

CONFIDENTIAL DRAFT SUBJECT TO FURTHER REVIEW AND APPROVALS

Ukraine/ Ministry of Energy

Restoration Project of Winterization and Energy Resources (Re-PoWER) Ukraine (P180332)

Draft for negotiations ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)

December x, 2022

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. Ukraine (the Recipient) will implement the Restoration Project of Winterization and Energy Resources (Re-PoWER) Ukraine (P180332) (the Project), through the Ministry of Energy (MoE) and with support from the United Nations Office for Project Services (UNOPS), all as set out in the Grant Agreement. The International Bank for Reconstruction and Development and the International Development Association acting as the administrator of the Ukraine Relief, Recovery, Reconstruction and Reform Multi-Donor Trust Fund (hereinafter the Bank) have agreed to provide financing for the Project, as set out in the referred agreement.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Bank. The ESCP is a part of the Grant Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreement.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the Bank. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Bank.
4. As agreed by the Bank and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient through the Ministry of Energy and the Bank agree to update the ESCP to reflect these changes through an exchange of letters signed between the Bank and the MoE. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the Bank regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, and functioning of the grievance mechanism(s).</p>	<p>Submit quarterly reports to the Bank throughout Project implementation, commencing after the Effective Date of the Grant Agreement. Submit each report to the Bank not later than 15 days after the end of each reporting period.</p>	<p>MoE –</p> <p>Cause UNOPS to report regularly</p>
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the Bank’s request, prepare a report including a root cause analysis on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the World Bank not later than 48 hours after learning of the incident or accident.</p> <p>Provide a subsequent report to the Bank within a timeframe acceptable to the Bank throughout Project implementation.</p>	<p>MoE</p> <p>Cause UNOPS to notify/report on such incidents/accidents</p>
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>a. MoE shall maintain the existing Project Implementation Unit (PIU) with qualified staff and resources to support the management of ESHS risks and impacts of the Project, including one environmental and social specialist.</p> <p>b. UNOPS shall maintain E&S staff to support management of E&S risks and coordination between MoE and other relevant entities under the project.</p>	<p>a. Maintain the PIU throughout Project implementation as set out in the Grant Agreement. Hire the E&S specialist not later than thirty (30) days after the Effective Date of the Grant Agreement and retain them throughout Project implementation.</p> <p>b. Throughout Project implementation</p>	<p>MoE</p> <p>Cause UNOPS to [establish and?] maintain the respective organizational structure</p>
1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>a. MoE shall prepare, disclose, consult upon, adopt and implement an Environmental and Social Management Framework (ESMF) for the Project consistent with ESSs. The ESMF shall describe potential E&S impacts and mitigation measures for common groups of activities, including preparation of additional site-specific E&S plans (an Environmental and Social Management Plan (ESMP), and/or</p>	<p>Prepare, disclose, consult upon and adopt the ESMF not later than 90 days after the Effective Date of the Grant Agreement.</p> <p>Cause UNOPS to implement the applicable</p>	<p>MoE</p> <p>Cause UNOPS to implement accordingly</p>

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY
<p>a simplified ESMP Checklist, a Traffic Management Plan, a Waste Management Plan, etc.), as relevant. The ESMF shall provide a monitoring plan format that includes monitoring indicators, timing, methods, and institutional responsibilities. The ESMF shall include labor management procedures as well as a Code of Conduct addressing risk of SEA/SH incidents and a grievance process for workers with contact details for service providers. These measures shall also be further included in the Project Operations Manual (POM). The ESMF shall provide guidance on the preparation of site-specific Emergency Preparedness and Response Plans which shall cover measures to protect the safety and security of project personnel and nearby communities from war-related hazards and other relevant emergencies, including ERW management procedures, consistent with ESSs.</p>	<p>requirements thereof throughout Project implementation The two delegations agreed to reassess the consultation / disclosure situation within 90 days after the Effective Date.</p>	
<p>b. MoE shall prepare, disclose, consult upon, adopt and implement Emergency Preparedness and Response Plans, consistent with ESSs and in a manner acceptable to the Bank.</p>	<p>Prepare, disclose, consult upon and adopt plans prior to launching the bidding process for equipment; thereafter, cause UNOPS to implement the applicable requirements thereof, throughout Project implementation. The two delegations agreed to reassess the consultation / disclosure situation within 90 days after the Effective Date.</p>	<p>MoE Cause UNOPS to implement accordingly</p>
<p>c. MoE shall prepare, disclose, consult upon, adopt, and implement relevant site-specific instruments as indicated by the Project ESMF and consistent with ESSs requirements, including ESMP/ESMP Checklist, as well as preparation and implementation of additional site-specific ES management plans (such as Traffic Management Plan, Waste Management Plan, etc.)</p>	<p>Prepare, disclose, consult upon and adopt relevant instruments prior to launching the bidding process for relevant works. Thereafter, implement and cause UNOPS to implement the applicable requirements thereof, throughout Project implementation. The two delegations agreed to reassess the consultation / disclosure situation within 90 days after the Effective Date.</p>	<p>MoE Cause UNOPS to implement accordingly</p>
<p>1.3 MANAGEMENT OF CONTRACTORS</p>	<p>As part of the preparation of procurement documents and respective contracts. Supervise contractors throughout Project implementation.</p>	<p>MoE Cause UNOPS to carry out accordingly</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	Incorporate relevant aspects of the ESCP, including, <i>inter alia</i> , the relevant E&S instruments, the Labor Management Procedures, the code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors and supervising firms. Thereafter ensure that the contractors and supervising firms comply and cause subcontractors to comply with the ESHS specifications of their respective contracts.		
1.4	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that consultancies, studies (including feasibility studies), capacity building, training, and any other technical assistance activities under the Project are carried out in accordance with the terms of reference acceptable to the Bank that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p>	<p>Throughout Project implementation.</p> <p>Cause UNOPS to comply with this action throughout Project implementation</p>	<p>MoE</p> <p>Cause UNOPS to carry out accordingly</p>
1.5	<p>ASSOCIATED FACILITIES</p> <p>Cause municipal district heating companies (DHCs), Ukrenergo (UE), and other relevant entities performing the associated activities (i.e., activities required to operationalize and continue operation of Project-related equipment, including transportation, installation, commissioning, repairs) to ensure that such activities implemented by respective entities are all carried out in accordance with the applicable requirements of this ESCP and the ESSs, and the applicable requirements of Project-specific ES instruments, <i>inter alia</i>, the ESMF, site-specific instruments referenced in Section 1.2, and LMP.</p>	<p>Throughout Project implementation.</p>	<p>MoE to be responsible and to cause DHCs, UE, and other relevant entities performing the associated activities to carry out their activities accordingly</p>
ESS 2: LABOR AND WORKING CONDITIONS			
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Adopt and implement the Labor Management Procedures (LMP) for the Project as part of the ESMF including, <i>inter alia</i>, provisions on working conditions, management of workers relationships, occupational health and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, and supervising firms, all in accordance with the applicable requirements of ESS2 and the ESSs. These measures will be further included in the Project Operations Manual (POM).</p>	<p>Same timeframe as under Section 1.2.a. above.</p> <p>Cause UNOPS to implement the applicable requirements thereof, throughout Project implementation</p>	<p>MoE</p> <p>Cause UNOPS to carry out accordingly</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Establish and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.</p>	<p>Establish a grievance mechanism prior to engaging Project workers and thereafter maintain and operate it throughout Project implementation</p>	<p>MoE</p> <p>Cause UNOPS to carry out accordingly</p>

ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	WASTE MANAGEMENT PLANS Incorporate and implement waste management plans in the ESMPs/ESMP Checklists, and relevant management plans to be prepared under the ESMF to manage hazardous and non/hazardous wastes, consistent with ESS3.	Same timeframe as under Section 1.2 c. above. Cause UNOPS to implement the applicable requirements thereof, throughout Project implementation	MoE Cause UNOPS to carry out accordingly
3.2	RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT Incorporate and implement resource efficiency and pollution prevention and management measures (including adherence to EU Directive on Waste from Electrical and Electronic Equipment - WEEE) in the ESMPs/ESMP Checklists, and/or relevant management plans to be prepared under ESMF, including, <i>inter alia</i> , measures to address noise and dust emissions and the generation of construction wastes and wastewater, including e-waste, hazardous and non-hazardous waste and water pollution; energy efficient processes/products, all consistent with ESS3.	Same timeframe as under Section 1.2 c. above. Cause UNOPS to implement the applicable requirements thereof, throughout Project implementation	MoE Cause UNOPS to carry out accordingly
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1.	TRAFFIC AND ROAD SAFETY Incorporate and implement measures to manage traffic and road safety risks as required in the relevant ESMPs/ESMP Checklists and/or relevant management plans to be prepared under the ESMF, consistent with ESS4.	Same timeframe as under Section 1.2. c. above. Cause UNOPS to implement the applicable requirements thereof, throughout Project implementation	MoE Cause UNOPS to carry out accordingly
4.2	COMMUNITY HEALTH AND SAFETY Assess and manage specific risks and impacts to the community arising from Project activities, including possible security risks, and include mitigation measures in the relevant ESMPs/ESMP Checklists and/or relevant management plans to be prepared under the ESMF, in accordance with ESS4.	Same timeframe as under Section 1.2 above. Cause UNOPS to implement the applicable requirements thereof, throughout Project implementation	MoE Cause UNOPS to carry out accordingly
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	RESETTLEMENT POLICY FRAMEWORK Prepare, disclose, consult upon, adopt and implement a Resettlement Policy Framework (RPF) for the Project, consistent with ESS5 to screen all activity sites for any risk of land acquisition, restrictions on land use, and involuntary resettlement, as necessary.	Prepare, disclose, consult upon, and adopt the Project RPF not later than 90 days after the Effective Date of the Grant Agreement and prior to carrying out any Project activity which may involve any Project-related land acquisition or restrictions on land use that may cause physical displacement, economic	MoE Cause UNOPS to carry out accordingly

		displacement, or both, in accordance with ESS5; thereafter, implement throughout Project implementation. The two delegations agreed to reassess the situation with RPF preparation after environmental and social screening of the Project activities is completed within 45 days after the Effective Date.	
5.2	RESETTLEMENT PLANS Prepare, disclose, consult upon, adopt and implement a resettlement action plan (RAP) for each activity under the Project for which the RPF requires such RAP as set out in the RPF and consistent with ESS5.	Prepare, disclose, consult upon, adopt and implement the respective RAP, including ensuring that before taking possession of the land and related assets, full compensation has been provided and as applicable, displaced people have been resettled and moving allowances have been provided.	MoE
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
	Not currently relevant		
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
	Not currently relevant		
ESS 8: CULTURAL HERITAGE			
	Provisions for implementation of chance find procedures shall be included in site specific ESMPs and in all civil works contracts to be conducted in such a way as to avoid any potential adverse impacts on historical monuments and other tangible and intangible cultural heritage, all consistent with ESS8.	Same timeframe as under Section 1.2. c. above. Cause UNOPS to implement the applicable requirements thereof, throughout Project implementation	MoE Cause UNOPS to implement accordingly
ESS 9: FINANCIAL INTERMEDIARIES			
	Not relevant		
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION Prepare, disclose, consult upon, adopt and implement a Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10, which shall include measures to, inter alia, provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.	Draft SEP has been prepared prior to Appraisal Updated SEP to be adopted not later than 30 days after the Effective Date of the Grant Agreement and thereafter implement the SEP throughout Project implementation Consult and disclose SEP publicly once situation in country allows	MoE Cause UNOPS to carry out accordingly

10.2	<p>PROJECT GRIEVANCE MECHANISM</p> <p>Establish, publicize, maintain, and operate an accessible grievance mechanism, to receive and facilitate resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10.</p> <p>The grievance mechanism shall be equipped to receive, register, and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centred manner.</p>	<p>Establish the Grievance Mechanism not later than two weeks after the Effective Date of the Grant Agreement and thereafter operate and maintain it throughout Project implementation.</p>	<p>MoE</p> <p>Cause UNOPS to carry out accordingly</p>
CAPACITY SUPPORT			
CS1	<p>Provide training to Project Implementation Unit under the MoE and other relevant implementing support staff responsible for the Project on the Project’s ESHS plans and instruments, fair, equitable and inclusive access and allocation of Project benefits and the roles and responsibilities of different key agencies in the ESSs implementation.</p>	<p>Not later than 60 days after the Effective Date of the Grant Agreement and periodically with the addition of new Project team members join the Project throughout implementation</p>	<p>MoE</p> <p>Cause [UNOPS to carry out accordingly</p>
CS2	<p>Develop a training plan for staff, with adequate budget, providers and timeframe.</p> <p>Training will be required for staff on:</p> <ul style="list-style-type: none"> • E&S/OHS risks and impacts • World Bank ESSs/EHS Guidelines • Community health and safety • Emergency preparedness and response • Monitoring and reporting of E&S aspects of the Project • Other issues, as required 	<p>Not later than 60 days after the Effective Date of the Grant Agreement and periodically with the addition of new Project team members join the Project throughout implementation.</p> <p>MoE shall deploy E&S specialist to develop and implement the training plan for staff prior to the commencement of project activities</p>	<p>MoE</p>