

POSITION

of the REPRESENTATIVES of the UKRAINIAN ENVIRONMENTAL MOVEMENT ON THE PROGRESS in implementation of post-war REFORMS FOR THE FOURTH UKRAINE RECOVERY CONFERENCE

2025, Rome





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**Position of the representatives of the Ukrainian environmental movement
on the progress in implementation of post-war reforms
for the fourth Ukraine Recovery Conference, 2025 (Rome)**

Ukraine has made significant efforts to prepare for the European integration screening under Chapter 27 “Environment and Climate Change”. However, despite its successful passage in June 2025, most environmental reforms are stalling.

In the context of **horizontal environmental legislation**, where the level of transposition is quite high, three key problems remain relevant: restrictions on access to environmental information under martial law, derogations from EIA and SEA, and limitation or absence of environmental inspection.

Due to the update of the EIA register and for national security reasons, since 2022, EIA, SEA and significant amount of other environmental information on the EcoSystem web portal can be available only through authentication, while in fact this information is to be freely available as it is intended to inform the public about relevant procedures and participation in them.

Due to martial law, facility operators are still exempt from the obligation to submit reports to the National Pollutant Release and Transfer Register (PRTR).

Ukraine should take a serious and comprehensive approach to solving this problem, as in the course of green recovery, **access to environmental information** in public online databases should be unauthorized and complete. Moreover, the current situation clearly does not fit into the EU requirements for dissemination of environmental information to the public.

After the adoption of the European integration laws on EIA and SEA in 2017-2018, various attempts, sometimes successful, to narrow the scope of these procedures have been observed. This trend gained particular momentum after the full-scale invasion, when derogations from EIA and SEA have already begun to be officially discussed. At the end of 2024, the EC expressed its position that EIA and SEA procedures should be applied to all plans, programs and projects, including those related to the reconstruction of Ukraine, and that the existing regime of derogations is not consistent with the EU requirements and therefore requires revision and narrowing; new derogations in EIA and SEA procedures should also be avoided, in particular in the forestry, agriculture, and land management. However, in 2025, there was no revision of the existing regime of derogations in either the EIA or SEA procedure. Moreover, the list of activities not subject to EIA was supplemented in February 2025 with a new provision on oil and gas extraction facilities, and a draft law that excludes logging from the scope of the EIA procedure was once again registered in the Parliament.

Despite official promises, Ukraine still has not launched the **environmental monitoring** reform. The law on environmental monitoring was adopted in 2022 but its implementation has been postponed for an indefinite period.

Ukraine actually still does not even have a vision of how to harmonize the national legislation with the European acquis in the field of **liability for environmental damage and environmental crimes**. As for the reform of environmental control, mentions of it are heard in almost every speech of relevant high-ranking officials, however, no official legislative initiatives are visible. At the same time, due to martial law, scheduled inspections by the State Environmental Inspectorate have not been carried out in Ukraine for over three years, and conducting unscheduled inspections - even in the case of blatant violations - is extremely complicated. Ukraine should review the moratorium on inspections, at least in

relatively safe regions of the country, and begin serious work on the transposition of the EU Environmental Liability Directive and Environmental Crime Directive.

Ukraine has already lost an essential part of its **biodiversity**. The destruction of wildlife continues at an accelerated pace. Trying to compensate for the losses of cropland which are in the occupied regions, Ukrainian parliament has simplified the use of natural areas for arable farming in the rear regions that increases the deficiency of habitats. At the same time, the legislation for land conservation and nature ecosystem restoration contains a lot of post-Soviet bureaucratic features, and remains complicated. It is necessary to urgently take measures to introduce monitoring and control of plowed areas, as well as stop plowing of protected areas, water fund lands and grasslands ; take measures to control the application of pesticides, herbicides, and chemical fertilizers and make movement towards EU norms and indicators in this area, in particular in achieving the goal of reducing the use of pesticides and chemical fertilizers by 50%, increasing the area of organic farming; simplifying the legislation for land conservation and nature ecosystem restoration (rewilding); testing sources of drinking water supply and natural waters for the content of nitrates, pesticides and herbicides.

It is also important to conduct an inventory of all water bodies in Ukraine and verify compliance with water protection legislation, take measures to restore swamps and protect rivers as part of measures to adapt to climate change, take measures to prevent the destruction of ecosystems in the Ukrainian Carpathians through the development of wind and hydroelectric power plants, in particular, impose a moratorium on the construction of wind power plants on the territory of mountain ranges and hydroelectric power plants on mountain rivers. To facilitate biodiversity preservation, it is necessary to resume movement towards Ukraine achieving 30% of national share of protected areas against the overall territory of the state and adopt legislation on the Emerald Network of Ukraine.

As part of the post-war reconstruction of territories affected by the hostilities, we emphasize the importance of **cleaning up territories** from chemical contamination and declaring them suitable for use, ensuring the functioning of chemical laboratories with capacities that can allow for full-fledged research into soil, water and air contamination as a result of the hostilities, ensuring the functioning of specialized landfills for the storage and disposal of demolition waste and military waste in an environmentally safe manner.

Despite the partial approximation of Ukrainian legislation in the field of **ambient air quality**, Ukraine should continue to work on by-laws and their implementation in the field of ambient air quality monitoring. In this area, the implementation of many regulatory acts is also postponed until the end of the war. For example, the resolution "Some issues of the functioning of the state environmental monitoring system and its subsystems" adopted by the government in 2024 will enter into force only 6 months after the lifting of martial law. Ukraine has not yet implemented Directive 2008/50/EC on ambient air quality and cleaner air for Europe in terms of setting emission limit values for particulate matter 2.5 (PM 2.5) and their content in the air. Directive 94/63/EC on the control of volatile organic compound (VOCs) emissions resulting from the storage of petrol and its distribution from terminals to service stations has not been transposed. Ukraine is decades behind in ratifying and implementing a number of important protocols to the UNECE Convention on Long-Range Transboundary Air Pollution (on heavy metals, on volatile organic compounds, on ground-level ozone and combating acidification and eutrophication), and is also ignoring its obligations to report emissions and emission forecasts in accordance with the requirements of this Convention, as the EC mentioned in its Ukraine Report 2024.

After the adoption in 2022 and entry into force in July 2023 of the Law of Ukraine "**On Waste Management**", the government moved to the stage of development and approval of state planning acts. In December 2024, a new 2033 National Waste Management Plan was approved, which includes the 2033 Waste Prevention Program and the Biowaste Landfilling

Reduction Program. Based on the National Plan, regional and local waste management plans should be developed approximately by the end of 2026.

However, in order to launch the mechanisms and tools proposed by the law and the National Plan, the government should proceed to the stage of developing and adopting a number of legislation and by-laws aimed at launching the mechanisms and tools envisaged by it, in particular, develop a law on restricting the production and circulation of single-use plastic products in the territory of Ukraine; on batteries and accumulators waste; on extraction waste management; on electrical and electronic equipment and electrical and electronic waste; on end-of-life vehicles, waste tires and lubricants (oils); on textile waste, the Procedure for the functioning of the deposit system for packaging waste; state and industry building codes for landfills for hazardous waste, non-hazardous waste and inert waste; Rules for the technical operation of waste processing facilities and a number of others. However, the work in this direction is quite slow.

In addition, it is necessary to resolve the issue of managing certain types of waste generated as a result of an emergency of a technogenic, natural or military nature. Currently, this issue is resolved on an ad hoc basis. Due to ineffective legislative regulation of demolition waste management, as well as the lack of government's decision to switch to circular economy at the strategic level, this type of waste continues to pollute the environment, create risks to public health, and is not returned to the economy. The permitting activities of the Ministry of Environment, the lack of an initiative to create a separate Central Waste Management Agency that will deal with waste management, and legislation in this area indicate the long-standing existence of problems with permitting procedures for business entities and promotion of non-friendly to the environment and illegal business, especially in the field of hazardous waste management.

Ukrainian legislation in the area of **industrial pollution** is still only partially in line with the European acquis. The Law "On Integrated Prevention and Control of Industrial Pollution", adopted in 2024, is only the first step in the relevant reform. To achieve further progress in this area, Ukraine must translate and approve BAT conclusions as soon as possible and, from the moment the relevant law enters into force (in August 2025), be ready to issue integrated environmental permits to new installations in accordance with European standards. Implementation of the BAT at existing installations has been postponed until the lifting of martial law. The "technical" sections and annexes to the relevant EU Directive on certain types of installations have not yet been fully transposed into the national legislation.

Ukraine has made some notable achievements in the field of climate policy, including the adoption of a framework law on state climate policy, the approval of the National Energy and Climate Plan, and the adoption of legislation on fluorinated greenhouse gases. These steps create the basis for the formation of a systemic climate policy and for approximation of the Ukrainian legislation to the EU law. At the same time, the need to update the low-carbon development strategy in accordance with the Paris Agreement, adapt the policy to the "Fit for 55" package, ratify the Kigali Amendment, and create an effective emissions monitoring and trading system remains relevant. In this regard, we call on the government of Ukraine to do the following as soon as possible: to update the long-term low-carbon development strategy based on current scientific scenarios and taking into account new challenges caused by the war; to adapt climate policy to the EU standards, taking into account "Fit for 55" package, ratify the Kigali Amendment, and complete the creation of an emissions monitoring and trading system.

We also call on the government to respond to a number of systemic problems in the environmental sector that, in our opinion, require immediate rethinking and response:

1. Ukraine is transposing the EU acts but is postponing the actual implementation of environmental reforms until after the war (environmental monitoring, implementation of BAT for existing facilities, waste management, etc.).

2. The state is actively increasing the amount of environmental data it collects in online databases but under the guise of war is hiding this data from the public.
3. Due to the war, a "moratorium" has been imposed on existing environmental protection instruments; scheduled environmental inspections have not been conducted throughout Ukraine for over three years, conducting unscheduled inspections is significantly complicated, all reporting (in the PRTR, on compliance with the conditions of the emission permit, etc.) is carried out on a voluntary basis, liability for failure to fulfill these obligations during martial law does not apply.
4. The shortage of natural ecosystems, decline of biodiversity, and negative effect of hostilities on soils require the simplification of legislation and regulations for land conservation, restoration of natural ecosystems, and biodiversity.