BIOREGIO PROJECT

ANALYSIS OF NATIONAL INSTITUTIONAL FRAMEWORKS AND LEGISLATIONS AFFECTING BIODIVERSITY AND ECOLOGICAL CONNECTIVITY IN THE CARPATHIAN COUNTRIES.

NATIONAL REPORT
UKRAINE

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1 Introductory framework

1.1 The constitutionalised division of power (See Questionnaire 1.1)

Ukraine is a unitary state composed of 24 oblasts (regions), the autonomous republic of Crimea), and two cities with special status: Kiyv and Sevastopil. The power in the country is divided among the legislative, executive and judicial branch, which are independent of each other and act within the limits defined in the Constitution and the Laws of Ukraine. The hierarchy of law in Ukraine demands that all laws comply with the Constitution of Ukraine and all bylaws, in turn, comply with the laws. All international agreements entered into and ratified by Ukraine become part of the legislation of Ukraine and the adoption of international agreements that do not conform to the provisions of the Constitution is only possible after amending the Constitution.
Article 75 of the Constitution provides that the Verkhovna Rada is the only body of legislative power of Ukraine. No other state, regional or local body is authorized to adopt laws. The President and the Cabinet of Ministers may come forward with legislative initiatives and the President may have veto power over Laws. The local authorities may adopt decision within the powers granted to them by law, which are mandatory at local level. All decisions not in conformity with the Constitution or the Law of Ukraine are recognized as null and void.
The Cabinet of Ministers is the highest executive body in Ukraine, which is responsible before the President and is controlled by and reports to the Verkhovna Rada. According to Article 143 of the Constitution local authorities may be granted executive powers, in which case they are accountable to the Cabinet of Ministers.
Article 124 of the Constitution provides that justice is carried out only by the courts, the jurisdiction of which covers all legal relations that may arise in the territory of Ukraine and which decisions are mandatory within all the territory of Ukraine.

1.2 Legislative and administrative competences in the field of environment, landscape protection, land use and spatial planning, water, hunting, agriculture, transport, tourism, energy and mining (See Questionnaire 1.1)

The Verkhovna Rada is divided into committees, each one is in charge of a specific policy area. The Committee of Ecological Policy, Use of Natural Resources and Liquidation of the Consequences of the Chernobyl Disaster is the principal legislative body in charge of drafting, preliminary reviewing and addressing any other matter concerning the development and adoption of environmental legislation in Ukraine. This Parliamentary Committee is in charge of developing legislation in the following areas:

- protection, preservation and use of natural resources, including subsoil, forests, water resources, atmosphere, flora and fauna, landscapes;
- preservation and balanced use of resources of the exclusive maritime economic zone, continental shelf and space;

- ecological security and liquidation of the consequences of natural disasters, technogenic accidents and catastrophes, the activities of state emergency and rescue services;
- civil protection of the population;
- waste management;
- state monitoring of the environment;
- financial sanctions for environmental pollution;
- protection and development of protected areas and natural parks;
- liquidation of the consequences of the Chernobyl disaster;
- development of environmental insurance and audit procedures.

Environmental issues may be also addressed by Committees dedicated to other subject matters, for instance, the Committee of Industrial Regulation, the Committee of Agricultural Policy and Land Relations, the Committee of Health, the Committee of Fuel and Energy, Nuclear Policy and Nuclear Security, the Committee of European Integration, etc.

Regarding administrative competences, environmental regulation and control are carried out by the Cabinet of Ministers of Ukraine, the Government of the Autonomous Republic of Crimea, the oblast and rayon (district) state administrations and the state administrations of Kyiv and Sevastopil, the Ministry for Ecology and Natural Resources, the Ministry for Health, the Ministry for Emergencies, the Ministry for Fuel and Energy, the State Land Agency and the State Inspection on the Control over the Use and Protection of Land, State Agency of Water Resources, State Forestry Resources Agency, the State Geology and Subsoil Service, the State Ecological Inspection, the State Ecological Investments Agency, the State Inspection on the Safety of Navigation, the Ministerial Department for the Supervision of Labour Protection (carries out control over safety in mining and subsoil exploration activities), the Ministry for Agricultural Policy, State Sanitary and Epidemiological Service, State Fishery Agency. A number of executive functions in the sphere of environmental management are also carried out by local councils in the regions, districts, cities and villages.

The Cabinet of Ministers is in charge of implementing the environmental policies adopted by the Verkhovna Rada and coordinating environmental activities of the ministries, agencies and other government institutions and organizations. The Cabinet provides for the development of local, regional, state and inter-state environmental programmes, determines procedures for the creation and use of the State Environmental Protection Fund within the framework of the national budget and confirms the list of environmental protection measures. The principal executive body also determines procedures and confirms environmental limits for the use of natural resources, emissions and waste; determines the amounts of fees and taxes for the use of natural resources, environmental pollution, waste disposal and other negative consequences on the environment; makes decisions regarding the organization of natural reserves and protected areas; organises environmental education and awareness programmes; decides on the suspension or revocation of licenses of companies or other organizations irrespective of their organizational form.

The Cabinet of Ministers carries out its functions and coordinates all activities through the various ministries and other state executive bodies and agencies.

1.3 Authorities in charge of nature protection, monitoring and controlling activities, finance mechanisms (See Questionnaire 1.1)

The Ministry for Ecology and Natural Resources (the "**Environmental Ministry**") is the main body in charge of managing natural resources and environmental protection at the state level, implementing and enforcing environmental legislation and policies. The Environmental Ministry carries out the comprehensive management and coordination of state activities in the sphere of environmental protection, rational use, regeneration and protection of environmental resources (excluding subsoil), ecological and radiation security regulation, protected areas development, creation of the national ecological network, hydro-meteorological activities. Its main functions include environmental monitoring, approval and confirmation of natural resource use limits, issuance of permits and licenses for special natural resource use, emissions and waste management, environmental expertise, as well as state ecological control over the use and protection of land, surface and underground waters, the atmosphere, forests and other flora and fauna, maritime environment and natural resources of the continental shelf, exclusive maritime economic zone, protected areas and natural reserves.
The nature of the work and responsibilities of the Environmental Ministry requires the creation of various divisions in charge of specifically defined tasks at national, regional and local level.
The Environmental Ministry has five subdivisions:
- the State Territorial Management Bodies in 24 regions, Kyiv, Sevastopil and the Autonomous Republic of Crimea,
- the State Water Resource Agency,
- the State Geology and Subsoil Service,
- the State Ecological Inspection, and
- the State Ecological Investments Agency.

The Law of Ukraine "On Environmental Protection" provides for the creation of a state system of environmental monitoring which operates on three levels:
1) the general state level, which encompasses priority issues and tasks affecting the whole country;
2) the regional level, which addresses matters within the territory of specific oblasts;
3) the local level, which deals with issues within individual territories with elevated anthropogenic impact.

Monitoring and control over pollution are carried out by the following eight executive bodies:
- The Environmental Ministry;
- The Ministry for Emergency Situations;
- The Ministry for Health;
- The Ministry for Agricultural Policy;
- The Ministry for Housing;
- The Water Agency;
- The Forest Agency; and
- The Land Agency.

Each of them has access to its own database, which allows to focus and address environmental issues in its specific area of activity. The work of these state bodies is coordinated through the Intra-institutional Commission on Environmental Monitoring, which is managed by the Environmental Ministry.
The exchange of information is carried out based on bilateral cooperation agreements between the Environmental Ministry and the other state executive bodies involved. The initial data are collected and transferred by the territorial divisions of the executive bodies to the regional centres

of environmental monitoring, which in turn transfer a generalised data report to the ministries. The data is then analysed and forwarded to the Informational and Analytical Centre of the Environmental Ministry and it is stored in the environmental data banks. Based on this information the Environmental Ministry publishes a quarterly analytic overview – the "State of the Environment of Ukraine" – which is distributed among interested persons.
The state system of environmental monitoring is financed from the budgets allocated to each of the executive bodies involved, as well as from the budgets of local or regional authorities as determined in the regional programmes of environmental monitoring. The legislation does not explicitly provide for the use of private funds to finance the system of environmental monitoring.

2 Legislative and administrative frameworks relevant for Biodiversity and Ecological Connectivity

2.1 Protected areas

2.1.1 Implementation of relevant European Directives (See Questionnaire 1.2)

The Partnership and Cooperation Agreement between the EU and Ukraine was signed on 14 June 1994 and entered into force on 1 March 1998. This Agreement contains provisions on environmental cooperation and integration.
The State Programme on the Adaptation of Ukrainian Legislation to EU Legislation has been adopted on 18 March 2004 and is currently in force with the latest amendments introduced on 8 July 2011. The adoption of this Programme pursues the aim of European integration, which is the strategic goal of Ukrainian foreign policy, and intends to conform the Laws of Ukraine with the *acquis communitaire.* The adaptation of environmental legislation is defined as a key part of the Programme.[1]
The Law "On the Main State Environmental Policy Strategy until 2020", adopted in 2010 is in compliance with the EU Directives and has allowed Ukraine to sign further cooperation agreements with the EU and receive funds for the National Environmental Policy Startegy.
Overall the environmental policy of Ukraine is directed towards the alignment of nature conservation with the approches envisaged in the EU directives. Ukraine aims to increase the number of protected areas and create a comprehensive ecological netwok. Although Ukrainian laws generally reflect EU Directives, it is usually necessary to develop detailed domestic provisions and translate the terms of the Directives in a uniform manner.

a) Habitats Directive

The Habitats Directive has proved to be the most difficult in terms of implementation due to the high organizational and financial capacities required. At present, Ukrainian laws reflect the methods and principles provided under the Habitats Directive for mapping habitats, identifying, monitoring, protecting and managing protected areas.
The Law "On the Nature Conservation Fund of Ukraine", No. 2456-12 of 16 June 1992, provides the main basis and instruments for the protection and conservation of wild flora and fauna habitats in Ukraine. In addition, the Law "On the Ecological Network of Ukraine", No. 1864-IV

1 The State Programme on the Adaptation of the Legislation of Ukraine to the EU Legislation has been adopted on 18 March 2004. Part V. <search.ligazakon.ua/l_doc2.nsf/link1/T041629.html>.

of 24 June 2004, determines the criteria and procedure for the creation of the ecological network in Ukraine. The ecological network is created, preserved and used based on the following criteria (as prescribed under Article 4 of the Ecological Network Law): ensuring the integrity of ecosystemic functions of all the components of the ecological network conducting a balanced use of natural resources within the ecological network, providing state support and engagement with stakeholders during the creation of ecological networks within their land, ensuring public participation in the creation of the ecological network, considering the environmental, social and economic interests of society in a systematic way, improving the different types of land in Ukraine. The procedure for the creation of the ecological network is outlined in Article 17 which establishes that territories are entered into the ecological network lists according to their ecological, botanical, zoological and landscape significance. The inclusion of these territories in such lists requires the decisions of executive or local governing bodies. According to Article 13, duly approved scientific research have to be conducted before an ecological network may be created. While Article 15 requires the previous approval of planning schemes.

The Laws "On Fauna", No. 2894-14 of 13 December 2001,, "On Flora", No. 591-XIV of 9 April 1999, "On Fish Farming, Industrial Fishing and the Protection of Water Bioresources", No. 3677-VI of 8 July 2011, "On the Red Book of Ukraine", No. 3055-III of 7 February 2002, and the relevant bylaws also contain provisions regarding habitats.

Moreover, Ukraine is a Party to the Bern Convention on the Protection of Wild Flora and Fauna and Natural Habitats in Europe, the CITES Convention on the International Trade in Endangered Species of Wild Flora and Fauna and the Bonn Convention on Migrating Wildlife Species. These Conventions have all been implemented into Ukrainian laws. Thus, Ukraine complies with the Habitats Directive to the extent it reflects the international instruments listed above.

However, the Law 'On the Ecological Network of Ukraine' does not completely reflect the approach of the Habitats Directive and introduces a different procedure for the creation of the network itself. Under Ukrainian law, the ecological network is created on the basis of the area considered and the facilities of the natural preservation fund, with the possibility to potentially integrate into this territory nature conservation areas with a different status (e.g. recreational zones, protected water areas, etc.). This limits the more broad approach envisaged in the Habitats Directive, which requires ecological networks to be formed based on the habitats of important species, regardless of whether such habitats are part of the natural preservation fund or extend beyond it.

In addition, the national legislation does not provide for the protection and conservation of all the categories of habitats listed in the Directive. The Annexes to the Directive have not been reviewed by national experts and, thus, not transferred into national legislation.

Finally, legislative acts on the protection of flora and fauna need to comply with the provisions of the Habitats Directive in relation to the habitats of listed species.

b) Birds Directive

The Energy Community Treaty requires the harmonization of Ukrainian legislation with the Birds Directive by 1 January 2015. In general, national legislation already conforms to this Directive. The protection of wild species of birds is regulated by the Laws 'On Fauna', No. 2894-14 of 13 December 2001, 'On the Red Book of Ukraine', No. 3055-14 of 7 February 2002, 'On Hunting', No. 1478-14-III of 2 February 2002, and the relevant bylaws.

Nevertheless, it may be necessary to amend existing legislation to further define and emphasise the principles and material provisions of the Birds Directive. For instance, the Law 'On Fauna'

needs to better reflect Article 2 which requires the preservation of species 'at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level'. This Law should also include provisions on the prohibition of sale, transportation with intent of sale and offers to sell of birds, regardless whether alive or dead, mentioned in the Directive and foresee the corresponding exemptions.

c) Water Framework Directive

The Water Framework Directive (WFD) has been partially transposed into Ukrainian legislation. The rules regulating water resources are codified in the Water Code of Ukraine, 6 June 1995. Ukraine is also a party to bilateral and multilateral treaties on the management, rational use and protection of transboundary waters and is an active member of various international organizations in the sphere of water protection and management.

The Law 'On the Main Principles of the 2020 State Ecological Policy of Ukraine', No. 2818-VI of 21 December 2010, provides for the comprehensive revision of the system of state management and rational use of waters, in particular, by implementing the integrated management approach through the basin principle. In order to secure this principle it still remains necessary to introduce relevant changes to the Water Code, form an institutional infrastructure for managing water resources, adopt the provision on the River Basin Regulation Plan, draft and develop river basin management plans in accordance with Articles 11 and 14 of the WFD.

One major issue remains that Ukraine still relies on a resource-oriented approach: focusing on addressing 'the problem' of meeting water resources needs, optimizing water consumption, preventing water hazards, and protecting water resources. While the EU Directive seeks to ensure good quality of all water resources, the Ukrainian programme still relies on the old 'Soviet' priority to meet water resources needs of the country's population and industries. The national legislation on water still needs to become more clear, holistic and integrated.

d) Environmental Liability Directive

The legislation of Ukraine provides for administrative, civil and criminal liability for damage to the environment. The rules on environmental liability are not codified in a single legislative act, but are dispersed in various codes and laws (i.e. the Water Code[2], the Criminal Code[3], the Administrative Code[4], the Land Code[5], etc.). Despite providing a rather comprehensive list of

2 Chapter 23 of the Water Code of Ukraine, of 6 June 1995, establishes civil, criminal, administrative and disciplinary liability for the following infringements: unauthorized seizure of water facilities; water pollution and waste dumping; breach of the regime of business activities within water protection zones and the zones of the water fund; destruction of river basins, streams and waterways during the construction and use of roads, railways and other engineering communications; breach of the permit conditions for special water use; unauthorized hydrotechnical works (construction of ponds, dams, canals, wells); damage to water and hydrometric buildings and facilities; illegal creation of sewage water dumping systems into city sewage systems and illegal dumping of sewage waters; unauthorized use of the soil of the water bottom; non-disclosure of water accidents; breach of protection rules of internal waters, internal marine waters and the territorial sea.

3 Chapter VIII of the Criminal Code of Ukraine, of 1 September 2001, is entitled "Crimes against the Environment" and provides liability for the following violations: breach of environmental security; failure to apply measures on the liquidation of the consequences of environmental pollution; non-disclosure or misrepresentation of data regarding the state of the environment; pollution or damage to land; illegal appropriation of land and soil; illegal appropriation of land of the water bottom; breach of the subsoil use rules; air pollution; breach of water protection rules; marine pollution; breach of Ukrainian laws on the continental shelf; destruction or damage to plants; illegal logging; breach of plant protection legislation; illegal hunting; illegal fishing, animal farming; breach of veterinary rules; construction without environmental protection systems.

4 Chapter VII of the Administrative Code of Ukraine is entitled "Administrative Infringements in the Sphere of Nature Protection, Natural Resource Use, Protection of Cultural Heritage" and provides liability for the following: damage and pollution to agricultural and other land; breach of land use rules; unauthorized occupation of a land plot; misrepresentation or conceit of the land cadastral data; illegal

environmental crimes, the legislation of Ukraine lacks certain key provisions to be considered fully complacent with the EU Environmental Liability Directive.

The principle of absolute or strict environmental liability of legal entities has not been transposed into national legislation. The Environmental Protection Law of Ukraine needs to be supplemented by provisions requiring legal entities to cover for environmental damages caused by their activities regardless of whether the fault is established.

The implementation of such strict liability provisions requires the adoption of rules on the mandatory environmental insurance. Since the 2002 draft law on environmental insurance has been revoked in 2005, this provision on mandatory environmental insurance should be incorporated into the Environmental Protection Law and the Law 'On Insurance', No. 85/96-BP of 7 March 1996.

The environmental legislation of Ukraine also fails to include provisions stipulated under Article 5 of the Environmental Liability Directive regarding the obligation to undertake preventive measures. Moreover, the regulation of situations where environmental damage has already been caused is rather loose. The law does not impose obligations to inform the relevant authorities of environmental damage or sanctions for failure to submit such information. Similarly there are no provisions regarding obligations to immediately clean up the damage and use all reasonable efforts to minimize the effects on the environment. Article 49 of the Economic Code of Ukraine, adopted 16 January 2003, only provides for an obligation not to harm the environment and not to cause environmental damage.

e) Environmental Impact Assessment (EIA) Directive

In general, apart from the access to environmental information, Ukrainian legislation in the sphere of environmental impact assessment requires more work. Although the effective laws prescribe mandatory state ecological expertise for projects that may have adverse environmental

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appropriation of land and soil; breach of the term of issuance of the state certificate of land property; breach of the state land cadastral legislation; breach of land organizational rules; breach of subsoil protection requirements; breach of the rules and requirements on the geological study of subsoil; breach of the water resource protection rules; breach of the requirements on the protection of territorial and internal marine waters from pollution and waste; breach of water use rules; damage to water use constructions and facilities; non-compliance with the obligations on the registration of hazardous substances and mixtures; illegitimate use of forest land; breach of the established procedures on the use of the forestry fund, storage and removal of wood; illegal logging, damage and destruction to forest plants; damage or destruction to protective forests; damage or destruction to young forests; breach of rules on the renewal and improvement of forests; damage to hay fields; unauthorized grazing, collection of wild fruit, nut and mushrooms; waste dumping in forests; destruction of fauna useful for the forest; breach of fire prevention rules in forests; breach of rules on atmospheric emissions; non-compliance with the requirements regarding atmospheric protection during construction and transport emissions; breach of waste management rules; breach of waste storage and transportation rules; breach of chemical substances management rules; breach of plant protection rules and legislation; breach of the rules on the use of fauna; production or sale of prohibited equipment to procure flora and fauna; use of water collective constructions without fish protective facilities; illegal import and export of flora and fauna; cruelty to animals; breach of the Red Book rules; breach of the rules on the protection and use of territories of protective areas; denial or untimely provision of environmental information; breach of the legislation on cultural heritage protection.

5 Article 211 of the Land Code of Ukraine provides liability for the following violations: entry into agreements which contravene land legislation; unauthorized occupation of land plots; damage to agricultural facilities and other land, their chemical and radioactive pollution, as well as pollution by sewage, industrial, household and other waste; construction, planning and use of facilities that have adverse effects on land; data misrepresentation or concealment; destruction or damage to anti-erosion or hydrotechnical constructions; avoidance of state registration of land plots and submission of false data; breach of time periods for the consideration of land requests and applications.

impact, separate legislation needs to be developed on environmental assessment and procedures thereof and particular attention needs to be paid to the mechanisms of public participation.
The Law 'On the Regulation of City Planning', No. 3038-VI of 17 February 2011, has caused intense imbalance of the environmental assessment system, having a negative impact on the regulation of the role of the Ministry for Environment, the information process and public participation. This Law has significantly loosened state regulation and control over the construction process and consequently led to the exclusion of the requirement of state ecological expertise for construction projects. Reporting on the impact of construction projects on the environment is now entirely under the responsibility of the constructor.
It would be also necessary to amend the legislation in order to include provisions on transboundary environmental impact procedures and to have a more comprehensive list of types of activities that constitute a source of heightened environmental danger.
The legislation on access to environmental information conforms to the EU Directive 2003/4/EC of 28 January 2003 on Access to Environmental Information. The Law 'On Access to Public Information', No. 2939-VI of 13 January 2011, determines the main requirement regarding the access to public information upon request and the diffusion of such information. Special requirements regarding environmental information are provided under the Law 'On Environmental Protection', No. 1264-12 of 25 June 1991 and corresponding bylaws.
However, existing legislation still needs to be supplemented by certain definitions, including on environmental information, public authority, the impossibility of denying information regarding emissions. These definitions need to be brought into accordance with those of the EU Directive and the Aarhus Convention. The issue of accessing information in permits and reports also remains unregulated.
These matters may be resolved after the adoption of the draft Resolutions of the Cabinet of Ministers of Ukraine 'On the Procedure of Publishing Information on the State of the Environment' and 'On the Approval of the State-Wide Network of Automated Environmental Information and Analytical System Providing Access to Information on the State of the Environment'.

f) Strategic Environmental Assessment (SEA) Directive

At the moment, effective strategic environmental assessment instruments are almost entirely missing from the legislation of Ukraine. The Law 'On Ecological Expertise', No. 45/95-BP of 9 February 1995, concerns state investment programmes, draft plans on development and placement of productive forces, development of separate spheres of the national economy, projects of the general plans of populated areas, district planning schemes, etc. However, the assessment procedures for each of the aforementioned areas is not clearly defined. A draft of the Law 'On the Implementation of Strategic Environmental Assessment' is being prepared and aims at harmonizing the legislation of Ukraine with the SEA Directive.

2.1.2 Implementation and management of the Natura 2000 Network (See Questionnaire 1.2)

Currently there are no Natura 2000 sites in Ukraine and preliminary research on the possibility of extending the ecological network is being conducted only in the Carpathian region.
Nonetheless, the Law 'On the 2000-2015 State Programme on the National Ecological Network of Ukraine', No. 1989-III of 21 September 2000, includes proposals on the increase of restored natural landscapes and decrease of land used for economic purposes. The Programme stipulates

that the ecological network of Ukraine shall constitute a comprehensive system of natural landscapes that make up a single ecologically stable territory. Protected areas shall be the main elements of the ecological networks and one of the principal tasks of the Programme is to establish conditions for extending protected areas.
In 2009 Ukraine became a participant of the Emerald Network, which is an ecological network composed of 'areas of special conservation interest' which was launched by the Council of Europe as part of its work under the Bern Convention. The Emerald Networkis is based on the same principles and approaches the Natura 2000 and *de facto* is an extension of the Natura 2000 network to non-EU countries. Thanks to the Emerald Network programme over 80 per cent of proposed sites in Ukraine have been identified to be designated as protected areas. These sites have the potential of being integrated into the Natura-2000 network should Ukraine become member of the European Union.
In order to proceed with cooperation and integration with the European Union, Ukraine shall bring its legal system into conformity with EU requirements. This includes adopting legislation to implement the provisions of the Habitats and Birds Directives. The legislative acts should focus particularly on solving the following issues: clarifying the procedure of identification and designation of protected areas, managing protection and conservation plans and projects, database monitoring, detailing EIA/SEA procedures.

2.1.3 Procedure for establishing protected areas and the different protection regimes (See Questionnaire 1.2)

The establishment, management and control of protected areas in Ukraine is regulated by the Law 'On the Protected Areas of Ukraine', No.2456-XII of 16 June 1996 (the 'Protected Areas Law'). Its Article 5 provides that the Ministry for Ecology and the Protection of Natural Resources is responsible for establishing and determining the status and regime of protected areas of national importance. Protected areas of regional and local importance are under the jurisdiction of local authorities subordinate to the Ministry for Ecology and the Protection of Natural Resources.
Chapter VII of the Law defines the procedure for the designation and establishment of protected areas in Ukraine, which consists of the following three stages:
1) Preparation and submission of motions regarding the designation of a protected area;
2) Preliminary consideration of the motion on the designation of a protected area;
3) Decision on the designation of a protected area.
Submission of motions: Article 51 states that motions on the designation of protected areas may be submitted by environmental state authorities, scientific institutions, environmental organizations or other interested legal entities, institutions or organizations and individuals. Motions regarding the creation of protected areas of national significance are filed with the Ministry for Ecology and the Protection of Natural Resources, while motions regarding protected areas of regional or local significance are referred to one of the regional State Administration for the Protection of the Environment.
The motion must include the following information: reasoning and motivation for the creation of a protected area of a particular type; environmental, scientific, aesthetic and other values of the proposed protected area; information regarding the location, size, intended use, owners and users of the natural resources; and maps. The motion must be supported by thr relevant documents proving the abovementioned information.

Preliminary consideration: The Ministry for Ecology and the Protection of Natural Resources or the State Administration for the Protection of the Environment have one month to consider the motion on the designation of a protected area. After its approval by the state authorities, the motion is subject to the consent of the owners and primary users of the resources within the territories proposed to be designated as protected area.

After all approvals and consents have been granted, specialised project and scientific organizations prepare a plan for the creation of the protected area. Then, such designation project is transferred to the Ministry for Ecology and the Protection of Natural Resources or the regional State Administration for the Protection of the Environment.

Decision on the designation of a protected area: The Protected Areas Law identifies different decision-making bodies for each category of protected areas. Thus, the President of Ukraine adopts decisions regarding the creation of national preserves, national natural parks and other protected areas of national importance. Biosphere preserves are created in accordance with international treaties and programmes to which Ukraine is a Party. The Parliament of the Autonomous Republic of Crimea, the city council of Kyiv, the city council of Sevastopil and regional councils adopt decisions on the designation of protected areas of local or regional significance and the establishment of protection zones adjacent thereto.

Once a territory has been designated as a protected area, it is allotted in accordance with the procedure prescribed under the Land Code of Ukraine. Protected areas that do not require land allotment are transferred by the relevant Ministry under the protection of entities, institutions, organizations and individuals who own the land where they are located. In such cases a special protection obligation is documented.

If a territory is deemed to have a particularly special value, it may be reserved prior to being granted the status of a protected area. Thus, while the motion is being prepared, filed and considered that territory may already enjoy a protected status. During this time the owners of such areas are subject to compensation and/or fiscal concessions, as stipulated under the Law.

Any amendments to the size or status of a protected area requires the adherence to the procedure described above.

Article 3 of the Protected Areas Law classifies the protected areas in accordance with IUCN categories as follows:

1) Natural areas:

a) nature preserves (IUCN Category Ia),
b) biosphere preserves (IUCN Category Ib),
c) national natural parks (IUCN Category II),
d) regional landscape parks (IUCN Category II),
e) nature reserves (IUCN Category IV/V),
f) natural monuments (IUCN Category III),
g) protected tracts (IUCN Category V/VI).

2) Man-made areas:

a) botanical gardens (IUCN Category IV),
b) arboreta (IUCN Category IV),
c) zoological gardens (IUCN Category IV),
d) garden art parks (IUCN Category III).

Chapter III of the Protected Areas Law defines the regimes of each category of protected areas listed above.

a) *Nature preserves* are defined as environmental, scientific research institutions of national significance. They are created to preserve landscapes and the typical or unique ecosystems associated therewith in their natural state, as well as for the study of natural processes, the development of scientific approaches for the preservation of the environment, the effective use of natural resources and the provision of environmental security.

The land and water territory is allocated to nature preserves with all the natural resources contained therein. All economic activity is prohibited in these areas, including the construction of buildings, roads and other infrastructure elements that are not connected with the activity of the nature preserve; fires, barbeques, organization of recreational spaces, parking; trespassing, movement of farm animals, transfer of mechanical equipment or means of transport; felling; flight of airplanes and helicopters lower than 2000 meters above ground, sound pollution from airplanes and sound pollution from other sources; exploration, mining, disruption of soil, hydrological and hydro-chemical regimes, destruction of geological outcrops, chemical use, all types of forest management, as well as harvesting of herbs, medicinal and other plants, flowers, seeds, cane, grazing, fishing, destruction of wildlife and its habitat, nesting, other exploitation of flora and fauna that leads to the disruption of natural ecosystems; hunting, tourism, introduction of new animals and plant species, implementing measures to increase the number of individual species above the scientifically permissible capacity of the nature preserve, harvesting, collection of specimens for any purpose other than scientific research.

On the other hand, all activities connected with the preservation and restoration of land, scientific research and activities connected with the development of territory of the nature preserve are permitted. In particular, the Protected Areas Law allows activities directed at preventing the effects of anthropogenic impact, renovating hydrological regimes, preserving and renewing flora and fauna and preventing species extinction. Sanitary activities that do not disturb the regime of the nature preserve, construction necessary for the development of the nature preserve, educational and scientific activities are also encouraged.

The nature preserve project documentation may also foresee particular types of economic activity necessary for the maintenance of the preserve. Such activities include farming animals, gardening, burning of leaves, hay collection, etc.

In cases of emergency certain types of activity may additionally be permitted in order to liquidate the consequences of natural disasters, catastrophes or other similar events. Such activities are sanctioned by the Ministry for Ecology and the Protection of the Environment. Under exceptional circumstances such activities may be authorised by the management of the nature preserve.

b) *Biosphere preserves* are environmental and scientific research institutions of international significance, which are created to preserve the natural state of the most typical biosphere ecosystems, as well as to carry out background ecological monitoring and study the environment and changes thereto in terms of anthropogenic impact.

Biosphere preserves are created based on nature preserves and national natural parks, which include the territories of other categories of protected areas and are part of the UNESCO World Biosphere Reserves Network ‘Man and the Biosphere’.

Biosphere preserves operate under a differentiated protection regime, whereby protection, recovery and use of ecosystems is carried out in accordance with functional zoning. Thus, biosphere preserves are divided as follows:

- Preservation zones are designated for the preservation of the most valuable natural ecosystems and ecosystems which have been least affected by anthropogenic factors. The regime of preservation zones is identical to the one of the nature preserves.
- Buffer zones are designated for the prevention of the negative impacts of economic activity conducted within the territory adjacent to the preservation zone. The regime of buffer zones is identical to the one of the protection zones.
- Anthropogenic landscapes zones include territories of traditional land, forest, water, residential, recreational and other economic activity. Hunting is prohibited in these zones.

In separate cases a zone of regulated preservation regime may be designated within the territory of the biosphere preserve.

The projects of biosphere reserves may also provide for activities directed at environmental protection, scientific research, recreational and other economic activity as envisaged under national and international rules. All such activities are carried out in accordance with international programmes.

c) *National natural parks* are environmental, recreational, cultural, educational and scientific institutions of national significance created to preserve, renew and effectively use ecosystems and territories of special environmental, health, historical, cultural, scientific, educational and aesthetic significance.

National parks are established primarily with the aim to provide conditions for organised tourism, recreational activities in a natural environment, the preservation of valuable natural, historic and cultural areas, carrying out of scientific research of ecosystems and anthropogenic impact thereon, the development of scientific recommendations regarding environmental protection and effective use of natural resources.

The land allocated to natural parks is restricted from use for any economic activities. However, the territories of natural parks may include land plots and water resources in the ownership or use of other proprietors.

The territory of national parks is divided into functional zones, each one operating under a different regime.

- Preservation zones are established for the protection and renewal of the most valuable ecosystems and are regulated by the same regime as nature preserves.
- Regulated recreation zones are territories for short-term rest and wellness of the population, including visiting of specially picturesque and memorable places. It is permitted to establish tourist and ecological trails, while felling, industrial fishing, hunting and other activities that may have adverse environmental impact are prohibited.
- Stationary recreation zones are designated for the construction of hotels, motels, camping sites and other facilities for park visitors. All economic activity not related to the functioning of this zone or that may have adverse impact on the preservation zone or regulated recreation zone is prohibited.
- Economic activity zones are where economic activity connected with the realization of functional aims of the national park is carried out. Populated areas and municipal facilities may be located in such zones in accordance with the conditions and regime as prescribed for biosphere preserves.

All activities resulting in the deterioration of the environment and the lowering of the recreational value of the national park are forbidden within the zones of regulated recreation, stationary recreation and economic activity.

Recreational activities within the territory of the national park is organised by specifically designated departments of the administration of the national park, as well as by specifically contracted entities, institutions and organizations.

d) *Regional Landscape Parks* are environmental recreational institutions of local or regional significance crated to preserve the natural state of typical or unique ecosystems, as well as to provide conditions for the organised recreation of the population.

Regional landscape parks are intended to provide for the preservation of valuable natural, historic and cultural complexes, as well as to create conditions for effective tourism, rest and other types of recreational activities in natural conditions and promote environmental education and awareness, while at the same time adhering to the protection regime of natural preserves.

Regional landscape parks may be organised with or without the appropriation of land plots, water and other natural facilities from their owners or users.

The territory of regional landscape parks is divided into zones, which are identical to and operate under the same protection regimes as national natural parks.

e) *Nature Reserves* are territories designated for the protection and recovery of ecosystems or their individual components. The land plots or water areas where the natural reserve is situated remains in the property of their ordinary owners or users.

Hunting and any other activity, which does not conform to the aims and purposes of the natural reserve is prohibited within its territory. Economic, scientific and any other activity, which does not contradict the aims and purposes of the natural reserve is conducted in accordance with the general environmental protection rules and principles. The owners and users of the land plots or water areas designated as natural reserves are responsible for the promotion and maintenance of the protection and preservation regime.

f) *Natural Monuments* are individual unique natural formations that are of a special environmental, scientific, aesthetic, educational and cultural significance and need to be preserved in their natural state. The land plots or water areas where the natural monument is located remains in the property of its ordinary owners or users.

All the activities that may lead to the degradation of the original state of the natural monument or bears any other risks or adverse effects thereon is prohibited within the territory of the natural monument. The owners and users of the land plots or water areas designated as natural monuments are responsible for the promotion and maintenance of the protection and preservation regime.

g) *Protected Tracts* are forests, steppes, marshlands and other independent comprehensive landscape areas of special scientific, environmental and aesthetic significance and need to be preserved in their natural state. The land plots or water areas where the natural monument is located remains in the property of its ordinary owners or users.

All activity that disturbs natural processes and ecosystems within the territories of the protected tracts is prohibited. The owners and users of the land plots or water areas designated as protected tracts are responsible for the promotion and maintenance of the protection and preservation regime.

h) *Botanical Gardens* are created to preserve, study, adapt, breed in specially controlled conditions and efficiently manage the use of rare and typical species of local and global flora by way of creating, adding and preserving botanic collections, carrying out scientific, educational and awareness-raising activities.

Botanical gardens of national significance are scientific research institutions. Botanical gardens of local significance may acquire the status of a scientific research institution in accordance with the legislation.
The land and water resources, including all natural resources thereon, that are designated as the territory of botanical gardens are extracted from the property of their usual owners and users.
All activity not connected with the aims and purposes of botanical gardens and which leads to risks for the preservation of flora collections is prohibited within the territory of botanical gardens.
To provide a more efficient protection regime the territory of botanical gardens may be divided into the following zones:

- Exhibition zone, which may be visited as determined by the administration of the botanical garden;
- Scientific zone, consisting of collections and experimental areas, which may be visited only by the staff of the botanical garden and other specialists upon permission of the administration of the botanical garden;
- Reserve zone, where visits are prohibited unless they are required for carrying out scientific observations;
- Administrative and Economic zone.

i) *Arboreta* are created for the study and preservation under special conditions of different kinds of trees and shrublands and their components in order to ensure the most efficient scientific, cultural, recreational and other use thereof.
Arboreta of national significance are scientific research institutions. Arboreta of local significance may acquire the status of a scientific research institution in accordance with the legislation.
The land and water resources, including all natural resources thereon, that are designated as the territory of arboreta are extracted from the property of their usual owners and users.
All activity not connected with the aims and purposes of arboreta and which leads to risks for the preservation of arboreta collections is prohibited within the territory of arboreta.
To provide a more efficient protection regime the territory of arboreta may be divided into zones in the same way as provided for the territory of botanical gardens.
j) *Zoological Gardens* are created to organise environmental, educational and awareness-raising activities, as well as exhibitions of rare, exotic and local kinds of animals, and to ensure the preservation of their gene pool, the study of wild fauna and the development of a scientific basis for its reproduction in captivity.
Zoological gardens of national significance are environmental, cultural, educational, scientific research institutions. The land, including all natural resources thereon, designated as territory of zoological gardens is extracted from the property of its usual owners and users.
All activity not connected with the aims and purposes of zoological gardens and leading to risks for the preservation of favourable conditions for the life of animals therein is prohibited.
To provide a more efficient protection regime the territory of zoological gardens may be divided into the following zones:

- Exhibition zone, designated for the stationary containment of animals and their use for cultural and educational purposes;
- Scientific zone, designated for scientific research. It may be visited only as prescribed by the administration of the zoological gardens;

- Recreational zone, designated for organised rest and leisure of the visitors of the zoological gardens;
- Economic zone, where the economic and administrative facilities are located.

k) *Garden Art Parks* are the most valuable examples of park architecture, which are created with the aim of protection and use for aesthetic, educational, scientific, environmental purposes, as well as for the promotion of wellness and wellbeing.

Garden art parks of national significance are environmental recreational institutions. The land allocated to such garden art parks may be extracted from the property of its usual owners or users.

In order to ensure the most efficient protection regime garden art parks may be divided into zones identical to the zoning of botanical gardens.

All activity not connected with the aims and purposes of garden art parks is prohibited within the territory thereof. The territory of garden art parks may be used for scientific research, tourisms, excursions, rest and leisure of the population; as well as to carry out activities aimed at the preservation of plants, sanitary felling, replanting of trees and shrublands, prevention of self-seeding, preservation of compositions of trees, shrublands, flowers and herbal lawns.

Protected areas and other sites part of the ecological network of Ukraine are established based on the decisions of the executive state authorities and local state authorities. The activities of the central and local state authorities are coordinated by coordination councils, which are special consulting bodies.

The Ministry for Ecology and the Protection of Natural Resources issues the final decision on the establishment of protected areas. However, when regional or local protected areas are concerned decisions on their establishment may be issued by the regional or local bodies subordinated to the Ministry for Ecology and the Protection of Natural Resources.

An important role is given to the State Service for Protected Areas, which acts based on the Resolution of the Cabinet of Ministers of Ukraine 'On the State Service for Protected Areas', No. 100 of 9 August 2001. One of the main tasks of this Service is the establishment of new protected areas of national significance and the development of existing ones as well as the participation in the designation of transboundary protected areas. The State Service for Protected Areas may create regional and local representative bodies.

Generally, the legislation of Ukraine does not clearly define the division of authority between the central and local state bodies, leaving the final decision making power to be entrusted at the discretion of the state authorities, namely the Ministry for the Ecology and the Protection of Natural Resources and its respective local organs.

2.1.4 Participatory rights of local communities (See Questionnaire 1.2)

Article 51 of the Protected Areas Law establishes that civil organizations may prepare and submit requests or motions to state authorities to establish and declare protected areas. This provision extends the same right to individuals.

Article 10 provides nationals of Ukraine with certain rights in this sphere. Thus, nationals have the right to participate in discussions of draft protected areas legislation, propose natural areas to be classified as protected, exercise civil control over the protected areas, report on breaches of the law and suggest who should be held liable.

Article 13 also foresees that, as may be defined in their statutes, civil organizations may have the right to participate in the management of protected areas, which particularly entails the right to make proposals regarding the organisation and establishment of new protected areas.
These rights are effectively exercised through the work of the Civil Council of the Ministry for the Environment, which is a body composed of representatives of the public and of civil society. It is through this body that non-governmental organizations participate in the decision-making and management process, while also influencing the discussions.

2.1.5 Buffer areas and their legal regime (See Questionnaire 1.2)

Chapter IV of the Protected Areas Law is dedicated to the surrounding of protected areas and the definition of the status and regime of such territories. Thus, Article 39 provides for the creation of protection zones in the territories adjacent to the protected areas in order to prevent the negative consequences of business and other economic activities and to preserve the regime of such protected areas. The size and regime of the protection zone is determined based on the need and on special observations and studies of landscapes and business activities in the territories adjacent to the protected areas.
Article 40 explicitly prohibits the following activities within the protection zones: the construction of industrial and other sites, hunting, business and the development of other economic activities. This provision finds its reflection in the Supreme Court Resolution, No. K-21279/10 of 8 June 2011, concerning the dispute between the LLC 'Morske' and the Council of Ministers of the Autonomous Republic of Crimea regarding the authorisation for the construction of a hostel in the protection zone area. The Supreme Court upheld the decision of the Council of Ministers of Crimea, whereby such construction has been prohibited due to non-compliance with the law.
The prohibitions contained in Article 40 may only be imposed in case an environmental assessment expert shows that the activities concerned shall have an adverse impact on the protected area. In case No. 50/536 (26 May 2010) on the dispute regarding the Kyiv City Council decision No. 190/190, the High Economic Court stated that the decision of the Kyiv City Council does not comply with the law since authorisation for the constructions adjacent to the park concerned has been granted without the consideration of the adverse impact on the park as noted in the expert materials.
The establishment of protection zones and their regime must be included in the project and planning documentation of protected areas.

2.1.6 Management plans for protected areas, administering bodies and funds (See Questionnaire 1.2)

The legislation provides for the development and adoption of management plans for each different category of protected areas. In principle all management plans and schedules are developed by specialized scientific and project institutions and require the approval of the central environmental body. The Ministry for Ecology and the Protection of Natural Resources grants direct approval to the management plans developed by specialized project organizations for natural preserves, biosphere reserves and national natural parks.

The Ministry also gives its consent to the approval granted by local authorities to the management plans proposed for botanic gardens, arboreta, zoological gardens and garden art parks of national significance. The management plans for botanic gardens, arboreta, zoological gardens and garden art parks of local significance are also approved by local authorities, but require the consent from regional and local environmental authorities.
Regional authorities give their approval and consent to the management plans for the use of regional landscape parks.
Chapter II of the Law on Protected Areas regulates the administration and management of protected areas.
The principal body responsible for administring and managing protected areas is the Ministry for Ecology and the Protection of Natural Resources. Moreover, subordinated bodies may be set up at regional and local level for this purpose.
The management of natural preserves, biosphere preserves, national parks, botanic and zoological gardens, arboreta and regional landscape parks is carried out by their special administrations. These administrations are headed by directors appointed with the approval of the Ministry for Ecology and the Protection of Natural Resources and are composed of scientific units, security services, economic and other departments. The activities of the administrations are regulated by the provisions of the protected areas concerned or by the projects for the creation of protected areas.
In cases where special administrations are not established, the protected areas are managed by the legal entities (private institutions) responsible for such protected areas.
Citizen organizations may also administrate and manage protected areas if their charter documents provide for environmental protection activities. They may facilitate the management and administrative activities of the state bodies, participate in the environmental expertise of protected areas, exercise control over the adherence to the protected areas regime and carry out other activities provided under their charter documents in accordance with the legislation.
The source of financing of a protected area depends on the protection regime and status. A protected area may be financed either from the state budget or receive contributions from private entities.
Natural preserves, biosphere preserves, national parks, botanical and zoological gardens, arboreta of national significance are financed primarily from the state budget of Ukraine, while regional landscape parks, botanical and zoological gardens and arboreta of local significance are financed from the budget of the Autonomous Republic of Crimea and from local budgets. These latter funds may also be used to finance the protected areas of national significance listed above. Additionally, private and charity funds, contributions from entities, institutions and organizations and physical persons may be involved in the financing of the abovementioned protected areas of national and local significance.
Entities, institutions and organizations or any other land owner or land user bear the expenses related to the preservation of protection regimes of reserves, natural monuments, natural tracts, garden art parks.
Income gained by the protected areas from scientific and environmental activities, tourism, advertising, publishing or any other activity may be used for the protection and preservation of such areas. Owners and administrators may also introduce fees for visiting protected areas and use the money thus gained for financing such areas.

The Protected Areas Law provides for the creation of special target environmental foundations for protected areas. The foundations' budgets are made up of the following: 70 per cent of fines paid for causing damage to protected areas; income from sale of objects and property that was used to cause the damage; part of the payments made by entities, institutions and organizations proportional to the extent of pollution caused to the protected areas; target and other voluntary contributions of national and foreign entities, institutions, organizations and physical persons.
The funds provided by such foundations are used for the protection of protected areas, scientific research and development, international cooperation, environmental and educational work. The distribution of such funds is managed by the council of the foundations, which is composed of administrators and owners of protected areas, environmental state authorities, non-governmental environmental organizations, leading scientists and environmentalists. Biosphere preserves foundation councils may also include representatives of international organizations, prominent foreign scientists and environmentalists.
Protected areas also enjoy tax holidays and concessions and are exempt from paying for the leasing or acquisition of land.

2.1.7 The implementation of the Carpathian Convention and its Biodiversity Protocol in Ukraine (See Questionnaire 1.2)

Ukraine was the initiator of the Carpathian Convention, playing an important role in the drafting phase, discussions and adoption thereof. Ukraine was the first country to ratify the Convention by adopting the Law No. 1672-IV of 7 April 2004 'On the Ratification of the Convention on the Protection and Sustainable Development of the Carpathians'. It provided the basis for a coordinated legal framework and actions directed at the preservation, balanced use and renewal of landscape and biological diversity in the region, as well as at the promotion of social and economic living conditions and the protection of historic and cultural heritage.
The implementation of this Law has been facilitated by the adoption of a relevant Action Plan by the Environmental Ministry and confirmed by the Order of the Cabinet of Ministers of Ukraine (No. 18523/3/1-04 of 9 June 2004). This Plan provides for the development of a Strategy for the Implementation of the provisions of the Carpathian Convention. Particular emphasis is given to the preservation of biodiversity, the introduction of balanced ecotourism and the construction of a sustainable infrastructure.
The Carpathian Convention opens an additional path for the European integration of Ukraine. The Carpathian Mountains are part of the European ecological network and Ukraine's efforts to preserve, restore and further develop the resources of this region will provide further proof of Ukraine's readiness to be part of the community of European countries.
The Strategy for the Implementation of the Framework Convention on the Protection and Sustainable Development of the Carpathians has been approved by the order of the Cabinet of Ministers of Ukraine (No. 11-p of 16 January 2007). The Strategy regulates the implementation process of the Carpathian Convention up to 2020, specifically emphasising the importance of the formation of a Carpathian ecological network that would form part of both the national and all-European ecological network. At the beginning of 2013 Ukraine has entered the second implementation phase of the aforementioned strategy, which envisions efficient management

mechanisms and public supervision and control over the Convention implementation process.
The implementation of the Strategy is being monitored by the Coordination Council which has been established by the Order of the Environmental Ministry No. 535 of 31 December 2004. The Council coordinates the work of the local and central government bodies, enterprises and organizations regarding the activities relevant to the implementation of the Carpathian Convention. The Council also prepares reports, recommendations and materials regarding the promotion of international cooperation, the development of scientific research and technological approaches, and the financial requirements for the implementation of the Convention.
The local councils of the Carpathian region prepare action plans necessary for the implementation of the Convention. At present they are guided by the 2008-2020 Action Plan which provides for the preservation of flora and fauna, the creation of protected areas, the development of green tourism, forestry and farming and the reduction of hazardous activities and pollution in the region.

2.2 Ecological Connectivity and Related Sectors

2.2.1 Ecological networks and connectivity in the Constitution and national legislation (See Questionnaire 1.2)

The Constitution of Ukraine formulates general principles and approaches for the protection of natural resources, ecology and environment. The concepts of ecological connectivity and ecological networks are not expressly mentioned in the Constitution.
However, Article 13 states that 'land, subsoil, the atmosphere, water and other resources within the territory of Ukraine, natural resources of the continental shelf, the exclusive (maritime) economic zone are the property of the people of Ukraine'. Pursuant to Article 16 of the Constitution, the state is responsible for ensuring ecological security and maintaining the ecological balance within Ukraine. Finally, Article 92 stipulates that the laws of Ukraine determine the basis for the use of natural resources, the exclusive (maritime) economic zone, the continental shelf, as well as for space exploration, organization and use of energy, transport and communication systems. The Constitution also provides that the President of Ukraine, the Cabinet of Ministers of Ukraine, the Verkhovna Rada (Parliament) of the Autonomous Republic of Crimea, as well as local authorities are responsible for the protection and use of environmental resources, the implementation of national environmental programmes and the adherence to international environmental standards as stipulated in treaties binding for Ukraine.
The execution of the abovementioned constitutional principle and provisions requires the adoption of special laws in different areas of environmental protection.
The Environmental Protection Law has introduced the concept of 'special state protection' of protected areas into the legal system of Ukraine. Its Article 60 identifies the criteria and characteristics of special protection areas, which include territories of exceptional ecological value, unique and typical natural ecosystems. This general provision implies that all territories defined under the categories of special protected areas, resorts, health and wellness institutions, recreational areas, water and field protection zones, rare and disappearing plant groups entered

into the Green Book of Ukraine[6], water and marshlands of national and international significance operate and are used in accordance with special rules and protection regimes.
The key legislative document in terms of ecological connectivity is the Law 'On the Ecological Network of Ukraine', No. 1864-IV of 24 June 2004 (the 'Ecological Network Law'), which defines the ecological network as 'a single territorial system, created with the aim of improving conditions for the formation and renewal of the environment, raising the potential of natural resources within the territory of Ukraine, the preservation of landscape and biological diversity, areas of settlement and growth of valuable animal and plant species, the genetic fund and animal migration routes through the unification of territories and objects of protected areas, as well as other territories, which are of special value for the protection of the environment and require special protection.'
Article 5 of this Law determines the following elements as part of the ecological networks: territories of protected areas, lands of the water reserve, marshlands, protected water zones, lands of the forest reserve, protective forest belts and other plantations that are not part of the forest reserve, recreational land and their resources, other natural territories (steppes, graze land, hayfields, sands, salt marshes of special environmental value), Green Book plants growth lands, territories of habitat and growth of Red Book animal species, farm land of extensive purpose (pastures, grass-lands, meadows, hayfields), radioactive lands not in use and requiring special protection.

2.2.2 Specific tools for the implementation of ecological connectivity and its integration in key processes and sectors (See Questionnaire 1.2)

The Ecological Networks Law provides for the development of a single project for the ecological network of Ukraine, as well as separate regional and local ecological network planning schedules. Despite the immense importance of ecological networks and connectivity, the provisions of the Ecological Networks Law are hardly implemented in practice. Only some legislative acts include reference and limited provisions on the management of ecological networks and regulation of ecological connectivity. Such legislation may be categorized under the following subject areas:
a) *Nature and Biodiversity Protection*
Provisions on nature and biodiversity protection and conservation are contained in the following laws: 'On the 2000-2015 Programme for the Establishment of the Nationwide Ecological Network', No. 1989-III of 21 September 2000, 'On the Basic Principles of the 2020 State Ecological Policy of Ukraine', No. 2818-VI of 21 December 2010, 'On the Ratification of the Framework Convention on the Protection and Sustainable Development of the Carpathian Mountains', No. 1672-IV of 7 April 2004, 'On the Natural Protected Areas Fund of Ukraine', No. 2456-XII of16 June 1992.
The Law of Ukraine 'On the Red Book of Ukraine', No. 3055-14 of 14 January 2009 (the 'Red Book Law') is a national register of all rare, extinct and close-to extinction plant and animal species located within the territory of Ukraine. The Red Book Law is in compliance with the International and European Red Lists of animal and plant species. The Law determines the regime of use and preservation of the listed plant and animal species and stipulates criminal and

6 The Green Book of Ukraine is an official state act gathering data on the current state of rare, typical or risking extinction natural plant groups, which need to be under protection. The provision on the Green Book of Ukraine has been approved by the Cabinet of Ministers of Ukraine, Resolution No.1286 of 29 August 2002.

administrative liability for failure to grant the due protection through unsanctioned and unregulated use of the listed species.
Similarly the Green Book of Ukraine, defines the protection, conservation and restoration measures for plant groups, which are either typical for a certain area, unique, endangered, extinct or close to extinction. The Green Book provides also for the creation of biosphere reserves and other types of protected areas for the preservation of listed plant groups, the introduction of special protection and monitoring regimes, the implementation of educational and awareness-raising programs.
A special protection regime is also provided for wetlands and the ecosystems therein. Upon Ukraine's accession to the 1971 Ramsar Convention on Wetlands of International Importance, the Cabinet of Ministers of Ukraine has adopted the Resolution 'On the Protection of Wetlands of International Importance', No. 935 of 23 November 1995 (the 'Wetlands Resolution'). One of the main purposes of the Wetlands Resolution is to provide a register of all wetlands in Ukraine, giving special attention to wetlands of importance as habitats for migratory bird species.
The Resolution of the Cabinet of Ministers of Ukraine 'On the 2005-2025 Concept of Biodiversity Preservation of Ukraine', No. 439 of 12 May 1997 also provides for the establishment of special protection and preservation measures of wetlands of national, regional and local significance.

b) *Water Management and Protection*

The Water Code of Ukraine does not include any explicit reference to ecological networks. However, Article 87 foresees special water protection zones to ensure the preservation of water resources and the prevention of damages to the animal and plant life concentrated around water sources. Water protection zones enjoy a special exploitation regime, whereby it is prohibited to dump waste of any kind and the production of sand or gravel is conditioned by receipt of special permits and constrained to specific areas. Criminal, civil, administrative or disciplinary liability may arise in the case of breaching the water protection zones regime. Article 59 (1) of the Administrative Code of Ukraine provides that in case of violation of the water protection regime a fine ranging from 3 to 7 non-taxable minimum incomes[7] may be imposed on citizens, while state representatives may have to pay from 5-8 non-taxable minimum incomes. The Criminal Code, in its Article 242, establishes penalties for the breach of water protection regime in the form of fines from 100 to 200 non-taxable minimum incomes or the prohibition to hold certain employment positions for up to five years or the limitation of freedom for the same term.
Ecological connectivity in the sphere of water management and protection of water resources is regulated in the Law 'On the National Water Development Programme', No. 2988-III of 17 January 2002. The creation of a special drinking water network is defined as one of the priorities of the Water Development Programme. This Programme also demands the enlargement of the protected areas network, its effective management and maintenance as key conditions necessary for ensuring the stability and improvement of water landscapes and water areas. In order to supply comprehensive information on the state of the environment, the Law requires the establishment of observation networks and generalised river delta data systems.
On 1 January 2013 the National Water Development Programme Law has been replaced by the Law 'On the Approval of the 2021 National Special Purpose Programme for the Development of

7 According to Section 5 of Sub-Chapter 1 of Chapter 20 of the Tax Code of Ukraine (adopted on 2 December 2012 by the Law of Ukraine No. 2755-VI) the non-taxable minimum income constitutes UAH 17.00.

Water Resources and the Ecological Recovery of the Dnipro River Basin', No. 4836-VI of 24 May 2012. The new law aims to introduce an integrated water resource management system based on the basin principle and other international standards during the 2017 – 2021 period. However, this legislative act does not contain any reference to ecological networks, rather it only addresses issues of water management. Some reference to ecological networks may be implied into provisions regarding the amelioration of land and the development of protective lanes along riverbanks.

c) *Forestry*

The provisions of the Forest Code of Ukraine explicitly concern the development of ecological networks in accordance with the National Ecological Network Law. The law prescribes that owners, users and administrators of forests provide for the protection of typical, rare and unique forest ecosystems and promote the creation of ecological networks in accordance with environmental legislation (Article 14, 18, 20). Other relevant measures include: the provision of financial and other support by the government to owners and users of land plots included in the ecological network; coordination of the work of ministries and executive bodies regarding the creation of the ecological networks; the creation of a single all-national scheme for the establishment of ecological networks; scientific study and research; the approval of methodical papers and projects; increase of the number of state orders for planning documentation of ecological networks; allocation of state budget funds for the creation of ecological networks; promotion of international cooperation.

The Forest Code also provides the basis of forest management, an important aspect of which is the identification of typical and unique forest ecosystems, rare species habitats and their inclusion into the ecological network (Article 46 (10). Article 85 establishes that ecological network development is a necessary measure for the preservation of biodiversity in the forests.

d) *Landscape*

Despite the fact that Ukraine is a Party to the European Landscape Convention, there is no legislative act dedicated to landscapes and no uniform definition of 'landscapes' in the national legislation.

The Draft Law 'On Landscapes' has been vetoed by the President of Ukraine and sent back for further revision and amendment. It intended to regulate the coordination of human activities and environmental processes. It was based on the principles of biodiversity and the formation of ecological networks.

At present the regulation of landscapes is not codified and relevant rules are contained in various legislative acts dedicated to land use and spatial planning, with some provisions also included in the Ecologic Networks Law, the Air Code and the Water Code.

Such fragmentation does not allow for a single approach to landscape management as different authors drafted the provisions on landscapes using different terms and language, resulting in overlaps as well as regulatory gaps. The adoption of a Law on Landscapes would certainly rectify this situation and create a comprehensive approach to landscape management and ecological connectivity.

e) *Land Use and Spatial Planning*

Land use and spatial planning are regulated by specialized legislative acts and provisions contained in environmental legislation.

The Law 'On the General Planning Scheme of the Territory of Ukraine', No. 3059-III of 7 February 2002 (the 'Planning Scheme Law'), determines the establishment of the national

ecological network as a component of the European ecological network. The Planning Scheme Law aims at reducing the anthropogenic influence on the environment through the increase of protected areas and the creation of a single territorial system unifying all elements of the national ecological network. It is also dedicated to the preservation of natural landscapes within areas of high historic and cultural value. It pursues the inclusion of measures on the creation and management of water protection zones and water bank protection areas in the environmental programmes of the Siver Donets, South Bug, Dniesper, Dunai, West Bug river basins, the introduction of a special land use regime in the vicinity of river flows, the creation of transboundary nature protection territories of international significance, the creation of protective forest areas and field protective forests, and the conservation of degraded and polluted land with future naturalization; as well as the increase of forest areas.

The Laws 'On Planning and Construction', No. 1699-III of 20 April 2000 and 'On the Basis of Urban Construction', No. 2780-XII of 16 November 1992, stipulate that the principles of environmental preservation, restoration and protection must be respected during construction works. These legislative acts contain requirements regarding the analysis of the ecological state of specific areas and regions designated as construction sites and the carrying out of construction plans in accordance with ecological recommendations. The methods aiming at the preservation of the environmental network include: the analysis of the sanitary, epidemiologic and ecological state of the regions and the implementation of the relevant programmes; the analysis of measures for the improvement of the environment; the analysis of the disproportion in the use of territories; the designation of territories in accordance with the type of their dominant use; the implementation of population management systems and sustainable development; the adoption and implementation of special programmes on the use of land, land protection, environmental protection, tourism development, preservation of cultural and historic heritage; the development of environmentally friendly infrastructural projects.

The general spirit of the laws on construction and planning, as well as of separate provisions considers the ecological state of the construction sites in question as well as the impact of the construction on the environment.

f) *Agriculture*

In Ukraine agricultural activity is important not only in terms of economic interests, but it also plays a critical role in terms of environmental impact. There are various laws and bylaws[8] regulating different aspects of the agricultural activity and the social and economic support of villages and farms. These laws do not contain specific provisions on ecological connectivity and networking, however, they are in compliance with the general principles of ecological protection and contain provisions on the compulsory preservation of the environment. Unfortunately the language of such provisions is often very vague and broad and allows for liberal approaches in terms of the adoption of environmental measures.

At present public discussions of the Draft Law 'On Agriculture' are being held. The current version contains several provisions intended to integrate agricultural activities and environmental protection, including through the development of ecological networks. The proposed act introduces the term of 'agricultural ecologization', which aims at promoting the use of

8 The Laws "On State Support of Agriculture in Ukraine",No. 1877-IV of 24 June 2004, "On Agricultural Cooperation", No. 469/97-вр of 17 July 1997; the Order of the President "On the Immediate Measures for the Improvement of Agriculture", No. 1529/99 of 3 December 1999; the Resolution of the Cabinet of Minister
s "On Land Monitoring", No. 661 of 20 August 1993.

environmentally safe technology and ecologically friendly techniques in farming, rational use of natural resources and the preservation, restoration and development of the environmental ecological balance. The section on the ecologization of agriculture and farming defines the criteria for land use in this sector, ecologically safe planting and animal farming procedures, promotion of ecological awareness and introduction of subsidies for ecologically friendly production.

g) *Transport*

Ukrainian legislation on transport is composed of codes, laws and bylaws, all of them contain references to the principle of environmental protection.

The Air Code of Ukraine, of 19 May 2011, provides that the operation of air transport should take place with minimum environmental impact. Airports may be constructed only after an ecological conclusion has been issued, certifying that construction works in the concerned area shall not have any ecologically adverse effects. All measures lowering the amount of noise and pollution as well as increasing ecological safety and security have to be taken during flights.

The Code of Commercial Maritime Activity, of 23 May 1995, the Laws 'On Transport', No. 232/94-BP of 10 November 1994, 'On Pipeline Transport', No. 192/96-BP of 15 May 1996, 'On Railway Transport', of 4 July 1996, 'on Automobile Transport', of 5 April 2001, contain references to the general principles of environmental protection and an obligation to coordinate the regulatory activity of state authorities and the activity of owners of means of transport according to this principle.

Nevertheless, there are no legislative provisions specifically directed at integrating transport legislation with the provisions of ecological connectivity. It should be underlined that, in the legislation on transport, the wording of the environmental clauses is broad enough to permit a very liberal interpretation.

h) *Tourism*

The legislation regulating tourism does not specifically concern ecological networks or connectivity. The Law 'On Resorts', No. 2026-III of 5 October 2000, provides that natural territories and the resources contained therein may be designated as health and wellness resorts. The designation of natural areas as such should be carried out in accordance with environmental legislation, which presumes conformity with the Ecological Network Law.

The Law 'On Tourism', No. 1282-IVof 18 November 2003, contains special requirements as to the use of tourism resources. In particular, it provides a special protection regime for sites and attractions of peculiar cultural and environmental significance, limiting access to them and controlling anthropogenic influence on them.

i) *Land of Special Scientific Significance*

The Law 'On Science, Scientific and Technical Activity', No. 1977-12 of 13 December 1991 contains provisions on the protection of natural sites and objects of special scientific significance; it also requires the creation of register of collections, reserves, arboreta, scientific polygons of special significance for scientific development in Ukraine and in the world. A special section of the state budget is allocated to the maintenance of natural objects and sites listed as having special scientific significance.

2.2.3 Conservation of cultural landscapes and historic sites in national legislation (See Questionnaire 1.2)

Ukraine has joined the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (the 'UNESCO World Heritage Convention') on 12 October 1988. Presently the following sites are on the UNESCO World Heritage list: Kiev: Saint-Sophia Cathedral and Related Monastic Buildings, Kiev-Pechersk Lavra, L'viv – the Ensemble of the Historic Centre, Residence of Bukovinian and Dalmatian Metropolitans, Struve Geodetic Arc, Natural Primeval Beech Forests of the Carpathians and the Ancient Beech Forests of Germany. In addition, another 17 properties have been submitted on the Tentative List.
Ukraine is also party to the 1985 Convention for the Protection of the Architectural Heritage of Europe, the 1992 Convention for the Protection of the Archeological Heritage of Europe (revised) and the 2001 UNESCO Convention for the Protection of Underwater Cultural Heritage.
A series of national legislative acts have been adopted in order to transpose the provisions of the ratified international cultural protection instruments into the Ukrainian legal system.
The Law 'On the Protection of Cultural Heritage', No. 1805-III of 8 June 2000 (the 'Cultural Heritage Protection Law') states that cultural heritage is, *inter alia,* any territory, water area (underwater cultural or archeological heritage), other natural, natural and anthropogenic area or work of man or the combined work of nature and man, which has an outstanding universal value from the historical, aesthetic, technological or anthropological point of view and has preserved its authenticity. The law explicitly provides that landscapes and territories of garden art parks are specific kinds of cultural heritage. Special protection regimes, the designation of conservation areas, the maintenance of lists of protected cultural and historic areas, the conclusion of cultural heritage protection agreements are among some of the protection mechanisms established by the Law.
A comprehensive list of Ukrainian sites, monuments and objects of cultural heritage is provided in the Law 'On the List of Cultural Heritage that Cannot be Privatized', No. 574-VI of 23 September 2008.
Article 6 of the Protected Areas Law, discussed above, provides for the protection of natural territories of special ecological, scientific, aesthetic, economic, cultural and historic significance. Such protection is based on the provisions of the Protected Areas Law, the Cultural Heritage Protection Law and other legislation on the protection of historic and cultural monuments.
The Law 'On Archeological Heritage', No. 1626-IV of 18 March 2003 has been adopted to guarantee the implementation of the Archeological Heritage Convention.
The following Resolutions of the Cabinet of Ministers of Ukraine regulate the procedure of designating and protecting cultural and historic heritage:

- 'On the Approval of the List of Documents Required for the Designation of Historic and Cultural Reservations or Protected Areas', No. 727 of 6 July 2011;
- 'On the Listing of Cultural Heritage of National Significance in the State Registry of Immovable Heritage of Ukraine', No. 928 of 3 September 2009;
- 'On the Approval of the Risk Assessment Criteria of Economic Activity and the Determination of the Regularity of Planned State Control Measures Regarding Cultural Heritage', No. 21 of 21 January 2009;
- 'On the Approval of the Procedure of Recognition of a Populated Area as Historic', No. 909 of 3 July 2006;
- 'On the Approval of the Typical Provision on National Historic and Cultural Reserves', No. 1149 of 24 July 2003;

- 'On the Establishment of the Interdepartmental Coordination Council on Cultural Heritage Protection', No. 1108 of 17 July 2003;
- 'On the Approval of the Method of Economic Valuation of Cultural Heritage', No. 1447 of 26 September 2002;
- 'On the Approval of the Procedure for the Determination of the Territories and Regimes of Historic Sites within Populated Areas, the Limitation of Economic Activity within Historic Sites within Populated Areas', No. 318 of 13 March 2002;
- 'On the Approval of the Procedure for the Issuance of Permits for Archaeological Exploration, Digging and Other Works on the Territory of Heritage Sites, Protected Archaeological Areas, or Protected Zones within Historic Sites of Populated Areas, As Well As the Study of the Remains of Human Activity Located Under the Earth or Water Surface of Ukraine', No. 316 of 13 March 2002;
- 'On the Approval of the Procedure for the Execution of Cultural Heritage Protection Agreements', No. 1768 of 28 December 2001;
- 'On the Approval of the Procedure for the Determination of Heritage Categories to be Listed in the State Register of Immovable Heritage of Ukraine', No. 1760 of 27 December 2001;
- 'On the Approval of the List of Historic Populated Areas of Ukraine', No. 878 of 26 July 2001.

The Criminal Code and the Administrative Violations Code of Ukraine contain provisions on the responsibility for the destruction, demolition or damage to cultural and historic heritage, as well as for the breach of the rules and regulations regarding their regime.

2.2.4 Land use compatible with biodiversity conservation in national legislation (See Questionnaire 1.2)

The legislation of Ukraine provides that the use of land, regardless of the purpose of such use, should be compatible with the principles of environmental protection, restoration and preservation as prescribed under ecological legislative acts.
The Land Code of Ukraine provides a classification of land in accordance with its purpose and use. Article 33 of the Law 'On Land Protection', No. 962-IV of 19 June 2003, defines land for environmental protection purposes. A similar category of land use is provided under the Environmental Protection Law, the 2000-2015 State Ecological Network Programme of Ukraine, the Concept of Biodiversity Preservation and bylaws issued by the environmental state authorities.
The land regime of protected areas, protection zones and other territories of special ecological status is regulated by Section 7-9 of the Land Code of Ukraine. Its provisions are in accordance with the Protected Areas Law, which regulates the status of land within the territories of the protected areas. Depending on the category of the protected area the land may either be used only for the aims and purposes of that area or may remain in the property or use of private persons and be developed for economic activities.
Section 7 specifically concerns land under protected areas and the provisions contained therein completely reflect the provisions of the Protected Areas Law. Sections 8 and 9 concern land of health and recreational purpose, respectively. They provide a definition of the type of land, its components and refer to the Protected Areas Law for more detailed regulation of the issue.

The Forest Code provides that forests, woodlands, shrublands and other forestry sites may be designated as tourist sites, places of rest and leisure, and recreational zones. The classification of the forestry sites is decided by the State Forestry Agency in accordance with the Environmental Ministry and upon the application of an interested party or the state forestry management organizations.[9] The use of forests for tourism purposes must be compatible with the requirements of environmental protection and preservation.
The Air Code stipulates that airports may be constructed only in areas which do not have a special ecological significance or a special protection status. The operation of such airports should not interfere with the environment and should comply with the principles of protection and preservation of ecosystems, biodiversity and other aspects of the environment.
The Water Code states that certain water areas may be used for industrial and other economic activities as long as the basic principles of environmental protection are respected and the activities do not result in adverse impact on the protected areas and protection zones. The water use permits are issued by the Council of Ministers of the Autonomous Republic of Crimea, the executive power body in the sphere of environmental protection of the Republic of Crimea, regional state administrations or the administrations of the cities of Kyiv or Sevastopil. The issuance of the special permits is approved by the Cabinet of Ministers of Ukraine.
The rules and regulations on agriculture and farming imply that all activities in this sphere should conform to the basic principles enclosed in the environmental legislation and should aim not to cause degradation of land, destruction of ecosystems and adverse impacts on biodiversity.

2.2.5 Ecological forestry management and afforestation in national legislation (See Questionnaire 1.2)

The Rules on Forest Restoration, as approved by the Resolution of the Cabinet of Ministers of Ukraine, No. 303 of 1 March 2007, are directed at the promotion and development of afforestation plans, and the creation of efficient forest reserves with high protective capacities.
Aforestation may take place either on the sites that used to be covered by forests in the past or on land considered invalid for agricultural or other purposes assigned to it. Land for afforestation is designated as prescribed under the Land Code and the procedure of afforestation is conducted by the users and owners of forests in accordance with state programmes and projects. The forest restoration projects are based on area inspection acts and scientific recommendations and the afforestation technology is determined by bylaws issued by the State Forestry Agency.
The Law 'On the Amelioration of Land', No. 1389-XIV of 14 January 2000 (the 'Amelioration Law') defines afforestation as a measure of technical agricultural and forestry amelioration, which in turn leads to the amelioration of land.

2.2.6 Forest Management Plans (See Questionnaire 1.2)

Section 8 of the Forest Code is dedicated to forest management, which is compulsory in the whole territory of Ukraine and is conducted in accordance with the bylaws adopted by the State Forest Agency.

9 Provisions 13 and 17 of the Resolution of the Cabinet of Ministers "On the Approval of the Procedure of Forest Classification and Designation of Especially Protective Forest Areas", No. 733 of 6 May 2007.

Under Article 1 of the Regulation on the State Forest Agency approved by the Decree of the President of Ukraine No. 458/2011 of 13 April 2011, the State Forest Agency is a central body of the executive power responsible for the implementation of the state policy in forestry.
Pursuant to Article 47 of the Forest Code, state forest management organizations implement forest management in accordance with the unified national system approved by the State Forest Agency. The system of the forest management organizations consists of the Ukrainian State Project Forest Management Association ('**SFMA**'), which was created according to the Order of the State Forest Agency No. 119 of 30 September 1991 and its subdivisions.
Article 46 of the Forest Code lists the main forest management measures:

a) renewal of the borders of the forestry fund of Ukraine and determination of the internal commercial organization;
b) topographic and geodetic survey, forest site-mapping;
c) inventory survey of the forestry fund of Ukraine to determine natural and age-related consistence of forests, their condition, quality and quantity characteristics of the forest resources;
d) determination of the forests that require cutting to improve the qualitative consistence of forests;
e) division of forests into categories depending on the functions they serve;
f) calculation of the standard cutting area and the terms of use of other forest resources;
g) determination of the scope of work to renew the forests, protect the forests from fire, vermin and diseases, other forest commercial activities and the procedure for their implementation;
h) development of landscape, soil, typological, biological and other studies of the forest natural complexes;
i) determination of typical and unique natural complexes, places of colonization of distinct animals and plants, which should be included into the ecosystems;
j) arrangement of hunting territories;
k) state accounting of forests and state forest cadastre;
l) conduction of scientific works to achieve the scientifically substantiated use of forest resources, protection and restoration of forests;
m) preparation of projects for the organization and development of the forestry and supervision of the performance of these projects;
n) participation in the development of programmes for protection, conservation and restoration of forests;
o) forest monitoring;
p) other forest management actions.

Article 48 of the Forest Code addresses the issue of forest management documentation and particularly states that forest management materials may be used as the basis for drafting sustainable forest management and developing plans and projects.
The forest management plan (or the forest organization and development project as it is referred to in the legislation) is adopted in accordance with the bylaws on forest management and regulates the general approach to forest management and development activities.
Article 48 provides also that the approval of forest management materials is compulsory for the management, planning, forecasting and use of forest resources. However, the Forest Code does not contain explicit provisions requiring the adoption and approval of forest management plans or projects. It may be inferred from Article 48 that once the forest management materials have been

arranged and approved a management plan based on the data of such materials should follow. The lack of a clear requirement of forest management plans is a clear example of a legislative lacuna, which does not allow to form a single unified approach on certain issues arising in the sphere of forest management.

2.2.7 Illegal Harvesting and Logging (See Questionnaire 1.2)

Ukrainian legislation provides sanctions for illegal harvesting and logging, consisting in civil, administrative, criminal and disciplinary liability.
The Forest Code operates based on the strict liability principle, whereby the guilty party must pay for the damage done regardless of whether administrative or criminal sanctions are imposed. Thus, the amount of civil liability for illegal logging and harvesting is calculated based on the fees and formulas established by the Resolution of the Cabinet of Ministers of Ukraine 'On the Approval of Penalties for Forest Damages', No. 665 of 23 July 2008.
Article 65 of the Administrative Liability Code imposes liability for illegal logging and damage to trees and shrubs, destruction and damage to woodland cultures. Article 70 stipulates administrative responsibility for illegal harvesting and gathering in forests and on lands which are part of the state forest fund of Ukraine. Administrative responsibility takes the form of fines, which differ in size for individual persons and state officials. Administrative sanctions may be imposed by the State Forestry Agency, the Ministry for Ecology and the Protection of Natural Resources and the courts of Ukraine.
Administrative sanctions are often applied during the Christmas and New Year festive period for illegal logging of pine trees. For example, 59 persons were charged in Crimea with administrative liability during the 2012-2013 festive period for illegal logging of pine trees. The total amount of fines imposed was equal to UAH 5400 (around EUR 540).
Illegal logging and destruction of shrubs is addressed in Article 246 of the Criminal Code, which determines the punishment in either of the following forms: fines, arrest for up to six months, confinement for up to three years, or imprisonment for up to three years with confiscation of all improper gains. Criminal sanctions are imposed by the courts of Ukraine.
For example, the Lviv Region Prosecutors Office has initiated 22 criminal cases for illegal logging in 2011. On one occasion, the manager for the state forestry economy in Lviv Region was charged with a criminal sentence for the inaction to prevent the illegal logging of 85 cubic meters of forests (the total damage was estimated around UAH 227,000).
Disciplinary measures may also be applied as provided under the Employment Law of Ukraine with regard to directors, managers and employees of forestry farms, organizations, institutions or entities who do not comply with the rules and regulations in the sphere of forest management and protection. These measures may be applied by the owners or administrators of the forests. For example, the Lviv Region Prosecutors Office has charged 227 persons with the disciplinary liability in 2011 and recovered UAH 2.8 million in fines.

2.2.8 Restoring Damaged Sites and Ecosystems (See Questionnaire 1.2)

One of the basic principles contained in the Environmental Protection Law prescribes the obligation to compensate for and restore damage to the environment. This principle is enclosed in all elements of the Ukrainian environmental legislation system, thus, obliging physical persons

and legal entities to undertake efforts to restore damaged sites and ecosystems. Failure to meet such an obligation results in liability of the guilty party and usually takes the form of fines and penalties in the amount necessary to restore the damage.
The analysis of the legislation divides damaged sites into those suffering from technogenic impact and degraded or low productivity lands.
Technogenic damage occurs as a result of human economic activity and includes pollution by waste, heavy metals, chemical and other substances. A special recovery regime is provided in the Chernobyl zone, the adjacent territories and the areas that have been most affected by the nuclear disaster. The restoration of the Chernobyl lands is regulated by special Chernobyl legislation.
Degraded land and land with low productivity are other categories of damaged sites. This classification is mainly attributed to land that has been affected by natural disasters or anthropogenic activity and has consequently lost its qualities. Such land is included into the ecological network of Ukraine and warrants special restoration and conservation measures. Pursuant to Article 166 of the Land Code the restoration and remediation measures include organizational, technical and biotechnical measures aimed to renew the soil, improve the condition and productivity of the damaged land. Such measures may include biological remediation (planting of ameliorated grass, adding fertilizers) and hydro-technical remediation (soil dump, adding a layer of fertile soil, formation of the drainage system etc.). Moreover, this type of land is excluded from the use for economic purposes and activities, which are not restoration activities. The decision on the exclusion of such lands from all economic activity is adopted by the executive bodies and the Ministry for Extraordinary Situations is principally responsible for the restoration of such land. The owners or users of such land are compensated by the state.

2.2.9 Illegal Construction (See Questionnaire 1.2)

Ukrainian law foresees civil, administrative and criminal sanctions for breaching the legislation on construction.
The Law 'On Liability In the Sphere of Construction Activities', No. 208/94-BP of 14 October 1994 (the 'Construction Law'), provides a list of construction activities for which physical persons and legal entities may be held responsible. Such activities range from using materials not conforming to state standards on construction without obtaining the necessary licenses, permits and certification. Article 3 stipulates that all matters regarding the violation of construction legislation are referred to the State Architecture and Construction Inspection of Ukraine (the 'Architecture Inspection') or its territorial bodies. The director of the Architecture Inspection, the vice directors, the directors and vice directors of its territorial bodies have the authority to impose fines for any breach of construction legislation.
Failure to comply with the rulings of the Architecture Inspection is punished by a fine as prescribed under Article 188-42 of the Administrative Liability Code. The same fine is imposed for denying access of state bodies and inspections to construction sites. The Administrative Liability Code also sanctions illegal planning and construction and infringment of construction regulations and standards.
Article 197-1 of the Criminal Code targets unauthorized land appropriation and construction by introducing liability in the form of imprisonment for up to three years.
Criminal and administrative sanctions are imposed within the framework of a judicial procedure.

2.2.10 Effective implementation of EIA and SEA procedures and public participation (See Questionnaire 1.2)

Article 34 of the Law 'On Ecological Assessment', No. 45/95-BP of 9 February 1995 (the 'Ecological Assessment Law') stipulates that ecological assessment shall be carried out whenever there is a risk or a possibility of significant effects on the environment. According to the Ecological Assessment Law the following may be subject to ecological assessment: drafting laws and bylaws; studying documentation on the implementation of new technology, materials or products; assesing the ecological situations; controlling existing sites and facilities having negative environmental impact. This list is elaborated in Article 14 of the Law and includes, *inter alia*, state investment plans and projects, development schemes, projects of general plans of populated areas, regional planning schemes.

The Ecological Assessment Law provides that assessment may be carried out by the state, the public or other entities. However, only the conclusions of the assessment carried out by the state are binding and must be executed. All other assessments, including the one of the public, may be considered only as a recommendation.

Nonetheless, public participation plays an important role in the procedure of environmental impact assessment and strategic environmental assessment. According to the Ecological Assessment Law the public may conduct independent assessments by way of forming non-profit organizations, appointing experts who meet the requirements stipulated by law, officially informing of the intention to carry out such assessment and financing it. Representatives of the public may also be included in the state ecological expert committees, participate in open hearings, give public announcements and statements in the media, submit proposals and recommendations, insists that the public environmental assessment reports be accounted for in the IEA/SEA prepared by the state authorities, appeal against the IEA/SEA issued by state authorities and argue any decisions made based on such assessments.

In practice the provision on IEA/SEA are not always complied with in Ukraine. For instance the Environmental Ministry does not publish the annual National Report on the State of the Environment, with the last of such reports published in 2007. Similarly, the last National Report on the Quality of Drinking Water has been published in 2006. Local authorities also fail to publish environmental reports in the media. The 2011 amendments to the Law 'On the Regulation of City Construction' have increasingly narrowed the grounds for the environmental assessment of the city planning documentation, thus, rendering the Environmental Assessment Law practically ineffective.

Some of the major violations of the legislation by the state have been contested in court. In January 2012 the High Specialized Court of Ukraine on Civil and Criminal Cases has denied the opening of cassation proceedings concerning a case of free access to environmental information, despite the fact that according to the law such information must be provided at all times upon request.

In October 2011 the District Administrative Court of Kyiv has adopted a decision based on the claim of the International Charity Fund 'Environment-People-Law' against the Environmental Ministry concerning the illegitimacy of the ministerial failure in publishing the conclusions of the state environmental assessment on the official government website. The Court ordered the publication of 1293 conclusions that have been issued between 2009 and 2011.

In August 2010 the Ukrainian Ombudsman has filed a report with the General Prosecutor of Ukraine regarding the incident with the breach of human rights, including environmental human rights, during the events in the Gorkiy park in Kharkiv. The local administration has adopted a decision on the construction of a road through the park. The implementation of this decision involved the destruction of ancient trees of environmental and historic significance. The public has not been consulted on the matter, but instead force has been applied to remove the people protesting against the actions of the local administration. The situation has been highlighted by international media and the Commissioner of the Council of Europe, T.Hammerberg, has written a letter to the mayor of Kharkiv and the governor of the region, expressing concern for such violations of environmental rights.

2.2.11 Ecotourism in national legislation (See Questionnaire 1.2)

Ukrainian legislation does not contain a definition of ecological or green tourism and fails to provide specific provisions on it. Although a draft law on green village tourism has been proposed for review in 2003 and in practice several eco-resorts have emerged in various regions, eco-tourism continues to exist only as a concept to aim for in Ukrainian legislation.
The Law 'On Tourism', No. 324/95-BP of 15 September 1995, lists ecological (green) tourism as one of the types of tourism practiced in Ukraine, as well as a priority development area. However, a definition of eco-tourism is not provided.
Green tourism is also mentioned in the Law 'On Personal Farming', No. 742-IV of 15 May 2003. According to Article 1 'personal farming is a special type of economic activity carried out by physical persons individually or by persons related by family ties or living together without the establishment of a legal entity and with the aim of satisfying personal interests through the production, manufacturing and consumption of agricultural products, the sale of the surplus of such products and the provision of services by means of using the assets of personal farms, including services in the sphere of green village tourism'. The Personal Farming Law also fails to define green tourism and does not specifically regulate it.
On 23 October 2003 the Deputy of the Verkhovna Rada, V. Kafarskiy, has submitted the draft of the Law 'On Village and Green Village Tourism' for revision and adoption. The Draft provisions contain general legal, organizational, social and economic principles of the policy of Ukraine regarding green tourism. The proposed Law gives definitions of village tourisms and green village tourism, regulates who may provide such services, introduces licenses for green village tourism providers, sets requirements for contracts and agreements in this sphere of tourism, establishes liability for green tourism providers. The Draft Law has been approved in the first reading on 16 November 2004, however it requires further amendment and approval at second reading. As this process is constantly being postponed, the legislation of Ukraine on eco-tourism remains incomplete and this type of tourism continues to be largely unregulated.
In practice many companies offer tours exploring Ukrainian natural sites, including natural parks, regional landscape parks and other natural areas. Traditionally hiking, camping, mountain climbing have been the types of tourism most promoted in Ukraine, including during the Soviet regime, with Crimea and the Carpathian mountains being the most popular destinations.

2.3 Hunting

2.3.1 Hunting laws and their exemptions (See Questionnaire 1.2)

Hunting laws are approved at the state level. The most important laws are approved by the Verkhovna Rada (Ukrainian Parliament), but most regulations and bylaws are approved by the State Department of Forestry and Hunting, which is authorized, *inter alia*, to:

a) conduct state regulation and control on hunting;
b) organise activities on protection and use of hunting animals and conservation and improvement of hunting areas;
c) develop and adopt bylaws on hunting within its authority;
d) grant hunting permits to individuals (through its regional bodies);
e) impose restrictions on or prohibit hunting of certain species;
f) monitor and estimate numbers of hunting animals within the territory of Ukraine.

The authority of state, regional and municipal bodies is limited to the execution and approval of regional bylaws within the specific powers granted under national legislation. Regional bylaws should comply with state laws and regulations.

However, municipal bodies have some authority to impose restrictions on the use of hunting areas and hunting species within the framework established by national legislation. In particular, municipal bodies can impose additional restrictions on territories, which can be used as hunting areas and on the species of hunted animals and the number of animals allowed to be hunted within a species type.

Regional State Administrations (principal bodies of the executive power in the regions) often impose bans on hunting during heat-seasons, when the risk of the forest fires is high. For example, the 2012 hunting season on the feather game has started two weeks (three weeks in some regions) later than actually allowed at the state level due to the abnormally dry weather and a consequent high risk of forest fires.

Regional Councils (or District Councils) may consider to impose hunting bans on the territory of a particular district. Several hunting bans were imposed in 2013 in Cherkassy region (these bans concerned total ban for hunting, not for a species type).

Hunting the European Hare was not allowed or was allowed only for two days during a year in some districts of Poltava Region in 2012. The hunting ban for the European Hare was also imposed in some districts of Lviv Region in 2012.

As a general rule sub-national laws can only impose restrictions which are stronger than national laws and can contain no exemptions from national laws. In case of necessity to impose an exemption over a particular region, the regional body can propose to the state body to adopt bylaws granting exemption from the laws, which are generally applicable. However, regional bodies do not have powers to adopt legislation that will override national laws or impose exemptions.

Hunting laws are only in fragmentary compliance with the Bird Directive. The legal instruments for bird protection in Ukraine include the Law 'On Fauna' No. 2894-14 of 13 December 2001, the Law 'On the Ukrainian Red Book' No. 3055-14 of 7 February 2002, the Law 'On Hunting Economies and Hunting' No. 1478-14-III of 2 February 2000 and respective bylaws. Ukraine is also a party to the Convention on the Conservation of European Wildlife and Natural Habitats (ratified on 29 October 1996 by the Law of Ukraine No. 436/96-BP).

Hunting laws partly comply with the requirements of the Directive and do not require principal changes and additions. Certain changes may be introduced to the Law 'On Fauna' to reflect the

principle of conservation of the populations of wild birds on a level that responds, in particular, to ecological and scientific needs taking into account the economic and recreational needs and adaptation of this to the Directive level (Art. 2 of the Directive). Moreover, the legislation in this sector should be amended to reflect and broaden the measures regarding protection, conservation and renewal of habitats and restoration of ruined habitats by introducing provisions on the renewal and restoration of habitats.
Additional measures should be taken to introduce the prohibition on sale, transportation with further sale, management with the intention of further sale and offering on sale of alive or dead birds or any other recognizable parts or derivatives of all the birds stipulated in Article 1 of the Directive and respective exemptions regarding certain bird species.
The list of species requires additional analysis and comparison with the list specified in the Ukrainian Red Book.
National laws need to be updated and brought in accordance with the recently adopted Directive mentioned above.

2.3.2 Bans on hunting for specific species (See Questionnaire 1.2)

There are no direct bans imposed on any of the said following due to the complicated framework of Ukrainian hunting regulations. As a general rule, hunting is allowed only within limited areas called hunting territories (the '**hunting area**') after obtaining the hunting permit stating the species that can be hunted. Such hunting permits are issued by the entities managing the hunting areas based on the annual regulations adopted by the State Department of Forestry and Hunting and its regional divisions. These annual regulations state the species, which can be hunted in a particular year, and the limits of hunting within each of the species type (for example, not more than one European Hare per hunter per day).
As a matter of practice, the animal species that are listed in the Ukrainian Red Book should never be included into lists of animals which may be hunted. However, this is not expressly stated in the hunting regulations, therefore there may be cases in which hunting permits can also be issued to hunt animals listed in the Ukrainian Red Book.
The following species benefit from bans on hunting:

- European Lynx (*Lynx lynx* L.), - A *de facto* ban is imposed, although it is not a direct ban. The hunting permit will not be generally granted due to the inclusion of this species into the Ukrainian Red Book (included in the rare and extinct animals category of the Red Book).
- Brown Bear (*Ursus actos*, L.), - A *de facto* ban is imposed, although it is not a direct ban. The hunting permit will not be generally granted due to the inclusion of this species into the Ukrainian Red Book (included in the rare and extinct animals category of the Red Book).
- European Wolf (*Canis lupus,* L.), - No direct hunting ban, but hunting is only permitted within specified territories and during a specified period of time with the limit on the number of animals to be hunted.
- European Otter (*Lutra lutra*, L.), - A *de facto* ban is imposed, although it is not a direct ban. The hunting permit will not be generally granted due to the inclusion of this species into the Ukrainian Red Book (included in the rare and extinct animals category of the Red Book).
- Chamois (*Rupicapra* rupicapra, L.), - No direct hunting ban, but hunting is only permitted within specified territories and during a specified period of time with the limit on the number of animals to be hunted.

- Western Capercaillie (*Tetrao urogallus,* L.), - A *de facto* ban is imposed, although it is not a direct ban. The hunting permit will not be generally granted due to the inclusion of this species into the Ukrainian Red Book (included in the rare and extinct animals category of the Red Book).
- European Hare (*Lepus europaeus,* Pallas) – No direct hunting ban, but hunting is only permitted within specified territories and during a specified period of time with the limit on the number of animals to be hunted.‘’

2.4 Cross-border Cooperation

2.4.1 Cross-border cooperation and related agreements in Ukraine

The cooperation of Ukraine with neighbouring countries is grounded on a developed legal basis. On 14 July 1997 the Verkhovna Rada has adopted the Resolution on the ratification of the European Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its two Protocols which are now part of the national legislation. The general legal basis for the participation in transboundary cooperation of local municipalities and regional authorities is determined by the European Charter of Local Self-Government (ratified by the Law of Ukraine of 15 July 1997), the Law ‘On Local Self-Government’ of 21 may 1997 and the Law ‘On Local State Administrations’ of 9 April 1999.
A number of bilateral treaties also constitute part of the national legislation governing cross-border cooperation, namely: the Treaty on Neighbourhood and Cooperation between Poland and Ukraine of 18 May 1992 and in force as of 30 December 1992; the Treaty on Good Neighbourhood and Cooperation between Ukraine and Hungary of 6 December 1991; the Treaty on Neighbourhood, Friendship and Cooperation between Ukraine and the Slovak Republic of 29 June 1993; the Treaty on the Neighbouring Relations and Cooperation between Ukraine and Romania of 2 June 1997; the Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of 31 September 1997; the Treaty between the Government of Ukraine and the Government of Moldova on the Cooperation between the Bordering Regions of Ukraine and Administrative-Territorial Units of Moldova of 11 March 1997.
Moreover, the Presidential Decree ‘On the Measures of Development of the Economic Cooperation between the Regions of Ukraine and Bordering Regions of the Russian Federation’ No. 112/94 of 25 March 1994 and the Presidential Decree ‘On the Measures of Development of the Economic Cooperation between the Regions of Ukraine and Bordering Regions of the Republic of Belarus and the Administrative-Territorial Units of Moldova’ No. 271/94 of 3 June 1994 were adopted to broaden the cross-border cooperation between Ukraine, the Russian Federation, the Republic of Belarus and Moldova.
There is also a number of bilateral treaties between Ukraine and the mentioned states dealing with the cooperation in the sphere of border regime, movement of people, means of transport and goods through the borders and cooperation between the border services.
Several documents defining the strategic movement of Ukraine towards the EU also refer to legislation within the area of cross-border cooperation. These are the Strategy of Integration of Ukraine towards EU approved by the Presidential Decree of 11 June 1998 and the National Programme of the Integration of Ukraine in the EU approved in September 2002.

However, the Government of Ukraine has stated that the legislation referring to the cross-border and interregional cooperation should be further developed in the Order of the Cabinet of Ministers of Ukraine of 13 September 2001 'On Measure regarding the Realisation of the Conception of the State Regional Policy'. The Resolution of the Cabinet of Ministers of Ukraine 'On Certain Issues of the Development of the Cross-Border Cooperation and Euroregions' was approved on 29 April 2002.
The abovementioned documents intend to provide a sound framework and basis for the following:
- Strengthening the competitiveness of the Ukrainian regions on the western frontiers;
- Constructing border crossing points and developing appropriate infrastructure;
- Entering into new cross-border agreements;
- Developing logistic centers and centers for the support of entrepreneurship;
- Coordinating social, economic and ecological development of bordering regions;
- Harmonising Ukrainian legislation with EU laws and regulations.

The Law of Ukraine 'On Cross-Border Cooperation', No. 1861-IVf 24 June 2004 (the 'Cross-Border Cooperation Law') was adopted, *inter alia,* to specify the purpose and main principles of the state policy regarding cross-border cooperation, the authority of the bodies responsible for cross-border cooperation in Ukraine, the principles and forms of state support for cross-border cooperation, including financial support.

2.4.2 Cross-border cooperation in bordering protected areas (See Questionnaire 1.2)

Article 7 of the Cross-Border Cooperation Law determines the powers of the subjects of cross-border cooperation, which among others, include entering into agreements on the creation of transboundary protected areas. The subjects of cross-border cooperation are identified as local bodies of self-government and therefore enjoy the rights vested in them based on the principles of local self-governance prescribed in the Constitution of Ukraine and specialized laws on local self-gvernance.
Local bodies of self-government have the following powers in the context of transboundary protected areas:
- Enter into agreements on cross-border cooperation and secure their proper performance;
- Secure the proper performance of Ukraine's obligations under the agreements on cross-border cooperation;
- Participate in the development and realization of common projects;
- Make decisions on joining respective international associations and unions;
- Make proposals on introducing the special order of border-crossing;
- Make proposals, where necessary, on the introduction of amendments to the legislation on issue regarding transboundary cooperation.

It should be noted that although the powers of local self-governmental bodies appear to be sufficient in order to create a transboundary protected area and enter into respective agreements with the neighbouring countries or regions, in fact, their authority is quite limited. As a matter of practice, the local bodies are authorized to enter into the agreement on the creation of the cross-border protected area and designate some area as such, however in most cases such bodies lack the power to introduce the rules that will facilitate the achievement of the purpose for which the cross-border protected area was created. Therefore, central governmental bodies, namely the

Verkhovna Rada, the Cabinet of Ministers and Ministries should adopt the required regulations to establish the special rules that will apply through the special cross-border protected area.
The main reason for that lies within the limited authority of local self-governmental bodies to adopt obligatory acts and introduce specific rules within certain territories. These powers are almost solely concentrated in the hands of the Verkhovna Rada and the Cabinet of Ministers. Under such circumstances the local bodies of self-government may open talks on the creation of transboundary protected areas and enter into respective agreements on their creation. However, in order to establish certain special rules, different from those applying in the rest of the territory of Ukraine, the local self-governmental bodies should make proposals and subject them to the approval of the Ministry of Economy or the Ministry of Foreign Policy due to their authority and depending on the issue. Following such approval of the proposals by the said ministries, such proposals would be forwarded to the Cabinet of Ministers to adopt the respective Resolution or, where it is necessary to change the rules established by the national laws, the Cabinet of Ministers will forward the proposal to the Verkhovna Rada of Ukraine, who has the powers to introduce amendments to the laws of Ukraine.
‘’On 14 July 1997 Ukraine has ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and two of its related Protocols, which now constitute a part of national legislation. Ratification of the Third Protocol remains pending.
The provisions of the Convention have been further implemented by a number of bylaws allowing local bodies of self-government to enter into agreements for the establishment of cross-border protected araes. Euroregions are presently the best developed and most employed form of cross-border cooperation used by local bodies. There are a number of Euroregions to which Ukrainian territories (regions) are parties:
In particular:

a) Carpathian Euroregion. Year of creation: 1993. Participating countries: Hungary, Ukraine (Lviv, Transcarpathian, Ivano-Frankivsk, Chernivtsi Regions), Poland, Slovakia, Romania;
b) Euroregion Bug. Year of creation: 1995. Participating countries: Poland, Ukraine (Volyn Region), Belarus;
c) Lower Danube Euroregion. Year of creation: 1998. Participating countries: Romania, Moldova, Ukraine (Odessa Region);
d) Upper Prut Euroregion. Year of creation: 2000. Participating countries: Romania, Moldova, Ukraine (Chernivtsi, Ivano-Frankivsk Regions);
e) Black Sea Euroregion. Year of creation: 2007. Participating countries: Ukraine, Russia, Moldova, Romania, Bulgaria, Greece, Turkey, Georgia, Armenia and Azerbaijan.
f) Euroregion Donbass. Year of creation: 2010. Participating countries: Ukraine, Russia.
g) Euroregion Slobozhanshchuna. Participating countries: Ukraine, Russia.
h) Euroregion Dnipro. Participating countries: Ukraine, Russia, Belarus.
i) Euroregion Yaroslavna. Participating countries: Ukraine, Russia.

More Euroregions are being created as negotiations with Poland materialise into the establishment of the Euroregion Sian.
Ukraine has not ratified the Third Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. Currently there are no developments on the implementation of the European Regulation 1082/2006 on Grouping of Territorial Cooperation (EGTC), however a number of existing EGTC are bordering Ukraine and

a number of developing future EGTCs will also border Ukraine. Therefore, it is expected that a number of Ukrainian regions will join the EGTCs following the liquidation of legal barriers.

2.4.3 The Carpathian Biosphere Reserve

The Carpathian Biosphere Reserve (the 'Reserve') is managed based on the Provision on the Carpathian Biosphere Reserve as approved by Order No. 336 of the Ministry for Ecology on 23 September 2011 (the 'Reserve Provision'). The Provision defines the Reserve as an environmental protection, scientific research institution of international significance, which is part of the protected areas fund of Ukraine. The Reserve is a legal entity of national value and enjoys a special protection, restoration and preservation regime.
The basic principles for the functioning and management of the Reserve are defined in the Constitution of Ukraine, the Laws 'On Environmental Protection', 'On Protected Area', 'On Scientific and Scientific and Technical Activity', other laws and bylaws as applicable, the Project for the Organization of Territories and Protection of Natural Sites of the Carpathian Biosphere Reserve.
The Reserve is subordinate to the Ministry for Ecology and the Protection of Natural Resources, which approves and coordinates with the Ministry of Finance management plans and projects for measures of environmental protection,[10] finances and expenses and appoints the administration and the director of the Reserve. The director is personally responsible for the implementation of the measures of environmental protection, scientific research, economic activity, the management of the Reserve assets and property and the provision of due social and work conditions for the employees of the Reserve.
The Reserve is organized and managed in accordance with the provisions of the Protected Areas Law and the Territorial Organization Project, as approved by the Ministry for Ecology and drafted in accordance with the Provision on the Project of Organization of the Biosphere Reserve and the Protection of its Natural Sites, approved by Order No. 245 of the Ministry Ecology of 6 July 2005. The land and water territories of the Reserve are excluded from the economic use and are part of the property of the Reserve. The territory of the Reserve is divided as follows: the preservation zone, the buffer zone, the zone of regulated preservation regime, the anthropogenic landscape zone.
Any economic interference into the course of natural processes in the preservation zone is forbidden. The preservation zone territory is used for scientific research, nature protection and preservation. Subject to the exclusion of staff, scientists, authorised researchers and students, visits to the preservation zone are prohibited.
Limited economic activity is permitted only in the buffer zone and the zone of anthropogenic landscapes. However, traditional use of natural resources, including logging and afforestation, as well as recreational activities are strictly controlled and regulated in these zones. Hunting, fishing, road construction, industrial development, development of new housing, use of mineral fertilizers and chemical pesticides and all other types of economic activity that may have adverse effects on the environment is prohibited in these zones. The zone of anthropogenic landscapes is

10 The list of environmental measures has been approved by the Cabinet of Ministers Resolution No. 1147 of 17 September 1996 and contains the following measures: protection and rational use of water resources, preservation of the protected areas, participation in international organizations, atmospheric protection, flora and fauna protection, scientific research and project development, tools for environmental education, environmental assessment, economic tools, human resources, monitoring tools.

used for the introduction of ecologically safe technology in forestry and agricultural farms, as well as to monitor anthropogenic impact on the Carpathian mountain system.
The zone of regulated preservation regime consists of natural areas and areas that have incurred minimal anthropogenic impact. Such areas include land along roads, scientific and tourist trails, horse lanes for pulling hay that go through the preservation zone; meadows and fields inside the preservation zone that need to be conserved in order to preserve the existing biodiversity in the Reserve. Harvesting, haying, logging necessary for the maintenance of roads, mountain paths, tourist trails and hay-meadows are permitted in the regulated preservation zone, while hunting, fishing and other economic activity that may have adverse effect are prohibited.
All economic activity within the territory of the Reserve must be provided for in the Territorial Organization projects must be approved by the Ministry for Ecology and the Protection of Natural Resources. Similar approval and permitting procedures are required for the use of the Reserve natural resources.
The prohibition of logging imposed by the Reserve Provision is in compliance with the Law 'On the Moratorium on Complete Logging on the Mountain Slopes in the Carpathian Region', No. 1436-III of 10 February 2000. The moratorium was introduced to tackle the problem of deforestation and its consequences resulting in soil erosion, flooding, loss of biodiversity and the destruction of ecosystems. Despite introducing a prohibition on logging, the Reserve Provision does not contain any direct reference to liability for failure to adhere to this prohibition.
The same liability issues arise with regard to hunting and fishing. These activities are prohibited within the territory of the Reserve, however the Reserve Provision merely states that the carrying out of prohibited economic activity, including with the use of prohibited means or tools, shall give rise to environmental liability. The next section of the Reserve Provision is a general rule on liability, which states that the latter arises when environmental legislation is breached and may take the form of disciplinary, administrative, civil or criminal liability.
Thus, although no specific sanctions are established in the Reserve Provision, the general environmental liability regime is incorporated by reference and is applicable whenever breaches of environmental legislation occur. Regulating responsibility of state authorities and liability of private entities in this way gives the opportunity for liberty of interpretation and application of liability rules and regimes. This results in a lack of uniformity regarding responsibility for unsanctioned and illegitimate activities within the territory of the Reserve and has the potential to create conflicts, disputes and burdensome litigation.
The coordination and control of forestry, fishing and other activities within the Reserve has direct connections with the preservation of biodiversity and the conservation of ecosystems in the region. The Order of the Cabinet of Ministers 'On the Approval of the International Significance of Wetlands', No. 147-p has been amended on 23 February 2011 to include four wetland areas within the territory of the Reserve and grant them a regime of special protection. The Plan of the organization of the Reserve contains provisions on the protection of biodiversity and species in the area and in particular prescribes close coordination with the local communities and stakeholders through the introduction of environmental education programmes, raising awareness, implementing sustainable development projects within local communities, monitoring human impact, providing a continuous dialogue between the government and non-governmental environmental organizations, introduction of alternative business practices, etc.
The most vulnerable species are the wolf, the lynx and the brown bear. These species are listed in the Red Book of Ukraine and are under a special protection regime. However, effective

protection of the species concerned is made difficult by the ambiguity of the provisions on the prohibition of hunting of endangered species or species at risk of being endangered, as described in the section on hunting above. Moreover Ukraine needs to make additional efforts to provide the Council of Europe with adequate and details figures, information and data on the legal regime of wolf (*canis lupus*) and establish more rigorous enforcement procedures in compliance with the provisions of the Bern Convention. With a view to improve protection and preservation measures, local authorities should seek collaboration with private entities and non-governmental organizations in Ukraine and abroad interested in green investment and the promotion of protective measures.

The Reserve Provision defines the scientific research, educational and recreational activities that are conducted within the Reserve and for the protection of ecosystems contained therein. In order to meet the aims and purposes prescribed in the legislation, in the internal regulations and management plans, the Reserve operates five laboratories that conduct research and monitoring in the following sectors: botanics, zoology, forestry, phonological and hydrometeorology, and geographical and geological information.

The current edition of the Reserve Provision contemplates the involvement of local communities and stakeholders in the management of the Reserve through the organization and work of the Coordination Council consisting of representatives of local communities, local authorities and legal entities. However, a Coordination Council is created under the section on the interaction with physical persons and legal entities involved in activities within the territory of the Reserve. Thus, despite the broad wording of the provision on the establishment of such Council, the task of the Coordination Council may be construed only narrowly in the context of the relations it is set to regulate. Moreover, the language of the provision is dispositive and does not impose any obligation as to the creation and existence of such council.

Therefore, the Reserve Provision continues to lack rules on the involvement of public organizations and individual representatives of the public in the management of the Reserve. Public participation may be implied as all activities within and connected with the Reserve are to be in accordance with Ukrainian environmental legislation, including the laws regulating EIA/SEA and the provisions on public participation in environmental processes and procedures. Despite the requirement for plans and projects of the Reserve to be submitted for the approval of the Ministry for Ecology and its Reserves Service, the absence of an explicit norm on public participation and definition of mechanisms for the implementation of relevant procedures provides a convenient loophole to avoid this stage of the assessment process. At least, internal rules or instructions should be drafted defining the EIA and SEA procedures and providing for the involvement of the public, perhaps even creating a possibility for a regular public dialogue and interaction.

Tourism and educational measures are relatively developed in the Reserve and are conducted in accordance with the Provisions on Recreational Activity in Protected Areas, as approved by Order No. 330 of the Ministry for Ecology and the Protection of Natural Resources on 22 June 2009. The Reserve Provision foresees the management of the Reserve and development of activity compatible with tourism, recreation and conservation of cultural heritage. It is prescribed that tourism trails and ecological education paths should be set up; that the Reserve should have recreational facilities; and that media budgets should be allocated for the promotion of recreation and tourism in the Reserve.

One of the targets listed in the Reserve Provisions is the development of ecotourism. The achievement of this task remains difficult, however, as there are no legislative acts or separate provisions regulating ecological tourist activity in Ukraine. In accordance with the environmental legislation, the Reserve Provision lists ecotourism as an aim, without actually providing any means or methods for its achievement. Some guidelines are provided in the Strategy for the Development of Ecological Tourism and Ecological Educational Activities in the Carpathian Region for the 2010-2015 period as adopted by the Resolution of the Head of the State Administration of the Carpathian Oblast (Region).
However, despite such local effort to introduce the concept of ecotourism in practice, much remains to be done in order to ensure the proper regulation of such environmental activities. In order to have a well-managed network of ecological tourism sites and trails it is primarily necessary to adopt laws at national level, which could then be transposed into local legislation and internal governance rules of protected areas, such as the Reserve. The absence of regulatory and institutional frameworks in this sector may lead to environmental risks and adverse effects resulting in poorly organized activities and an uncoordinated flow of tourists.
Beyond ecotourism, the Reserve would benefit from the adoption of green measures in other economic activity and the introduction of actions aimed at the minimisation of the effects of global warming. In particular, it would be largely beneficial if alternative energy resources were developed and carbon capture and storage technology would be used. The management of the Reserve and the organization of preservation and protection measures within its territory could be significantly improved if monitoring and inventorisation of resources and species would be systemised in a clearer and stricter manner.
Additional problems with the Reserve have been uncovered in October 2012, when the State Ecological Inspection of the Carpathian Region together with the interregional prosecutor's office conducted an extraordinary compliance check in the Reserve, which identified a number of breaches of environmental legislation and the Forestry Code. The investigation resulted in the filing of 44 protocols and 43 persons being brought to administrative responsibility. A total of UAH 4199 has been paid in fines. State inspectors have calculated the damage to trees, untimely and insufficient clean up of logging waste and the breach of time limits for the carrying out of sanitation activities and health checks to amount to UAH 15540,10. A letter of claim has been presented to the management of the Reserve vy the State Ecological Inspection, requesting the compensation of losses and the case materials have been forwarded to the Carpathian inter-regional environmental prosecutor who is responsible to take up the actions in court on behalf of the state. Should compensation not be paid the damage has been recovered and the case has been settled.

2.4.4 Cross-border cooperation instruments (See Questionnaire 1.2)

The territory of the Reserve is part of the biosphere reserve included in the framework of the UNESCO Man and the Biosphere Programme. In 2012 the Committee of Ministers of the Council of Europe has renewed the European Diploma and the protection regime offered for the Reserve. At the same time Ukraine has managed to establish and maintain stable diplomatic relations with Slovakia, Hungary and Romania.
International cooperation in the sphere of preservation of the environment and natural resources is based on the Framework Convention on the Protection and Sustainable Development of the

Carpathian Mountains (the 'Carpathian Convention'), which has been signed by the governments of Poland, Romania, Serbia, Montenegro, Slovakia, Hungary, Ukraine and the Czech Republic. This Convention proclaims that all activities in the region should be carried out in accordance with the principles of prevention, precaution, polluter pays, public participation, transboundary cooperation, EIA/SEA and ecosystem conservation. The Carpathian Convention contains general provision, determining the grounds and direction for the cooperation.

In 2005 the Memorandum of Understanding has been signed between the Carpathian Biosphere Reserve (Ukraine) and the Maramuresh Regional Park (Romania) on the Establishment of the Ukrainian-Romanian Transboundary Biosphere Reserve in the Maramuresh Mountains (the 'Memorandum'). This Memorandum is based on the Carpathian Convention and the Protocol to the Carpathian Convention on the Preservation and Sustainable Use of Biodiversity and the Diversity of Landscapes. The joint Ukrainian-Romanian Reserve is to be based around the territory of the existing reserves in the territory of Ukraine and Romania. The joint reserve is to be created in order to ensure the preservation, study and renovation of natural and semi-natural ecosystems, as well as traditional forms of the use of nature, the promotion of sustainable development of regional social groups and their cultural and historic values. The Ukrainian-Romanian working group, established on the basis of the Memorandum, is responsible for the development of joint strategic documents, working programs and projects to achieve coordinated environmental management. The parties undertake to use all their best efforts to prepare materials necessary for the recognition of the Maramuresh Mountain Reserve as a UNESCO biosphere reserve and to lobby the establishment of the Maramuresh Reserve at the international level. The establishment of the Maramuresh Reserve is intended to achieve sustainable development in the region, balanced tourism, and the combination of green economy techniques with the preservation of resources. However, the establishment of the transboundary biosphere reserve continues to be an aspiration, which requires much work on the part of the governments of both countries to become a reality.

International cooperation in the Carpathian region is also based on the Hungary Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme, as approved by the European Commission for the period 2007-2013. The Programme is intended at deepening the cooperation between Ukraine and its neighbouring EU states in order to achieve better social and economic integration and more effective management of environmental resources. The funding provided by this Programme could help finance projects on the creation and development of the Maramuresh Reserve.

ANNEX: QUESTIONNAIRE

(Prepared by Dr. Mariachiara Alberton)

1. GENERAL PART

1.1 Introductory questions:

- Provide brief information on the form of constitutionalized division of power of your country (i.e. federal/unitary model)

- Describe briefly how are the legislative and administrative competences in the field of environmental/landscape protection/ land use and spatial planning/water/hunting/agriculture/transport/tourism/energy?/mining? divided among different government levels

- Describe briefly what are the bodies in charge of nature protection (for legislation, implementation and enforcement). At what level (state/regional/local) are monitoring and controlling authorities been established for nature and forest protection? How are they financed? (Public, e.g. state, funds?)

1.2 Questions on legislative/administrative frameworks relevant for biodiversity and ecological connectivity

Protected areas:

- How have European directives (i.e. Habitats directive, Birds directive, Water framework directive, Environmental liability directive, EIA and SEA directives) been implemented in your country? (For non EU countries: have legislation similar to the mentioned directives been approved in your country?) Draft laws?
- What are the provisions for the implementation and management of Natura 2000? (See in particular artt. 3 and 10 of the Habitats directive and national reports on implementation)
- Who is in charge of establishing protected areas (i.e. strict nature reserves, wilderness areas, national parks, national natural monuments, habitat/species management areas, protected landscapes, managed resource protected areas. See IUCN categories of protected areas)? What is the procedure for designating such areas? What is the legal basis? What is the different protection regime of those categories in your country? List existing categories of protected areas in your country and compare them with IUCN categories.

- Are protected areas mostly established by State/Regions/local governments/administration?
- Have local communities the right to designate protected areas? Is this an autonomous right or dependent on province/regional/state authorisation? If not, how can local communities participate in the setting up of protected areas? In which phase (initiative, project definition, project approval, ex post information) and with what powers (ex. voluntary consultation, mandatory opinion, mandatory and binding opinion etc.)?
- Are protected areas in the process of being established in your country? What is their regime? (See IUCN categories of protected areas)
- Do national laws contain specific provisions concerning the surroundings of protected areas? (Thus ensuring that critical areas are buffered from the effects of potentially damaging external activities). What is the legal regime therein provided?
- Have management plans for protected areas been established at state/regional/local level?
- Who is in charge of administering and managing protected areas (see IUCN categories of protected areas)? Public enterprises, state controlled institutions, private organisations?
- On what basis are protected areas financed? (state/regional/local funds?)

Ecological connectivity and related sectors:

- Are ecological networks/connectivity mentioned as concepts in the Constitution?
- Are ecological networks/connectivity included in other national legislative acts? (please consider the following sectors: environmental protection, i.e. nature and biodiversity, water management and protection; hunting and fishing; forest; landscape; land use and spatial planning; agriculture; transport; tourism).
- Which are the specific (national) tools mentioned therein for implementing ecological networks? (For example: develop sustainably managed agricultural landscape; promote sustainable forest management and prevent deforestation/degradation; develop spatial plans that reduce habitat fragmentation and destruction; address ecosystem issues in the river basin management plans for river districts; achieve good ecological status of waters; sign cooperation agreements with other management authorities)
- Are ecological networks integrated in key processes and sectors? (E.g. In the agriculture sector, priority given to agricultural management, connectivity, land abandonment; in the transport sector a balance is assured to green and grey networks; in climate change policies, priority is given to adaptation measures and connectivity; in water management, the principles and objectives of the Water Framework Directive 2000/60/EC are implemented, etc.).
- Does national legislation include provisions on conservation of cultural landscape and historic sites? Provide reference and examples
- Does national legislation include provisions on compatible forms of land use (with the conservation of biodiversity)? Provide reference and examples

- Is legislation on ecological forestry management, afforestation enacted? Describe briefly contents
- Are forest management plans obligatory?
- Are illegal harvesting and logging punished in your country? Who may issue fines/sanctions in these cases? Are there penal or administrative sanctions?
- Do provisions on restoring damaged sites and ecosystems exist? Are they enforced? Who is under such an obligation?
- Is illegal construction sanctioned in your country? Are there penal or administrative sanctions? Who may issue these sanctions?
- Are plans or projects having a significant effect on the environment subject to EIA/SEA (or equivalent) procedures?
- Is public participation prescribed as part of the procedure?
- Is ecotourism promoted in the legislation?

Hunting:

- At what level are hunting laws approved (state/regional)?
- Can hunting sub-national laws contain exemptions from national laws?
- Are hunting laws in compliance with the bird directive?
- Are bans on hunting imposed for the following species: European Lynx (*Lynx lynx* L.), Brown Bear (*Ursus actos*, L.), European Wolf (*Canis lupus,* L.), European Otter (*Lutra lutra*, L.), Chamois (*Rupicapra* rupicapra, L.), Western Capercaillie (*Tetrao urogallus,* L.), European Hare (*Lepus europaeus,* Pallas)?

Cross-border cooperation:

- Do provisions on cross-border cooperation for the management of bordering protected areas exist in your country? If yes, have any cross-border cooperation agreements been concluded? Please describe their scope and purpose
- Who is in charge and what are the legal tools/procedures to designate a transboundary protected area?
- Have cooperation been developed in your country on the basis of the 'European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities' and related Protocols?
- Has legislation similar to the European Regulation 1082/2006 on Grouping of Territorial Cooperation (EGTC) been implemented in your country (for non EU countries)? Have initiatives related to nature protection and ecological connectivity been promoted through this tool (For EU; and through similar tool for non EU countries)?

1.3 Case law

Is there any case law in the above-mentioned sectors concerning ecological connectivity/networks? Please quote and summarise existing cases

2. PILOT AREAS

Analysis of regional and local institutional framework and legislation (beside the national institutional framework and legislation) affecting the biodiversity protection and ecological connectivity of selected pilot areas (for specific guiding questions see above: 1. General Part of the Questionnaire):

a) Analysis of regional/local institutional frameworks and legislation affecting biodiversity protection and ecological connectivity in pilot areas;
b) Analysis of cross-border cooperation instruments affecting biodiversity protection and ecological connectivity in pilot areas;
c) Analysis of relevant case law related to biodiversity protection and ecological connectivity in the pilot areas (if any)

Sectors of analysis:

- Protected areas and biodiversity;
- Landscape;
- Land use planning and control (spatial planning, land use and management within the transport sector);
- Environmental impact assessments and strategic environmental assessments;
- Agriculture and agro-environment;
- Forestry;
- Water;
- Hunting;
- Tourism.