

WHITE BOOK. ENVIRONMENTAL IMPACT ASSESSMENT IN UKRAINE

BETWEEN LEGISLATION AND PRACTICE



Environmental Impact Assessment (EIA) is the primary environmental safety tool used in Europe and Ukraine to identify the potential environmental consequences of projects and to take those into account during decision-making. In Ukraine, the EIA procedure is evolving, but its implementation is associated with significant challenges, which have intensified in the context of the full-scale war. The main challenges include a formulaic approach to fulfilling requirements, poor quality reports, weak monitoring and oversight mechanisms, insufficient community involvement, and a lack of coordination and cooperation between institutions.

The White Book, prepared by the non-governmental organisation "Ecoclub", provides a comprehensive overview of the functioning of the environmental management system in Ukraine, outlines its key shortcomings and offers recommendations for its improvement in line with European Union standards. The document is intended to serve as a practical guide for shaping policies and administrative decisions in the field of environmental management and for ensuring the environmentally sustainable post-war reconstruction of the country.

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LIST OF ABBREVIATIONS

WF – Wind farm;

HPP – Hydroelectric Power Plant;

DIRECTIVE 2011/92/EU – Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment;

U-EIA – Unified Environmental Impact Assessment Register;

EU – European Union;

THE LAW – the Law of Ukraine "On Environmental Impact Assessment";

THE ESPOO CONVENTION – The Convention on Environmental Impact Assessment in a Transboundary Context;

THE CMU – The Cabinet of Ministers of Ukraine;

EIA – Environmental Impact Assessment;

THE AARHUS CONVENTION – The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

SEA – Strategic Environmental Assessment;

MEPNRU – Ministry of Environmental Protection and Natural Resources of Ukraine;

MEEAU – Ministry of Economy, Environment and Agriculture of Ukraine;

CCA – Competent central authority;

CLA – Competent local authority.

INTRODUCTION

Environmental impact assessment is one of the key preventative tools of environmental policy, enabling the identification, assessment, and consideration of the potential environmental impact of a planned activity before any implementation decisions are made. In European countries, the EIA procedure is standard practice in the field of environmental management. Its legislative basis is Directive 2011/92/EU (as amended by Directive 2014/52/EU), which establishes general principles, procedural requirements, criteria, a list of activities subject to EIA, as well as regulations on public participation, access to information, and procedural requirements for consideration of previously adopted decisions and appeals against the results of the assessment.

Over the last eight years, the environmental impact assessment (EIA) procedure in Ukraine has undergone significant changes: the timeframes for completing individual stages have been revised, the process has been digitalised, the grounds for refusal to issue a conclusion have been established.

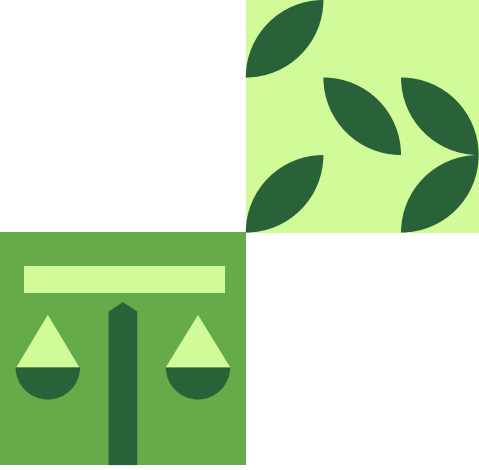
The Russian Federation's full-scale invasion in 2022 brought new challenges, including the need to adapt procedures to the conditions of martial law. Some procedures were suspended or simplified, posing risks that environmentally sensitive projects might be implemented without a proper environmental impact assessment. As of 2024-2025, the number of EIA procedures related to infrastructure reconstruction, the development of renewable energy, and the construction of new industrial facilities is on the rise. This leads to an urgent need to ensure a high-quality assessment of the environmental impacts of such projects.

At the same time, an analysis of current practices in the implementation of the Law of Ukraine "On Environmental Impact Assessment" (hereinafter referred to as the "Law") reveals several systemic issues. The most prevalent of these include:

- **Formalisation of procedures** – reports are often formulaic and superficial, lacking proper justification of alternatives as well as a comprehensive assessment of cumulative or transboundary impacts;
- **Poor quality report documentation** – lack of raw data, improper use of mathematical modelling tools and scientifically sound predictions;
- **Inconsistent procedures preceding the environmental impact assessment** – granting rights to use land and mineral resources prior to the EIA procedure;;
- **Insufficient quality control of reports by the competent authorities** – lack of an independent mechanism for verifying or accrediting experts;
- **The formal nature of public discussion** – limited accessibility of public discussion procedures and own efficiency in consideration of the comments provided.

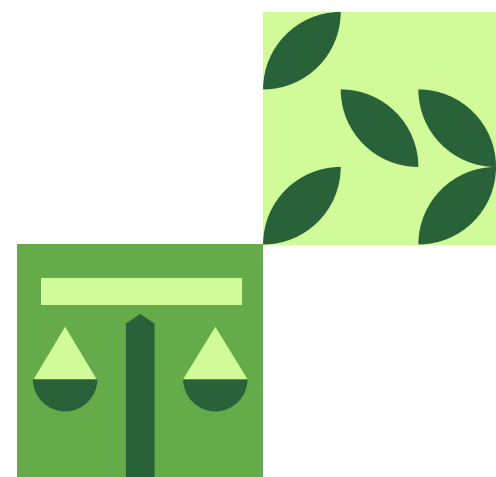
In the context of post-war reconstruction and securing funding from international partners, **Ukraine has all the necessary prerequisites for modernising its EIA system in line with best European practices.** At the same time, this requires a comprehensive approach: amendments to legislation, institutional strengthening, investments in enhancing the technical capacity of state and local authorities, introduction of systematic training to improve the qualifications of specialists, creation of an independent oversight mechanism, and strengthening of cooperation among all stakeholders.

This White Book was prepared to provide a professional analysis of the current state of EIA implementation in Ukraine, identify systemic gaps, and develop recommendations for improving EIA policy and practice in line with European standards. It is intended to serve as a foundation for strategic decision-making in the areas of environmental governance, land-use planning, and the sustainable reconstruction of Ukraine.



CHAPTER 1.

LEGAL FUNDAMENTALS OF ENVIRONMENTAL IMPACT



In Ukraine, the **modern EIA legal framework** was established with the adoption of the Law of Ukraine 'On Environmental Impact Assessment' №2059-VIII from May 23, 2017 (hereinafter – the Law)¹. The Law replaced the outdated practice of state environmental expertise and was the result of Ukraine's fulfilment of its international obligations. Under the Association Agreement with the EU, Ukraine was required to implement Directive 2011/92/EU of the European Parliament and Council from December 13, 2011, on the assessment of the impact of certain public and private projects on the environment, pursuant to which the European approach of environmental impact assessment was introduced.

Directive 2011/92/EU is a fundamental piece of EU legislation that requires Member States to ensure that a proper environmental impact assessment is conducted before granting a permit for a planned activity. Its aim is to integrate environmental factors into the decision-making process. Thus, the results of the analysis of potential impacts become a mandatory basis for granting permission for project implementation.

The Law of Ukraine "On Environmental Impact Assessment" not only implements the requirements of the Directive 2011/92/EU, but also ensures the fulfilment of Ukraine's international obligations in the field of environmental assessment, in particular the requirements of the following international treaties:

1. Convention on Environmental Impact Assessment in a transboundary context².

The Espoo Convention was ratified by Law of Ukraine № 534-XIV from March 19, 1999.



It regulates environmental impact assessment for projects with potentially significant transboundary impacts and obligates participating countries to assess environmental risks prior to project implementation, cooperate to minimise harmful effects, and ensure information exchange.

The main principles are the precautionary approach, transparency, and equal rights between the initiating country and the states that may be affected. At the same time, the Convention applies only to countries that have ratified it and does not extend to other states.

2. Convention on access to information, public participation in decision-making, and access to justice in environmental matters³.

The Aarhus Convention was ratified by Law of Ukraine № 832-XIV from July 6, 1999. It is a pivotal international document that establishes the principles of openness, transparency, and public participation in environmental policy matters.



The main goal of the convention is to guarantee citizens' rights to environmental information, participation in decision-making, and access to justice regarding environmental issues.

¹ The Law of Ukraine 'On Environmental Impact Assessment' from 23.07.2017 № 2059-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2059-19#Text>

² Conventions on environmental impact assessment in the transboundary context. URL: https://zakon.rada.gov.ua/laws/show/995_272#Text

³ Convention on access to information, public involvement in the decision-making process, and access to justice in environmental matters. URL: https://zakon.rada.gov.ua/laws/show/994_015#Text

It establishes standards for environmental democracy, but applies only in ratifying countries and does not extend to matters of national security or commercial secrecy; it is based on three principles: access to information (citizens may obtain environmental data from government agencies without having to explain the reasons for their request, and any refusal must be justified); participation in decision-making (authorities are obligated to inform the public in advance, create conditions for discussion, and take public opinion into account); access to justice (the ability to challenge decisions, actions, or inactions that violate environmental rights).

The Law was drafted in accordance with international obligations and can be adapted to address current challenges.

In July 2023, **amendments were introduced by the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Improvement and Digitalization of the Environmental Impact Assessment Procedure"**⁴, which include the following innovations:

- **public hearings during martial law:** as of July 29, 2023, public hearings are conducted via videoconference. For planned activities in active combat areas or temporarily occupied territories, review deadlines are suspended and conclusions are not issued;
- **consultations with other government agencies:** the competent authority conducts consultations regarding EIA reports;
- **release of information:** notice of planned activities and announcements regarding the start of public discussion on the Environmental Impact Assessment Report will be submitted in digital format directly to the Unified Register of Environmental Impact Assessment. The competent authority will no longer be able to reject these documents on the grounds that they do not conform to the approved format;
- **public outreach:** the requirement to publish notices and announcements in the media is being removed. Instead, it is proposed to involve local territorial communities to ensure that the public is properly informed;
- **grounds for denying an environmental impact assessment report:** an exhaustive list of grounds for denying an environmental assessment report is established, as well as a streamline procedure for conducting an EIA if the deficiencies that led to the denial are remedied, in addition to the grounds provided for in Article 41 of the Law of Ukraine "On the Licensing System in the Area of Economic Activity"⁵;
- **grounds for declaring an activity impermissible:** clear grounds have been established under which a planned activity may be deemed impermissible.

In addition to the Law, several subordinate regulatory acts have been adopted to govern the environmental impact assessment procedure⁶.

The timeline below illustrates the rationale behind these changes and the key milestones in the sector's reform.

⁴ The Law of Ukraine 'On Amendments to Certain Laws of Ukraine Concerning the Improvement and Digitalisation of the Environmental Impact Assessment Procedure' from 13.07.2023 № 3227-IX. URL: <https://zakon.rada.gov.ua/laws/show/3227-20#Text>

⁵ The Law of Ukraine 'On the Licensing System for Economic Activities' from 06.09.2005 № 2806-IV. URL: <https://zakon.rada.gov.ua/laws/show/2806-15#n92>

⁶ In 2025, the MEPNRU was disbanded and its powers were transferred to the MEEAU.

Timeline of EIA evolution in Ukraine

- 23.05.2017
■
The Verkhovna Rada adopted the Law of Ukraine "On Environmental Impact Assessment" № 2059-VIII. The law came into force on December 18, 2017.
- 13.12.2017
■
The Cabinet of Ministers of Ukraine approved:

 - Resolution № 1026 "On Approval of the Procedure for submitting documentation for the issue of an environmental impact assessment report and financing of environmental impact assessments, and the Procedure for maintaining the Unified register of Environmental Impact Assessments".
 - Resolution № 989 "On approval of the Procedure for conducting public hearings in the environmental impact assessment process".
 - Resolution № 1010 "On approval of criteria for determining planned activities not subject to environmental impact assessment, and criteria for determining expansions and change to activities and facilities not subject to environmental impact assessment".
- 18.06.2020
■
The Verkhovna Rada adopted Law of Ukraine № 2059-VIII "On Amendments to Article 17 of the Law of Ukraine "On environmental impact assessment" regarding the prevention of the emergence and spread of the Coronavirus disease (COVID-19)". The Law came into force on July 17, 2020.
- 23.09.2020
■
The Cabinet of Ministers of Ukraine adopted Resolution № 877 "On the approval of the Procedure for decision-making on the implementation of transboundary environmental impact assessment".
- 15.03.2021
■
The MEPNRU issued Order № 193 "On the approval of general methodological guidelines concerning the content and format for the preparation of environmental impact assessment reports."
- 15.03.2022
■
The Verkhovna Rada adopted Law of Ukraine № 2132-IX "On amendments to certain legislative acts of Ukraine concerning activities in the field of environment and civil protection during martial law and the reconstruction period". The law came into force on March 21, 2022.
- 20.04.2022
■
The MEPNRU issued Order № 177 "On temporary restriction of access to the Unified register of environmental impact assessments."
- 15.06.2022
■
The MEPNRU issued Order № 225 "On partial release of access to the Unified register of environmental impact assessments."
- 13.07.2023
■
The Verkhovna Rada adopted Law of Ukraine № 3227-IX "On amendments to certain laws of Ukraine concerning improvements and digitalisation of the environmental impact assessment procedure". The law came into force on July 29, 2023.
- 08.09.2023
■
The Cabinet of Ministers of Ukraine adopted Resolution № 967 "On amendments to Cabinet of Ministers of Ukraine Resolutions № 989 from December 13, 2017, and № 1026 from December 13, 2017".
- 06.02.2024
■
The MEPNRU issued Order № 142 "On approval of the Procedure for conducting consultations with executive authorities and local self-government bodies regarding environmental impact assessment and considering the results of said consultations when making decisions on the feasibility of planned activities."

15.03.2024

The MEPNRU issued Order № 291 "On approval of methodological guidelines for post-project monitoring".

10.10.2024

The Verkhovna Rada adopted Law of Ukraine № 3227-IX "On amendments to certain legislative acts of Ukraine regarding the adoption of the Law of Ukraine "On administrative procedure". The law took full effect on November 15, 2024.

To gain a thorough understanding of the order of actions and the interaction between businesses and government agencies, it is helpful to examine a visual model of the process. The current flowchart for the EIA procedure as of 2026 is provided in Annex 2 of this document.

Many years of international and national practice show that an effective **environmental impact assessment system is not limited to technical analysis alone**. It is based on deeply integrated legal and social mechanisms that ensure transparency, accountability, and prevention of environmental risks. The most important of these mechanisms are public participation, public access to environmental information, and strict adherence to the prevention principle.

Access to information, participation in public decision-making, and the right to appeal decisions are fundamental principles established by the Aarhus Convention and current Ukrainian legislation.

In the context of EIA, public participation includes:

- timely disclosure of planned activities that may have a significant impact on the environment;
- access to EIA materials;
- organisation of public dialogue and discussions, hearings and consultations;
- consideration of proposals and comments received during the decision-making process;
- the right to appeal decisions.

This approach allows for the interests of various stakeholders to be accounted for, reduces the risk of social tension, and promotes the adoption of more balanced managerial decisions. At the same time, meaningful participation is impossible without adequate information – therefore, ensuring public access to environmental information is a prerequisite for active participation and efficient public involvement in the process. The right to access environmental information is one of the key safeguards for the realisation of citizens' right to a safe, healthy environment.

In accordance with the Ukrainian legislation and obligations within the European integration framework:

- state and local government bodies are required to ensure the transparency of environmental information;
- citizens have the right to receive information about the state of the environment, sources of pollution, and plans and decisions that may affect the environmental situation.

Thus, public participation and access to information, when combined, significantly improve the quality of decisions made in the field of EIA. It is within this framework that the **precautionary principle** takes on particular significance as it defines the overall approach to managing the environmental impacts of economic activities. **In the EIA process, this is reflected in:**

- a mandatory assessment of potential long-term, cumulative, and transboundary impacts;
- consideration of alternatives of a territorial and/or technological nature;
- development of an environmental risk management plan tailored to the planned scenarios.

Attention must be paid to the issue of insufficient integration between the EIA procedure and other environmental policy instruments, in particular the strategic environmental assessment (SEA) and territorial planning. The lack of clear coordination between these procedures often leads to duplication of studies and contradictory management decisions. The lack of sequential connections between them makes it impossible to integrate effective environmental protection measures at all stages of project preparation, approval, and implementation, which in turn reduces the effectiveness of both the EIA itself as well as the environmental management system.



CHAPTER 2.

LEGISLATIVE INITIATIVES DURING WARTIME AND THE RECONSTRUCTION PERIOD



The armed conflict in Ukraine has significantly complicated the EIA process, posing risks to the effectiveness of environmental management and undermining environmental safety standards for the population. Due to martial law, public hearings and public discussions – which are an essential component of the EIA – often cannot be conducted properly. Many rapid reconstruction projects are launched without a comprehensive environmental analysis, which can lead to long-term negative consequences for the environment. Given the urgent need to restore infrastructure, priority is given to the rapidity of the work, and environmental requirements are often neglected. The absence of a proper environmental audit at the planning stage leads to the entrenchment of outdated technologies, which contradicts the **"Build Back Better"** principle and the European Green Deal strategy.

Since 2022, following the start of the Russian Federation's full-scale invasion, the MEPNRU has restricted public access to EIA materials. With the launch of the new Unified State Register of EIA (hereinafter – e-EIA) in 2014, access to these materials was restored. However, the requirement for **mandatory authorization via a qualified electronic signature (QES) creates an additional barrier, making it difficult to review documents and track the individual stages of the procedure.** Additionally, between 2022 and 2024, **significant amendments were made to EIA legislation**, providing for exemptions from the procedure for economic activities resulting from the destruction of critical infrastructure.

As Ukraine rebuilds, the government is adopting resolutions that allow for the waiver of EIA and SEA requirements for certain projects with the goal to accelerate recovery. The absence of an EIA for such projects carries a high risk of uncontrolled impact on the environment and the health of the local population, which undermines the foundations of environmental safety and violated Ukraine's international obligations.

The criteria for determining planned activities that are not subject to an environmental impact assessment are set forth in Annex 1 to Resolution № 1010⁸ of the Cabinet of Ministers of Ukraine from December 13, 2017. Amendments providing for exemptions in the field of EIA were introduced by Resolutions of the Cabinet of Ministers of Ukraine from September 30, 2022, № 1121⁹; from December 27, 2022, № 1463¹⁰; from July 27, 2023, № 763¹¹; from August 1, 2023, № 800¹²; from December 7, 2023, № 1320¹³; from February 1, 2024, № 107¹⁴.

In accordance with Resolution № 1073 of the Cabinet of Ministers of Ukraine from September 27, 2022, activities related to the management of waste generated because of damage (destruction) to buildings and structures caused by armed conflict are not subject to EIA. This means that a significant portion of restoration work can be carried out without a prior environmental assessment, which increases the risk to the environment.

⁷ Build Back Better - this is a concept of recovery and development that means rebuilding better than what was there before, rather than simply restoring the previous state.

⁸ Resolution of the Cabinet of Ministers of Ukraine from 13.12.2017 № 1010. URL: <https://zakon.rada.gov.ua/laws/show/1010-2017-%D0%BF#Text>

⁹ Resolution of the Cabinet of Ministers of Ukraine from 30.09.2022 № 1121. URL: <https://zakon.rada.gov.ua/laws/show/1121-2022-%D0%BF#Text>

¹⁰ Resolution of the Cabinet of Ministers of Ukraine from 27.12.2022 № 1463. URL: <https://zakon.rada.gov.ua/laws/show/1463-2022-%D0%BF#Text>

¹¹ Resolution of the Cabinet of Ministers of Ukraine from 21.07.2023 № 763. URL: <https://zakon.rada.gov.ua/laws/show/763-2023-%D0%BF#Text>

¹² Resolution of the Cabinet of Ministers of Ukraine from 01.08.2023 № 800. URL: <https://zakon.rada.gov.ua/laws/show/800-2023-%D0%BF#Text>

¹³ Resolution of the Cabinet of Ministers of Ukraine from 01.08.2023 № 800. URL: <https://zakon.rada.gov.ua/laws/show/1320-2023-%D0%BF#Text>

¹⁴ Resolution of the Cabinet of Ministers of Ukraine from 01.02.2024 № 107. URL: <https://zakon.rada.gov.ua/laws/show/107-2024-%D0%BF#Text>



The European Union has established **the Ukraine Facility support plan**¹⁵. The programme provides funding of up to 50 billion euros for the 2024-2027 period. The main goal of this plan is not only reconstruction, but also the implementation of structural reforms in various sectors of the economy, which will contribute to rapid economic growth and Ukraine's integration into the European economic community. Therefore, it requires compliance with clear conditions and the implementation of reforms to receive further financial tranches, which will promote the efficiency and transparency of the reconstruction processes.

In response to the challenges posed by the need to implement urgent reconstruction projects under martial law, the MEPNRU initiated the development of a document as part of Cluster 6 Reform 27 of the Ukraine Facility plan - "Concept note defining the scope of exemptions from environmental impact assessment (EIA) and strategic environmental assessment (SEA) requirements"¹⁶. **The purpose of this document was to clarify the current situation regarding exemptions from EIA and SEA procedures, specifically for critically necessary projects requiring accelerated implementation.** The Concept note was also intended to improve coordination among government agencies, particularly regarding the organization of public hearings and the processing of documents.

However, an analysis of the draft Concept note revealed a departure from the six principles set forth in the Reform, specifically a tendency toward an unjustified broadening of the categories of projects to which exemptions may apply. The document did not establish clear criteria under which deviations from the EIA or SEA procedure could be permitted, but rather created opportunities for arbitrary interpretation of exceptions, which **contradicts the principles of transparency, proportionality, and limited intervention defined by the European Union.**

Moreover, the approaches outlined in the document **effectively undermined the environmental assessment process by prioritizing the speed of project implementation without giving due consideration to environmental impact assessments.** These provisions not only contradict European environmental safety standards but also create risks of systemic violations of Ukraine's international obligations under the Aarhus and Espoo Conventions.

In November 2024, NGO "Ecoclub" published **a joint position document**¹⁷ **on improving the final version of the document, also addressing the European Commission and the Office of the President of Ukraine.** However, the public discussion turned out to be merely formal: despite the promise to publish a comparative showing how the proposals were accounted for, such information was not made public. Most of the comments were not considered, and only certain aspects, particularly regarding the transboundary assessment, were clarified.


The MEPNRU response noted that, due to limited resources and the challenges of wartime, it is not possible to fully implement a comprehensive system for regulating exemptions; however, the government is committed to working to improve the procedure in the future.

¹⁵ Plan for the Ukraine Facility. URL: <https://www.ukrainefacility.me.gov.ua/>

¹⁶ A concept note setting out the scope of exemptions from the rules on environmental impact assessment and strategic environmental assessment. URL: <https://share.google/j2bBuPmEXgGHVHYWt>

¹⁷ Position of civil society organizations on the possible narrowing of EIA and SEA in Ukraine. URL: https://ecoclubrivne.org/en/cnote_position/

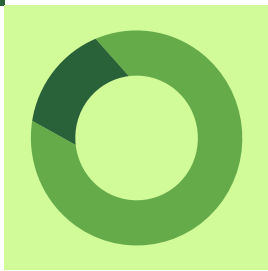
In response to our inquiry, the European Commission confirmed that the Concept Note contradicts the core of Reform 6, which does not call for the abolition of EIA and SEA procedures, but aims to ensure that exceptions are transparent, time-limited, and well-founded.

 **Due to existing EIA restrictions and government initiatives, there is a risk that their scope of application will be narrowed, which could weaken environmental oversight and increase the negative impact of certain projects.**

A concerning practice is the deviation from the EIA requirements for "experimental projects", such as the reconstruction of the Kakhovka Hydroelectric Complex. On July 18, 2023, the Cabinet of Ministers of Ukraine approved Resolution № 730¹⁸ "On the Implementation of the Experimental Project "Construction of the Kakhovka Hydroelectric Complex on the Dnipro River". Reconstruction following the destruction of the Kakhovka HPP and ensuring the stable operation of the Dnipro HPP during the reconstruction period", which establishes a two-stage procedure for implementing the experimental project without conducting an environmental impact assessment. According to the documents, the construction of a retaining structure in the lower reach of the Dnipro HPP is planned as early as the beginning of the first stage.

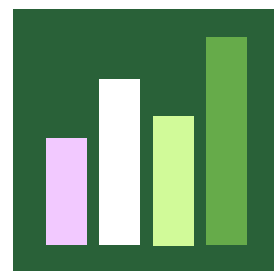
The adoption of such decisions directly contradicts the Law of Ukraine "On Environmental Impact Assessment", which requires that an assessment be conducted prior to the commencement of the planned activity. This sets a dangerous precedent for the implementation of other "experimental" projects that circumvent the law and fail to adequately involve the public in the decision-making process.

¹⁸ Resolution of the Cabinet of Ministers of Ukraine No. 730 of 18 July 2023. URL: <https://zakon.rada.gov.ua/laws/show/730-2023-%D0%BF#Text>



CHAPTER 3.

OPEN DATA ANALYTICS: OPEN EIA PROCEDURES (PRACTICAL APPLICATION OF EIA IN UKRAINE)



As a Party to the Aarhus Convention, Ukraine has undertaken a number of international obligations in the field of environmental protection, namely: ensuring public access to environmental information (Article 4), organizing the systematic collection and dissemination of such information (Article 5), as well as involving the public in the decision-making process regarding certain types of planned activities (Article 6).

One of the key practical tools for implementing these commitments is the **Unified State Register of Environmental Impact Assessments**. The procedure for maintaining it is regulated by Resolution of the Cabinet of Ministers of Ukraine No. 1026 of December 13, 2017, "On Approval of the Procedure for Submitting Documentation for the Issuance of an Environmental Impact Assessment Opinion and Financing of Environmental Impact Assessments, and the Procedure for Maintaining the Unified Register of Environmental Impact Assessments"¹⁹. In accordance with this subordinate legislation, the EIA Registry is designed to centrally collect, process, organize, and store information and documents generated during the EIA process, as well as to ensure that all interested parties have free access to these materials via the official website.

Considering the above, it is advisable to view the e-EIA not merely as a technical platform for document management, but as an effective mechanism for the practical implementation of the principles of openness regarding environmental information enshrined in the Aarhus Convention. It is precisely this circumstance that led to the selection of the Registry as the primary empirical source for the purposes of this analytical document. The analysis presented in this section is based on structured data regarding registered EIA cases, which were obtained through the systematic extraction of data from an open resource, followed by verification and organization. This approach made it possible to form a representative sample sufficient to identify key patterns and problematic aspects in the practice of applying the EIA procedure in Ukraine, which is the subject of further consideration.

The sample compiled in this document includes up-to-date information on the status of each individual procedure, along with the relevant materials, for the period from January 22, 2024, to December 29, 2025, covering 23 regions and the city of Kyiv. Excluding Luhansk region, the Autonomous Republic of Crimea, and the city of Sevastopol due to the lack of data for their analysis.

This analysis focused primarily on four areas:

- 1) a general analysis of data**, conducted across three complementary dimensions: territorial (by region), institutional (by authorized bodies), and sectoral (by type of planned activity), which ensured comprehensive coverage of the EIA system across all key dimensions;
- 2) an analysis of public participation in the EIA procedure** (covering indicators of citizen engagement in public hearings);
- 3) an analysis of the process of publishing EIA materials** and consultations within the procedure;
- 4) an analysis of the results of the EIA procedure**, in particular the nature and distribution of the decisions made.

¹⁹ Resolution of the Cabinet of Ministers of Ukraine No. 1026 of 13 December 2017. URL: <https://zakon.rada.gov.ua/laws/show/1026-2017-%D0%BF#Text>

The methodological framework for analyzing the dataset consisted of:

- **Quantitative analysis.** Calculation of absolute indicators (number of notifications of planned activities, EIA conclusions, refusals to issue EIA conclusions, etc.).
- **Comparative analysis.** Comparison of indicators across regions, authorized bodies, and types of activities.
- **Structural analysis.** Examination of the internal structure of the data set, distribution of the total number of cases among types of planned activities and facilities that may have a significant impact on the environment according to their categories, and decisions made.

The conducted analysis was met with several limitations that arose during the data collection and verification stages and require further attention. These are primarily due to the division of data between two registries: the first EIA Registry contains information for the period from 2017 through 2023, while the second – the e-EIA electronic registry – covers data from the beginning of 2024 to the present. The complete closure of the first Registry and significantly restricted access to its data made it impossible to form a comprehensive sample covering the entire period of the EIA procedure's operation in Ukraine. As a result, this analysis is based exclusively on e-EIA data, which covers only about two years, making it impossible to identify consistent trends over time, cyclical changes, and long-term patterns in the EIA procedure.

An additional limitation is the current functionality of the e-EIA system: certain procedural data is presented in a fragmented or poorly structured format. For example, some important information is stored in separate files (PDFs), which complicates its systematic collection and subsequent verification. In particular, the type and location of the planned activity for each registration case can only be obtained from the notice of planned activity, which does not provide full assurance of its subsequent consistency in the EIA report. Information regarding the presence of comments and suggestions from the public is, in fact, available in the e-EIA system; however, access to it is complicated (it is available in PDF format). Additionally, the e-EIA system does not record or display information if a revised EIA report is submitted following a refusal to issue an EIA conclusion.

Despite these limitations, the results of the analysis remain representative, though they must be interpreted within the methodological framework outlined above. The conclusions presented in this section should be viewed as **a cross-section** of the EIA system functioning in Ukraine during the period of active martial law (2024-2025), rather than as a characterization of the procedure throughout its entire duration. Accordingly, the focus is on identifying **structural patterns and problematic aspects** of the current practice, rather than on dynamic characteristics or long-term trends, the reconstruction of which would require a return to the archival data of the first Registry should access to it be restored. At the same time, the identified limitations of the e-EIA's functionality constitute a separate analytical finding in themselves: they point to systemic gaps in ensuring the openness of environmental information as required by the Aarhus Convention and identify priority areas for further technical and regulatory improvements to the Registry, which are discussed in more detail in Chapter 4 of this document.

3.1. GENERAL DATA ANALYSIS

In accordance with the Law of Ukraine 'On Environmental Impact Assessment,' certain types of activities may not be commenced without a prior assessment of their environmental impact. Article 3 of the Law divides such activities and facilities into two categories: **Category I and Category II.**

Category I includes the largest-scale and most environmentally hazardous activities – such as nuclear and large thermal power plants, metallurgical and chemical plants, oil and gas refineries, large landfills, and large-scale forestry operations. Category II covers smaller scale projects that may have a significant impact on the environment but are typically local in nature – specifically, wind farms, quarries up to 25 hectares in size, food and consumer goods manufacturing facilities, local tourism

and infrastructure projects, and so on. Since projects in these two categories differ in scale and scale and the complexity of their consequences, the Law provides a different approach regarding which government agency is responsible for reviewing them.

The division of authority for carrying out the EIA procedure among the levels of the executive branch is based on a categorical principle. The implementation of the procedure for Category I facilities falls under the exclusive body of the competent central authority, whose functions are currently performed by the MEEAU. The EIA procedure for Category II facilities, in turn, is carried out by competent local authorities – currently the departments/offices of ecology within regional state administrations/regional military administrations.

At the same time, the Law stipulates several exceptions under which the EIA procedure for Category II facilities is transferred to the Central Environmental Protection Agency. Such cases include situations where the planned activity:

- may have a **significant transboundary impact** on the environment;
- may affect the environment of **two or more regions** (including the Autonomous Republic of Crimea) or is commissioned by a regional, Kyiv, or Sevastopol city state administration;
- relates to the **exclusion zone or the zone of compulsory** (mandatory) resettlement of the territory contaminated by radioactive fallout as a result of the Chornobyl disaster, and/or the decision regarding its approval is made by the Cabinet of Ministers of Ukraine;
- will be financed through **foreign loans by state guarantees**.

Thus, the legally established division of power between the CCA and the CLA ensures, on the one hand, the decentralization of the environmental impact assessment process and its alignment with the locations where activities take place, and, on the other hand, the centralized handling of the most complex, interregional, and internationally significant cases at the level of the MEEAU.

It is worth mentioning that, in addition to the cases specified by law where the EIA procedure for Category II facilities is automatically transferred to the CCA, the legislation also provides for a discretionary mechanism: Under the Law (Article 5), the client of the planned activity has the right, at their own discretion, to apply directly to the competent central authority to conduct the EIA procedure for a Category II facility, even if, as a general rule, it would have to be carried out by an competent territorial authority.

This approach expands the client's options within the procedure and allows them to independently choose the level of the authorized body based on their own circumstances. At the same time, it is important to emphasize that the exercise of this right is reserved exclusively for the client as a subject of the EIA procedure—other parties (the public, including civil society organizations, local government bodies, etc.) are unable to independently initiate the transfer of a Category II case to the central level.

Between January 22, 2024, and December 29, 2025, there were **2,633** recorded cases in the e-EIA registry. Among them, 905 cases are/were under consideration by the competent central authorities (CCA): 607 in the first category and 298 in the second category; **1,728** cases were under consideration by competent local authorities (CLA) exclusively as Category II cases. Thus, the CCA handles one third of all cases in the system, yet its share of Category II cases is only 15%, reflecting the legally defined division of powers between central and territorial authorities (**Fig.2**).

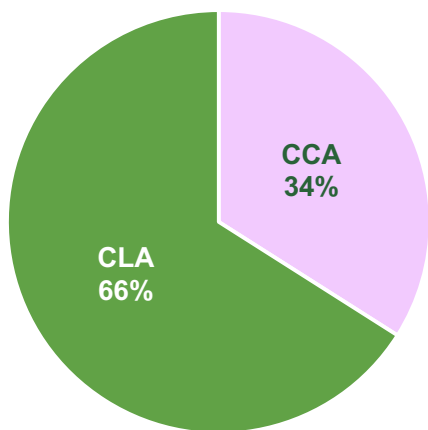


Figure 1.
Percentage of registered cases under consideration by the competent authorities (Category I and II)

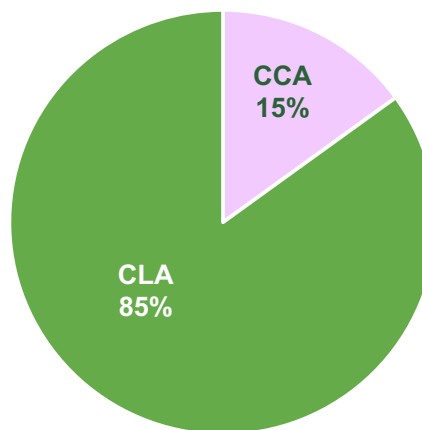


Figure 2.
Percentage of registered cases under consideration by the competent authorities (Category II)

In Ukraine, the types and locations of planned activities subject to EIA are unevenly distributed due to objective factors (the presence of mineral deposits, resources, logistical connections, proximity to combat zones, etc.).

According to **Fig. 3**, the largest number of EIA cases is recorded in **Lviv (11%), Kyiv (9%), Poltava (7%), and Odesa (7%) regions, accounting for 42% of the total.**

The lowest figures were recorded in regions bordering the active combat zone or where such hostilities are taking place: Kherson (4 cases), Donetsk (4 cases), and Zaporizhzhia (26 cases). This reflects not systemic limitations of the EIA procedure, but an actual reduction in the volume of planned economic activity due to shelling, the evacuation of enterprises, increased investment risks, and the occupation of territories by the aggressor. The example of the Kharkiv region is telling, for despite the region's significant industrial and demographic potential, only 74 cases (3% of the total sample) were recorded here – significantly fewer than in the western and central regions.

At the same time, a comparison based on the absolute number of cases does not account for the significant differences in the size of the regions. To obtain a more complete picture of the regional distribution, one can additionally consider the calculated 'density' of registered cases – the number of cases per 1,000km².

According to Fig. 4, Lviv, Ivano-Frankivsk, Kyiv, and Zakarpattia regions lead in this indicator. It is noteworthy that Ternopil and Chernivtsi regions, which appeared to lag in absolute terms, are on par with Poltava and Dnipropetrovsk regions in terms of 'density' and even outpace Odesa region. All regions with a density below 4 cases per 1,000km² directly border the combat zone or are under its direct influence; the exception is Kirovohrad region.

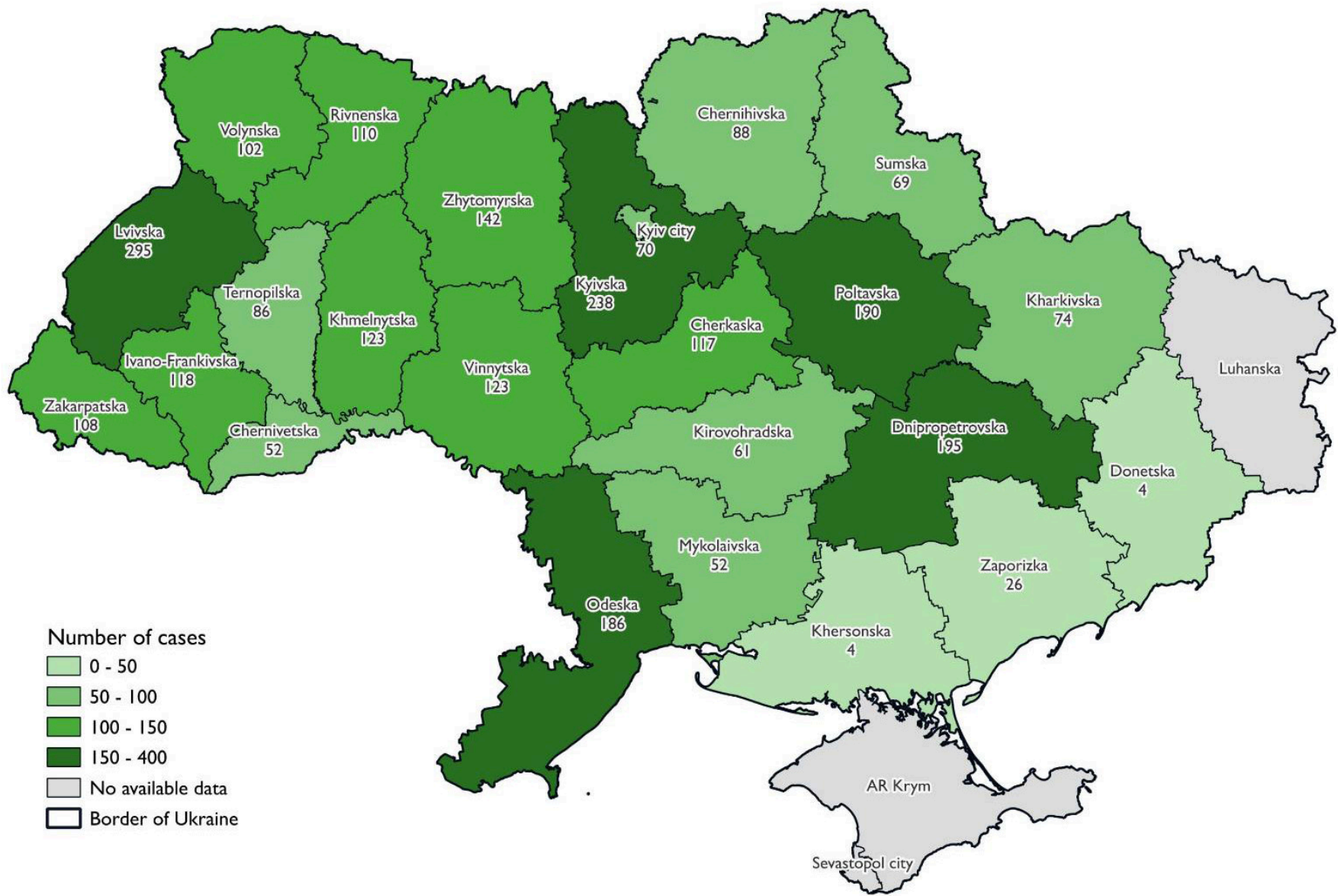


Figure 3. Distribution of registered cases according to their intended location.

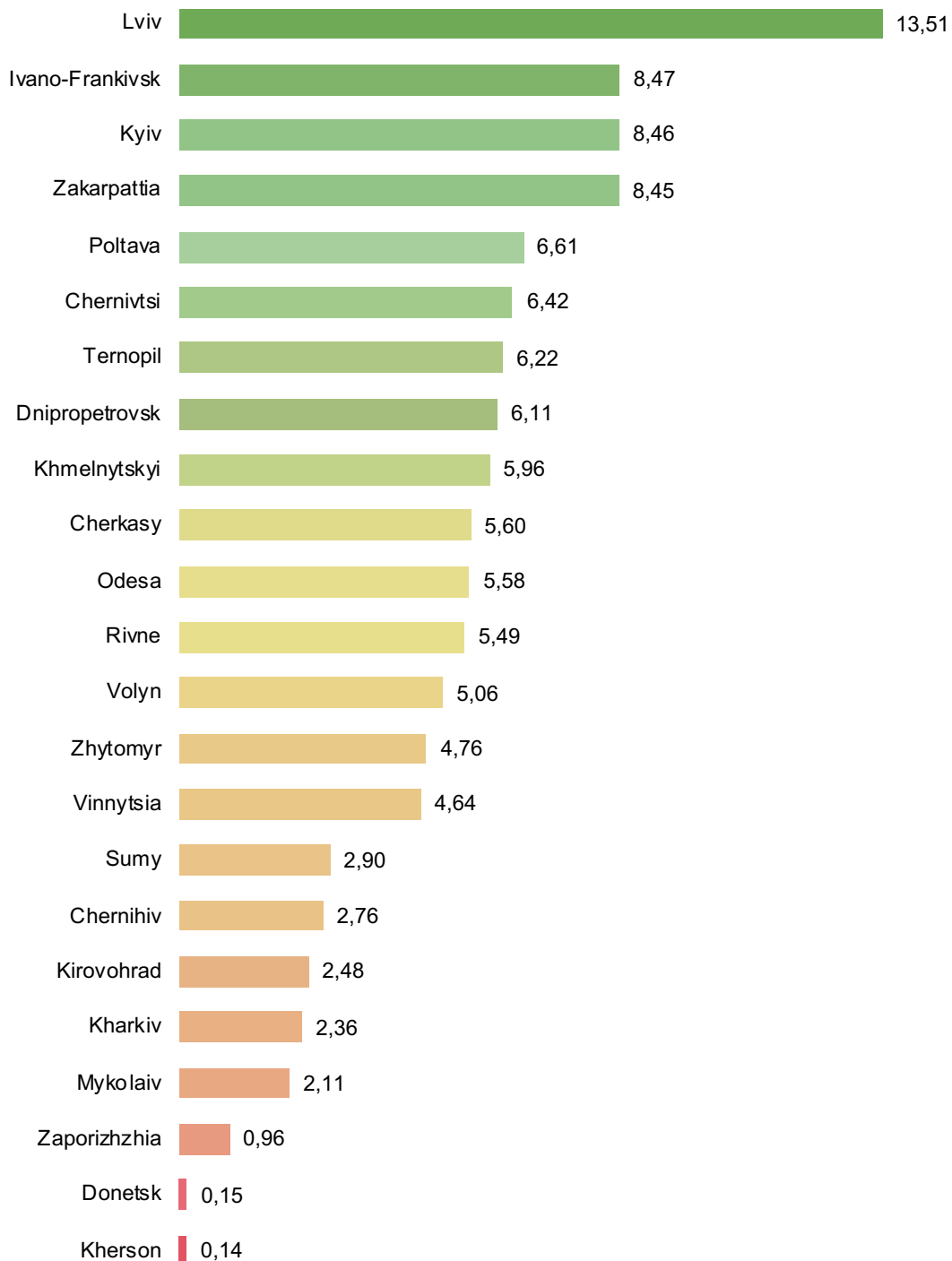


Figure 4. Number of registered cases per 1000 km² (Category I and II).

Within Category I and II, the Law identifies specific types of planned activities and facilities that may have a significant impact on the environment; a list of these is provided in Chapters 2 and 3 of Article 3 of the Law. Table 1 shows the number of registered Category I EIA cases by region and type of planned activity for the period under review; the total sample size for the first category is 607. Certain items of planned activities include several types of economic activities, which, for his analysis, were grouped together for convenience into items corresponding to the Law.



The leading region in terms of the number of cases is Dnipropetrovsk. It has the broadest sectoral coverage among all regions – 10 out of 16 Category I cases, which reflects the region’s diversified industrial structure. The second place is taken up the Kyiv region (63 cases; 10%), which also has broad sectoral coverage. The top five also includes Lviv (44; 7%), Zhytomyr (43; 7%), and Poltava (36; 6%). Together, these five regions account for about 43% of all Category I cases.

The lowest figures were recorded in Kharkiv (8 cases, 1%), Donetsk (3; 1%), and Kherson (1; <1%) regions.

Five sectors dominate among the types of activity, collectively accounting for 87% of all Category I cases. The remaining 12 types of activity account for only 13% of the total, with six of them recorded in less than two regions.

The colour coding in the table reflects the intensity of the indicator: darker shades of green correspond to the highest values within each column of Tables 1-3.

№	Region	CATEGORY I														Total number of registered cases	Percentage	
		9. Groundwater intake (≥10 mil m ³ /year)	14. Cellulose, paper, and cardboard	3. Nuclear fuel and waste	11. Dams and reservoirs (> 10 mil m ³)	18. Wastewater treatment (≥150 thous. people)	20. Overhead powerlines (≥220 kV, >15 km)	1. Oil and gas treatment facilities;	4. Ferrous and non-ferrous metallurgy	7. Airports, roads, railways, and ports	22. Expansion/reconstruction of facilities in 1–21	2. TPP, Cogeneration plants ≥50 MW and nuclear facilities	6. Chemical and pharmaceutical industries	15. Extraction of mineral resources >25 ha	19. Intensive poultry and swine farming			21. Clear, selective, and sanitary cutting (>1 ha)
1	Dnipropetrovsk	1			1			6	1	6	4	8	7	13		30	77	13%
2	Kyiv			1		1			1	1	1	7	13	4	8	26	63	10%
3	Lviv									1		2	4	23	8	6	44	7%
4	Zhytomyr										1	2	11	3	20	6	43	7%
5	Poltava					1				3	1	3	7	5	3	13	36	6%
6	Volyn				1					1			7	6	16	2	33	5%
7	Cherkasy									2	1	4	1	6	11	7	32	5%
8	Khmelnyskyi									1	1	7	6	5	6	5	31	5%
9	Chernihiv						5					1		4	17	1	28	5%
10	Rivne								1		1	2	7	10	1	3	25	4%
11	Odesa							1	5	1	1		2	1		12	23	4%
24	Kyiv city								1	1	1	2				15	20	3%
12	Ivano-Frankivsk						1					2	5	3	5	3	19	3%
13	Vinnytsia		1							1	3	2	3	1		7	18	3%
14	Zakarpattia								1			3	3	1	8	1	17	3%
15	Sumy											1	1		9	6	17	3%
16	Ternopil										1	2	2	6	2	4	17	3%
17	Zaporizhzhia							2		1	1		1			9	14	2%
18	Mykolaiv			1	1						6		3			3	14	2%
19	Kirovohrad									1		1	5		2	3	12	2%
20	Chernivtsi					1						1	4	1	4	1	12	2%
21	Kharkiv											1	1	1	3	2	8	1%
22	Donetsk												1			2	3	<1%
23	Kherson								1								1	<1%

Table 1. Distribution of registered cases by type of planned activity within each region (Category I).

The distribution of cases (Fig. 5) shows that **the majority of them are concentrated in the following types of planned activities:**

- waste management ≥ 100 t/day, including hazardous waste: the highest number in Dnipropetrovsk (30), Kyiv (26), Poltava (13), Odesa (12) regions and Kyiv city (15);
- continuous and gradual tree loggings (>1 ha): regions with significant numbers include Zhytomyr (20), Chernihiv (17), Volyn (16), and Cherkasy (11);
- mining >25 ha: most common in Kyiv (13) and Zhytomyr (11) regions;
- intensive poultry and pig rearing: most common in Lviv (23), Dnipropetrovsk (13), and Rivne (10) regions;
- chemical and pharmaceutical production: most common in Dnipropetrovsk (8), Kyiv (7), and Khmelnytskyi (7) regions.

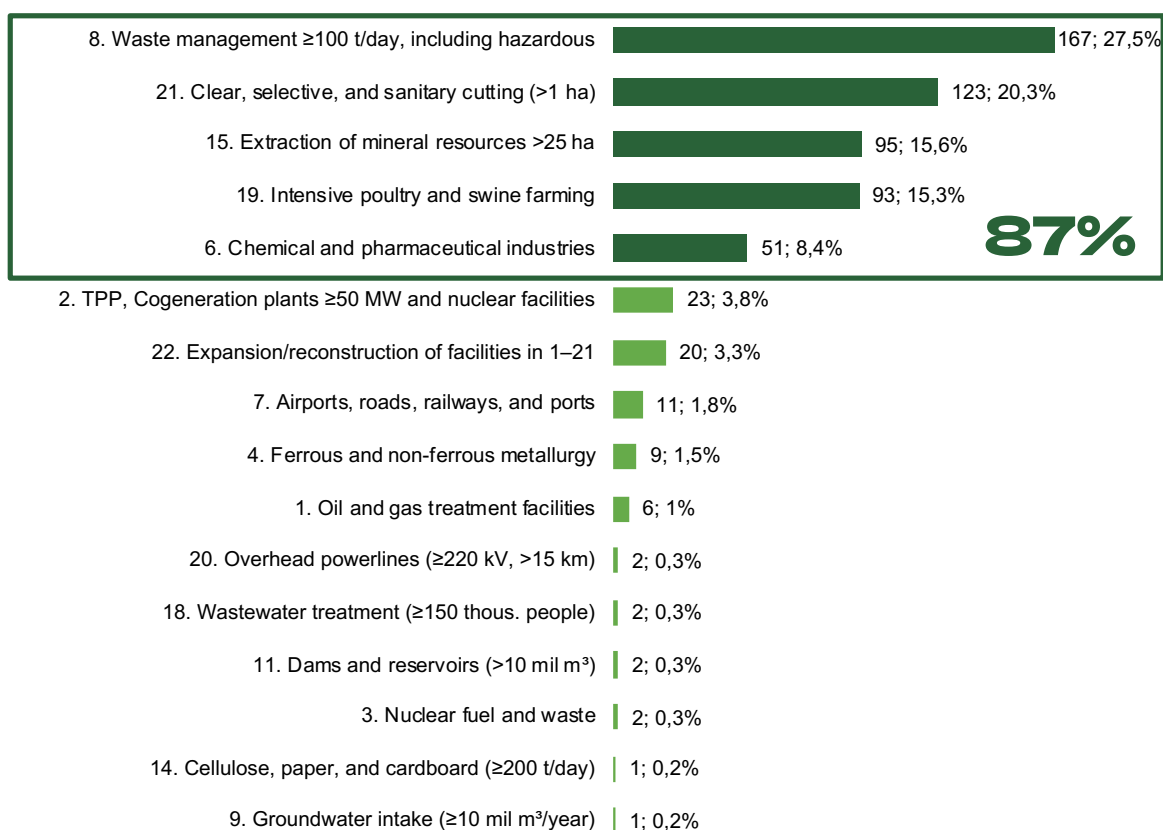


Figure 5. Distribution of registered cases according to the type of planned activity (Category I).

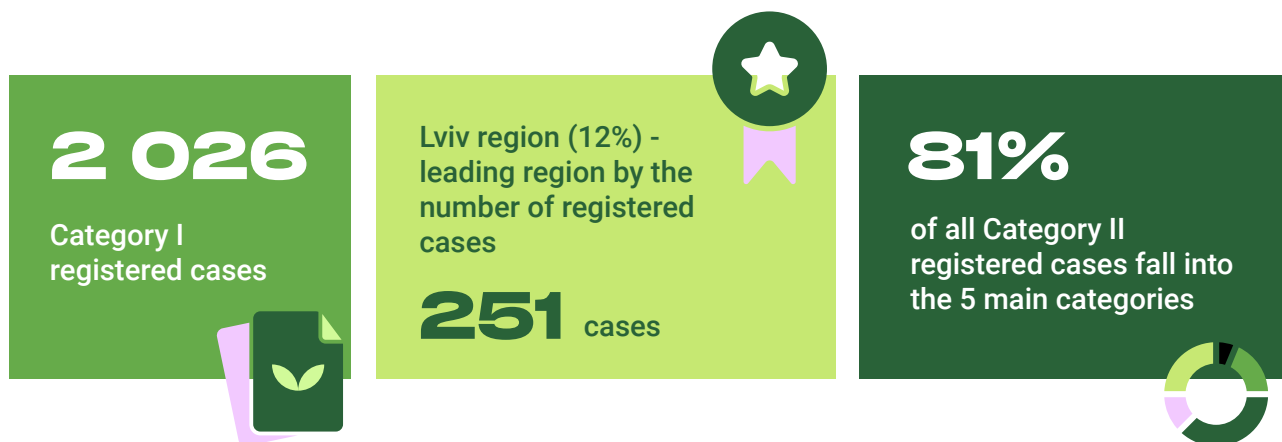
The category of planned activities turned out to be the least represented in the Registry, with only a few individual cases in just a handful of regions across the country. This category includes groundwater intake (≥ 10 million m^3 /year) and the production of pulp, paper, and cardboard (≥ 200 t/day) - one case of each in the entire country, in Dnipropetrovsk and Vinnytsia regions, respectively.

Also represented by isolated cases are wastewater treatment for agglomerations of $\geq 150,000$ people (Volyn and Mykolaiv regions), dams and reservoirs with a capacity of over 10 million m^3 (Dnipropetrovsk and Mykolaiv regions), as well as operations involving nuclear fuel and radioactive waste (Kyiv and Chernivtsi regions). The isolated nature of such cases reflects both the high capital intensity and technological complexity of these activities, as well as the limited pool of potential clients – primarily large industrial enterprises or facilities of national importance.

№	Region	CATEGORY II														Total number of registered cases	Percentage
		5. Metal production and processing	6. Processing of minerals	9. Textile, leather, woodworking, and paper industries	12. Tourism and recreation	7. Chemical industries	13. Agriculture, water use related businesses	8. Food industries	1. Deep drilling	14. Expansion and renovation	2. Agriculture, forestry, and water management	10. Infrastructure projects	11. Other types of activity	3. Mining industry	4. Energy industries		
1	Lviv		1	2	8	2	8	8	6	4	15	31	30	61	75	251	12%
2	Kyiv		1			1	1	5	1	10	13	21	55	16	51	175	9%
3	Odesa	1			1	1	3	2		11	8	46	14	4	72	163	8%
4	Poltava					3	6	4	27	6	21	16	6	39	26	154	8%
5	Dnipropetrovsk	4	5			5	1	3	3	13	7	14	19	14	30	118	6%
6	Vinnitsia			2		4	2	10		1	23	4	6	10	43	105	5%
7	Zhytomyr			1	1	1	1	1		11	8	4	10	20	41	99	5%
8	Ivano-Frankivsk				8	1			2	2	4	25	16	18	23	99	5%
9	Khmelnytskyi			4		2	1	8	1	2	17	4	7	14	32	92	5%
10	Zakarpattia	3	1		4	1			1			24	7	8	42	91	4%
11	Cherkasy	1	1	1	1	4	2	8		5	7	3	18	3	31	85	4%
12	Rivne		3	2			2				11	4	3	24	36	85	4%
13	Ternopil					3		4		1	13	1	11	11	25	69	3%
14	Volyn					1	1	2	1		1	10	7	12	34	69	3%
15	Kharkiv			1		1		3	8	2	4	1	8	29	9	66	3%
17	Chernihiv	1				2		3	23	1	2	3	7	5	13	60	3%
18	Sumy					1			9	7	3		8	5	19	52	3%
16	Kyiv city		1			1		2	1	7		1	15	1	21	50	2%
19	Kirovohrad				1	1	1	3		4	4	5	5	7	18	49	2%
21	Chernivtsi	2					2				2	8	2	7	17	40	2%
20	Mykolaiv						4	3		1	2	1	4	8	15	38	2%
22	Zaporizhzhia									1		1	3	1	6	12	1%
24	Kherson												1		2	3	<1%
23	Donetsk													1		1	<1%

Table 2. Distribution of registered cases by region and type of planned activity.

Table 2 shows the distribution of Category II EIA cases by region of Ukraine and type of planned activity. The total sample size for the second category is 2,026 cases – more than three times the figure for the first category (607 cases) - reflecting a significantly broader range of activities.



The Lviv region leads in terms of the number of cases – 251 (12%) - while it ranked only third in the first category. The top five include Kyiv (175; 9%), Odesa (163; 8%), Poltava (154; 8%), and Dnipropetrovsk (118; 6%) regions. The lowest number of cases was recorded in Kherson (3; <1%) and Donetsk (1; <1%) regions which is again due to the consequences of armed conflict.

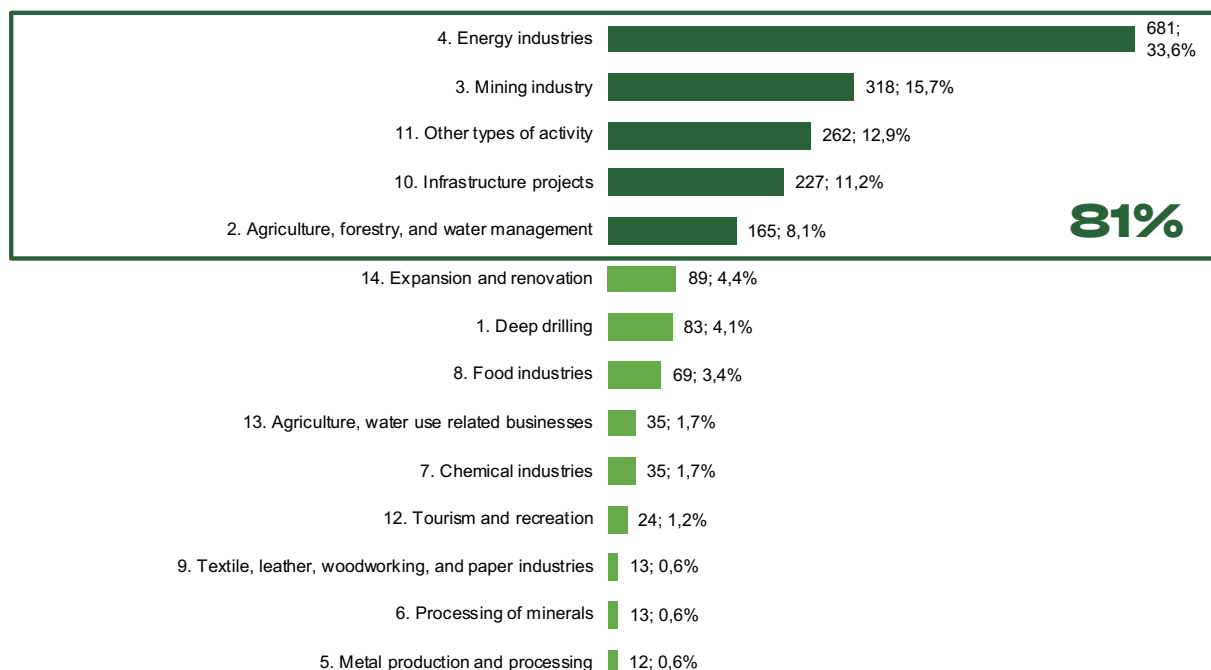


Figure 6. Distribution of registered by type of planned activity (Category II).

Among the types of activities, the following account for the largest number of registered cases in Category II, as shown in Fig. 6:

- Energy industry (681; 33.6%); the highest numbers are in Lviv (75), Odesa (72), and Kyiv (51) regions;
- Mining industry accounts for 318 registered cases, representing 15.7% of Category II cases. Regions with significant numbers include Lviv (61), Poltava (39), Kharkiv (29), and Rivne (24);
- Other activities (262; 12.9%), with most common occurrences in Kyiv (55) and Lviv (30);

- Infrastructure projects (227; 11.2%), with the highest numbers in Odesa (46), Lviv (31), Ivano-Frankivsk (25), and Zakarpattia (24) regions;
- Agriculture, forestry, and water management (165; 8.1%) are most common in Vinnytsia (23), Poltava (21), and Khmelnytsky (17) regions.

Figure 7 illustrates the proportion of Category II cases handled by the CCA between January 22, 2024, and December 29, 2025, broken down by region of Ukraine. It should be noted that in total sample of Category II cases, the CCA ones account for only 15% (298 out of 2,026); however, the regional breakdown reveals significant variation in this figure, with values ranging from 0% to 45%.

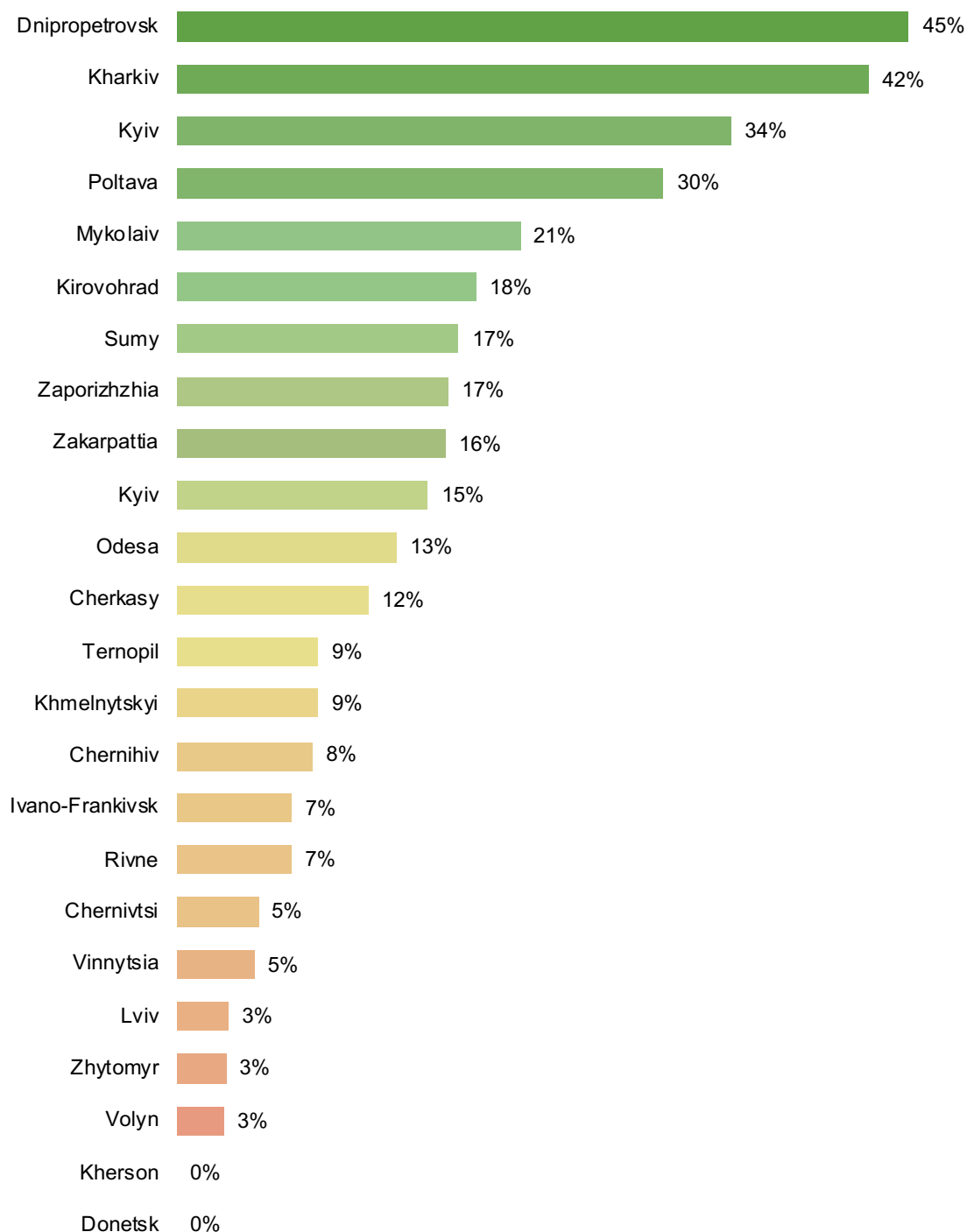


Figure 7. Percentage of Category II cases handled by the CCA, broken down by region.

Dnipropetrovsk region is the clear leader in terms of the proportion of Category II cases submitted to the central authorities (45%). In four regions, approximately one third or more Category II cases are handled by the CCA, whereas the national average is half that figure (~15%). This is explained by objective factors that imperatively transfer cases to be reviewed at the central level (cross-border impact, impact on two or more regions, financing under state guarantees, the exclusion zone), and at the same time by the client's discretionary right to apply directly to the CCA, as specified in Article 5 of the Law.

Regions with the lowest percentages of Category II cases submitted to the CCA. The western and central-western regions are concentrated in the lower range (3-9%): Khmelnytskyi (9%), Ternopil (9%), Chernihiv (8%), Ivano-Frankivsk (7%), Rivne (7%), Chernivtsi (5%), Vinnytsia (5%), Lviv (3%), Zhytomyr (3%), and Volyn (3%). The Lviv region deserves special attention: despite its absolute leadership in the number of Category II cases (251; 12% of the total sample), only 3% of them were referred to the central level. **Significant variation in this indicator, even among regions with similar profiles, may indirectly indicate differing practices among contracting authorities regarding the exercise of their discretionary right to appeal to the CCA, a matter that requires a separate in-depth study.**

№	Region	CATEGORY II														Total number of registered cases	Percentage
		5. Metal production and processing	6. Processing of minerals	9. Textile, leather, woodworking, and paper industries	12. Tourism and recreation	7. Chemical industries	13. Water use related businesses	8. Food industries	1. Deep drilling	14. Expansion and renovation	2. Agriculture, forestry, and water management	10. Infrastructure projects	11. Other types of activity	3. Mining industry	4. Energy industry		
1	CCA	1	4		2	5	7	12	9	15	19	16	26	67	115	298	15%
2	Lviv CLA		1	2	8	2	8	8	6	4	15	31	30	59	69	243	12%
3	Kyiv CLA					1	1	4	1	9	11	18	49	12	42	148	7%
4	Odesa CLA	1			1		1	1		11	8	45	14	4	55	141	7%
5	Poltava CLA					2	2	2	23	4	17	15	3	22	18	108	5%
6	Vinnitsia CLA			2		4	2	10		1	23	4	6	8	40	100	5%
7	Zhytomyr CLA			1	1	1	1	1		11	8	4	10	18	40	96	5%
8	Ivano-Frankivsk CLA				8	1			2	1	3	24	16	17	20	92	5%
9	Khmelnyskiy CLA			4		2	1	7	1	2	16	3	7	11	30	84	4%
10	Rivne CLA		3	2			2				10	4	3	24	31	79	4%
11	Zakarpattia CLA	3	1		3	1			1			24	7	7	29	76	4%
12	Cherkasy CLA	1	1	1		4	2	7		5	6	2	18	3	25	75	4%
13	Volyn CLA					1	1	2	1		1	10	7	10	34	67	3%
14	Dnipropetrovsk CLA	3	3			2		3	2	8	4	10	11	4	15	65	3%
15	Ternopil CLA					3		2		1	12	1	10	10	24	63	3%
16	Chernihiv CLA	1				2		3	23	1	1	3	4	5	12	55	3%
17	Sumy CLA					1			8	4	1		8	4	17	43	2%
18	Kirovohrad CLA				1	1	1	3		2	4	4	5	5	14	40	2%
19	Kharkiv CLA			1		1		1	5	1	2	1	5	14	7	38	2%
20	Chernivtsi CLA	2					2				2	7	2	6	17	38	2%
21	Kyiv city CLA					1		1	1	7		1	13		9	33	2%
22	Mykolaiv CLA						4	2		1	2		4	7	10	30	1%
23	Zaporizhzhia CLA									1			3		6	10	<1%
24	Kherson CLA												1		2	3	<1%
25	Donetsk CLA													1		1	<1%

Table 3. Distribution of registered Category II cases submitted to the CCA/CLA, broken down by type of planned activity.

3.2. PUBLIC PARTICIPATION IN THE EIA PROCEDURE

To ensure public participation in the decision-making process, the Law provides for two public consultations: the first regarding the scope of the study and the level of the detail of the information to be included in the EIA report, and the second regarding the EIA report itself.

The Law defines the public as one or more individuals or legal entities, their associations, organizations, or groups. The public may participate in the discussion by (Article 7 of the Law): submitting written proposals and comments on the planned activity (including in electronic form); participating in public hearings, which are an integral part of the public discussion and are held no earlier than 10 working days into the public discussion of the EIA report.

In turn, a public discussion (public hearing or open meeting) is defined as a procedure for gauging public opinion with the aim of taking it into account when executive authorities make decisions on matters that have or may have a negative impact on the environment (the deliberate release of genetically modified organisms; location, design, construction, or reconstruction of facilities; the drafting of regulatory and legislative acts, etc.)²⁰.

In accordance with Resolution № 989 of the Cabinet of Ministers of Ukraine from December 13, 2017, "On Approval of the procedure for conducting public hearings in the environmental assessment process," based on the results of the public hearings, either **Protocol of public hearings** (hereinafter – the Protocol) is drawn up if representatives of the public are present, or **Act on the absence of representatives of the public** from the public hearings (hereinafter – the Act). In both cases, public hearings are considered to have taken place.

This analysis focuses directly on public participation in public hearings, as the protocols and **acts of the hearings serve as a source of data on the actual involvement of citizens in the EIA procedure.**

Between January 22, 2024, and December 29, 2025, **1,707 public hearings** were held. Of these, in **1,249 cases (73%)**, a Record of Non-Appearance by Public Representatives was drawn up, indicating their actual absence from the hearings. In only 458 cases (27%) were Protocols drawn up, meaning the public was directly present.

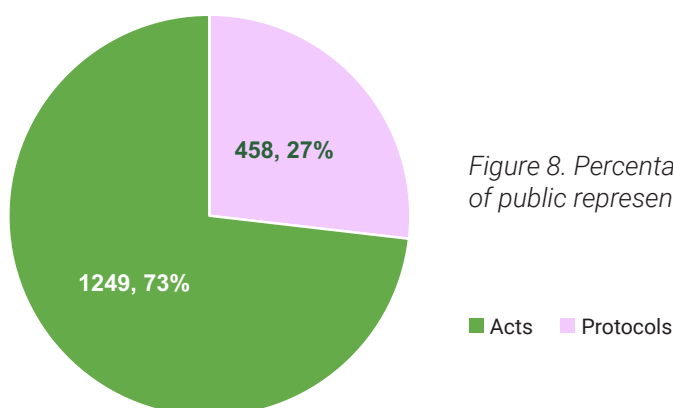


Figure 8. Percentage of registered cases with participation of public representatives (Category I and Category II).

²⁰ Order № 168 of the MEPNRU from 18.12.2003 'On the Approval of the Regulations on Public Participation in Decision-Making in the Field of Environmental Protection'. URL: <https://zakon.rada.gov.ua/laws/show/z0155-04/ed20040215/find?ext=%C3%F0%EE%EC%0%4%F1%FC%EA%E5+%EE%E1%E3%EE%E2%EE%F0%E5%ED%ED%FF+%28%EF%F3%E1%EB%B3%F7%ED%E5+%F1%EB%F3%F5%0%ED%ED%FF+%E0%E1%EE+%E2%B3%E4%EA%F0%E8%F2%E5+%E7%0%F1%B3%E4%0%ED%ED%FF%29#Text>

Spatial analysis reveals significant disparities in the level of actual public participation.

The highest proportion of Protocols out of the total number of hearings held was recorded in Ivano-Frankivsk (87%), Dnipropetrovsk, and Zakarpattia (62% each) regions. At the same time, in the city of Kyiv and Odesa region, this figure is only 7%, and in Ternopil region—9%, indicating low public engagement (interest) in these regions. It is telling that Lviv Oblast – the absolute leader in the number of cases (295) – shows only 13% actual participation, indicating a significant gap between the activity of the authorities and the public’s actual engagement.

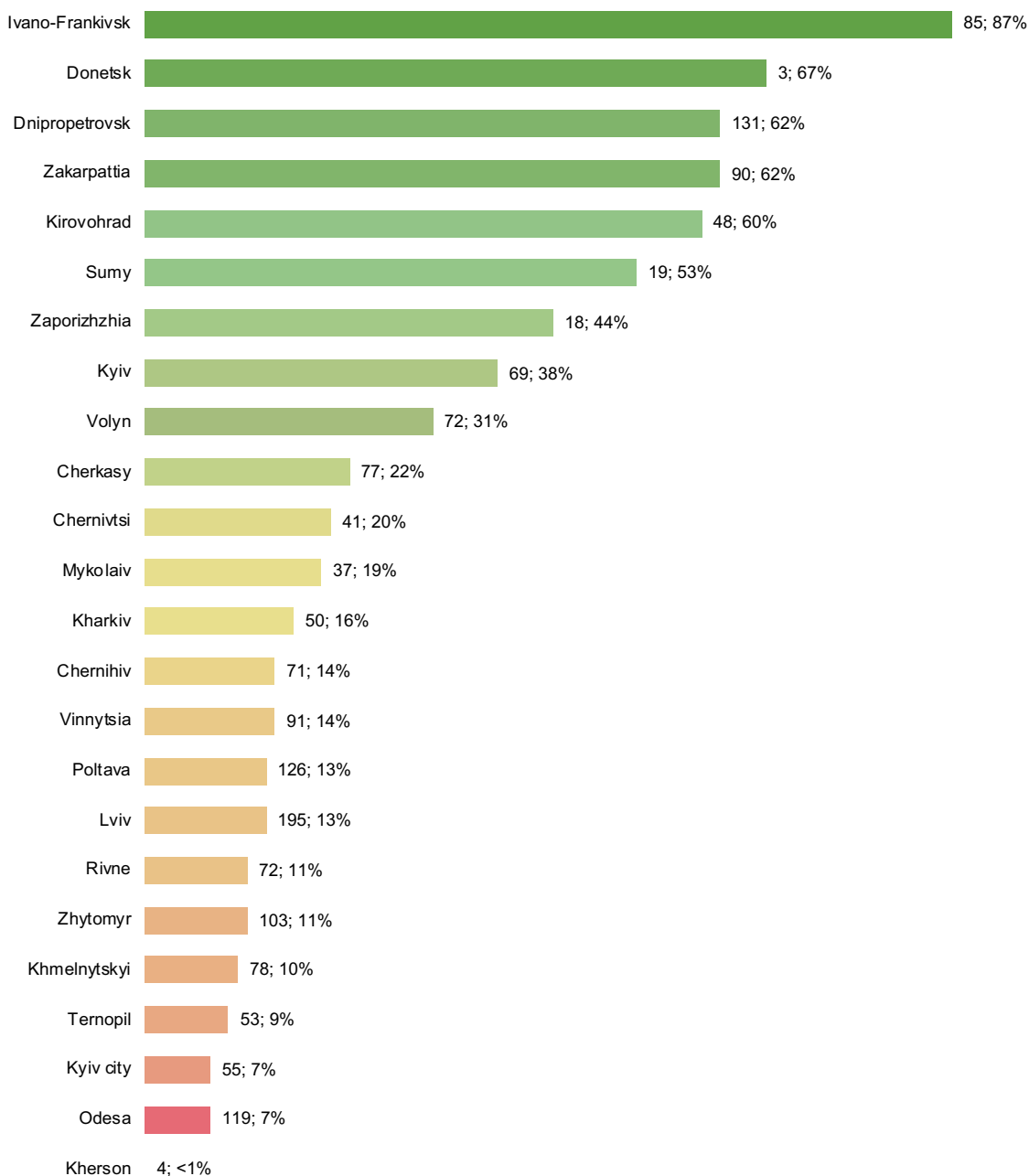


Figure 9. Participation of public representatives in public hearings broken down by region and Category I and Category II of planned activities (total number of hearings and percentage of protocols).

Broken down by category of planned activity, the distribution of public hearings is as follows: 403 public hearings were held on registration matters falling under the first category: 274 acts and 129 minutes; 1,304 public hearings were held in registration cases belonging to the second category: 975 Acts and 329 Protocols.

A sectoral analysis reveals significant variation in the level of public participation depending on the type of planned activity. Within Category I, a moderate level of engagement is observed in cases involving clear-cutting (43%) and waste management (33%), whereas no protocols were recorded for oil refineries. In Category II, the highest level of public engagement was found in cases related to tourism and recreation (75%), while participation remains limited in the energy (20%) and agriculture (19%) sectors, which dominate in terms of volume.

CATEGORY I					
Type of planned activity	Total number of cases	Act	Protocol	Total number of hearings	Percentage of public participation in hearings
8. Waste management ≥ 100 t/day, including hazardous	167	69	34	103	33%
21. Clear, selective, and sanitary cutting (>1 ha)	123	54	41	95	43%
19. Intensive poultry and swine farming	94	42	21	63	33%
15. Extraction of minerals >25 ha	93	34	13	47	28%
6. Chemical and pharmaceutical industries	51	34	6	40	15%
2. TPPs, Cogeneration plants ≥ 50 MW and nuclear facilities;	23	13	4	17	24%
22. Expansion/reconstruction of facilities in 1–21	20	6	5	11	45%
7. Airports, roads, railways, and ports	11	9	0	9	0%
4. Ferrous and non-ferrous metallurgy	9	5	2	7	29%
1. Oil and gas treatment facilities	6	4	0	4	0%
3. Nuclear fuel and waste	2	2	0	2	0%
11. Dams and reservoirs (>10 mil m^3)	2	1	1	2	50%
18. Wastewater treatment facilities (≥ 150 thous. people)	2	0	0	0	-
20. Overhead powerlines (≥ 220 kV, >15 km)	2	0	1	1	100%
9. Groundwater intake (≥ 10 mil m^3 /year)	1	0	1	1	100%
14. Cellulose, paper, and cardboard (≥ 200 t/day)	1	1	0	1	0%
Total	607	274	129	403	32%

CATEGORY II					
Type of planned activity	Total number of cases	Act	Protocol	Total number of hearings	Percentage of public participation
4. Energy industry	681	352	87	438	20%
3. Mining industry	318	168	45	213	21%
11. Other types of activity	262	97	50	147	34%
10. Infrastructure projects	227	105	64	169	38%
2. Agriculture, forestry, and water management	165	78	18	96	19%
14. Expansion and renovation	89	33	19	52	37%
1. Deep drilling	83	44	12	56	21%
8. Food industry	69	37	6	43	14%
7. Chemical industry	35	21	4	25	16%
13. Water use related businesses	35	20	6	26	23%
12. Tourism and recreation	24	3	9	12	75%
6. Processing of minerals	13	6	4	10	40%
9. Textile, leather, woodwork and paper industries	13	6	1	7	14%
5. Metal production and processing	12	5	4	9	44%
Total	2026	975	329	1304	25%

Table 4. Public participation in hearings, broken down by planned activity.

In addition to the drafting of the Protocol, a key factor in the effectiveness of public hearings is the number of representatives who participated in the hearings. For the purposes of this analysis, the hearings were grouped into five categories based on the number of participants: fewer than 5 people, 6 - 10, 11 - 15, 16 - 20, and more than 20 people. The distribution of hearings across these groups varies significantly between categories of planned activities (Fig. 10). In both categories, the segment of hearings with 6 - 10 participants dominate - 46% in Category 1 and 43% in Category 2. However, the similarities end there.

Cases in Category I show a significantly broader distribution. The proportion of hearings with a small audience (fewer than 5 people) is relatively low here, while the representation of medium- and large-sized groups – ranging from 11 – 15 to more than 20 participants – increases significantly. As a result, nearly half of the hearings in this category drew more than ten members of the public.

In turn, Category II shows a clear shift in the distribution toward smaller-scale hearings. A significant portion of the hearings involved fewer than five participants, and collectively, more than 80% involved no more than ten members of the public. Hearings with a larger audience remain rather rare.

The observed difference between the categories can be explained by a number of factors. First, Category I projects are generally larger in scale and have a broader potential impact on the environment and local communities, which naturally heightens public interest. Second, public hearings for such projects are usually characterized by a higher level of engagement from civil society organizations: large-scale projects are more likely to come under the scrutiny of environmental NGOs and advocacy groups, which mobilize expertise, inform the public, and foster systematic participation in EIA procedures. **At the same time, the predominance of a small number of hearings in both categories confirms the previously identified general trend - a consistently low level of public involvement in environmental impact assessment procedures.**

One of the potential reasons for low public engagement is the purely formal nature of the publication of hearing notices, which effectively amounts to a mere formality. The Compliance audit report titled 'Environmental Impact Assessment and Strategic Environmental Assessment – Toward a 'Green Transition'²¹ directly addresses this issue.

At the same time, the low level of participation may also be due to other factors: inconvenient hearing times (mostly during working hours on weekdays); a short period between the publication of the notice and the hearing date, which does not leave enough time to review the EIA Report; the complex technical language of the documentation, which makes it challenging for ordinary citizens to comprehend; limited dissemination of information about planned hearings beyond the official EIA Registry, which is used on a daily basis by a narrow circle of interested parties; low public awareness of the EIA procedure itself and the public's rights within it; and the shift of some hearings to a remote format due to martial law, which creates additional technical and security barriers to participation. General distrust towards the procedure also plays a significant role - the widespread perception of hearings as a "ritualistic" stage with a predictable outcome reduces citizens' motivation to devote time to active participation. At the same time, determining the exact causes of low public engagement goes beyond the scope of existing open data analysis and requires separate targeted studies.

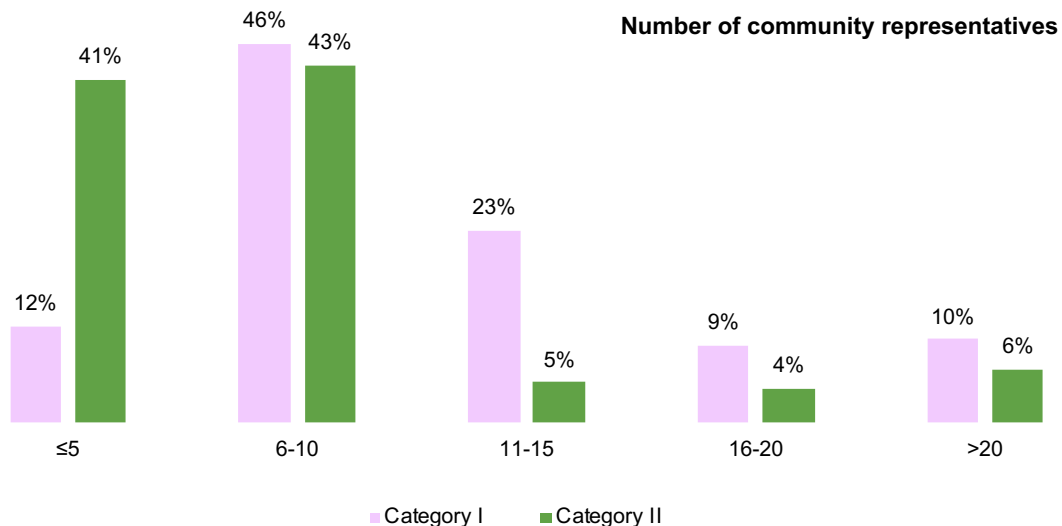


Figure 10. Distribution of public hearings broken down by number of participants, as a percentage of the total number of hearings by category of planned activity.

²¹ Report on the results of the compliance audit on "Environmental Impact Assessment and Strategic Environmental Assessment – Towards the "Green Transition". URL: <https://share.google/Za0FjzkBaYg8tP6pq>

The distribution of public hearings by number of participants varies significantly depending on the competent authority under whose jurisdiction the hearings were held (Fig. 11). Hearings organized by the CLA are characterized by a pronounced concentration in the lower attendance range: 47% of them took place with fewer than 5 participants, and collectively, 91% involved no more than 10 members of the public. This distribution logically aligns with the data on Category II cases: by law, the CLA considers only this category, so structurally, its indicators reflect the overall picture of participation in Category II. In contrast, hearings conducted with the participation of the CCA demonstrate a fundamentally different distribution. Only 10% involved fewer than five people, while 46% included more than ten members of the public. This difference is explained by the scope of the CCA's jurisdiction, which includes all Category I cases and a portion of Category II cases (15%).

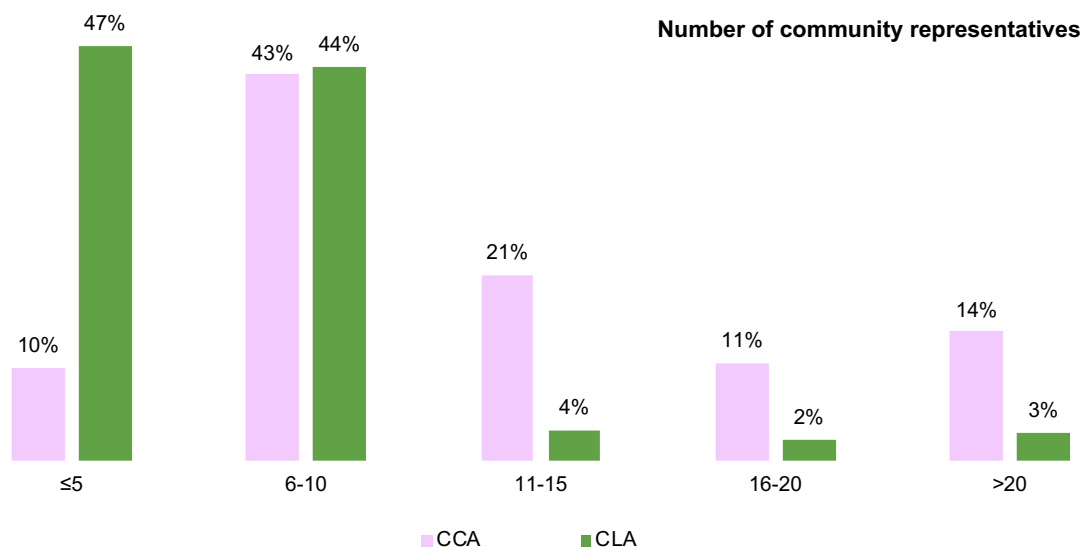


Figure 11. Distribution of public hearings broken down by number of public representatives, as a percentage of the total number of hearings by competent authorities.

3.3. PUBLICATION OF EIA AND CONSULTATION MATERIALS AND AS PART OF THE PROCEDURE

Publication of the EIA report

The EIA procedure takes at least 52 business days; however, this period may be longer depending on the time required for the business to prepare the EIA report and for its publication in the e-EIA system, followed by public discussion. The timeframe within which the EIA report must be submitted is not regulated by law. Therefore, we conducted a statistical analysis of the period between the end of the public discussion of the study scope and the publication of the EIA report.

The distribution of registered cases by the period between the completion of the first public discussion (the scope of the study) and the publication of the EIA report in the Registry (hereinafter, the submission and publication of the report are treated as equivalent) shows a marked asymmetry, with shorter timeframes dominating (Fig. 12). More than three-quarters of applicants (78%) submitted the EIA Report within six months after the conclusion of the first public discussion (the scope of the study), indicating a relatively expeditious process in most cases. At the same time, a significant portion of cases have longer preparation cycles: approximately 22% of procedures take between six months and a year, and another 7% of cases exceed the one-year timeframe.

Overall, the picture shows that despite the prevalence of relatively short timelines, a significant portion of procedures involves prolonged pauses between stages, which reduces the predictability of the EIA process and complicates planning for both clients and the public.

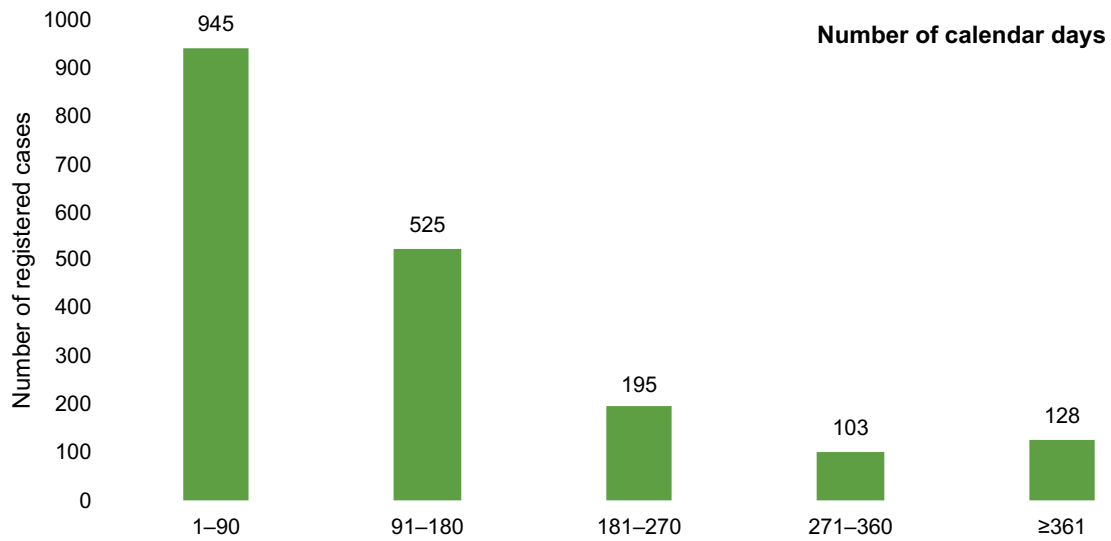


Figure 12. The period for submitting the EIA report following the conclusion of the public discussion on the scope of the study, in 90-day increments.

The detailed breakdown in 30-day intervals shown in Fig. 13 reveals patterns that were not apparent in the more aggregated data presentation.

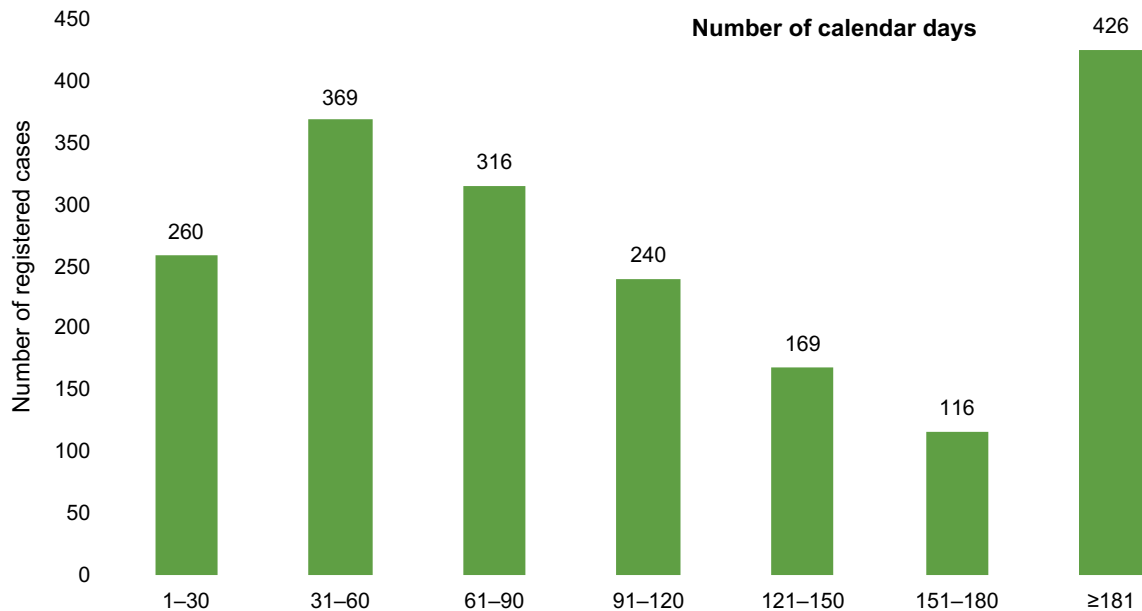


Figure 13. The period for submitting the EIA report following the conclusion of the public discussion on scope of the study, in 30-day increments.

The largest group consists of cases with a preparation period of 31 to 60 days – 369 cases. It is telling that the group with a preparation period of up to 30 days is significantly smaller (260 cases), indicating that preparing a report immediately after the first discussion is not standard practice - most likely, clients need at least a few weeks to take into account the comments received during the first discussion and to organize the collected data, which requires additional verification.

From the peak in the 31-60 day range, there is a sharp decline in the number of cases as the time from the end of public consultation on the scope of the study increases.

The group with a duration of ≥ 181 days accounts for a significant portion of the distribution – 426 cases, or 22% of the total. It is worth noting that its size is largely determined by the structure of the classification itself: while the previous intervals cover relatively narrow ranges (30 days each), the last group is “open-ended” and encompasses all proceedings that extend beyond the six-month period. Nevertheless, the very fact that such a proportion of cases is concentrated at the upper end of the distribution deserves attention – it illustrates the presence of two different patterns of client behavior: those who prepare the Report within a relatively short timeframe (mostly within 90 days), and those for whom the process stretches out over a much longer period.

To gain a deeper understanding of the identified pattern, it is useful to move from generalized ranges to a more detailed time scale – with one-week intervals. A detailed analysis of the first five weeks following the conclusion of the first public discussion (Fig. 14) allows for a clearer understanding of the typical behavior of economic entities during the initial stage of Report preparation. During the first week, only 15 clients submitted the Report – the lowest figure across the entire range examined, which further confirms the previous conclusion that immediate preparation of the documentation is atypical.

In total, 417 clients submitted reports within the first five weeks. In terms of the overall distribution (Fig. 14), this accounts for approximately 22% of all cases – meaning that the vast majority of clients require more than one month to prepare their reporting documentation.

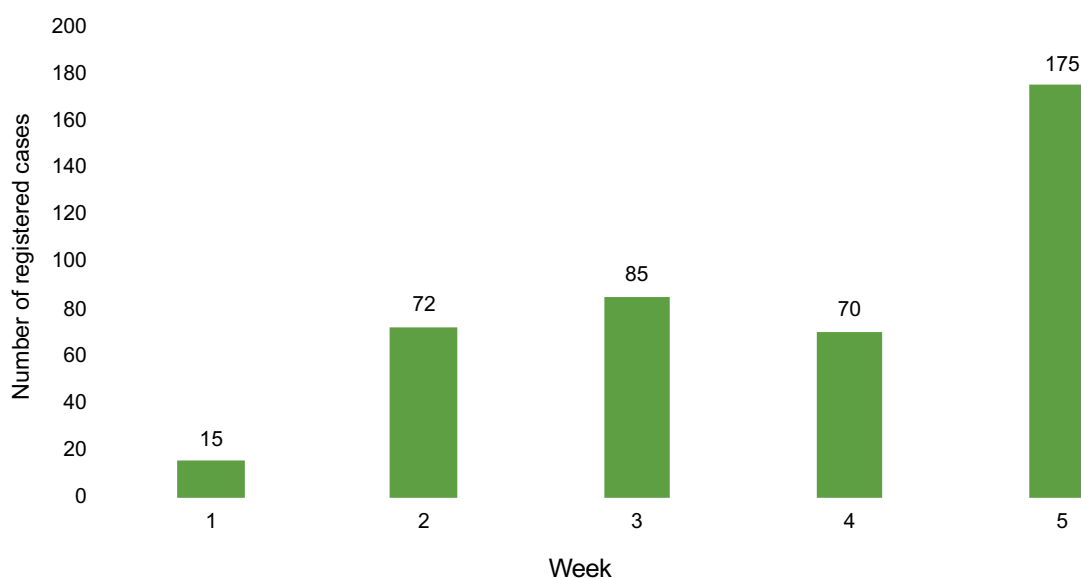


Figure 14. The period for submitting the EIA report within the first 5 weeks following the conclusion of the public discussion on the scope of the study.

Disclosure of other additional information

The EIA procedure allows a business to submit 'other additional information' - documents or materials that supplement the previously published EIA Report. This may include revised calculations, results of additional studies, explanations for specific sections of the Report, or written responses to inquiries from the public or the competent authority. The publication of such information in the Registry is a separate procedural action that is time-stamped and may influence decision-making – particularly when the submitted information contains significant clarifications requested by the public.

An analysis of the timing of the submission of other additional information is important for several reasons. First, public discussion of the EIA Report takes place within a timeframe clearly defined by law; therefore, every day that elapses between the publication of supplementary materials and the end of the discussion directly affects the public's actual ability to review and analyze the materials. Second, in accordance with the Aarhus Convention and the Law of Ukraine "On Environmental Impact Assessment", the public has the right not only to access information but also to a practical opportunity to submit comments and proposals in a substantial manner - and this is achievable only if the entire set of materials is published in a timely manner. Third, the deadlines for submitting additional information serve as an indirect indicator of a business's compliance with the procedure and the quality of the procedure administration by the authorized body. Finally, a temporal analysis allows for the identification of systemic practices that could potentially be used to limit public participation - even if, formally, all procedural steps have been carried out within the bounds of the law.

The distribution of cases by the deadline for submitting additional information following the publication of the EIA report shows clear asymmetry, with a peak in the later ranges (Fig. 15).

In total, the analysis covers 437 cases in which the submission of other supplementary information was recorded. The group of ≤ 0 days (20 cases) deserves special attention, as additional materials appeared in the Registry on the same day as the EIA Report – such cases may indicate specific registration procedures for certain documents or technical errors in the submission of materials by the business entity. In the range from 1 to 20 days, the distribution remains relatively even.

In half (55%) of the registration cases, other additional information is submitted only after the 20th day following the publication of the EIA report. In practice, this means that project applicants submit additional materials right before the public discussion on the report ends, or even after it has taken place. This practice significantly reduces the transparency of the procedure: the public is deprived of a real opportunity to review the full set of documents in a timely manner and, if necessary, formulate well-founded comments and proposals. In addition to substantially weakening public participation, the lack of regulation regarding the submission of other supplementary information creates a number of additional risks – corruption-related (linked to the uncontrolled addition of documentation at the end of the procedure), procedural and legal risks (the possibility of appealing adopted decisions if violations are detected), as well as economic risks – for the business entity itself, whose EIA conclusion may be revoked due to procedural deficiencies.

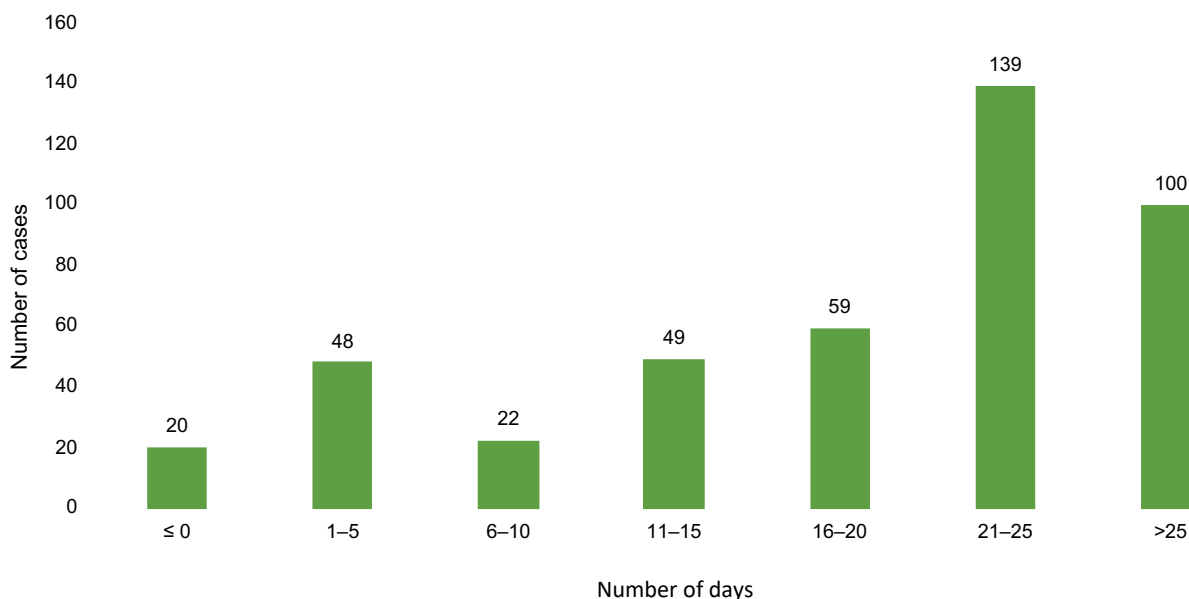


Figure 15. Submission period for other information following the publication of the EIA report.

Consultations with executive authorities and local government bodies

In accordance with the amendments made to the Law of Ukraine "On Environmental Impact Assessment" in 2023, authorized bodies were given the opportunity to utilize a consultation mechanism with executive authorities and local self-government bodies regarding environmental impact assessments and to take the results of such consultations into account when making decisions on the feasibility of carrying out planned activities. This mechanism was intended to ensure more thorough review of EIA materials by specialists from executive and local government bodies and the preparation of decisions based on these consultations, for which an analysis of its use was conducted.

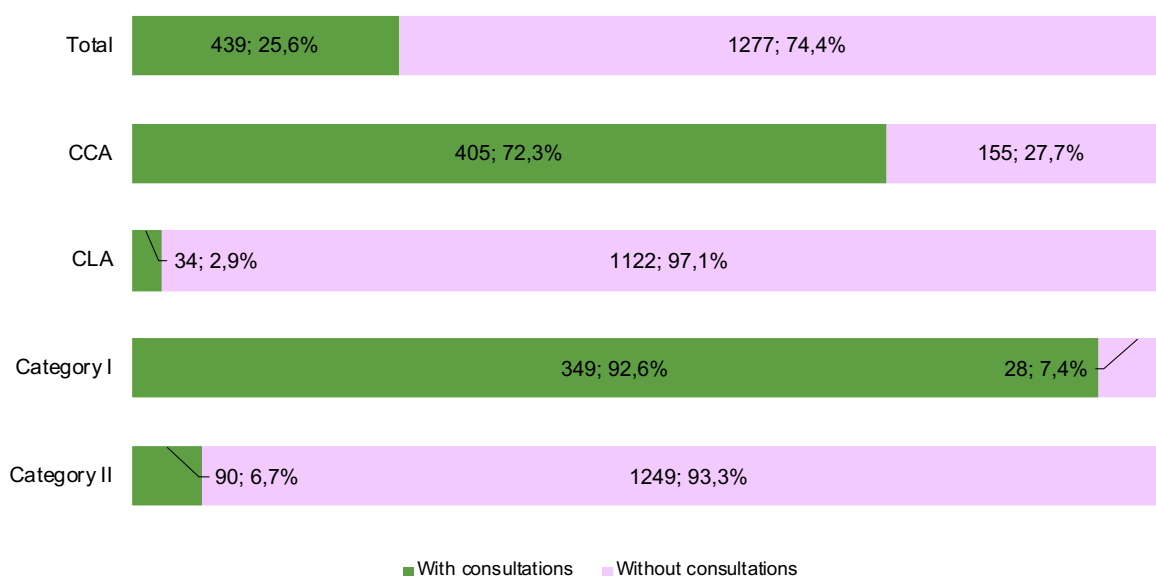


Figure 16. Distribution of registered cases broken down by consultations with competent authorities and category of planned activity

The distribution of registered cases in which proposals or comments from executive authorities and local self-government bodies were recorded as part of the consultation process reveals significant disparities depending on the authorized body and the category of planned activity (Fig. 16). The analysis covers only those cases for which, as of December 29, 2025, a decision had been published in the EIA Registry.

The results indicate that the introduced consultation mechanism is used selectively rather than systematically: comments or suggestions were received in only about a quarter of all the procedures reviewed (25.6%), while in most cases, they were absent. This points to the limited integration of the new tool into the practice of conducting EIA procedures.

The most telling indicator is the disparity between the two levels of competent authorities. In practice, consultations at the CLA level remain a rather rare occurrence, covering only about 3% of cases. In contrast, within the jurisdiction of the CCA, they have essentially become a standard part of the procedure, occurring in nearly three out of four cases. This asymmetry indicates that the practice of interagency cooperation within the EIA procedure is primarily taking shape at the central level, while regional authorities have not yet integrated this tool into their standard workflow, or comments and suggestions were not received within the specified timeframe.

A similar pattern emerges when examining the categories of planned activities: Category I cases are almost always accompanied by consultations, whereas in the Category II segment, this tool is virtually never used. Although this pattern logically follows from the division of powers among agencies, the near-total absence of comments or suggestions in Category II raises the question of whether a significant number of cases are being overlooked – cases where this tool could also improve the quality of decisions.

3.4. DECISIONS ADOPTED WITHIN THE EIA PROCEDURE FRAMEWORK

Adopted decisions

Under the Law, the EIA procedure concludes with one of two possible outcomes: the issuance of an EIA conclusion determining whether the planned activity is permissible or impermissible (Art. 9); or a refusal to issue an EIA conclusion (Art. 9¹). It is precisely in the interplay of these outcomes that the regulatory complexity of the procedure and its potential sensitivity to the specifics of various types of planned activities are reflected.

Overall, for Category I cases, the average rejection rate is **24%** (91 rejections out of 377 decisions). At the same time, the rate varies significantly within the category – ranging from zero rejections to more than one-third of cases – which indicates a qualitative inconsistency in the approaches used to evaluate different types of facilities.

The highest rejection rate was recorded among the following planned activities:

- waste management \geq 100 t/day, including hazardous waste -36%;
- intensive poultry and pig rearing - 32%;
- chemical and pharmaceutical production - 27%;
- mining \geq 25 ha - 24%.

The category "dams and reservoirs" stands out with a formal failure rate of 50%, as does a group of activities in which no failures have been recorded at all - airports; highways, railways, and ports; oil and gas refineries; operations involving nuclear fuel and radioactive waste.

At the same time, all these segments are represented in the Registry by isolated cases, which does not allow for statistically sound conclusions to be drawn from them: both high and zero rates in this case should be viewed more as partial indicators rather than as reflections of consistent patterns.

CATEGORY I					
Type of planned activity	Total decisions	Without a decision	EIA conclusion	Rejections	Rejection %
8. Waste management ≥ 100 t/day, including hazardous	100	67	64	36	36%
21. Clear, selective, and sanitary cutting (>1 ha)	90	33	78	12	13%
15. Extraction of minerals >25 ha	58	36	44	14	24%
19. Intensive poultry and swine farming	41	52	28	13	32%
6. Chemical and pharmaceutical industries	37	14	27	10	27%
2. TPPs, Cogeneration plants ≥ 50 MW and nuclear facilities	14	9	12	2	14%
22. Expansion/reconstruction of facilities in 1–21	11	9	10	1	9%
7. Airports, roads, railways, and ports	9	2	9	0	0%
4. Ferrous and non-ferrous metallurgy	7	2	5	2	29%
1. Oil and gas treatment facilities	4	2	4	0	0%
3. Nuclear fuel and waste	2	0	2	0	0%
11. Dams and reservoirs (>10 mil m^3)	2	0	1	1	50%
14. Cellulose, paper, and cardboard (≥ 200 t/day)	1	0	1	0	0%
20. Overhead powerlines (≥ 220 kV, >15 km)	1	1	1	0	0%
9. Groundwater intake (≥ 10 mil m^3 /year)	0	1	0	0	-
18. Wastewater treatment (≥ 150 thous. people)	0	2	0	0	-
Total	377	230	286	91	24%

CATEGORY II					
Type of planned activity	Total decisions	Without a decision	EIA conclusion	Rejections	Rejection %
4. Energy industry	461	220	409	52	11%
3. Mining industry	209	109	184	25	12%
10. Infrastructure projects	170	57	146	24	14%
11. Other types of activity	159	103	131	28	18%
2. Agriculture, forestry, and water management	96	69	77	19	20%
1. Deep drilling	63	20	62	1	2%
14. Expansion and renovation	55	34	45	10	18%
8. Food industries	42	27	38	4	10%
13. Water use related businesses	25	10	24	1	4%
7. Chemical industry	22	13	18	4	18%
12. Tourism and recreation	11	13	11	0	0%
6. Processing of minerals	10	3	10	0	0%
5. Metal production and processing	9	3	9	0	0%
9. Textile, leather, woodwork, and paper industries	7	6	7	0	0%
Total	1339	687	1171	168	13%

Table 5. Adopted decisions by type of planned activity (Category I and Category II)

An analysis of the results of the EIA procedure within Category II reveals a fundamentally different picture – both in terms of the overall rejection rate and the internal structure of indicators across different types of planned activities. Overall, within Category II, the average rejection rate is 13% (168 rejections out of 1,339 decisions made) - that is nearly half that of Category I. This, in turn, reflects both the specific nature of the projects in this category (which are generally less complex and smaller in scale) and the practices of the competent local authorities that review most of such cases.

The highest rejection rate among Category II cases was recorded among the following planned activities:

- agriculture, forestry, and water management - 20%;
- other activities - 18%;
- expansion and alteration of existing facilities - 18%;
- chemical industries - 18%;
- infrastructure projects - 14%.

It is noteworthy that even the highest values in Category II (around 20%) do not reach the average level of Category I (24%), let alone that of individual sectors leading in failure rates.

A moderate rejection rate was recorded in the largest segments of Category II by volume – the mining (12%) and energy (11%) industries. This may indicate both a well-established practice of preparing project documentation in the relevant sectors and well-established interaction between clients and authorized bodies, which ultimately results in a lower rate of procedural deviations.

The lowest rejection rate, or their total absence, was recorded among the following planned activities:

- deep drilling - 2%;
- water use related activities - 4%;
- food industry - 10%;
- tourism and recreation, mineral processing, metal production and processing, and enterprises in the textile, leather, woodworking, and paper industries - 0%.

At the same time, the same caveat applies to the last group (with a zero rejection rate) as to Category I: all of the listed segments are represented in the Registry by isolated cases, so the resulting “zero” rate is not statistically significant and does not provide grounds for generalized conclusions; a larger sample is needed to draw such conclusions.

It is interesting to note the geographical distribution of Category II cases reviewed by the CLA, the lowest percentage of published denials is recorded in:

- Lviv CLA (1% of 138 decisions; 97% cases under review);
- Ternopil CLA (2% of 41 decisions; 91% cases under review);
- Zakarpattia CLA (3% of 60 decisions; 84% cases under review);
- Zhytomyr CLA (5% of 66 decisions; 97% cases under review);
- Vinnytsia CLA (5% of 74 decisions; 95% cases under review);
- Chernihiv CLA (5% of 42 decisions; 92% cases under review).

The highest rate of published rejections is recorded in:

- Khmelnytskyi CLA (38% of 48 decisions; 91% cases under review);
- Cherkasy CLA (38% of 47 decisions; 88% cases under review);
- Kirovohrad CLA (34% of 32 decisions; 82% cases under review);
- Volyn CLA (33% of 48 decisions; 97% cases under review);
- Sumy CLA (29% of 35 decisions; 82% cases under review).

In summary, while Category I is characterized by a ‘high’ average rejection rate and significant variation among its segments, Category II generally exhibits a lower level of regulatory ‘strictness’ with a relatively flat distribution of values within the category. At the same time, it is worth noting the significant number of Category II cases that are currently in the “no published decision” status as of December 29, 2025 (687 cases, or about 51% of those registered in this category); this figure indicates a significant number of uncompleted procedures at the time of analysis and could potentially affect the final distribution of results in retrospect.

Reasons for rejection

The EIA registry contains a separate field in which the grounds for refusing to issue an EIA report are recorded; we have used this field for analysis in this document. Pursuant to Part 1 of Article 9¹ of the Law of Ukraine "On Environmental Impact Assessment", six such grounds are provided for, each of which has a clearly defined legal meaning:

- grounds under the legislation governing the licensing system (Article 4¹ of the Law of Ukraine 'On the Licensing System in the Sphere of Economic Activity')—specifically, an incomplete set of documents; inaccurate information in the submitted materials, in cases where the applicant has not corrected the relevant deficiencies within the established time limit; a negative conclusion based on the results of expert examinations and surveys or other scientific and technical assessments;
- failure to comply with the requirements for publishing a notice of planned activities, as set forth in Article 4(3) of the Law;
- non-compliance of the submitted documents with the requirements of environmental and other legislation, if such requirements pertain to environmental impact;
- violation of the requirements regarding the publication of a notice announcing the start of public discussion of the EIA Report and/or regarding the posting of and ensuring access to the EIA Report and accompanying documentation (Parts 3 and 5 of Article 4 of the Law);
- declaring public hearings null and void due to the client's failure to appear or violation of the Procedure for Conducting Public Hearings;
- failure to comply with the requirements regarding the consideration of public comments and suggestions submitted during the public discussion of the scope of the study (Article 5, Section 10 of the Law).

It should be noted separately that, under the amendments made to the Law in 2023, business owners have the right to address the issues that led to the rejection and resubmit the EIA Report (Article 9¹(2)). The analysis identified 31 instances where a positive EIA conclusion was received following such re-publication of the Report.

The breakdown of rejections by specific grounds reveals a clear concentration in several regulatory categories. Most rejections – 171 cases, or 66% of the total (259 cases) – were based on grounds specified in the Law of Ukraine "On the Licensing System in the Field of Economic Activity" (Art. 9¹(1)(1)). This distribution indicates that the authorized bodies most often deny applications not for environmental reasons, but for formal legal reasons – primarily due to an incomplete set of documents or deficiencies in the submitted materials.

The second most common ground is non-compliance of the submitted documents with environmental and other legislation (Article 9¹(1)(3))—58 cases, or 23%. Unlike the previous ground, this one is substantive in nature and points to qualitative deficiencies in the EIA documentation itself.

In third place are violations of the requirements regarding the publication of a notice of planned activities (Article 9¹(1)(2)): 21 cases, or 8%. Together, these three grounds account for 97% of all rejections issued during the observation period.

The remaining grounds specified by law are of an isolated nature.

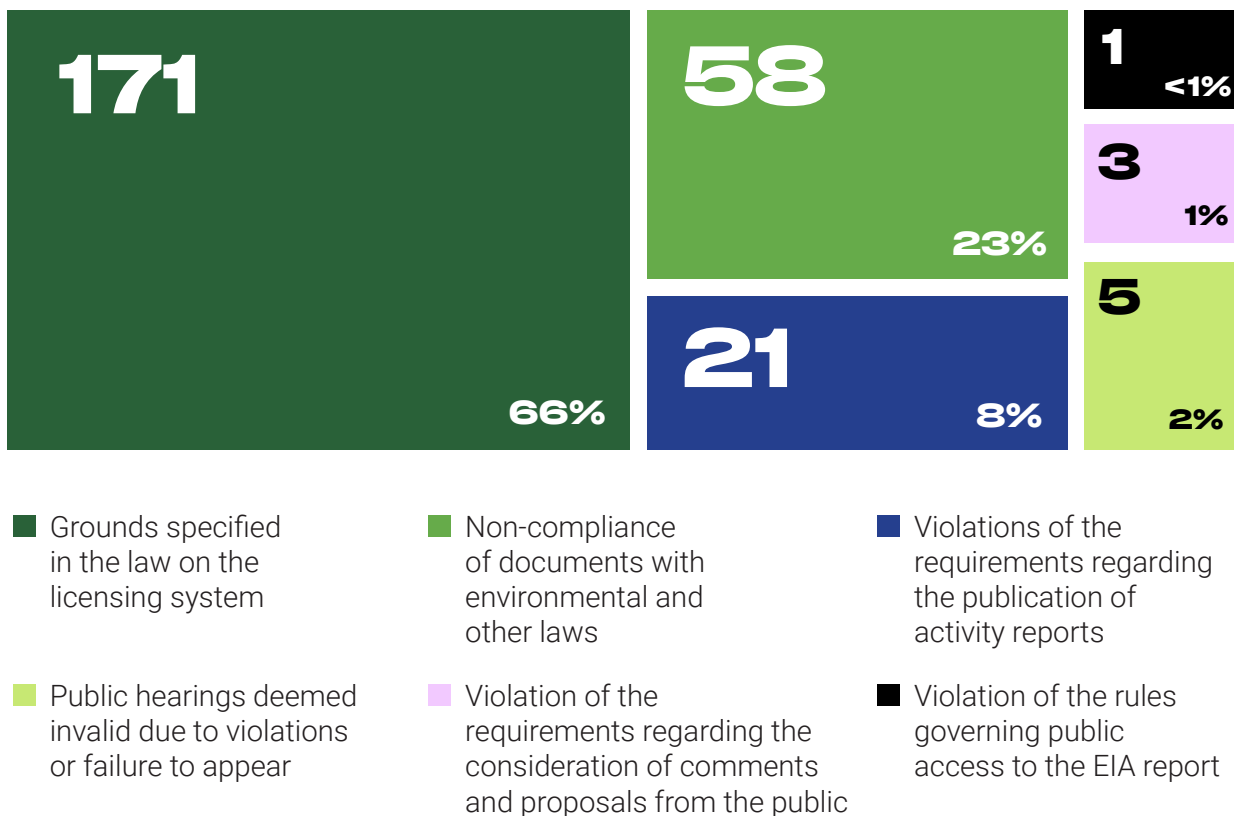


Figure 17. Distribution of reasons for rejection to issue an EIA conclusion.

The overall picture suggests that the system for rejecting applications in Ukraine focuses primarily on formal and procedural violations, whereas the substantive quality of the environmental assessment – such as the comprehensiveness of the study and the soundness of the conclusions – rarely serves as an independent basis for rejection.



CHAPTER 4.

CHALLENGES IN THE FIELD OF ENVIRONMENTAL IMPACT ASSESSMENT IN UKRAINE AND RECOMMENDATIONS



Despite the existence of basic legislative provisions governing the EIA procedure in Ukraine, several fundamental shortcomings in the current regulatory framework and logistical support create systemic obstacles to the effective implementation of this procedure. In the context of large-scale post-war reconstruction, these shortcomings are likely to intensify, posing risks both to the environment and to the sustainable development of regions.

The key challenges remain in the low quality of EIA reports, due to a perfunctory approach by business entities, as well as the limited institutional capacity of the competent authorities.

The analysis of open data from the EIA Registry conducted in Chapter 3 empirically confirms these trends. Thus, among the 2,633 registered cases analyzed, the rate of rejections in issuing EIA conclusions stands at 15%, and **the vast majority of such rejections (66%) are based purely on formal legal grounds** under the legislation governing the permitting system – incomplete documentation and inaccurate information – rather than substantive environmental considerations. This indicates that a significant portion of EIA reports do not meet the basic requirements for the structure and completeness of the documentation – and the issue of quality arises at the initial stage of review. The situation is exacerbated by a lack of proper monitoring and a shortage of open environmental data, which turns the EIA procedure into a mere formality in the decision-making process.

The mechanism for consulting with executive and local government bodies, introduced in 2023, despite its potential usefulness, **is observed in practice in only 25.6% of cases**. Particularly striking is the disparity between the levels of competent authorities: while the CCA conducts consultations in 72.3% of cases, the CLA does so in only 2.9%. This confirms the thesis regarding the limited institutional capacity of local authorities and indicates the lack of established practices for interagency cooperation at the regional level.

These challenges have been identified not only through an analysis of the Registry's data but also based on numerous public appeals to government authorities, lawsuits filed when public opinion is not considered in decision-making, and expert opinions on improving the EIA system. Despite amendments to the Law of Ukraine "On Environmental Impact Assessment", key problems remain unresolved. In particular, the public highlights restrictions on citizens' rights to participate in EIA processes, the shortening of public consultation periods, and the lack of an effective post-project monitoring mechanism. The real threat posed by this situation is evidenced by a case taken up by the Aarhus Convention Compliance Committee following a submission by NGO "Ecoclub" (ACCC/C/2022/191 Ukraine²²).

Subsequently, gaps in the EIA procedure lead to protracted legal proceedings, as in the cases involving LLC 'Kronospan', LLC 'Color S.I.M.', LLC 'WEST-INVEST ENERGY', and others. The public is forced to spend years defending its right to a safe environment, while companies obtain permits without proper consideration of the environmental consequences.

The Ukrainian government and the merged MEEAU view the EIA process as overly prescriptive and an obstacle to economic development.

²² ACCC/C/2022/191 Ukraine. URL: https://unece.org/env/pp/cc/accc.c.2022.191_ukraine?_cf_chl_rt_tk=qSe0V6wiAnOr88KO6oV8DKRgIjKsbWV42EZQP2jILMz4-1766241179-1.0.1.1-K557MdMI7D549idTWbmwCcE6rLXYTUICelrUi3iv_Pw

This conclusion is based on two factors: ongoing attempts to amend the EIA Law in a way that narrows the scope of the procedure for certain types of activities, and the submission of a draft law on simplifying the environmental impact assessment process, as provided for in the Government's Priority Action Plan for 2025²³, which is currently not publicly available for review; however, on December 31, 2025, in an interview, Oleksii Sobolev (MEEAU) commented on possible amendments to the Law:

“We understand the importance of EIA as an environmental tool and are guided by the implementation of the European Commission’s recommendations, particularly regarding the prevention of deviations from the rules. At the same time, the full-scale war has caused massive destruction of infrastructure and business facilities, so the government needs to make quick and effective decisions. That is why, on November 3, at a meeting of the Ukraine – EU Subcommittee, the MEEAU proposed to the European Commission the idea of a streamlined EIA procedure – as a mechanism for individual decisions regarding critical infrastructure facilities and projects of strategic importance to the state’s economy and security. Such a mechanism must be based on the principles of preventing significant harm to the environment, public participation, and full transparency in decision-making. We are currently finalizing the concept and will submit it to the European Commission for consultation. Following the consultations, the MEEAU will prepare amendments to the EIA legislation—so that they simultaneously prevent environmental harm and do not become a regulatory barrier for bona fide businesses²⁴.”

”

In light of the MEEAU’s plans to introduce amendments to the Law, we have prepared an overview of the main issues with the EIA procedure and recommendations regarding possible changes.

4.1. ISSUE 1. LACK OF LEGISLATIVE REGULATION REGARDING THE DISCLOSURE OF ADDITIONAL INFORMATION PROVIDED BY A BUSINESS ENTITY

The legal framework governing the environmental impact assessment procedure does not specify the order, deadlines, or procedural consequences of a business entity submitting additional information after the publication of the environmental impact assessment report. Part 3 of Article 6 of the Law of Ukraine "On Environmental Impact Assessment" and Paragraph 9 of the Procedure, approved by Resolution of the Cabinet of Ministers of Ukraine № 1026 dated December 13, 2017, grant a business entity the right to submit other additional information necessary for the review of the EIA report.

Currently, in accordance with existing practice, a business entity submits additional information during the public discussion of the EIA report. This practice undermines the effectiveness of public discussion and violates the transparency of the environmental impact assessment, as additional information may be disclosed on the last day of the public discussion or within a timeframe that makes it impossible to review the materials in a timely manner and respond to them effectively.

²³ Resolution of the Cabinet of Ministers of Ukraine "On the Approval of the Government’s Priority Action Plan for 2025" dated 10 September 2025, No. 1003-r. URL: <https://zakon.rada.gov.ua/laws/show/1003-2025-%D1%80#Text>

²⁴ Interfax Ukraine. Investors will not come to dirty and outdated production facilities, but due to the war, we are asking the European Commission for transitional measures and periods – the Minister for the Economy. URL: <https://interfax.com.ua/news/interview/1132760-amp.html>

This approach also creates additional corruption risks, as a business entity may eliminate potential grounds for the EIA conclusion to deem the planned activity inadmissible or to refuse to issue an EIA conclusion after the public has submitted comments or proposals on the EIA report.

The need to address this issue is confirmed by a statistical analysis of the period during which additional information was submitted (for more details, see Chapter 3, Fig. 14). According to the analysis, additional information to the EIA report was submitted in 437 cases, of which in 100 cases (23%) - after the end of the public discussion, and in 139 cases (32%) - during the period from the 21st to the 25th working day of the public discussion. This makes it completely or partially impossible for the public to review the materials and submit comments and proposals.

Examples include:

- Case № 9748²⁵, regarding which NGO "Ecoclub" submitted comments/proposals on July 15, 2025 (the 23rd working day of the public consultation), however, on July 17, 2025 (the 25th working day of the public consultation), additional information was made public;
- Case № 8343²⁶, to which NGO "Ecoclub" submitted comments/proposals on January 22, 2026 (the 24th working day of the public consultation), but additional information was published on January 23, 2026 (the 25th working day of the public consultation).

Considering the above, the issue of compliance with the principle of transparency when submitting supplementary information to the EIA report is systemic in nature and deprives the public of the opportunity to review the materials in a timely manner and submit comments and suggestions.



RECOMMENDATIONS

Option 1: Extend the public consultation period for the EIA report by the length of time that has elapsed since the business entity submitted additional information to the e-EIA system;

Option 2: Limit the submission of additional information to a period no later than 10 business days into the public consultation period for the EIA report.

4.2. ISSUE 2. THE LACK OF A DEFINITION OF THE TERM "JUSTIFIABLE ALTERNATIVE" IN THE LAW

In accordance with Article 6(2) of the Law, the EIA report must include a description of justifiable alternatives (for example, of a geographical and/or technological nature) to the planned activity. At the same time, the Law does not contain a definition of the term "justifiable alternative" and does not establish criteria by which an alternative may be considered subject to genuine consideration within the EIA procedure and deemed "justifiable." This ambiguity allows a business entity to formally comply with the Law's requirements by proposing alternatives that are knowingly unacceptable or unrealistic and cannot be implemented for technical, legal, or economic reasons.

²⁵ Environmental Impact Assessment Register (file registration No. 9748)

²⁶ Environmental Impact Assessment Register (file registration No. 8343)

In addition, the lack of a definition of the term "justifiable alternative" within the meaning of the Law creates additional conflicts with the public and opens the door to manipulation of information by all interested parties, which creates corruption risks and undermines the EIA procedure in certain cases where the use of an alternative option would be more appropriate given its environmental impact. This issue is evidenced in practice by the EIA procedure for the construction of the wind farm complex, registration № 9748.

The territorial alternative in the registration case is not being considered due to the wind potential, technical feasibility of grid connection, and availability of power grids, as well as the possibility of leasing or acquiring land.

Technical alternative 2 involves the construction of solar power plants (SPPs); however, according to the EIA report:

“ ...due to the lack of available land plots with an area of approximately 150 hectares suitable for the installation of SPP generation equipment of the specified capacity, this technical alternative has been deemed unfeasible.”

In light of the aforementioned, it can be concluded that the business entity has not, in fact, provided any valid alternatives. A separate issue is the limited consideration of geographical alternatives, due to the fact that, prior to the commencement of the EIA procedure for new facilities (for example, the case of the construction of a woodworking plant by LLC "Kronospan"), the business entity obtains land use documents, which subsequently automatically precludes the consideration of a justifiable geographical alternative.



RECOMMENDATIONS

- 1) Add a definition of the term "justifiable alternative" to Part 1 of Article 1 of the Law, supplementing it with a definition of the term "justifiable alternative" as an alternative option to the planned activity that is technically feasible, economically viable, and can ensure that the environmental impact does not exceed that of the primary option.
- 2) Establish a practice of refusing to issue an EIA report in the absence of a "justifiable alternative".

4.3. ISSUE 3. EXEMPTIONS AND EXCEPTIONS TO THE EIA PROCEDURE FOR CERTAIN TYPES OF PLANNED ACTIVITIES AND FACILITIES THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT AND ARE SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT

With the onset of the full-scale invasion in 2022, the country faced the need for a rapid response and the restoration of civilian infrastructure and life-support facilities that had been completely or partially destroyed because of the aggressor's bombing. Accordingly, amendments were made to Resolution № 1010 of the Cabinet of Ministers of Ukraine dated December 13, 2017, and a Concept Note was developed defining the scope of exemptions from the rules for environmental impact assessment (EIA) and strategic environmental assessment (SEA).

In addition to the necessary steps outlined above, business stakeholders are systematically attempting to introduce new exemptions and exceptions to the EIA requirements for specific sectors of economic activity through legislative initiatives. Such bills include:

- Draft Law № 13227-1 from May 12, 2025²⁷, on the timber market; the Committee issued a conclusion rejecting the draft;
- Draft Law № 13227-д from September 10, 2025²⁸, on the timber market, which provides for restrictions and exemptions for the forestry sector;
- Draft Law № 14271 from December 03, 2025²⁹, on amendments to certain Laws of Ukraine regarding the implementation of European Union Legislation in the field of renewable energy sources; the amendments that provided for concessions for wind farms and EIAs were removed;
- Draft Law № 12117 from October 14, 2024³⁰, on amendments to certain legislative acts of Ukraine concerning the improvement of the functioning of industrial parks, allows for exemptions from EIA for wind farms;
- Draft Law on amendments to certain legislative acts of Ukraine on improvement of sections on agriculture and business in the energy sector³¹, provides for cancellation of the EIA for wind farms;

On November 4, 2025, the European Commission published a Progress Report on Ukraine as part of the 2025 European Union Enlargement Package³², which contains key recommendations for Ukraine's further progress toward European integration. The document emphasizes partial alignment with the EU acquis³³ and the need for further efforts to ensure the full application of the EIA to all relevant projects, including restoration measures; and to avoid introducing general exemptions and excluding entire categories of projects from assessment, particularly in the forestry and agriculture sectors.

Existing loopholes, simplifications, and systematic attempts to legitimize them threaten the effectiveness of the EIA and undermine the European integration process.



RECOMMENDATION

In accordance with Article 3 of the Law, conducting an environmental impact assessment is mandatory in the decision-making process regarding the implementation of planned activities for two categories of planned activities and facilities that may have a significant impact on the environment and are subject to an environmental impact assessment.

The decision regarding the necessity of an EIA is made by the business entity based on the criteria and threshold values specified by the Law.

²⁷ Draft Law "On the Timber Market" № 13227-1 from 12.05.2025. URL: <https://itd.rada.gov.ua/billinfo/Bills/Card/56394>

²⁸ Draft Law "On the Timber Market" № 13227-д from 12.05.2025. URL: <https://itd.rada.gov.ua/billinfo/Bills/Card/57273>

²⁹ Draft Law "On Amendments to Certain Laws of Ukraine Concerning the Implementation of European Union Legislation in the Field of Renewable Energy Sources". URL: <https://mev.gov.ua/rehulyatornyy-akt/povidomlennya-pro-oprylyudnennya-proyektu-zakonu-ukrayiny-pro-vnesennya-zmin-do-9>

³⁰ Draft Law "On Amendments to Certain Legislative Acts of Ukraine Regarding the Improvement of the Functioning of Industrial Parks" № 12117 from 14.10.2025. URL: <https://itd.rada.gov.ua/billinfo/Bills/Card/45012>

³¹ Draft Law "On Amendments to Certain Legislative Acts of Ukraine Regarding the Improvement of Specific Provisions Relating to the Conduct of Business Activities in the Energy Sector". URL: <https://mev.gov.ua/rehulyatornyy-akt/povidomlennya-pro-oprylyudnennya-proyektu-zakonu-ukrayiny-pro-vnesennya-zmin-10>

³² European Commission, Ukraine Report 2025. URL: https://enlargement.ec.europa.eu/ukraine-report-2025_en

³³ Acquis communautaire is the body of rights and obligations of the European Union which are binding on all Member States and which must be fully adopted by a candidate country upon accession to the EU.

However, in accordance with Article 4 of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, projects listed in Annex II to the Directive may be subject to an environmental impact assessment based on a case-by-case analysis or a combination of approaches.

In light of the above, in order to deregulate and avoid further deviations from or simplifications of the EIA and taking into account the European Commission's recommendations for the full implementation of the EIA, **it is recommended to consider the possibility of adopting a combined screening model.**

Individual screening may be used for types of planned activities and facilities that may have a significant impact on the environment and are subject to an environmental impact assessment and fall exclusively within Category II under the Law and meet the selection criteria set out in Annex III to Directive 2011/92/EU. The first category should include a list of activities that are subject to the procedure as a matter of course, as provided for by the current Law.

The following planned activities should be exempted from individual screening:

- are subject to a transboundary environmental impact assessment;
- will be financed through foreign loans backed by government guarantees;
- may have an impact on the environment of two or more regions (including the Autonomous Republic of Crimea) or are commissioned by a regional, Kyiv, or Sevastopol city state administration;
- relates to the exclusion zone or the zone of compulsory resettlement of territory contaminated by radiation as a result of the Chornobyl disaster, and/or for which a decision on approval is made by the Cabinet of Ministers of Ukraine;
- if it involves two or more types of planned activities and facilities that may have a significant impact on the environment, regardless of the number of EIA procedures, or in cases of 'salami slicing,' when the planned activity is divided into separate types (for example, activities involving a change in the designated use of agricultural land and the construction of a wind farm with two or more turbines or a height of 50 meters or more are subject to exclusion);
- the implementation of which is planned within the territories (sites) of the Protected Natural Areas Fund, the Emerald Network (hereinafter "Natura 2000"), and wetlands of international importance;
- a regulatory sanitary protection zone for which no regulations have been established by current laws and regulations;
- regulatory sanitary protection zones³⁴ that extend within the territories of the Natural Conservation Fund, the Emerald Network, or Natura 2000 sites, and wetlands of international importance;
- a regulatory sanitary protection zone that does not comply with requirements and needs to be reduced.

³⁴ Regulatory sanitary protection zone – the size of the sanitary protection zone (hereinafter referred to as the SPZ) for a class or type of activity carried out by an industrial enterprise (facility / industrial site) that is a source of environmental pollution, as established in accordance with health and safety legislation (DSP 173-96) and other regulatory documents.

When using a combined approach to screening, planned activities of Category II and facilities that may have a significant impact on the environment and are subject to an environmental impact assessment can be divided into two subcategories:

1. a list requiring **mandatory EIA**;
2. a list requiring **individual screening**.

We suggest considering the following options for conducting individual screening:

Option 1. Competent Central Authority. Selecting the CCA as the responsible authority offers the advantage of a qualified workforce; the practice of conducting individual screening will be consistent and uniform, and changes to the individual screening procedures can be implemented more quickly. This option also reduces the pressure on decision-making from local political and business interests. The disadvantages of this option include insufficient staffing (the staff consists of 8 employees: 4 in the Environmental Impact Assessment Department and 4 in the Post-Project Monitoring and Public Participation Department), which will require a significant expansion of staff and the concentration of authority for conducting individual screening and environmental impact assessments at the national level and in a transboundary context within a single body.

Option 2. Competent local authorities. This option entails varying workloads for agencies and varying levels of staff qualifications, depending on the location of the territories; additionally, ensuring the implementation of individual screening will require an expansion of the workforce, though the workload will be distributed across all agencies, which significantly reduces it (see Section 3, Table 3 for details). Among the risks, one should consider the fragmentation of the approach to conducting individual screening and its coordination. It may be possible to better tailor certain planned activities to the “on-the-ground” situation, but the pressure to make decisions that take into account the interests of local business and politics is increasing.

Option 3. Special Screening Commission. This option entails assigning the responsibility for conducting individual screening to the CCA, as the body with the highest level of institutional and administrative capacity, which is required to establish a special screening commission. The composition of the special screening commission consists of representatives from the CCA, CLA, and local self-government bodies (LGBs), which, given their nature and scale, may be significantly affected by the implementation of the planned activities. Decisions are made by consensus – in the absence of objections among those authorized to make them. The involvement of local authorities is necessary to account for the actual situation on the ground, clearly allocate responsibilities among agencies, and minimize corruption risks.

In our opinion, individual screening should consist of at least three stages and be conducted exclusively through an electronic registry that records the dates on which documents are made public (for Option 3, a recording of the video conference):

- **Stage 1.** Submission of a Statement of intent and a screening report.
- **Stage 2.** Public consultation.
- **Stage 3.** Adoption and publication of a decision based on the screening.

A detailed overview of all stages is provided in Annex 1 to this document.

Advantages of individual screening:

- + complies with the requirements and principles of EU law (as set forth in Directive 2011/92/EU);
- + streamlining of the EIA procedure;
- + the list of planned activities and facilities that may have a significant impact on the environment and are subject to individual screening may be amended in accordance with the needs of the state (including during the reconstruction period), without additional unjustified deviations;
- + provides for public participation in discussions regarding the necessity or lack thereof for an EIA;
- + reducing the workload on the competent authorities and businesses by reducing the number of procedures subject to EIA.

Disadvantages of individual screening:

- × risk of corruption;
- × increase of the workload on competent local authorities due to the need to conduct case-by-case screening;
- × "fragmented" planned activities may evade EIA;
- × there may be varying approaches to the implementation of case-by-case screening.

4.4. ISSUE 4. LACK OF EASILY ACCESSIBLE MATERIALS ON POST-PROJECT MONITORING

Pursuant to Article 13 of the Law, a business entity is required to ensure that post-project monitoring is conducted if so stipulated in the environmental impact assessment conclusion. In accordance with the established practice of the competent authorities, environmental conditions regarding post-project monitoring are included in every EIA conclusion regarding the permissibility of carrying out the planned activity.

At the same time, current legislation does not require the mandatory publication of post-project monitoring results, meaning that the relevant materials are not publicly available. Currently, post-project monitoring materials can only be obtained by submitting requests for access to public information. This mechanism creates additional administrative barriers for the public and does not comply with the principle of transparency regarding environmental information.

The lack of open access to post-project monitoring data:

- makes it impossible to effectively monitor, through public oversight, whether the business entity is adhering to the expected levels of environmental impact;
- prevents an assessment of the actual effectiveness of measures to prevent and reduce environmental pollution;
- complicates the verification of compliance with the environmental conditions specified in the EIA conclusion.

**RECOMMENDATION**

Given that post-project monitoring is an integral part of environmental impact assessment, it is necessary to amend Article 13 of the Law and require the mandatory publication of post-project monitoring materials in the Unified State Register of Environmental Impact Assessments.

4.5. LIMITED ACCESS TO THE UNIFIED STATE REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENTS

With the start of the full-scale invasion in 2022, restrictions were imposed on access to the Unified State Register of Environmental Impact Assessments for security and data protection purposes (specifically, regarding the locations of facilities).

In 2024, a new e-EIA Registry was launched, which provides access to EIA materials subject to prior registration and subsequent authorization using a qualified electronic signature. This approach significantly restricts access to environmental information for individuals who do not have an electronic key and therefore does not ensure adequate and effective public information in accordance with the Law of Ukraine "On Environmental Impact Assessment".



RECOMMENDATION

In accordance with Part 8 of Article 4 of the Law, a business entity may submit documentation regarding planned activities or an environmental impact assessment report, taking into account the confidentiality of the information, together with a substantiated statement. Such information is separated, and the remaining information is made available to the public. Under the Law, information concerning environmental impact, including quantitative and qualitative indicators of emissions and discharges, physical and biological impact factors, natural resource use, and waste management, is public and access to it may not be restricted.

In light of the aforementioned:

- 1) information that poses a security threat or requires protection may be restricted by designating it as confidential in accordance with the requirements of the Law, while ensuring the transparency of all other information regarding the environmental impact of the planned activity.
- 2) considering the provisions of Part 8 of Article 4 of the Law of Ukraine "On Environmental Impact Assessment", it is advisable to ensure general open access to the materials of the e-EIA Registry without mandatory registration and periodic authorization using a qualified electronic signature.

4.6. ISSUE 6. THE LACK OF JUSTIFICATION FOR THE ENVIRONMENTAL CONDITIONS SET FORTH IN THE EIA CONCLUSION REGARDING ADMISSIBILITY

Pursuant to Article 9 of the Law, the competent authority issues an environmental impact assessment report, determines whether the planned activity is permissible or justifies its impermissibility, and establishes the environmental conditions for its implementation. Given the practice of applying environmental conditions during preparatory and construction work and during the operational phase, they generally reflect restrictions already established by law and do not address the specifics of each individual planned activity undergoing the EIA procedure.

In addition, there are situations where environmental conditions are established in such a way that:

- formally justifies the permissibility of carrying out the planned activity, provided that the environmental conditions are met;
- makes it difficult for regulatory authorities to inspect the site of the planned activity;
- makes the implementation of the planned activity so difficult that it is impossible to carry out or impractical given the financial and/or technical conditions.

EIA conclusions that include such environmental conditions are, by definition, "disguised refusals/approvals", which create corruption risks, undermine public and business confidence in the EIA process, and reduce the ability of regulatory authorities to objectively verify compliance with the environmental conditions set forth in the EIA conclusion. Changing the approach to setting environmental conditions will improve transparency and trust in environmental conditions as an effective tool for preventing environmental harm.



RECOMMENDATION

- 1) while maintaining the discretionary nature of setting environmental conditions as a key element of the EIA conclusion, it is advisable to change the approach to their formulation by establishing environmental conditions solely based on the specifics of the particular planned activity and the nature and scale of the environmental impact assessed in the EIA report;
- 2) amend Article 9 of the Law of Ukraine "On Environmental Impact Assessment" to require the competent authority to provide a reasoned justification for each environmental condition included in the EIA conclusion

4.7. ISSUE 7. LOW INSTITUTIONAL CAPACITY

Environmental impact assessments are often accompanied by a formulaic approach, which manifests itself in poor-quality analysis of reports, a lack of adequate response to critical comments from the public, and the issuance of EIA conclusions approving projects even when they pose potentially serious environmental risks. The authorized staffing level of territorial bodies, with an average of three specialists responsible for the EIA procedure, is three people. At the same time, in addition to their EIA duties, these employees are responsible for implementing the strategic environmental assessment procedure, as well as managing and regulating the protection and use of territories and objects within the Nature Conservation Fund, emissions of harmful substances into the air, and other related matters.

The excessive workload on specialists, combined with the lack of a unified approach to exercising their authority within the EIA process, creates significant obstacles to its effective use as a tool for minimizing negative environmental impacts and taking public opinion into account.

The European Commission's 2025 Report on Ukraine also notes that public administration reform in Ukraine must move from legislative adoption to actual implementation – this applies fully to the field of environmental impact assessment, where the legal framework exists but its practical implementation remains unsatisfactory due to a lack of human and organizational resources. The experience of NGO "Ecoclub" in participating in EIA procedures also points to the existence of problems, which is confirmed by these procedures.

Case registration numbers 8026³⁵ and 5811³⁶, regarding which NGO "Ecoclub" submitted comments/proposals on the EIA report. The comments pertained to the provision of knowingly false information and non-compliance with applicable legislation. The consideration of the comments/proposals was of a formal nature, achieved by establishing environmental conditions in the EIA conclusion. In case № 8026, the information provided by NGO 'Ecoclub' is corroborated by comments received during consultations with executive authorities, which were also formally taken into account.

³⁵ Environmental Impact Assessment Register (file reference number 8026)

³⁶ Environmental Impact Assessment Register (file reference number 9748)



RECOMMENDATION

To enhance the professional competence of specialists, it is necessary to increase the number of staff responsible for analyzing and preparing decisions, and to establish specialized training courses and a system for sharing best practices.

4.8. ISSUE 8. THE POOR TECHNICAL CONDITION OF THE UNIFIED STATE REGISTER OF ENVIRONMENTAL IMPACT ASSESSMENTS

Since 2024, the e-EIA has been the primary tool for ensuring the transparency and effectiveness of the environmental impact assessment (EIA) procedure. At the same time, practical use of the system has revealed a number of significant shortcomings and technical limitations that reduce the effectiveness of public outreach and complicate access to case files.

First, the new EIA Registry restricts access to case materials initiated in the previous system prior to 2024. As of December 29, 2025, such restrictions applied to at least 343 cases. In particular, the following are inaccessible or partially accessible:

- notice announcing the start of public consultation regarding the scope of the studies and the level of detail;
- comments and suggestions from the public;
- comments and suggestions from the competent authorities.

Second, when a corrected EIA report is resubmitted after a refusal to issue a conclusion, the system hides the previous case materials. At the same time, the action log is altered so that it no longer reflects the history of previous stages, making a comprehensive analysis of the decision-making process impossible.

Third, the Registry's interface contains limited information about the planned activity. To get the full picture, users must download and review the documents themselves, which significantly complicates access to information. In particular, the following data is not sufficiently displayed:

- the area where the activity will take place (region, community, settlement);
- the type of planned activity in accordance with Article 3 of the Law;
- a brief description of the activity;
- the schedule and stages of public consultations.

In addition, the limited search functionality and the lack of a public hearing calendar reduce public engagement, which negatively affects trust in the EIA procedure and the quality of the decisions made.



RECOMMENDATION

To increase the transparency of the procedure and the level of public engagement in decision-making, the e-EIA system should be technically improved by adding the aforementioned features and correcting errors.

4.9. ISSUE 9. INSUFFICIENT INTEGRATION OF GENDER CONSIDERATIONS INTO SOCIAL IMPACT ANALYSIS

Currently, Ukraine's Law "On Environmental Impact Assessment" (EIA) does not contain any requirements regarding the analysis of gender aspects when assessing social impacts in EIA reports.

This leads to the disregard of the differentiated impact of projects on men and women, particularly in the areas of employment, health, personal safety, and access to socio-economic opportunities. The absence of a mandatory assessment of gender aspects in the social impact of planned activities contradicts the principles of gender equality and European principles.



RECOMMENDATION

- 1) amend Article 5 of the Law by requiring that the EIA report include a mandatory gender-sensitive social impact assessment, which entails an analysis of the differentiated impact of the planned activity on men, women, and individuals with diverse gender identities, particularly regarding employment, access to resources, public health, socioeconomic conditions, and the risk of gender-based violence;
- 2) develop and approve methodological guidelines for integrating gender analysis into the EIA procedure
- 3) in the EIA conclusion, provide for the mandatory consideration of gender aspects when formulating environmental conditions.



ANNEXES



ANNEX 1. DESCRIPTION OF THE PROCEDURE FOR CONDUCTING INDIVIDUAL SCREENING

Stage 1. Submission of a Statement of intent and a screening report

Individual screening is **conducted upon submission of a business entity's application** stating its intention to undergo the individual screening procedure, provided that the planned activity does not meet any of the exclusion criteria and falls within the relevant subcategory of planned activities and facilities eligible for individual screening under the Law.

Along with the Statement of Intent, the business entity must submit a screening report, which must include the information specified in **Annex II.A to Directive 2011/92/EU**:

1. Project description, including, in particular:
 - a description of the physical characteristics of the project as a whole and, where applicable, of the dismantling work;
 - a description of the project's location, with particular attention to the environmental sensitivity of the geographic areas that may be affected.
2. A description of the environmental aspects that may be significantly affected by the project.
3. A description of any potentially significant environmental impact, to the extent that information on such impacts is available, resulting from:
 - expected residues and emissions, as well as waste generation, where applicable;
 - the use of natural resources, including soil, land, water, and biodiversity.

Stage 2. Public discussion

After the Statement of Intent and the screening report are published in the registry, a public discussion begins, which lasts **for 7 business days**. The Statement of Intent and the screening report are also published on the websites of local authorities and on bulletin boards in communities that may be affected.

Public consultation during the individual screening process is conducted to identify, collect, and take into account comments and suggestions from the public regarding the need to conduct an EIA.

Stage 3. Adoption and Publication of the Screening Decision

Starting on the next business day following the end of the public comment period for the notice of intent and the screening report, the competent authority (or, in the case of Option 3, the special screening commission) shall, within 14 working days, prepare and publish in the registry a decision on whether there are grounds for conducting a mandatory EIA procedure or whether there are no grounds for conducting a mandatory EIA procedure, together with a report on the public consultation, which is approved (depending on the authority responsible for conducting the individual screening):

Option 1. By order of the competent central authority.

Option 2. By order of the head of the regional state administration (regional military administration).

Option 3. By a consensus decision of a special screening commission.

The deadline for making a decision may be extended if additional information is required from the business entity to prepare such a decision, for the period during which the business entity provides this information and it is reviewed, but for no more than 14 business days.

If a decision is made that there are grounds for conducting an EIA procedure, include:

- the main reasons for requiring such an assessment, specifying the relevant criteria set forth in Annex III to Directive 2011/92/EU;
- a report on the public consultation, reflecting the consideration of comments and suggestions from the public.

A decision that there are no grounds for conducting an EIA procedure shall include:

- the main reasons why such an assessment is not required, specifying the relevant criteria set forth in Annex III to Directive 2011/92/EU;
- a report on the public consultation, reflecting the consideration of comments and suggestions from the public.

If, at any stage of the permitting process, any discrepancies or deviations are identified in the projected impact levels (an increase in the volume of hazardous waste generated or the emergence of new types of hazardous waste, an increase and/or the emergence of new sources of emissions into the atmosphere and discharges of pollutants into water bodies, as well as noise, vibration, light, thermal, and radiation pollution, and emissions), the business entity must conduct a mandatory EIA procedure.

ANNEX 2. FLOWCHART OF THE EIA PROCEDURE AS OF 2026

