

The draft Law on Amendments to Certain Legislative Acts of Ukraine on Effective Forestry Based on Close-to-Nature Forestry Adapted to Climate Change and Conservation of Forest Biodiversity was registered in the Verkhovna Rada of Ukraine

A group of people's deputies initiated draft law 9516 of 20.07.2023, which contradicts scientific, ecological, and environmental principles

On 20.07.2023, Draft Law No. 9516 on Amendments to Certain Legislative Acts of Ukraine on Effective Forestry Based on Close-to-Nature Forestry Adapted to Climate Change and Conservation of Biodiversity in Forests was registered, which provides for amendments to the Law of Ukraine "On Environmental Impact Assessment".

We have analyzed the draft law in relation to these changes and found a number of contradictions, in particular on issues related to amendments to the Law of Ukraine "On Environmental Impact Assessment".

Thus, the Law of Ukraine "On Environmental Impact Assessment" provides for the following changes:

1- Complete cancellation of EIA for sanitary felling.

The draft law proposes:

In the Law of Ukraine "On Environmental Impact Assessment", part 2 of Article 3

"The first category of planned activities and facilities that may have a significant impact on the environment and are subject to environmental impact assessment shall include:"

in paragraph 21, replace the words *"all clear and gradual felling of the main use and clear sanitary felling on an area of more than 1 hectare"* with the words *"all clear felling within the forest fund, as defined by the land management project"*.

The complete abolition of EIA for sanitary felling of more than 1 hectare is a negative change, as:

1) Sanitary felling will be allowed in valuable mountain forests without restrictions and other forests with valuable biodiversity, but which do not currently have a protected status and are therefore vulnerable to human activity;

2) forest users are exempt from liability for potential negative environmental impacts of their activities;

3) the transparency of forest users' activities and the possibility of public influence and control over forestry activities are reduced. The public will no longer be able to verify information on the potential impact of such activities and provide their own suggestions and comments, and the possibility of further monitoring of the results of such forestry activities will disappear.

According to the approximate damage assessment made by the State Environmental Inspectorate, between 24.02.2022 and 28.08.2023, as a result of the military aggression of the Russian Federation against Ukraine, forest fires caused damage worth UAH 1,018,487 million, 281,223 hectares of territory were cut down and damaged, with losses of UAH 6,521 million. Instead, the new draft law stimulates the

loss of Ukraine's forest fund, as it eases the conditions for controlling and restricting all types of clear-cutting.

2 - Increasing the area of forestry activities that will require EIA, as well as differentiating these areas by natural zones: afforestation in natural areas of Ukrainian

- Polissya and Ukrainian Carpathians on an area of over 150 thousand hectares;
- Forest-steppe of Ukraine on the area of more than 100 thousand hectares;
- Steppe and Mountainous Crimea on the area of more than 50 thousand hectares.

In particular, the draft law proposes:

In clause 2 of part three of Article 3. "Scope of Environmental Impact Assessment", the following changes are made:

The second category of planned activities and facilities that may have a significant impact on the environment and are subject to environmental impact assessment includes:

2) Agriculture, forestry and water management: Development of agriculture and forestry, land reclamation and hydraulic land reclamation (management of water resources for agricultural purposes, including irrigation and land reclamation) on territories of 20 hectares or more or on territories and objects of the nature reserve fund or in their protection zones of 5 hectares or more, construction of reclamation systems and individual objects of engineering infrastructure of reclamation systems; planting of forests (except for reforestation works) on the area of more than 20 hectares or on the territories and objects of the nature reserve fund or in their protection zones on the area of 5 hectares and more;

Change to:

"2) agriculture, forestry and water management: agricultural development, reclamation and land reclamation (management of water resources for agriculture, including irrigation and land reclamation) on territories of 20 hectares or more or on territories and objects of the nature reserve fund or in their protection zones of 5 hectares or more, construction of reclamation systems and individual objects of engineering infrastructure of amelioration systems;

forestry in natural areas of the Ukrainian Polissya and Ukrainian Carpathians on an area of more than 150 hectares; Ukrainian forest-steppe on an area of more than 100 hectares; Ukrainian steppe and Mountain Crimea on an area of more than 50 hectares; on the territories and objects of the nature reserve fund or in their protection zones on an area of 5 hectares or more; felling of trees and shrubs on an area of more than 500 square metres in case of change of the designated purpose of forest land plots for the purpose of their use for purposes other than forestry; change of the designated purpose of agricultural land (if the new designation relates to at least one type of activity specified in parts two and three of this Article) and change of the designated purpose of particularly valuable land;"

This change creates the following negative consequences:

- Massive afforestation of territories without an EIA may lead to the introduction of invasive plant species, which can lead to the depletion of natural flora and fauna and the spread of pests and diseases that are atypical for natural and climatic zones;
- overgrowth of steppe areas with plant species that are not typical for this type of terrain;

- In the context of global climate change, the natural and climatic zones of Ukraine are shifting to the north. Thus, this paragraph contradicts natural processes, which will make it impossible to interpret it adequately in the future. This may complicate Ukraine's adaptation to the effects of climate change, including within the framework of the European Covenant of Mayors initiative;
- These amendments contradict Article 2(1) of Directive 2011/92/EU: as these amendments do not provide for "taking all the measures necessary to ensure that, before authorisation is granted, projects which may have a significant effect on the environment..."

Therefore, we propose to reject draft law 9516 and send it back for revision.