



Normative regulations for remote sensing based National Forest Inventory

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About the Project “Sustainable Forestry Implementation” (SFI)

The project “Technical Support to Forest Policy Development and National Forest Inventory Implementation” (SFI) is a project established in the framework of the Bilateral Cooperation Program (BCP) of the Federal Ministry of Food and Agriculture of Germany (BMEL) with the Ministry of Environment and Natural Resources of Ukraine (MENR). It is a continuation of activities started in the forest sector within the German-Ukrainian Agriculture Policy Dialogue (APD) forestry component.

The Project is implementing based on an agreement between GFA Group, the general authorized executor of BMEL, and the State Forest Resources Agency of Ukraine (SFRA) since October 2021. On behalf of GFA Group, the executing agencies - Unique land use GmbH and IAK Agrar Consulting GmbH - are in charge of the implementation jointly with SFRA.

The project aims to support sustainable forest management planning in Ukraine and has a working focus on the results in the Forest Policy and National Forest Inventory.

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Disclaimer

This paper is published with assistance of SFI but under the solely responsibility of the author Mykola Chykhantsov under the umbrella of the Sustainable Forestry Implementation (SFI). The whole content, particularly views, presented results, conclusions, suggestions or recommendations mentioned therein belong to the authors and do not necessarily coincide with SFI's positions.

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1. SUMMARY

This final report describes the content of the services provided in accordance with the terms of reference for the provision of consulting services with unique land use GmbH during the term of the contract (December 2022 - May 2023).

The report includes summary information on the timing and content of the consultations provided by the areas:

- Preparation of draft amendments to the Procedure for conducting national forest inventory
- Supporting the process of approving the resolution of the Cabinet of Ministers of Ukraine

In addition to written consultations, oral consultations were also provided at all stages of the discussion and approval of the draft resolution of the Cabinet of Ministers of Ukraine.

2. PREPARATION OF DRAFT AMENDMENTS TO THE PROCEDURE FOR NATIONAL FOREST INVENTORY

The text of the draft amendments to the Procedure for conducting a national forest inventory, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 392 of 21 April 2021, was prepared jointly with experts from the Ministry of Environmental Protection and Natural Resources of Ukraine (contact person - Chief Specialist of the Forest Resources Division of the Department of Subsoil Use and Environmental Restoration Mr Anatoliy Borsuk), the State Agency of Forest Resources of Ukraine (contact person - Head of the Forestry and Forest Restoration Department Mr Ihor Budzinskyi) and the State Agency of Forest Resources of Ukraine (contact person - Head of the National Forest Inventory Centre Mr Oleksandr Shevchuk) in the period from December 2022 to January 2023. Within the framework of the terms of reference, consultations were provided on the preparation of the following documents:

- Draft CMU Resolution "Some issues of national forest inventory during martial law" (Annex 1);
- Explanatory Note to the Resolution, which contains changes to the draft legislation in comparison with the previous content of the provision of the legislation (Annex 2);
- Analysis of the Impact of the Resolution.

By letter dated 23.12.2022 No. 02-07/7102-22, the State Forest Resources Agency sent a draft resolution of the Cabinet of Ministers of Ukraine "On Amendments to the Procedure for Conducting a National Forest Inventory" to the State Regulatory Service of Ukraine with a request to determine whether the draft resolution is a regulatory act in accordance with the Law of Ukraine "On the Principles of State Regulatory Policy in the Field of Economic Activity".

The State Regulatory Service of Ukraine by letter dated 28.12.2022 No. 4746/20-22 informed the State Forest Resources Agency that in accordance with the requirements of Article 1 of the Law of Ukraine "On the Principles of State Regulatory Policy in the Field of Economic Activity", the draft resolution of the Cabinet of Ministers of Ukraine "On Amendments to the Procedure for Conducting a National Forest Inventory" does not contain any regulatory provisions, and its adoption does not require the implementation of the procedures provided for by the said Law.

Agreed with MEPR (letter dated 17.01.2023 No. 25/1-34/707-23), the draft resolution was submitted by the State Forest Resources Agency for

interagency discussion to the interested ministries and other central executive authorities by letters dated 24.01.2023

No. 02-07/415-23, No. 02-07/416-23, No. 02-07/417-23, No. 02-07/565-23 dated 31.01.2023,

No. 02-07/978-23 dated 20 February 2023 and No. 02-07/1039-23 dated 22 February 2023.

3. SUPPORT OF ADOPTION OF THE DECREE OF THE CABINET OF MINISTERS OF UKRAINE

3.1. Support of the inter-institutional negotiation process

The State Space Agency of Ukraine and the Ministry of Justice of Ukraine provided comments on the draft regulation. The Ministry of Community, Territorial and Infrastructure Development of Ukraine approved the draft resolution without any comments.

The comments provided were duly processed with the MEPR and SFRA for consideration or rejection. In order to resolve the comments, a reconciliation meeting was held via video conference on the ZOOM platform with the participation of representatives of the State Space Agency, the Ministry of Justice of Ukraine, the Ministry of Environmental Protection and Natural Resources of Ukraine, and the State Forest Resources Agency of Ukraine. The results of the conciliation council held on 30.03.2023 are set out in the Protocol of Coordination of Positions (Annex 3).

By letter dated 06.04.2023 No. 02-07/2104-23, the State Forest Resources Agency sent a draft resolution of the Cabinet of Ministers of Ukraine "Some issues of conducting a national forest inventory during martial law" to the Ministry of Ecology for submission to the Cabinet of Ministers of Ukraine. The draft resolution was submitted by the Ministry of Ecology to the Cabinet of Ministers of Ukraine by letter dated 12.04.2023 № 25/1-34/5588-23. After finalising the draft resolution with the Secretariat of the Cabinet of Ministers of Ukraine, the Ministry of Ecology resubmitted it to the the Cabinet of Ministers of Ukraine by letter No. 25/1-34/6147-23 dated 21.04.2023.

3.2. Support of the process of adopting the resolution in the Cabinet of Ministers of Ukraine

At the stage of preparing the draft resolution for consideration by the Cabinet of Ministers, consultations were provided and discussions were held on the feasibility of dividing the issues of national inventory, which are referred to the draft resolution of the Cabinet of Ministers, and technical changes related to the adoption of the resolution affecting the implementation of the national forest inventory, in the form of an annex to the resolution.

[CMU Resolution #388](#) 'Some issues of conducting a National Forest Inventory during martial law' was approved on April 25, 2023.

4. ON-DEMAND CONSULTANCY

Upon request, oral consultations were also provided on the procedure for adopting regulatory documents and the terminology used in legal documents.