

SUMMARY

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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Environmental Impact Assessment (EIA) is one of the key preventive tools used in environmental policy, enabling the identification, assessment and consideration of the potential environmental impact of a planned activity before decisions on its implementation are made. In the countries of the European Union, EIA is a standard of environmental governance, the legal basis for which is Directive 2011/92/EU (as amended by Directive 2014/52/EU), which sets out the general principles of the procedure, the list of activities subject to assessment, as well as requirements for public participation, access to information and appeals against decisions.

In Ukraine, the EIA procedure was introduced at the end of 2017, particularly to implement the EU legislation provided for in the Association Agreement. Over the past eight years, it has undergone significant changes: the timeframes for completing individual stages have changed, the process has been digitised, the grounds for refusing to issue an opinion have been clarified, and criteria for the inadmissibility of carrying out activities have been established. The full-scale invasion by the Russian Federation in 2022 presented new challenges, creating risks that environmentally sensitive projects might be carried out without proper assessment. At the same time, in 2024-2025, the number of EIA procedures related to infrastructure reconstruction, the development of renewable energy and the construction of new industrial facilities is increasing, creating an urgent need to ensure a high-quality assessment of their impacts.

The aim of this White Book is to provide a professional analysis of the current state of implementation of EIA in Ukraine, to identify systemic gaps, and to develop recommendations for improving EIA policy and practice in line with European standards.

The document contains an analysis based on a study of the open data from the Unified State Register of EIA (e-EIA): 2,633 registered cases covering the period 2024-2025 were examined, providing a snapshot of the system's operation under martial law.

Key findings of the study

Nine systemic problems in the field of EIA have been identified, which can be grouped into the following categories:

Legislative and regulatory gaps:

- ✘ the lack of legislative regulation governing the procedure and timeframes for the disclosure of additional information submitted by a business entity;
- ✘ the absence in the Law of a definition of the term "justifiable alternative" and of criteria for its assessment, which allows the requirement to be met merely on a formal basis by proposing alternatives that are known to be unrealistic;
- ✘ the expansion of exemptions and exceptions from the EIA procedure for certain types of activity, in particular through a series of draft laws in the fields of forestry, renewable energy and industrial parks, which contravenes the requirements of the EU acquis;
- ✘ the lack of justification for environmental conditions in EIA conclusions, which often take the form of "veiled refusals or approvals".

Transparency, access to information and public participation:

- ✘ restricted access to the e-EIA due to the requirement for prior registration and authorisation via a qualified electronic signature;
- ✘ the unsatisfactory technical condition of the register: the unavailability of materials for at least 343 cases initiated before 2024, the concealment of earlier stages and limited search functionality;

- ✘ the absence of freely accessible post-project monitoring materials.

Institutional capacity and social aspects:

- ✘ low institutional capacity of the competent authorities (on average, three specialists per regional office, with an excessive workload);
- ✘ insufficient integration of the gender component into social impact analysis.



Key recommendations

- ✔ **Necessary legislative initiatives:** introduce a definition of "justifiable alternative" into the Law; regulate the deadlines for publishing additional information; provide for the mandatory publication of post-project monitoring materials in the e-EIA system; supplement the content of the EIA report with a mandatory gender-sensitive social impact assessment; require the competent authority to provide a reasoned justification for each environmental condition; introduce a mechanism for individual screening in accordance with Directive 2011/92/EU, rather than general exemptions from the EIA.
- ✔ **Building institutional capacity:** increase the number of experts, provide targeted training, and establish knowledge-sharing mechanisms to address institutional weaknesses.
- ✔ **Ensuring transparency and openness:** ensure general open access to e-EIA materials without the need for authorisation via a digital signature, make technical improvements to the register and restore access to archived data from the previous EIA Register.

Under the conditions of post-war reconstruction and the involvement of funding from international partners, Ukraine has all the prerequisites for modernising its EIA system in line with best European practices. At the same time, this requires a comprehensive approach – amending legislation, strengthening institutions, investing in the technical capacity of authorities, establishing an independent oversight mechanism and enhancing cooperation between all stakeholders. High-quality EIA is an effective tool for environmental safety and a guarantee of sustainable and environmentally responsible reconstruction, whilst the shared task of the state, the public and the business sector remains finding a balance between environmental preservation, development needs and obligations in the process of European integration.