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IMPLEMENTATION OF ENVIRONMENTAL REFORMS ON THE WAY TO THE EU: civil society position



Implementation of environmental reforms on the way to the EU: civil society position

In light of the news regarding the launch of the negotiation process on Ukraine's accession to the EU and approval by the European Commission of the "[Ukraine 2023 Report](#)", representatives of Ukrainian civil society are convinced that further reforms should not only be carried out, but also implemented fully in accordance with the recommendations of the European Commission and the principles of green recovery.

It is noteworthy that according to assessment of the compliance with the EU acquis previously published by the European Commission, Ukraine received "F" grade for environment and climate change, which is the lowest score among all sectors. The European Commission assessed the implementation of not only those acts that are among the obligations of the Association Agreement, but also all EU acquis.

According to the evaluation published in November 2023, the European Commission noted that Ukraine has "some level of preparation" in the environmental and climate sectors.

In view of the situation described in "[Ukraine 2023 Report](#)", the European Commission indicates that Ukraine, in particular, should:

1. Ensure cross-sectoral mainstreaming of environment and climate action in the reconstruction plans of the country, identify green reconstruction strategy for key sectors and prioritise relevant EU legislation and standards in its National Programme for the Adoption of the Acquis (NPAA).
2. Adopt primary and secondary legislation to continue the reforms initiated in water and waste management acquis.
3. Adopt the law on environmental control and the legislation harmonising with the industrial emissions acquis.
4. Adopt a climate law and initiate the update of its long-term low emissions strategy consistent with the EU 2030 framework."

In the course of performing the specified tasks, the Ukrainian side must comply with principles of green reconstruction. This means that it is necessary to ensure integration of environmental and climate policy into all sectors, development of green economy, implementation and observance of environmental standards at all levels; compliance with European environmental planning tools in Ukraine's development, implementation of environmental assessments of recovery plans and programs and individual projects, active involvement of self-government into reconstruction processes, transparency, involvement of the public and communities into decision-making, effective functioning and use of target/donor funds for post-war reconstruction and green economy development. Importantly, investment policy and fund raising for recovery of the economy must be consistent with the goals of sustainable development and be primarily aimed at development of production chains with high added value, and not at the resource-export economy. The reconstruction based on green principles will not only contribute to reconstruction of infrastructure and economy, but will also ensure creation of additional green jobs, which will help bring people back to Ukraine and provide them with decent jobs.

Practical implementation of these recommendations means that quite thorough changes must be made in the coming years. First of all, changes should take place in the environmental governance system and should relate to restart of the state environmental monitoring system (ambient air, water, land, etc.), creation of a new pro-European transparent system of state environmental control, the reform of the legal liability system (updating and supplementing the list of violations and more severe sanctions for committing them; introduction of administrative and economic sanctions for business entities and criminal law measures for legal entities; changing the approach to accounting and compensation mechanisms; imposing the obligation

to restore and return the environment to its previous state on the perpetrators of environmental damage).

Transparency and accountability of environmental decision-making must be ensured through a fair balance between security considerations and transparency of processes and accountability of authorities in wartime conditions. It is necessary to expand free public access to environmental information, launch the national pollutant release and transfer register (PRTR), to expand the circle of environmentally significant decisions, in the process of which the public is involved, to improve the mechanisms of such participation. It is also important not to allow the weakening of already existing horizontal legislation adopted to fulfill European integration requirements, in particular in the area of environmental impact assessment and strategic environmental assessment. What is needed is not smart corruption but true digitization of environmental information, regulatory and permitting procedures, state control measures in the field of environmental protection, which will ensure maximum transparency of decision-making processes and minimize corruption risks.

As for sectoral reforms, the following issues are important: prevention, reduction and control of industrial emissions should be ensured through an integrated approach to the management of industrial emissions. New installations and gradually the existing major polluters should be required to implement best available techniques, automated real-time monitoring of industrial emissions of major polluters with publicly available data.

The waste management reform should envisage introduction of the waste hierarchy and systems of extended producer responsibility, transition to circular economy, improvement of permitting procedures in the field of waste management, update of the National Waste Management Plan and approval by regional state administrations of updated regional waste management plans, creation of the central executive body (intended to implement state policy in the area of waste management), launch of a waste management online database, reclamation of unauthorized landfills (including those that do not meet environmental protection requirements), creation of effective financial instruments for such a reform.

In terms of biodiversity and increasing the area of territories under natural ecosystems, it is necessary to adhere to the goals set by the European Green Deal: it should be ensured that at least 30% of land and 30% of sea receive nature conservation status and are included in the Trans-European Nature Network. A third of protected areas should be under strict protection, including all primary forests and primeval forests. Effective management and monitoring must be ensured in all protected areas. The use of pesticides should be reduced by 50%, and 10% of agricultural areas should be brought back under high-diversity landscape features. At least 25% of agricultural land should be used for organic and biodynamic farming, and a ban on the commercial use of wild animals should be introduced. It is necessary to develop and adopt a legal framework and take practical steps for further functioning of NATURA 2000 in Ukraine, to develop a strategy for biodiversity conservation and protected areas network development, to restore regional branches of the Ministry of Environment and to establish a state body to perform tasks in the area of biodiversity protection. It is necessary to integrate environmental interests into all state policies, complete the formation of the Emerald Network and implement effective management of all its components.

In order to ensure preservation and sustainable development of forest resources, the functions of forestry management should be divided, and a comprehensive plan for implementation of the 2035 State Forest Management Strategy should be developed and approved. Next steps include the approval of a science-based list of invasive tree species and control over their use. By 2027, Ukraine must stop felling in old-growth forests of natural origin and assign them nature conservation status. The transition to non-continuous types of felling in all forests of natural origin that do not have nature protection status should be carried out during 2024-2030. Preservation of self-seeded forests should be performed through their inclusion in the

forest fund, creation of communal and private forests on degraded arable lands, and ensuring permanent state control. When planning forestry activities, it is necessary to take into account biodiversity conservation purposes and ecosystem services provided by biodiversity.

Implementation of these steps, real reformation of the environment and climate sectors is one of the most difficult tasks for Ukraine. However, without the environmental reform, it is impossible to fulfill the remaining tasks because it is basic, urgent and requires immediate radical changes of approaches.

The correct approach would be to open negotiations on EU membership under Chapter 27 "Environment and Climate Change" or the Green Cluster in general as soon as possible. This is important in the context of the post-war reconstruction and restoration of Ukraine, as the active and effective implementation of EU acts in the areas of environment and climate will ensure Ukraine's reconstruction based on green principles. It will also establish the so-called "red lines" of reconstruction, which will not allow rebuilding "as it was", restoring dirty industries or applying outdated technologies.

We call on the government and Parliament of Ukraine to take into account the recommendations of the European Commission and representatives of the environmental civil society movement as well as to expedite the reformation process and start preparation for the EU accession negotiations from environmental and climate issues.

The statement has been supported by:

WG 5 "Energy, transport, environment and climate change" of the Ukrainian side of the Ukraine-EU Civil Society Platform

WG 3 "Environment, climate change and energy security" of the Ukrainian platforms of the Eastern Partnership Civil Society Forum

ICO "Environment-People-Law"

ICO "Information Center "Green Dossier"

NGO "Bureau of Environmental Investigations"

National Environmental Center of Ukraine

Resource and Analysis Center "Society and Environment"

"Green Front" NGO

"Environmental club "Kray" NGO

"Center of Modern Innovations" NGO