specify potential adverse environmental and social impacts and mitigation measures. Within the ESMP and ESMP-checklists, the Environmental and Social Monitoring Plans will be prepared for each microproject, where monitoring indicators, timing, methods, and institutional responsibilities will be specified.

10. ***Environmental and Social Management Framework disclosure and consultation.*** The Project Implementation Unit (PIU) will post information on draft Environmental and Social Management Framework for SPIH AF project on a MOH web-site (www.moz.gov.ua) for broad public access before approval of AF. Later, the PIU will organize public consultations on ESMF for SPIH AF project. After the consultation, the draft ESMF document will be reviewed to consider inputs from consulted parties. The final version of the ESMF will be re-disclosed on the website of the Ministry of Health and in the World Bank website upon completion of public consultations.

2. DESCRIPTION OF PROJECT ACTIVITIES WHICH REQUIRE ENVIRONMENTAL ASSESSMENT

Following the WB Safeguards Policies and Procedures, the original Environmental Management Framework that was prepared and approved in 2014 for parent SPIH project has been updated in 2020 for SPIH AF project to (a) cover social impact assessment and update the template for the Environmental and Social Management Plan with social mitigation measures; (b) reflect the AF-supported activities (including associated activities); (c) address safeguards issues during AF implementation; (d) address changes in management arrangements and necessary capacity building; (e) detail requirements of the new law “On Environmental Impact Assessment (*Pro otsinku vplyvu na dovkillu*)”; (f) reflect reporting requirements under the Environmental and Social Incident Reporting Tool; and (g) provide guidelines on GRM-handling procedures for subprojects’ implementers; (h) reflect changes in the structure of Ukrainian Government organs.

Within Component 1 of the Additional Financing there are activities which will support upgrades of service delivery in select hospitals and outpatient facilities. The Project will support procurement of the necessary equipment for the emergency departments, surgical departments, and stroke units in the selected hospitals. The budget allocated in 2020 for the upgrade of the emergency departments could cover 30-50 hospitals. The selection of the hospitals will be completed before the effectiveness of the Project. No acquisition of new land plots for these sub-projects is envisaged.

As a precondition to receive the procured equipment, these hospitals will need to complete the refurbishment and reconstruction works of their premises, financed by the state program foreseen for the upgrade of the hospitals and local co-financing funds. These works, in spite of being financed not from the WB loan, are considered by the WB as associated activities (i.e. they are directly related to the project and necessary for the project to be viable), and thus WB safeguards policies fully apply to them.

Reconstruction usually will involve various works inside the building, windows/doors replacement, roofing (if needed), facade works and necessary improvement of existing infrastructure on the site. Sub-project implementers (oblasts) clearly indicated that there will be no infrastructure works outside the facility site (power, water, sewerage lines), because all this infrastructure objects are owned and managed by municipalities.

Technical aspects of construction work in oblasts will be managed by Departments of Capital Construction (*Upravlinnia kapitalinogo budivnytstva*) of oblast State Administrations. These departments organize construction of all public buildings in oblast (school, hospitals, government offices etc.) They have sufficient staff to manage several large and many small construction projects at one time.

3. UKRAINIAN AND THE WORLD BANK ENVIRONMENTAL AND SOCIAL ASSESSMENT POLICIES, RULES AND PROCEDURES, INCLUDING OCCUPATIONAL HEALTH AND SAFETY

3.1. Ukrainian Legislation regulating environmental protection and environmental assessment.

A general overview of Ukrainian environmental legislative and regulatory base is presented in ANNEX 1. Here we will describe in detail only environmental impact assessment.

There was a special law "On Ecological *Expertyza* (Environmental Review)" of 1995, which specified several types of "Ecological *Expertyza*", of which the State ecological *expertyza* was mandatory and most important. Actually, the Law stipulated that design documentation should be reviewed and approved by the panel of environmental experts.

This Law became inoperative on 23.05.2017, when a new Law "On Environmental impact Assessment" (*Pro Otsinku vplyvu na dovkillya, OVD*) № 2059-VIII of 23 May 2017 was enacted. Parts 2 and 3 of Article 3 of this Law specify the list of activities which require EIA/OVD. Procedure of preparing environmental impact assessment (Ukrainian acronym OVNS) documentation is prescribed by the State Construction Norms DBN A.2.2-1-2003 "On Conducting Assessment of Environmental Impact", but this procedure is not applicable because none of sub-projects envisaged by SPIH AF requires EIA/OVD.

Since none of the subprojects under Component 1 of SPIH AF fall under requirements of OVD Law and EIA/OVNS, the key applicable Law is the Law which regulates all types of construction activities: "On Regulation of City Planning Activity" of 12 March 2011. This law prescribes what kind of documentation should be prepared for construction projects of different types, and how this documentation should be reviewed. Provisions of this law are specified in a number of State Construction Norms (see list in Annex 2), which also take into account requirements of other legislative acts.

Engineering survey, design and construction activities are regulated by the Ministry for Communities and Territories Development (MCTD). There exists a whole set of design and construction norms and standards, of these we will mention here DBN A.2.2-3-2012 "Composition and Content of the Design Documentation for Construction", which defines terminology, types of construction activities and objects etc.

The State Construction Norms DBN A.2.2-3-2012 "Composition and Content of the Design Documentation for Construction" (Annexes B.1.2 and D) requires mandatory section on "environmental impacts, measures for their minimization, mitigation and compensation" in all types of design documentation (feasibility study, detailed design etc.) When design documentation is reviewed by the State Civil Engineering *Expertyza* (*Derzhbudekspertyza*), this section is also analyzed and approved by the experts.

In the State Construction Norms DBN A.2.2-3-2012, mentioned above, there are also requirements to justify decision on the necessity to construct (reconstruct) particular object, as well as provision "to ensure accessibility for handicapped persons".

General guidance on how the public consultations must be organized in case of full-scale EIA are listed in Section 1 of the State Construction Norms DBN A.2.2-1-2003. However, as none of sub-projects envisaged by AF will require EIA, these requirements are not applicable for the SPIH AF project.

3.2. World Bank Safeguards Policies

The World Bank has established its social and environmental safeguard policies in order to prevent and mitigate potential adverse impacts associated with the Bank's lending operations to people and their environment. Taking into account the nature of the proposed sub-projects, of ten Operational Policies eight (OP-BP 4.04 - Natural Habitats; 4.09 - Pest Management; 4.10 - Indigenous People, 7.50 - International Waterways, 4.37 - Safety of Dams 4.12 - Involuntary Resettlement; OP-BP 4.36 - Forests and 7.60 Disputed Areas OP-BP) are not triggered.

OP 4.01: Environmental Assessment - is triggered for all sub-projects and one policy (OP-BP 4.11 - Physical Cultural Resources) apparently is not triggered also (this will be clarified during preparation of the location of microprojects. These two policies are described below, OP 4.01 in more detail and OP-BP 4.11 in a general way.

OP/BP 4.01: Environmental Assessment

This policy is triggered if a project is likely to have potential (adverse) environmental risks and impacts in its area of influence, which is the case with our sub-projects. OP 4.01 covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; transboundary and global environment concerns.

When OP 4.01 is triggered, the Bank classifies the project as category A, B, C, or FI according to the nature and magnitude of potential environmental impacts. For category B projects, the scope of the EA may vary and it is narrower than category A. Activities of most of sub-projects fall under the category Low-B, for which a simplified ESMPs in the form of checklist should be prepared.

Depending on the project and the nature of impacts, a range of instruments can be used: Environmental Impact Assessment (EIA), environmental audit, Environmental and Social Management Framework (ESMF) and Environmental and Social management plan (ESMP).

The Borrower is responsible for carrying out the EIA and preparing ESMF and ESMPs.

For Environmental Category B sub-projects (High B and Low B alike) the Borrower consults project-affected groups and local non-governmental organizations (NGOs) about the project's environmental and social aspects and takes their views into account. The Borrower initiates such consultations as early as possible.

The Borrower provides relevant information in a timely manner prior to consultation and in a form and language accessible to the groups being consulted.

The Borrower makes the ESMF available in the country in the local language and at a public place accessible to project-affected groups and local NGOs prior to appraisal.

OP 4.11 – Physical Cultural Resources

It is not known yet whether any micro-project will affect physical cultural resources (e.g. if a building which will be reconstructed is listed as a historic building). In case physical cultural

resources are affected, the Action Plan for Physical Cultural Resources will be prepared by the Borrower.

3.3. Comparative review of the World Bank Safeguard Policies and Ukrainian Environmental Norms

The analysis of Ukrainian and the World Bank requirements on the Project's Environmental Assessment and Environmental Management Plan indicates that they are largely similar.

Environmental Assessment

The World Bank's EA policy and procedure is generally compatible with the EIA system and practice established in Ukraine, both terminologically and methodologically.

A key common requirement, articulated in both systems, relates to the mandatory character of the environmental impact assessment as an integral part of project preparation, design and development for any project activity that involves a new construction and/or upgrade of an existing facility. According to Ukrainian legislation and regulations, SPIH AF subprojects do not fall into category which require full-scale EIA, because project activities are not listed in Article 3 of the Law on OVD.

For other objects and activities, including those to be implemented by SPIH AF, a section on environmental protection in the design documentation will be developed and reviewed by the state *Dershbudexpertyza*. Both Ukrainian legislation and WB safeguard policies envisage that provisions of EIA and of the section on environmental protection in design documentation must be implemented by the project proponent and contractors.

If environmental safeguard policies of the World Bank are more stringent than the requirements of Ukrainian regulations, the World Bank requirements should be applied, e.g. requirement of disclosure and public consultations on developed ESMPs for each reconstruction project.

Management of Cultural Heritage

There is close similarity in requirements and approaches adopted by the World Bank and Ukraine with regard to the management of cultural heritage.

A key common requirement, set out in the Bank's policy and Ukrainian legislation, is to ensure the preservation of cultural assets and historical heritage.

3.4. Occupational health and safety

The Law of Ukraine on Labor Safety defines the basic provisions for the implementation of the constitutional right of employed citizens to ensure occupational health in the course of their employment, as well as to proper, safe and healthy working conditions. In addition to many other provisions of the law, employees must receive training in occupational health and safety, as well as personal protective equipment. In the case of industrial accidents, the law provides that the employer is obliged to organize investigations and keep records in accordance with the procedure established by the CMU Resolution (No. 1232 of 30.11.2011). This Law must be observed during construction and operation phases of each sub-project.

The Law of Ukraine On Protection of Populations and Territories from Technogenic and Natural Emergencies defines the organizational and legal bases of protection of citizens of Ukraine,

foreigners and stateless persons who are in the territory of Ukraine, protection of objects of industrial and social purpose, environment from of man-made and natural emergencies.

4. BASELINE DATA

The specific location of the subprojects (activity of the Project) is not known yet. Hospitals and health care facilities where Component 1 of SPIH AF activities requiring reconstruction/rehabilitation works will be carried out, will most likely be located in urbanized areas. When the subprojects are identified and their location is known, the PIU will support the subproject implementing organizations in developing ESMPs with subproject specific baseline data that would include the following:

- Location of the subproject (geographical location specifying names of towns/villages, community, etc.);
- Description of physical environment (climate), topography (geology, soils and hydrology);
- Biological environment nearby (ecosystems, protected areas);
- Socio-economic background.

5. POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS OF SPIH AF PROJECT ACTIVITIES

5.1. Screening/Identification of Potential Environmental Impacts

The project proposals from the participating oblasts for SPIH AF project as developed by project appraisal do not envisage any land acquisition. Planned renovations and extensions (microprojects) will be made within the existing boundaries of the institutions. Any activities that may cause any permanent or temporary physical or economic displacement will be excluded from the project. Therefore, the Involuntary Resettlement Policy OP4.12 is not triggered.

At this stage of project preparation only a limited number of project sites were visited. At a later stage ESMP checklists will have to be developed for each subproject.

The following table highlights identified potential issues.

Table 4.1. Screening - Identification of issues

| Activity and examples of potential issues and/or impacts | Microprojects |
|---|------------------|
| A. Building rehabilitation <ul style="list-style-type: none"> - Increase of dust and noise during reconstruction works - Construction waste - Risk of injuries for workers and by-passers | + + + |
| B. New Construction <ul style="list-style-type: none"> - Cutting trees and plants - Excavation impacts, soil pollution and soil erosion - Site specific vehicular traffic - Increase of dust and noise during construction works - Construction waste - Pollution of ground and surface water by effluents | N/A |
| C. Wastewater treatment system <ul style="list-style-type: none"> - Individual wastewater treatment system | + or - |
| D. Impact on natural ecosystems and important habitats | - |
| F. Traffic and pedestrian safety <ul style="list-style-type: none"> - Site specific vehicular traffic - Pedestrian movement | + + |
| G. Handling/management of household waste and medical waste (operation phase) <ul style="list-style-type: none"> - Household waste - Medical waste - Syringes - Off-site disposal of medical waste | + + + + |

5.2. Potential Social Impacts

Implementation of sub-projects will have various social implications. In general, successful implementation of the SRIH AF Project will have social benefits to the people, but there could be some negative impacts, real or perceived.

Potential Benefits

- Higher level of satisfaction with the provided services due to better ventilation, sanitary and heating conditions in the premises;
- Higher level of services provided with modern equipment.

Potential Negative Impacts of Reconstruction activities

- Changes of intended use of hospitals and health care facilities may meet with opposition from some groups of local people;
- If hospital or existing health care facility is reconstructed, people may fear that during long period they will have no access to locally provided health care;
- Since the project will be funded eventually by the budget money, people may question the necessity of just this investment (there could be, in their opinion, more pressing issues).

6. SPIH AF PROJECT ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

6.1. Environmental and Social Management Framework Overview

The purpose of the project Environmental and Social Management Framework is to assist the PIU staff and sub-project implementing agencies (oblast state administrations) in determining the potential environmental and social impacts of subprojects, in preparing environmental and social management plans (ESMPs) that will summarize necessary mitigation measures to minimize or prevent them, in disclosing and organizing public consultations on these ESMPs and later in environmental monitoring and reporting. ESMP shall be included in tender documentation for reconstruction/refurbishing works and then implemented by contractors.

Each of sub-project implementing agencies (Oblast Health Care Departments, with support from Departments of Capital Construction) will have to prepare and use ESMP-checklist for each of microprojects.

6.2. ESMP-Checklists

In order to address safeguard issues, oblasts will develop ESMP-checklists for each subproject. These ESMP-checklists will provide guidance on potential site-specific impacts and mitigation measures to be undertaken for activities through the design to implementation phase, to the monitoring and evaluation of results. ESMP-checklists shall also provide a monitoring plan format that includes monitoring indicators, timing, monitoring methods, and institutional responsibilities.

ESMP-checklists for every microproject will consist of 4 parts:

- **Part 1:** description of microproject (for use by screener/approver)
- **Part 2:** identification of potential impacts (for use by screener/approver)
- **Part 3:** identifies issues and associated mitigation measures (becomes part of construction contract)
- **Part 4:** monitoring/supervision plan to verify effective mitigation (for use by construction site supervisor and PIU).

Templates for these parts of ESMP-checklist could be found in Annexes 3-6. These ESMP-checklists will be a streamlined, practical instrument, which would be standardized, easy to prepare, implement and monitor, specifically tailored to small scale reconstruction/rehabilitation projects.

6.3. Environmental and Social Monitoring and Reporting

Ministry of Health, and PIU created by the Ministry, are responsible for monitoring and reporting on implementation of ESMF/ESMPs and all related issues, such as reporting on incidents and complaints. The functions of PIU are described in more detail in the following sections.

According to the proposed institutional arrangements at oblast level, two departments of oblast State Administrations will be involved in project implementation: Department of Health Care and Department of Capital Construction (*Upravlinna kapitalnoho budivnytstva, UKB*). Of these two, UKB will be responsible for all technical issues, including supervision of contractors' works. Within each UKB there is a technical supervision division, properly staffed with qualified

engineers. These engineers will be responsible for environmental monitoring of subproject construction activities in accordance with the ESMP-checklists and providing reports to PIU.

Sample Monitoring plan (Part 4 of ESMP-checklist), populated with examples (to be updated as needed) is contained in Annex 6.

Implementing agency on oblast level shall submit monthly reports on compliance with environmental and social safeguards to PIU, and PIU shall submit quarterly reports to the World Bank. The template of the progress report is attached in Annex 7.

Despite significant efforts to manage environmental and social risks associated with Project activities, incidents may sometimes occur. An incident in this context is an accident or negative event resulting from failure on the part of the implementing party to comply with national legislation and Bank safeguards policies requirements, or conditions that occur because of unexpected or unforeseen events during project implementation. Examples of incidents include: fatalities, serious accidents and injuries; social impacts from labor influx; sexual exploitation and abuse or other forms of gender-based violence; major environmental contamination; loss of biodiversity or critical habitat; loss of physical cultural resources; and loss of access to community resources. All such incidents should be immediately reported by implementing parties to PIU, and PIU shall report to the World Bank. The template of the incident report is attached in Annex 8.

7. INSTITUTIONAL ARRANGEMENTS

Institutional responsibilities of all parties could be summarized in this way;

| World Bank | МОН/PIU | Oblast implementers |
|---|--|--|
| Визначення категорії проекту | Розробка Рамкових вимог щодо запобіжних природоохоронних та соціальних заходів (РВЗПСЗ - ESMF) | Розробка ПЕСМ (ESMP) для суб-проектів з додержанням вимог РВЗПСЗ і національного законодавства |
| Надання ГРП (PIU) рекомендацій щодо вимог попереджувальних політик СБ | Визначення категорій суб-проектів | Оприлюднення ПЕСМ, організація консультацій і подальшого діалогу з зацікавленими сторонами |
| Розгляд і погодження Рамкових вимог щодо запобіжних природоохоронних та соціальних заходів (РВЗПСЗ) | Надання замовникам суб-проектів рекомендацій щодо підготовки ПЕСМ і погодження ПЕСМ | Контроль за включенням вимог ПЕСМ у проектну документацію |
| Моніторинг виконання РВЗПСЗ | Контроль за включенням вимог ПЕСМ в договори з підрядними організаціями | Контроль за додержанням ПЕСМ підрядними організаціями |
| Погодження змін до документації Проекту, включаючи РВЗПСЗ | Моніторинг реалізації ПЕСМ суб-проектів і звітування перед СБ | Організація механізму розгляду скарг і його функціонування |
| | Підтримка діалогу зі Світовим Банком, замовником підпроектів і громадськістю | Звітування перед ГРП |

Since the PIU is responsible for ESMF preparation and implementation, the PIU will ensure that requirements of ESMPs are properly included in bidding documentation, and that bidders prepared plan for implementation of required mitigation measures and allocated budget for implementation of ESMPs.

PIU will provide operational and management support for the proposed Project for its full duration, so it needs to make sure that the position of the Environmental and Social Specialist of PIU is properly reflected on the budget of the Project. Also, the budget should include a budget line that would support targeted technical assistance to the PIU and oblast implementing agencies on Bank-specific processes related to procurement, financial management, and environmental and social risk management, and would support the project-specific Grievance Redress Mechanism (see below).

The МОН/PIU is responsible for revisiting and approving ESMF and monitoring its implementation as well as advising contractors on environmental and social issues.

The Environmental and Social Specialist at the PIU will monitor compliance with ESMF provisions. The tasks of the Environmental and Social Specialist may include the following:

- screening the subprojects and assisting subprojects in drafting of the ESMPs;

- providing support in ensuring compliance of ESMPs (renovation/rehabilitation and construction activities) with WB safeguards policies;
- ensuring, prior to the commencement of works, that all necessary permits are obtained;
- ensuring that all necessary measures for impact mitigation and monitoring are properly taken into account in the civil works budgets (procurement plans) of subprojects;
- monitoring implementation of mitigation measures, and informing the head of the PIU / WB / MOH on any identified non-compliance;
- ensuring implementation of the monitoring plan within each subproject;
- ensuring establishment and operation of a grievance redress mechanism (GRM) at the project level and submission of quarterly reports on consideration of complaints received in connection with implementation of the Project;
- ensuring the relevant updating of the ESMF and subproject ESMPs to reflect the needs of the Project and changes in the World Bank's environmental and social policy (if applicable);
- in case of an incident, ensuring timely notification of the Bank, participation in development of a corrective action plan.

The Environmental and Social Specialist will report to the head of the PIU.

The PIU is in charge of overseeing the organization and conduct of public discussions on individual subprojects. The PIU will closely cooperate with oblast implementing agencies to ensure access to subprojects information for general public and stakeholders in accordance with the national legislation and the WB policies.

Capacity building activities (training workshops) shall be organized by PIU for the following groups:

- oblast implementing agencies – on the contents and purpose of ESMF/ESMP and importance of compliance with environmental requirements and safety in the period of construction works and in future operation of buildings in accordance with the developed ESMP;
- construction contractors – on required procedures for mitigating negative environmental impacts during construction and dismantling works, reporting on incidents and complaints etc.

Representatives of the World Bank will visit participating health care institutions to monitor implementation of the subprojects.

8. GRIEVANCE REDRESS MECHANISM

Addressing grievances raised by individuals affected by World Bank-funded projects is an important component of managing project risks. A GRM serves as an effective tool for early identification, assessment and resolution of grievances and therefore for strengthening accountability to beneficiaries. The GRM serves as an important feedback mechanism that can improve project impact and mitigate the undesirable ones.

The Project-level GRM mechanism will be available to project stakeholders and other affected parties to submit questions, comments, suggestions and/or complaints and provide any form of feedback on all project-funded activities. Each ESMP will include establishment of subproject-level GRM, as well as workers' GRM and will carry the same functionality as Project-level GRM but of local scale.

GRM shall establish mechanisms and procedures for:

- Channel(s) to make complaints;
- Registration of complaints and keeping logbook;
- Investigation of the event(s) and their consequences;
- Response to the complainant;
- Right of complainant to appeal.

9. DISCLOSURE AND CONSULTATIONS

SPIH AF project Draft Environmental Management Framework (ESMF) will be disclosed prior to appraisal by the MOH. ESMF will be posted at the MOH web-site, and public consultations will be organized by the MOH. After the consultation, the draft ESMF will be reviewed to consider inputs from consulted parties, and the final version of the ESMF will be re-disclosed on the website of the Ministry of Health and in the World Bank website. The minutes of the consultations with the list of considered issues and other relevant information will be attached to the final ESMP as an Annex 9.

At a later stage, ESMP-checklists will be prepared by recipient implementing agencies in each oblast. Information on subprojects will be posted on the respective health care facilities and oblast State Administration's web-sites, and public consultations organized. Then draft ESMP-checklists prepared by local implementation agencies will be disclosed and consulted upon. Draft ESMPs will be reviewed to consider inputs from consulted parties, information on public consultation added to ESMPs and the final versions of the ESMPs will be re-disclosed on the websites of the oblast State Administrations.

10. ANNEXES

Annex 1. General Overview of Ukrainian Environmental Legislation and Institutions

A1.1. Key legislative acts

Ukrainian legislative and regulatory base which governs environmental issues is quite comprehensive and sophisticated. It consists (in order of hierarchy) of: international conventions, treaties, protocols and agreements ratified by the Parliament (Verkhovna Rada); laws; resolutions (*Postanova*) and decrees (*Rozporiadzhennia*) of the Cabinet of Ministers of Ukraine (CMU); orders (*Nakaz*) of the Ministers. Various **norms, rules, standards and guidances**, often jointly referred to as regulations (*normatyvno-pravovi akty*) are approved by resolutions of the CMU and orders of the Ministers. To become legal, every piece of legislation has to be registered with the Ministry of Justice.

Of major importance are also by-laws (*Polozhennia*) of numerous government bodies (Ministries, State Agencies, State Inspectorates, State Services and other central government organs) which define authority of the respective government organ and its branches on regional (oblast and rayon) level. This section of legislation underwent very significant changes after the administrative reform of 2010, when the whole system of central government organs was changed.

The environmental aspects are also regulated by relevant legal provisions contained in other parts of the country's law (civil law, water code, land code, administrative legislation, criminal law, etc.). More specifically, these provisions specify the grounds and details of punitive actions/penalties of disciplinary, administrative, material and/or criminal nature, imposed on an environmental offender and related to the harm done by the offence, environmental risk, and severity of adverse impact produced.

Below is a list of key laws, which regulate environmental aspects of the SPIH project components that are under consideration:

- **On Environmental Protection (1992)**. The Law contains a general provision on the protection of the environment, ensuring the safety of human health and the environment.
- **On the Principles of Town Planning (1992)** "*Про основи містобудування*" - this Law defines various legal, economic, social and organizational provisions for urban building activities with the aim "to ensure provision of environmental protection, rational nature resource use and conservation of cultural heritage".
- **On sanitary and epidemiological wellbeing of population (1994)**. Comprehensive Law, accompanied by numerous regulatory acts, e.g. "State sanitary norms and rules for maintenance of territories of settlements", rules for urban planning etc. The State Sanitary Epidemiological Expertiza is carried out on the basis of this law.
- **On Environmental Impact Assessment (*Pro otsinku vplyvu na dovkillia*), 2017** - specifies general provisions for environmental assessment. It should be noted, however, that this Law covers only those activities for which EIA/OVD is required.
- **On local self-government (1997)**. This Law defines responsibilities of local self-government, including elected (councils) and executive (administrations) organs.

- **On wastes (1998)**. A law that covers the sphere of responsibility of MENR, MRDC, several other ministries and local authorities. It underwent serious amendments, especially when Ukraine joined the Basel Convention.
- **On provision of urban amenities (2005)** (*Про благоустрій населених пунктів*). The Law establishes authority of various levels of government (CMU, MRDC, Council of Ministers of Crimea, local state administrations, organs of local self-government).
- **On Regulation of City Planning Activity (2011)** (*Про регулювання містобудівної діяльності*) - the Law amended numerous regulations defining requirements for the civil engineering sector. The aim of this Law is "to establish legal and organizational principles of city planning activities which should be aimed at achieving sustainable development of territories taking into account state, public and private interests". This law is the key that regulates all types of construction work, specifies what documentation should be prepared for different types of construction projects by different classes of consequences (responsibility) and how the examination of such documentation is conducted.

Of course there are many media-specific and other environment-related laws (Land Code, Water Code, Laws like "On Air Protection", "On Protected Territories", "On Ecological Network" etc.), but they are not so relevant to the SPIH project activities. Annex "Be" (Ukrainian Be!) to DBN A.2.2-3-2012 lists those laws which should be taken into account during environmental assessment (see this list in Annex 2 to this document).

Due to the fact that expected environmental impacts of the proposed SPIH project component are very limited, we will give here only brief outline of environmental assessment regulations that are of major importance for the project activities.

A1.2. Ukrainian Environmental Enforcement Institutional System

Ministry of Energy and Environmental Protection plays the key role in defining national environmental protection policy. Technical and some business aspects in the area of civil engineering are regulated mainly by the Ministry for Communities and Territories Development (MCTD).

Recently the institutional system underwent significant changes: In September 2019 MENR was renamed as Ministry of Energy and Environmental Protection, and Ministry of Energy was merged with it.

Responsibility for enforcement of environmental legislation stays with the State Ecological Inspectorate (liquidated in August 2019 and re-instated in October 2019), a government organ under the MEEP. State Inspectorate and its oblast branches have the authority to conduct inspections, to issue mandatory warrants, to impose fines etc. Other government organs are also involved in compliance control and enforcement of environmental legislation in their areas of responsibility: State Geological Service, State Water Resources Agency.

Within the boundaries of the cities, the city administrations control the state of environment (waste removal, street cleaning, green zones etc.) through their departments of "urban amenities and nature protection" (*Departament miskogo blagoustroyu ta zberezhenia pryrodniogo seredovyscha*) - names of the departments could differ from city to city, but their functions are very similar).

Within the Ministry of Economic Development, Trade and Agriculture of Ukraine, the State Service of Ukraine on Food Safety and Consumer Protection is responsible for enforcement of sanitary-epidemiological legislation.

A1.3. Access to Information and Public Participation

In Ukraine, access to environmental information was ensured when the Parliament ratified the Aarhus "Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" in 1999. Several regulatory acts were developed by the MENR which specify provisions of this Convention.

Detailed requirements to organization of public consultations on environmental matters exist only for two activities: objects of radiation hazard (Resolution of CMU of 1998 with amendments of 2006) and development of master plans of cities and territories (Resolution of CMU of 2011). These are not applicable in our case.

General guidance on how the public consultations must be organized in case of full-scale EIA are listed in Section 1 of the State Construction Norms DBN A.2.2-1-2003. However, when EIA/OVNS is not required by the Law on OVD, there are no provision on public consultations on construction and other business activities. So, the requirements of OP4.01 shall be followed.

The project proponent and EIA developer are responsible for organizing public consultations.

Annex 2. List of State Construction Norms relevant for SPIH AF project and ESMF

DBN A.2.2-1-2003 "State Construction Norms on Conducting Assessment of Environmental Impact"

DBN A.3.2-2-2009 OSBP "Occupational Safety and Industrial Safety in Construction. Substantive provisions";

DBN B.2.6-33:2008 Construction of buildings and structures. Construction of Envelope with exterior heat insulation. Requirements for Design, Installation and Operation

DBN B.2.6-31:2006 Construction of buildings and structures. Thermal Insulation of Buildings

DBN A.2.2-3: 2013 "Composition and content of project documentation for construction";

DBN B.1.2-7-2008 «Basic requirements for buildings and structures. Fire Security";

DBN B.1.2-9-2008 «Basic requirements for buildings and structures. Safety of operation »;

DBN B.1.2-10-2008 «Basic requirements for buildings and structures. Noise protection »;

DBN B.1.1-31: 2013 "Protection of territories, buildings and structures from noise";

DSTU-N Б B.1.1-27: 2010 "Building climatology";

DSTU-N Б B.1.1-33: 2013 "Guidance on the calculation and design of noise protection of rural areas";

NAPS A.01.001-14 "Rules for fire safety in Ukraine";

DSN 3.3.6.039-99 "State sanitary standards of industrial general and local vibration";

Annex 3. ESMP-Checklist for Small Scale Civil Works - Part 1, description

| PART 1. DESCRIPTION OF ACTIVITIES | | |
|--|------------------------------------|--|
| INSTITUTIONAL ARRANGEMENTS | | |
| Subproject title | | |
| Scope of subproject and activity | | |
| Institutional arrangements (names and contacts) | World Bank | |
| | PIU | |
| | Local project proponent | |
| Implementation arrangements (names and contacts) | Safeguards supervision | |
| | Local safeguards supervision | |
| | Contractor | |
| SITE DESCRIPTION | | |
| Name of site | Town/village... | |
| Describe site location | Address, description of nationhood | |
| Who owns the land? | | |
| Who owns the building? | | |
| Describe the object | | |
| Describe geographic, physical, biological, geological, hydrographic and socio-economic context | | |
| LEGISLATION | | |
| Identify legislation and permits that apply to project activity | | |
| PUBLIC CONSULTATION | | |
| | | |

| | |
|---|--|
| Identify when and where the public consultation process took place, how it was prepared and where the minutes are available | |
| INSTITUTIONAL CAPACITY BUILDING | |
| Will there be any capacity building? | |

Screening checklist to assess social risks and impacts of subproject interventions

| Probable Social Impacts | Yes | No | Provide details to justify the answer |
|---|------------|-----------|--|
| 1. Will the intervention include new physical construction work? | | | |
| 2. Does the intervention include upgrading or rehabilitation of existing facilities? | | | |
| 3. Is the intervention likely to cause any permanent damage to or loss of housing, other assets, resource use? | | | |
| 4. Is the site chosen for this work free from encumbrances and is in possession of the Public/government/community land? | | | |
| 5. Is this sub project intervention requiring private land acquisitions? | | | |
| 6. If the site is privately owned, can this land be purchased through negotiated settlement? (Willing Buyer – Willing Seller) | | | |
| 7. If the land parcel must be acquired, is the actual plot size and ownership status known? | | | |
| 8. Does the subproject cause any access restriction to the commuters/pedestrians/ business and trades? | | | |
| 9. Is land for material mobilization or transport for the civil work available within the existing plot/ Right of Way? | | | |
| 10. Are there any non-titled people who are living/doing business on the proposed site/project locations that use for civil work? | | | |
| 11. Is any temporary impact likely? | | | |
| 12. Is there any possibility to move out, close of business/commercial/livelihood activities of persons during constructions? | | | |
| 13. Is there any temporary or permanent physical displacement of persons due to constructions? | | | |
| 14. Does this project involve resettlement of any persons? If yes, give details. | | | |
| 15. Will there be loss of /damage to agricultural lands, standing crops, trees? | | | |
| 16. Will there be loss of incomes and livelihoods for anyone due to project intervention? | | | |
| 17. Will people permanently or temporarily lose access to facilities, services, or natural resources? | | | |

| | | | |
|---|--|--|--|
| 18. Will project cause loss of employments/jobs | | | |
| 19. Will project generate excessive labor influx as a result of new constructions | | | |
| 20. Does construction activities require additional/skilled labor from outside the locality | | | |
| 21. Will subproject/construction activities cause destruction/disturbance to host community living | | | |
| 22. Will the physical works create any degradation/disturbances for public buildings/resources/ adjacent houses, wells, lands, Burial places, children parks etc. | | | |
| 23. Does intervention may cause unintended consequences such as accidents/ damages to adjacent buildings | | | |
| 24. Are any vulnerable groups who may affect adversely (including indigenous people) due to the project intervention? | | | |

(Part 2) (to be completed by the MOES based on the findings of the social screening and scoping process)

1.Subproject social risk Category (B or C) and arguments used for the determination of project category_____

2.Does public Consultations carried out with affected/interested parties (Yes/No)—If yes please attach a separate sheet describing the outcome

3. Social Screening/ Assessment required (yes or no) _____

4. If social assessment is required, what are the specific issues to be addressed? _____

5. Types of Social documents (RAP/ A-RAP for category B projects- Social Screening Reports for C category) _____

(Outlines for safeguards documents (RAP, A-RAP, Social Screening Report can be obtained from WB staff)

MOH Specialist:

Date:

Annex 4. ESMP-Checklist for Small Scale Civil Works - Part 2, potential issues

| PART 2. ACTIVITY AND EXAMPLES OF POTENTIAL ISSUES AND/OR IMPACTS | Yes/No |
|---|--------|
| <p>A. Building rehabilitation</p> <ul style="list-style-type: none"> - Increase of dust and noise during reconstruction works - Site specific vehicular traffic - Construction waste | |
| <p>B. New Construction</p> <ul style="list-style-type: none"> - Cutting trees and plants - Excavation impacts, soil pollution and soil erosion - Site specific vehicular traffic - Increase of dust and noise during construction works - Construction waste - Pollution of ground and surface water by effluents | N/A |
| <p>C. Wastewater treatment system</p> <ul style="list-style-type: none"> - Individual wastewater treatment system | |
| <p>D. Impact on natural ecosystems and important habitats</p> | |
| <p>F. Traffic and pedestrian safety</p> <ul style="list-style-type: none"> - Site specific vehicular traffic - Pedestrian movement | |
| <p>G. Handling/management of household waste and medical waste (operation phase)</p> <ul style="list-style-type: none"> - Household waste - Medical waste - Syringes - Off-site disposal of medical waste | |

Annex 5. ESMP-Checklist for Small Scale Civil Works - Part 3, Mitigation Plan

| ACTIVITY | PARAMETER | GOOD PRACTICES MITIGATION MEASURES CHECKLIST |
|--|--------------------------------|--|
| A. General Conditions | Notification and Worker Safety | <ol style="list-style-type: none"> 1. The local construction inspectorates and communities have been notified of upcoming activities 2. The public has been notified in the media and/or at publicly accessible sites (including the site of the works) 3. All legally required permits have been acquired for construction and/or rehabilitation 4. All work will be carried out in a safe and disciplined manner designed to minimize impacts on neighboring residents and environment. 5. Workers' personal protection equipment will comply with international good practice (always hardhats, as needed masks and safety-glasses, harnesses and safety boots) 6. Appropriate signposting of the sites will inform workers of key rules and regulations to follow. |
| B. General Rehabilitation and/or Construction Activities | Air Quality | <ol style="list-style-type: none"> 1. During interior demolition use debris-chutes above the first floor 2. Keep demolition debris in controlled area and spray with water mist to reduce debris dust 3. Suppress dust during pneumatic drilling wall destruction by ongoing water spraying and/or installing dust screen enclosures at site 4. Keep surrounding environment (sidewalks, roads) free of debris to minimize dust 5. There will be no open burning of construction waste material at the site 6. There will be no excessive idling of construction vehicles at sites |
| | Noise | <ol style="list-style-type: none"> 1. Construction noise will be limited to restricted times agreed to in the permit 2. During operations the engine covers of generators, air compressors and other powered mechanical equipment should be closed, and equipment placed as far away from residential areas as possible |
| | Water Quality | The site will establish appropriate erosion and sediment control measures |

| ACTIVITY | PARAMETER | GOOD PRACTICES MITIGATION MEASURES CHECKLIST |
|----------|---|--|
| | Waste management | <ol style="list-style-type: none"> 1. Waste collection and disposal pathways and sites will be identified for all major waste types expected from demolition and construction activities. 2. Mineral construction and demolition wastes will be separated from general refuse, organic, liquid and chemical wastes by on-site sorting and stored in appropriate containers. 3. Construction waste will be collected and disposed properly by licensed collectors 4. The records of waste disposal will be maintained as proof for proper management as designed |
| | Asbestos management | <ol style="list-style-type: none"> 1. The asbestos prior to removal (if removal is necessary) will be treated with a wetting agent to minimize asbestos dust. 2. Asbestos will be handled and disposed by skilled and experienced professionals. 3. If asbestos material is being stored temporarily, the wastes should be securely enclosed inside closed containments and marked appropriately. Security measures will be taken against unauthorized removal from the site. 4. The removed asbestos will not be reused. |
| | Direct or indirect hazards to public traffic and pedestrians by construction activities | <p>In compliance with national regulations the Contractor will ensure that the construction site is properly secured, and construction related traffic regulated. This includes but is not limited to:</p> <ul style="list-style-type: none"> ▪ Signposting, warning signs, barriers and traffic diversions: site will be clearly visible, and the public warned of all potential hazards. ▪ Traffic management system and staff training. Provision of safe passages and crossings for pedestrians where construction traffic interferes. ▪ Ensuring safe and continuous access to all adjacent office facilities, shops and residences during construction. |

| ACTIVITY | PARAMETER | GOOD PRACTICES MITIGATION MEASURES CHECKLIST |
|--------------------|--------------------------|--|
| | Cultural Heritage | If construction works take place close to a designated historic structure, or are located in a designated historic district, notification shall be made, and approvals/permits be obtained from local authorities and all construction activities planned and carried out in line with local and national legislation. |
| C. Operation phase | Medical waste management | <p>Medical waste collection and temporary storage sites will be organized in accordance with existing regulations</p> <p>Medical waste will be collected and disposed properly by licensed collectors</p> <p>The records of medical waste disposal will be maintained as proof for proper management as designed</p> |

Annex 6. ESMP-Checklist for Small Scale Civil Works - Part 4, Sample Monitoring Plan populated with examples

| Phase | What (Is the parameter to be monitored?) | Where (Is the parameter to be monitored?) | How (Is the parameter to be monitored?) | When (Define the frequency or continuous?) | Why (Is the parameter being monitored?) | Cost (if not included in project budget) | Who (Is responsible for monitoring?) |
|------------------------------|--|---|---|--|---|--|--|
| During activity preparation | All necessary permits obtained | Prior to beginning works | Check documentation | Once at start of project | Ensure compliance with National Laws and WB OP 4.01 | N/A | PIU Supervising Engineer |
| During construction activity | Start/stop times | Construction site | Observation | Sporadically | Ensure compliance with National Laws and WB OP 4.01 | N/A | Supervising Engineer PIU |
| During construction activity | Proper disposal of Asbestos | Construction site | Observation-documentation from certified landfill | Weekly during "demolition" phase of rehabilitation | Ensure compliance with National Laws and WB OP 4.01 | Contract cost with licensed company) | Contractor Supervising Engineer PIU |
| During construction activity | Proper disposal of construction waste | Construction site | Observation-documentation from certified landfill | Weekly | Ensure compliance with National Laws and WB OP 4.01 | | Contractor Supervising Engineer PIU |

| | | | | | | | |
|----------------------------------|---|-------------------|--------------------------------------|---------|---|-----|---|
| During construction activity | Workers on site wear proper clothing and are provided personal protection equipment | Construction site | Observation | Daily | | N/A | Contractor Supervising Engineer PIU |
| During operation of the facility | Proper disposal of medical waste | Medical facility | documentation from certified company | Monthly | Ensure compliance with National Laws and WB OP 4.01 | | oblast health care department |

Annex 7. Project Activity Report Template

| Name of the subproject/brief description of activity | Status of preparation of design documentation In progress/ Completed/ Closed by State Expertiza | Status of ESMP/ /public consultations | Grievances received during reporting period, subject of grievances, resolution status (pending / in process / resolved) | Current status of works (timeline for design work and start/completion of construction works, outstanding issues) | Site visits or other actions by government agencies (ecological, labor safety, fire safety etc.) (dates, findings, corrective action requests issued, follow-up actions) | Site visits during reporting period (dates, findings, corrective action requests issued, follow-up actions) | Next site visit planned (dates, specific issues to be checked) |
|--|--|--|---|---|--|---|--|
| | | | | | | | |
| | | | | | | | |

Annex 8. Incident report Template

| Date | Subject of incident (what happened) | Damage to health (None, Hospitalization, Fatality) or environment (loss of vegetation, severe pollution etc.) | Informed parties, # of report filed with whom (depending on the accident: either authorities, etc.), Case number and date | Information provided by | Pending issues |
|------|-------------------------------------|---|---|-------------------------|----------------|
| | | | | | |
| | | | | | |

Annex 9. Information on ESMF disclosure and Public Consultations

This annex shall be filled in after completion of consultations.