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EPL's position ON CHAPTER 27 OF THE NEGOTIATION PROCESS AT URC 2026



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Conference**

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Resume

Ukraine has made some progress in approximating the EU environmental acquis under Chapter 27, but a key challenge remains the gap between formal transposition of legislation and its practical implementation. Despite the adoption of a number of framework laws and strategic documents, the institutional capacity of environmental governance remains insufficient due to ongoing deregulation, fragmentation, duplication of powers, weak coordination between authorities, staff shortages, limited financial resources and the combination of environmental policy formulation, implementation and quality control. The delay with implementing the reforms of state environmental control, environmental monitoring and effective mechanisms for ensuring compliance with environmental legislation raises particular concerns.

In horizontal environmental legislation, Ukraine has generally transposed the requirements on access to information, environmental impact assessment and strategic environmental assessment, but the effectiveness of their implementation remains limited. Some decisions of the Aarhus Convention bodies remain unimplemented, and the practice of EIA and SEA faces problems of derogations, there are questions regarding quality of assessments and control of compliance with environmental conditions. At the same time, the Environmental Liability Directive is still not transposed, and the legislation on environmental crimes requires significant approximation to the EU standards.

Sectoral reforms are progressing unevenly. Basic legal frameworks have been established in the areas of waste management, industrial emissions, air quality and water protection, but the necessary sectoral laws, modern monitoring systems, by-laws and effective control mechanisms are not in place. Much of the environmental monitoring infrastructure remains technically outdated, and some elements of the legislation will only come into force after the end of martial law. There is practically no progress in the reform of biodiversity conservation. Protection mechanisms of virgin forests and old-growth forests work quite ineffectively. At the same time, in the field of climate policy, Ukraine is demonstrating consistent progress, forming the basis for achieving climate neutrality and integration into the European climate architecture. However, the framework law on climate policy, as well as the legislation on the introduction of state environmental monitoring will enter into force some time after the end of martial law. Thus, the progress in these areas is rather formal.

To successfully implement the requirements of Chapter 27 in the EU accession process, the priority should be given to strengthening institutional capacity, ensuring the full functioning of environmental monitoring systems and effective environmental control, and preventing deregulation during war and post-war reconstruction. National efforts and international support should be aimed not only at transposing legislation, but also at creating sustainable institutions and practical mechanisms for its implementation at the national, regional and local levels. Without such mechanisms, all practical green recovery projects at the national, regional, and local levels will not have any real results and will lead to irrational spending of public resources and international aid resources.

Thus, institutional reforms and adherence to the principles of green recovery can be a success both in fulfilling the requirements of Chapter 27, sustainable green recovery of regions affected by military aggression, preserving biodiversity in the territory controlled by Ukraine, and significantly reducing corruption risks in the formation and implementation of environmental policy.

I. Institutional capacity

Ukraine's institutional capacity to implement and enforce the EU environmental acquis remains limited due to fragmentation of powers, weak coordination, duplication of powers, as well as personnel and financial constraints at all levels of public administration. The Ministry of Economy, Environment and Agriculture of Ukraine and a number of specialized bodies ensure the formation and implementation of environmental policy, but the environmental unit in the structure of the ministry is dispersed among numerous departments, administrations and divisions, which complicates the strategic integrity of the policy and creates risks of duplication of functions. At the same time, the dominance of economic and agricultural functions may lead to a decrease in the priority of environmental issues. Certain areas, in particular, air protection, practically do not have independent institutional support, which negatively affects the implementation of relevant EU directives and regulations. The problem is insufficient separation within the authorities of the functions of policy formation, policy implementation, control and economic activity. Sectoral bodies (the State Forestry Agency, the State Geological Agency of Ukraine, the State Water Agency, and the State Exclusion Zone Management Agency) are also characterized by an imbalance between regulatory, economic, and control functions, insufficient analytical and human resources capacity, weak transparency, and dependence on external resources.

At the regional and local levels, institutional capacity remains uneven and largely depends on the political will and resources of specific regions/communities. Environmental units of regional military administrations and local governments often are understaffed and lack analytical capacity. Environmental functions are often integrated into broader housing and utilities or infrastructure structures, which reduces their priority. Financial mechanisms, including environmental protection funds, also remain ineffective due to the lack of transparent procedures and performance assessment systems. To strengthen institutional capacity, the following comprehensive reforms are needed: institutional strengthening of environmental policy, restoration of a separate environmental ministry, creation of a new state environmental control body, creation of a separate agency for biodiversity conservation, creation of a separate central executive body that will deal with waste management, unification of environmental units at the regional level and strengthening of environmental functions of local governments, introduction of new institutions of legal responsibility.

II. Access to environmental information and public participation in decision-making (acquis related to the Aarhus Convention)

The level of transposition of the EU acquis in areas related to the Aarhus Convention in Ukraine is assessed as generally high. However, the effectiveness of implementation remains limited and requires further improvement.

Within the framework of the "Ecosystem" - the only national official online platform for accumulating environmental information, a significant amount of environmental information has been accumulated. At the same time, access to the "Ecosystem" requires mandatory identification using an electronic signature, which creates significant barriers to public access and participation, in particular for residents of rural areas. Requests for environmental information are usually processed promptly at the level of central executive authorities. At the same time, a significantly lower level of response efficiency is observed at the regional and local levels.

The 2022 Law of Ukraine on the State System of Environmental Monitoring and Environmental Information, which ensures full transposition of the EU acquis in the areas of environmental monitoring and environmental information, has not yet entered into force. Its implementation has been postponed until the end or lifting of martial law, resulting in a prolonged regulatory vacuum.

The decision of the Meeting of the Parties to the Aarhus Convention remains unimplemented. Its implementation will require amendments to a number of laws of Ukraine in terms of ensuring public access to the texts of production sharing agreements (PSAs), both at the stage of their development and at the stage after signing. This is about the place of the EIA procedure when transferring subsoil for use under PSA terms, as well as about the right of environmental NGOs to appeal decisions and actions of state authorities and investors related to PSA in courts.

III. Environmental Impact Assessment, Strategic Environmental Assessment

EU Directives on Environmental Impact Assessment (EIA) and strategic environmental assessment (SEA) have been formally transposed in Ukraine, but their practical implementation remains limited. The main problems are the quality of EIA and SEA reports, unclear control powers in the field of SEA, a moratorium on environmental inspections under martial law and, as a result, weak state control over the implementation of SEA and EIA requirements and the implementation of environmental conditions by economic entities. In a number of sectors, in particular energy, forestry and fisheries, there are attempts to remove types of activities from the scope of EIA procedures. A vivid example is draft law No. 15040-1, which proposes to increase the threshold for mandatory EIA in the field of aquaculture by 100 times without proper justification, which may in fact remove most economic entities from the scope of the procedure and contradicts the logic of the EU EIA Directive.

Practical problems also manifest themselves in the quality of assessments and public participation. In particular, in the case of the construction of a wind farm in the Runa mountain valley, the project's associated impacts were not properly assessed, and monitoring the implementation of environmental conditions remains virtually impossible due to the blocking of the reform of state environmental control and manipulation of martial law. Although the legislation provides for broad opportunities for public participation, in practice there are barriers to access to online registers, low level of public awareness, and formal nature of individual consultations. In addition, the review of EIA and SEA reports is often reduced to a formal assessment of the structure of documents without proper analysis of the data and methodologies used. As a result, despite formal approximation to EU standards, EIA and SEA instruments in Ukraine remain vulnerable to institutional limitations and

regulatory weaknesses. At the same time, the transposition and implementation of the EIA and SEA directives remain the most successful European integration reforms that the government has reported on over the past 10 years.

IV. Liability for environmental damage and combating environmental crime

The EU Directive on Environmental Liability has not yet been transposed into the national legislation of Ukraine, which constitutes one of the key gaps in the field of horizontal environmental legislation. For the full transposition of the Directive, a comprehensive reform of the national system of liability for environmental damage is necessary, which will include amendments to a significant number of national laws, as well as the adoption of a number of technical regulatory acts based on the relevant provisions of EU legislation.

National legislation is not fully in line with the provisions of the Environmental Crime Directive. The main inconsistencies concern the list of environmental crimes, the lack of criminal liability of legal entities and the underdeveloped procedural mechanisms for combating environmental crime.

Procedures for environmental inspections in Ukraine are regulated by the framework Law on State Supervision (Control) in the Sphere of Economic Activity, which significantly limits their effectiveness. In particular, inspections are overly regulated, response time frames and tools are limited, and sanctions for environmental violations are not proportionate, effective, and dissuasive. In contrast, a specialized legislative framework for environmental control is virtually absent. The draft law on state environmental control has remained unadopted for over six years.

During martial law, scheduled inspections of compliance by business entities with environmental legislation are suspended, and unscheduled inspections are carried out only in exceptional cases with the approval of the relevant central authorities. In practice, in recent years, environmental inspections of industrial facilities have been carried out to an extremely limited extent, even if serious violations were reported. Modern forms and types of inspections that exist in the EU are absent in Ukraine. The system of state environmental control does not respond to the challenges of total environmental destruction in the war zone. Combined with the lack of proper transposition of the Environmental Liability Directive and gaps in the field of environmental crimes, this leads to actual absence of effective mechanisms for ensuring compliance with environmental legislation.

V. Ambient air protection

More than 6 directives need to be approximated by Ukraine in the field of ambient air quality and functioning of the ambient air quality monitoring system. In 2019, the Resolution of the government approved the rules of state monitoring in the field of ambient air protection, which are constantly changing and supplemented, including to include the requirements of Directive 2008/50/EC. In August 2022, the Ministry of Environment approved the Procedure for the Development and Approval of Plans for Improving Ambient Air Quality, which provide for measures aimed at reducing the level of ambient air pollution and risks of exceeding limit values or target indicators in a zone or agglomeration to achieve the relevant limit values or

target indicators. Amendments were also made to the Law “On Ambient Air Protection”, which provide for the adoption of programs for improving ambient air quality.

As monitoring equipment is very outdated and requires modernization while significant funding and human resources to work with monitoring data are needed, actual monitoring of ambient air quality is very limited. New pollutants such as: PM2.5, PM10, ozone, benzopyrene, mercury, arsenic are not monitored. Full approximation to the EU legislation will require establishment of national emission limits, control of VOC emissions, strengthening of control of sulfur monitoring in fuels and improvement of the quality of air monitoring data collection.

VI. Water protection

In the field of water resources management in Ukraine, the key challenges are the lack of full implementation of river basin management plans, failure to include them in development and restoration plans at the national, regional and local levels, failure to consider basin management plans in the procedures of strategic environmental assessment and environmental impact assessment, lack of responsibility for failure to implement the plans of measures of river basin management plans, inability of basin councils to work independently and assess the implemented measures envisaged in the river basin management plans. There is a systemic problem of incomplete data in the state water cadaster, inadequate water resources monitoring. The approval of the River Basin Management Plans for 2025-2030 completed the first planning cycle following the European model, however, the assessment of the state of water bodies is based on historical data and monitoring of only about 5% of surface waters. Systematic monitoring of groundwater was resumed only in 2026. Research on the impact of military operations on river basin pollution is fragmented and limited. Implementation of the Marine Strategy and regular monitoring of marine ecosystems are limited by military operations and explosive ordnance contamination of the Black and Azov Seas.

Surface water pollution, imbalance in the use of water resources, in particular their excessive use for irrigation, as well as the degradation of aquatic ecosystems due to intensive agricultural use of territories are still significant challenges. Because the Code of Good Agricultural Practice that is needed for implementation of the Nitrates Directive, is not a binding but just an advisory document, diffuse pollution continues causing that in some regions the nitrate content is exceeded in every second sample from private wells. Negative trends become obvious because of disappearance of small rivers and water sources, dehydration of territories and general reduction of water resource potential.

VII. Waste management

As of May 2026, Ukraine has yet to adopt specific laws regarding waste management, such as: the Law “On Batteries, Accumulators, and Waste Batteries and Accumulators,” “On End-of-Life Vehicles, tire and oil waste,” “On Electrical and Electronic Equipment and Waste Electrical and Electronic Equipment,” “On Waste Management in the Extractive Industry,” “On Restrictions on the Production and Circulation of Single-Use Plastic Products in Ukraine,” and others, which hinders, in particular, the introduction of an extended producer responsibility system.

According to the Action Plan for Implementing the National Waste Management Plan for 2025–2033, the drafting of these draft laws is scheduled for 2026. A number of subordinate regulatory acts adopted in this area will take effect after the end of martial law. In addition, based on the National Plan, regional waste management plans for each region were to be developed and approved by the end of 2025. However, as of the end of May 2026, only 11 out of 24 regions have approved regional waste management plans based on the current National Plan. The Luhansk and Donetsk regions are unable to develop regional waste management plans due to the partial occupation of their territories and ongoing military operations.

VIII. Industrial emissions

The Industrial Emissions Directive has been partially transposed by the Law of Ukraine “On Integrated Industrial Pollution Prevention and Control”. A relevant department has also been established in the relevant ministry and an online system for submitting applications and issuing integrated permits has been established. At the same time, the law provides for a long transition period, and to date, no integrated environmental permits have been issued.

Technical requirements for large combustion plants (LCP), plants using organic solvents, titanium dioxide production and medium combustion plants (MCP) have not yet been transposed into the national legislation. Conclusions on best available techniques (BAT) in any of the horizontal or sectoral areas have not been adopted at the national level. Work on transposition of the updated Directive (EU) 2024/1785 is at an initial stage. The national PRTR does not meet the requirements of either the old regulation or the new regulation on Industrial Emissions Portal.

IX. Nature protection

There is almost no progress in approximating national legislation to the Habitats and Birds Directives. No Emerald Network site in Ukraine has been officially approved at the national level yet, and wild flora and fauna species and natural habitats are under threat of extinction due to military operations and economic activities. There is no institutional structure for the management of Emerald Network sites or Natura 2000 sites. There is almost no monitoring of the conservation status of habitats and species.

There are relevant regulatory provisions to combat the illegal killing of birds and other strictly protected species, but their implementation is weak. Illegal destruction continues due to limited control and insufficient resources. According to the National Program for the Implementation of the EU acquis, approved in April 2026, the transposition of these directives has been postponed until 2030. In view of absence of a modern biodiversity monitoring system, lack of state environmental control and inevitable and adequate legal liability for species and habitats destruction, the question arises whether there will be anything left to preserve by 2030.

Forest resources

There are contradictory trends regarding preserving virgin and old-growth forests. On the one hand, the number of nature reserve fund objects established to protect virgin forests and old-growth forests is increasing every year. However, such objects are established mainly on the basis of research from 2017-2018. Since establishment of the State Enterprise “Forests of Ukraine” as the sole permanent user of state forests of Ukraine, the process of approving the belonging of forests to the category of virgin forests, quasi-virgin forests and natural

forests has slowed down sharply. There have been attempts to abandon the obligations and approvals provided by enterprises, the legal successors of which are the State Enterprise “Forests of Ukraine”. In 2025, logging of virgin forests was allowed for construction of a road to the planned wind farm on the Runa mountain valley in the Transcarpathian region. Thus, the total destruction of forests as a result of military aggression is accompanied by uncontrolled and irresponsible destruction of particularly valuable forests in the central and western parts of Ukraine.

There has been some progress only in granting forest status to self-forested land plots on abandoned agricultural lands. As of the end of 2025, it has been agreed to transfer 88 thousand hectares of land to forests and grant them an appropriate regime of use and protection.

X. Climate change

Ukraine is gradually shaping climate policy in accordance with the requirements of the European Union and the Paris Agreement, creating a regulatory and strategic framework for achieving climate neutrality by 2050. In 2024, a framework climate law was adopted, and the implementation of key strategic documents continued, in particular the 2035 State Climate Policy Strategy and the 2030 National Energy and Climate Plan. Ukraine is also developing a system for monitoring, reporting and verifying greenhouse gas emissions, preparing a regulatory framework for launching an emissions trading system, and integrating climate goals into sectoral policies and state planning documents.

At the same time, despite significant progress in harmonizing legislation with the EU acquis, national climate policy is still largely framework-based. The main challenges remain insufficient institutional and administrative capacity, especially at the local level, the lack of full-fledged implementation and control mechanisms, as well as the need to move from strategic planning to practical implementation of climate commitments. Despite the conditions of full-scale war, Ukraine continues to meet international climate commitments, laying the foundation for a green recovery and further integration into European climate policy.