



**ENVIRONMENT
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The rule of law for the protection of the environment

Policy brief on THE PROGRESS IN CREATION OF THE EMERALD NETWORK IN UKRAINE



Policy brief

The progress in creation of the Emerald network in Ukraine

The Emerald network is the Ukrainian analogue of the Natura 2000 network in the EU. Its formation, as well as protection of rare species of flora and fauna and their habitats is a tool for preservation of 264 species of animals and plants, as well as more than 150 types of habitats. Functioning of the Emerald Network and its proper management are important for preservation and restoration of natural complexes of land and seas, reducing pressure on biodiversity, mitigating climate change, preventing droughts, floods, forest fires, dust storms, countering excessive use of resources, pollution, destruction of wildlife. The Emerald network is present in all European countries and is not an obstacle to economic development. Existence of such protected areas ensures civilized conditions for the use of natural resources, prevalence of balanced development over uncontrolled consumption.

The creation of the Emerald Network is provided for by the EU-Ukraine Association Agreement of September 16, 2014. In the section "Nature protection" in Annex XXX to Chapter 6 "Environment", Ukraine undertook to implement the provisions of two key directives on the protection of biodiversity: Directive 92/43/EU on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EU on the conservation of wild birds.

In particular, the following tasks are foreseen: to adopt national legislation and determine the authorized body, to introduce measures that are necessary for the preservation of the territories of the Emerald network, to establish a system for monitoring the environmental protection status of habitats and species. As of 2023, the monitoring system has not been created, measures have not been implemented. Ukraine is obliged to establish a strict regime of protecting the species specified in Annex IV of the Directive, which are relevant for Ukraine. As of 2023, there are gaps in the legislation in this direction for certain species. In practice, a strict regime of protection of the species specified in Annex IV is possible only in the territories of the nature reserve fund, namely in protected areas for which statistical and geospatial data have not been established. In the territories of the Emerald network, which do not have the status of protected areas, such a strict protection regime is not applied. According to the official data of the Ministry of Environment, if we consider that the term "under strict protection" means restrictions on any activity in the specified territory, then in Ukraine the area of nature reserves and protected tracts is 302,277 thousand hectares, or 0.5% of the state territory, 7.4% of the area of the nature reserve fund within Ukraine. In addition, this category can also include protected areas of national nature parks, biosphere reserves, regional landscape parks, etc. No accounting of the area of such zones is performed. There is also no general system in place to protect all wild bird species with a specific sub-category of hunted birds and bans on certain types of bird capture/slaughter.

According to official data from the Secretariat of the Bern Convention, as of 2022, the Emerald network within Ukraine is sufficient for only 40% of the species and natural habitats protected at the European level and consists of 377 territories with an area of 80.98 thousand square km, or 13.4% of the total area of the country.

As a result of the hostilities, the territories of the Emerald network are affected by fires, shelling, passage of heavy machinery, pollution with toxic substances. Cases of habitat destruction have been also documented. Additional risks are created due to the lack of control over the use of natural resources and the need to use resources in future for needs of the country's recovery. According to official data of the Ministry of Environment of Ukraine, as of 2023, 160 territories of the Emerald network with a total area of 29,000 square km are under the threat of destruction due to military actions. In the future, it will be necessary to examine and document all damage, calculate damages, and plan measures to restore natural complexes.

The territories of the Emerald network of Ukraine are approved at the international level by the Council of Europe. However, without ensuring an appropriate institutional and legal framework at the national level, allocating necessary budget funds, these territories remain unprotected and lack proper management, monitoring and control. Also, without necessary institutional and legal framework at the national level, Ukraine will not be able to fulfill the decisions of the Bern Convention, as well as to fulfill its obligations regarding approximation of the Habitat and Bird Directives.

In order to implement these tasks, the following actions are needed:

1. Adopt the draft Law of Ukraine "On the Territories of the Emerald Network" developed in 2020 (the draft law 4461 was registered in the Verkhovna Rada of Ukraine, considered in the first reading and sent for a repeat first reading) and a package of necessary by-laws required for implementation of the law.
2. Ukraine has an environmental protection legislative framework, clear and transparent mechanisms of EIA and SEA have been created, but still other steps are needed, in particular state environmental control should be reformed, by-laws for EIA and SEA have to be developed. It is important to prevent weakening and narrowing of EIA and SEA mechanisms effectiveness and to ensure their higher quality.
3. Develop and approve at the national level long-term strategic and medium-term planning documents regarding preservation and effective use of biodiversity, including the Biodiversity Conservation Strategy of Ukraine, the Strategy for Protected Areas Network Development, etc.
4. In Ukraine, the key authority responsible for creation and management of the Emerald network is the Ministry of Environment, but it cannot properly function in the regions because regional environmental protection departments were abolished as a result of the reform. It is vitally important to restore regional bodies of the Ministry of Environment, as well as to reform the systems of environmental monitoring, control and supervision; to establish a separate authority responsible for implementation of state policy in the area of nature protection, management of territories and objects of the nature reserve fund, territories of the Emerald network and preservation of biodiversity, similar to the nature protection agencies that operate in many EU countries.
5. Integrate environmental interests into all state policies, ensure integration of environmental aspects into other sectors.
6. Increase funding for nature protection institutions.
7. Complete formation of the Emerald network and implement effective management of all its components.