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THE POSITION OF REPRESENTATIVES OF ENVIRONMENTAL CIVIL SOCIETY MOVEMENT REGARDING RECONSTRUCTION OF UKRAINE WITHIN THE UKRAINE RECOVERY CONFERENCE



**The position of representatives of environmental civil society movement regarding
reconstruction of Ukraine
within the Ukraine Recovery Conference (URC2024)**

Ukraine Recovery Conference (URC2024) will bring together leaders of a number of national governments, international organizations, business and civil society. Germany and Ukraine will jointly host the Conference on June 11 and 12, 2024 in Berlin.

URC2024 is a continuation of the cycle of annual high-level events dedicated to the rapid recovery and long-term reconstruction of Ukraine, which have been held since the beginning of Russia's full-scale aggression against Ukraine.

Since the key goal of URC2024 is to consolidate sustainable international support for the recovery, reconstruction, reform and modernization of Ukraine, the message of this conference should be Ukraine's intention to carry out green recovery.

Ukraine, as a candidate state for the European Union membership, must take into account European integration requirements in the course of post-war recovery. The previous decision of the European Commission on Ukraine was accompanied by Ukraine 2023 Report, which assessed Ukraine's level of readiness to implement the environmental component of European legislation as "some level of preparation". Also, in this document, the European Commission outlined a number of difficult tasks for Ukraine in this area for 2024.

While carrying out the specified tasks, Ukraine must adhere to the 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 into reconstruction processes of local self-government bodies, transparency, environmental education, involvement of the public and communities in decision-making, effective, transparent functioning and use of targeted/ donor funds for post-war recovery and development of green economy. Investment policy and fundraising for economy recovery should be consistent with sustainable development goals, integration of environmental principles into all sectors of economy and be primarily aimed at development of production chains with high added value, rather than at economy focused on resources and export.

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 work.

We believe that Ukraine's green recovery is impossible without:

1. Reset of the state environmental monitoring system (ambient air, water, land, etc.), creation of a new pro-European transparent system of state environmental control, reform of the system of legal responsibility.

2. Transparency and accountability of the decision-making process on environmental issues, which must be ensured through a fair balance between security considerations and transparency of processes and accountability of authorities in wartime conditions.
3. Preventing the weakening of existing horizontal legislation that was adopted to fulfill European integration requirements, in particular in the area of environmental impact assessment and strategic environmental assessment, including under martial law.
4. Prevention, reduction and control of industrial emissions should be ensured through an integrated approach to industrial emissions management. For existing major polluters, there should be gradually introduced the requirements for implementation of best available technologies and management practices, automated real-time monitoring of industrial emissions of major polluters with publicly available data.
5. Waste management reform, which should include implementation of the European waste hierarchy and extended producer responsibility principle, transition to circular economy, creation of effective financial instruments for the reform and overcoming of corruption risks.
6. Adhering to the goals of the European Green Deal for biodiversity and increasing the areas of territories with natural ecosystems. In particular, it should be ensured that 30% of the land area and 30% of the sea area are legally protected and included in the Trans-European Nature Network. It is necessary to integrate environmental interests into all state policies, complete formation of the Emerald Network and implement effective management of all its components. It is important to ensure restoration of significant areas of degraded ecosystems and ecosystems that deposit carbon; take measures to stop the decrease in the number of natural pollinators; reduce the use of chemical pesticides and their risks; reduce the area of agricultural land and use of fertilizers; ban the use of chemical pesticides in sensitive areas such as urban green areas; increase the share of land with organic farming to 25%; take measures to restore territories with contaminated soils; ensure restoration of free-flowing rivers; intensify measures to combat invasive species; implement plans for urban greening.
7. Implementation of measures to eliminate environmental risks due to the impact of military operations on natural complexes of Ukraine, taking into account risks during elimination of pollution with explosives and mining, chemical pollution of soils and superficial water, demolition waste, fires in natural ecosystems, fires in anthropogenic territories, damage and destruction of storage sites for hazardous chemicals, damage and destruction of waste storage sites, damage and destruction of sewage treatment facilities, damage and destruction of industrial and energy facilities, damage to hydraulic structures, physical damage to natural complexes due to the passage of military machinery, shelling, construction of fortifications and trenches, territories affected by destruction of hydraulic structures, drained, flooded, temporarily flooded, polluted territories.
8. Assessments of the baseline situation and development of several scenarios for development of the territories affected by destruction of the Kakhovka hydro power plant.
9. Greening of agriculture, which will include ensuring monitoring and control mechanisms of compliance with the current legislation of Ukraine on prohibition of plowing coastal protection strips and slopes, nature conservation areas, on prohibition of burning dry vegetation, stopping the use of prohibited pesticides and chemical fertilizers, reduction of the use of permitted pesticides and chemical fertilizers, expanding organic farming practices.
10. Distribution of forestry management functions, approval of a comprehensive plan for implementation of the 2035 State Forest Management Strategy, transition to

non-continuous types of felling in all forests of natural origin that do not have nature conservation status during 2024-2030. Preservation of self-seeded forests through their inclusion in the forest fund, creation of communal and private forests on degraded arable lands, paying attention to biodiversity preservation when planning forestry activities.

The developed measures for Ukraine's reconstruction should cover all components of natural complexes in a balanced way - water, soil, air, flora and fauna, lithogenic base, terrain, climate, which will ensure a holistic approach to environmental restoration.

Implementation of the above is a complex and multi-stage process, however, without environmental reform it is impossible to fulfill the remaining tasks. This reform is basic, urgent and requires a radical change in approaches to management and governance.

The "minimum" program for the second half of 2024 and beginning of 2025 includes adoption of the following legislative acts by the Verkhovna Rada of Ukraine:

1. On EIA and SEA: on amendments to the laws of Ukraine "On Environmental Impact Assessment" and "On Strategic Environmental Assessment" to bring them in compliance with the requirements of the relevant EU directives regarding the scope of their application (regarding derogations);
2. On state environmental control: draft law No. 3091 dated February 19, 2020 "On State Environmental Control".
3. On integrated approach to industrial emissions management: draft law No. 6004-d dated January 4, 2023 "On Ensuring Citizens' Constitutional Rights to Safe and Healthy Environment."
4. On waste management reform: draft law No. 10066-1 dated September 29, 2023 "On Packaging and Waste Packaging", draft law No. 2352 dated October 30, 2019 "On Batteries and Accumulators", draft law No. 2350 dated 30 August, 2017 "On Waste Electronic and Electric Equipment ", the draft law "On Management of Extractive Industry Waste".
5. On biodiversity preservation: finalization and adoption of the draft law "On the Territories of the Emerald Network".
6. On water resources: complete and approve river basin management plans in Ukraine for the rivers of Azov and Black Sea area, the Danube, the Dniester, the Dnipro, the Don, the Southern Buh, the Vistula, and Crimea rivers.
7. Regarding forests: maintain the need to carry out EIA for continuous sanitary felling, in particular by preventing the adoption of draft law No. 9516 "On Amendments to Some Legislative Acts of Ukraine on Effective Management of Forests on the Basis of Forest Management Principles that are close to Nature, Adapted to Climate Change, and Ensure Biodiversity Preservation in Forests"; to include construction of new forest roads into the list of types of planned activities and objects that may have a significant impact on the environment and are subject to environmental impact assessment; to include the changing of the purpose of forest land into the list of types of planned activities and objects that can have a significant impact on the environment and are subject to environmental impact assessment; to prohibit mineral development based on easements.

The "minimum" program for the second half of 2024 and the beginning of 2025 for the Cabinet of Ministers of Ukraine is adoption of the following bylaws:

1. Resolution on creation of a separate central authority that will implement state policy on waste management;
2. Resolution on creation of a separate central authority responsible for implementation of state policy on nature protection, management of territories and objects of the nature reserve fund, territories of the Emerald Network and preservation of biodiversity;
3. Update of the National Waste Management Plan, National Waste Prevention Program;
4. National Strategy for Transition to Circular Economy and implementation of the goals of the European Green Deal.
5. The priority package of regulatory acts aimed at implementing the Law of Ukraine "On Ensuring Constitutional Rights to Safe and Healthy Environment".
6. Unblock the process of creating new nature conservation objects and eliminate obstacles for allocation for this purpose of natural forests, quasi-primeval forests and primeval forests with the appropriate legal status.
7. Develop and approve a list of invasive tree species with significant capacity for uncontrolled spread, prohibited for use in the process of reforestation.
8. Create and implement transparent platforms and procedures for wood trade, in particular: remove restrictions on minimum lots, apply indicative prices for wood sales under direct agreements, abandon reductions.
9. Develop and approve methods for forest ecosystem services accounting.

We are convinced that correct approach should be immediate opening of negotiations on Ukraine's EU membership under Chapter 27 "Environment and Climate Change" or Green Cluster in general. This is necessary for the post-war reconstruction and restoration of Ukraine. Active and effective implementation of the EU acts in the area of environment and climate will ensure Ukraine's reconstruction based on green principles. This will enable implementation of the principle "building back better".

In view of the above, we call on the Cabinet of Ministers of Ukraine and Verkhovna Rada of Ukraine to take into account the recommendations of the European Commission, set out in the EC Report and addressed here, to intensify legislative process towards harmonization of Ukrainian environmental and climate legislation with relevant EU legislation.

We call on Ukraine's representatives at Ukraine Recovery Conference to thoroughly and fully highlight the position on the need for green recovery of Ukraine and work to gain support of international partners for its implementation.

EPL team