



Plan of legislative changes in terms of transposition of the EU requirements regarding conservation of natural habitats and habitats of species of wild flora and fauna

Council Directive 92/43/EEC of May 21, 1992 on the conservation of natural habitats and wild fauna and flora (Habitats Directive)

Directive 2009/147/EU of the European Parliament and of the Council of November 30, 2009 on the conservation of wild birds (Birds Directive)

I. General

1. Current status of transposition of the EU legislative acts in Ukraine

The legislation of Ukraine is only partially aligned with the provisions of the Habitats and Birds Directives on conservation of natural habitats and habitats of species of wild flora and fauna (level of alignment – low).

The basis for defining areas that are prospective for inclusion into the Nature 2000 network, according to the Habitats and Birds Directives, is in defining natural habitats with relevant components (both biotic and abiotic) that are peculiar for them, determining their special role in conservation of conditions for survival and development of populations of endangered species. This approach has not been implemented into the legal framework of Ukraine.

The State Programme for the Establishment of the National Ecological Network of Ukraine for 2000-2015 was aimed at increase of scope of lands of the country with natural landscapes up to the level sufficient for conservation of their diversity close to the natural status attributive to them, and establishment of a single territorial system built upon the principle of ensuring a possibility for natural routes of migration and dissemination of species of plants and animals that would ensure conservation of natural ecosystems, species of flora and fauna and their populations. The National Ecological Network according to its concept should have complied with the requirements as for its functioning within the Pan-European Ecological Network and performed leading functions as for conservation of biological diversity.

At that, the Law of Ukraine of 24 June 2004 No. 1864-IV “On Ecological Network of Ukraine” introduced different criteria to the establishment of the ecological network than those provided for by the EU legislation. In particular, the Ukrainian approach is based not on a criterion of defining habitats as a basis for selection of the econetwork components, but the econetwork is being established on the basis of the areas and objects of the nature reserve fund as a core of the econetwork with further joining of nature protection areas with a different status (water protection, recreational areas, etc.). Therefore, the econetwork of Ukraine at present remains mainly being a tool of territorial planning and depends on nature protection modes of areas it consists of.



Since 2008, to meet its international obligations under the Bern Convention, Ukraine has been establishing the Emerald Network sites. At that, at present only scarce provisions regarding such objects are embedded in the Ukrainian legislation and there is practically no legal framework for determining and establishing special areas in order to conserve natural habitats, so even the process of establishing the Emerald Network sites at the national level is not properly regulated. The legal framework also lacks the mechanisms of conservation, management, and monitoring of such areas, as provided for by the Habitats and Birds Directives. In practice, this creates numerous problems when determining the Emerald Network sites, managing them and ensuring their conservation. As a rule, conservation of these sites is provided for only within the existing areas and objects of the nature reserve fund or other nature protected areas.

Nevertheless, as back as in 2002, to meet obligations under the Convention on Wetlands of International Importance, specially as Waterfowl Habitat, the Government has established the procedure for providing such areas with a relevant status based on criteria as provided for by the Convention.

To some extent, at present the procedures for environmental impact assessment (EIA) and strategic environmental assessment (SEA) facilitate conservation of the Emerald Network in Ukraine. At that, assessment of projects impact on natural habitats and protected species using EIA mechanisms is carried out only in the framework of assessment of impact of planned activities that may have significant impact on the environment, that making a limited list of activities. Plans and programmes that may have impact on the areas with nature protected status undergo SEA, though the habitat approach being taken into account during such assessment is not clearly defined.

Relevant provisions of the Directive 2024/1203 of April 11, 2024 on the protection of the environment through criminal law have not been transposed in Ukraine yet, which at the EU level is aimed at ensuring of enforcement of the Habitats and Birds Directives, among other things. So, there is no criminal liability in Ukraine for actions leading to deterioration of the conservation status of natural habitats and habitats of protected species within special areas of conservation.

2. Strategy for transposition of the EU legislative acts in Ukraine

For proper transposition of the requirements of the Habitats and Birds Directives into the Ukrainian legislation in terms of conservation of natural habitats and habitats of species it is necessary to develop and adopt new legislation that would provide for implementation of the habitat approach as required by the EU acts. A separate special legislative act should regulate the matters of establishment and functioning of special areas of conservation, that would integrate criteria for determining natural habitats and habitats of species, mechanisms of conservation and management of such areas. As proposed, such a law should transpose:



- terminology used in the Habitats and Birds Directives;
- procedures for proposing, approval and assigning special areas for conservation of natural habitats and habitats of species of wild fauna and flora (Natura 2000 sites);
- provisions regarding management tools for such special areas (including on management plans, other measures of conservation);
- provisions regarding appropriate assessment;
- provisions regarding monitoring of the conservation status of natural habitats and habitats of species of flora and fauna, both within and outside relevant special areas of conservation;
- provisions on violations in the sphere of conservation of natural habitats and habitats of species of wild flora and fauna within special areas of conservation.

In order to meet obligations under the Bern Convention for the Ukraine's accession to the EU, norms of the law related to the management and conservation of the special areas of conservation will be applied to the Emerald Network sites that later on should be “converted” into the Natura 2000 network. At the same time, adoption of such a law would ensure transposition of the provisions of the Habitats and Birds Directives in terms of protection of natural habitats and habitats of species of wild fauna and flora.

At the same time, it is proposed to embed in the governmental act a list of assigned Emerald Network sites. This act could also establish separate provisions regarding potential sites of the Emerald Network.

In parallel with the development and adoption of the law on special areas of conservation, as a principal normative legal act providing for the transposition of the provisions of the Directives in terms of conservation of habitats, it is also planned to make amendments to current laws in order to insure alignment with the principal normative legal act in the sphere of conservation of natural habitats and habitats of species.

As a separate legislative initiative, it is planned to propose a draft law to amend the Code of Ukraine of Administrative Offences (in terms of expanding list of offences and strengthening sanctions) and Criminal Code of Ukraine to strengthen administrative liability and introduce criminal liability for violations of legislation in the sphere of conservation of natural habitats and habitats of species.

3. Key executives and sub-executives

- MEPR



Co-funded by
the European Union



II. Actions of the plan of regulatory activities

Action	Responsible bodies, by when	Performance indicators
1. Draft law on special areas of conservation that would provide for amendments to <ul style="list-style-type: none"> - The Law of Ukraine “On Ecological Network of Ukraine” of 24.06.2004 No. 1864-IV, - The Law of Ukraine “On Nature Reserve Fund of Ukraine” of 16.06.1992 No. 2456-12, - the Law of Ukraine “On Environmental Protection” of 25.06.1991 No. 1264-12, - The Law of Ukraine “On Fauna” of 13.12.2001 No. 2894-14, - The Law of Ukraine “On Fish Farming, Industrial Fishing and Protection of Aquatic Bioresources” of 08.07.2011 No. 3677-VI, - The Law of Ukraine “On Flora” of 9.04.1999 N 591-XIV, - The Law of Ukraine “On the Red Data Book of Ukraine” of 07.02.2002 No. 3055-14, - the Land Code of Ukraine - The Law of Ukraine “On Environmental Impact Assessment”, - The Law of Ukraine “On Strategic Environmental Assessment”, etc. - with annexes transposing the list of types of natural habitats (according to Annex I of the Habitats Directive) and lists of species of wild fauna and flora (according to Annexes II and IV of the Habitats Directive and Annex I to the Birds Directive) 	MEPR, 2026	Adoption of the law
2. Draft law on amending the Code of Ukraine of Administrative Offenses (expanding list offences and strengthening sanctions)	MEPR, 2026	Adoption of the law
3. Draft law on amending the Criminal Code of Ukraine (introducing of criminal liability for violations of legislation in the sphere of conservation of natural habitats and habitats of species)	MIA, MEPR, 2026	Adoption of the law
4. Draft resolution of the CMU/order of the MEPR on approval of the lists of types of natural habitats (according to Annex I of the Habitats Directive) and protected species of fauna and flora (according to Annexes II, IV of the Habitats Directive and Annex I to the Birds Directive), if these have not been transposed by the above law	MEPR, 2026	Adoption of the resolution of the CMU or the order of the MEPR
5. Draft resolution of the CMU on approval of the List of the Emerald Network Sites	MEPR, 2025	Adoption of the resolution



Co-funded by
the European Union



		of the CMU
6.	Draft bylaws arising from the requirements of the new law, in particular on <ul style="list-style-type: none"> - the register of areas, - management plans, - monitoring plans, - the procedure for determining of and refunding for losses to land owners and land users 	MEPR, 2026-27 Adoption of the resolution of the CMU or the order of the MEPR
7.	Draft resolution on making amendments to the Regulation of the Ministry of Environmental Protection and Natural Resources of Ukraine	MEPR, 2026 Adoption of the resolution of the CMU
8.	Draft regulation on the Agency on Biodiversity and Nature Protected Areas Management (if a decision is taken to establish a separate agency)	MEPR, 2026 Adoption of the resolution of the CMU