



Monitoring of Forest Legislation in Ukraine

Period: July – December 2023

The series "Monitoring of Forest Legislation in Ukraine" provides a brief overview of laws and draft laws of the Verkhovna Rada of Ukraine, adopted Resolutions of the Cabinet of Ministers of Ukraine, entered into force Orders of Ministry of Environmental Protection and Natural Resources of Ukraine and of State Forest Resource Agency of Ukraine, that are important for the sustainable development of forestry.

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Adopted regulatory acts

Order of the Ministry of Environmental Protection and Natural Resources of Ukraine No. 520 dated 21 July 2023 No. 1485/40541 "On Approval of Forms of Documents Required for Implementation of the Pilot Project on Issuance of a Special Permit for Special Use of Forest Resources (Logging Ticket) and Certificate of Origin of Timber and Timber Products Made from it in Electronic Form", which was registered with the Ministry of Justice of Ukraine on 25 August 2023.

In order to switch from paper to digital certificates of origin of timber in tracing the legitimacy of the origin of timber available on the market, the Ministry of Ecology approved the forms of documents required for the implementation of a pilot project on the issuance of a permit for the special use of forest resources (logging ticket) and a certificate of origin of timber and sawn timber in electronic form.

As part of this pilot project, the issuance of special permits for the use of forest resources in electronic form was launched in October 2023, and the issuance of electronic certificates of origin of timber was launched in December 2023.

Order of the Cabinet of Ministers of Ukraine dated 6 October 2023 No. 919-p "On Approval of the Candidacy of Bolokhovets Yurii Vitaliiovych for the Position of General Director of the State Specialised Economic Enterprise "Forests of Ukraine".

Order of the Cabinet of Ministers of Ukraine dated 19 December 2023 No. 1149-p "On Appointment of Viktor Ihorovych Smal as the Head of the State Agency of Forest Resources of Ukraine from the date of commencement of his actual performance of official duties for a period not exceeding 12 months from the date of termination or

cancellation of martial law with remuneration in accordance with the law".

The appointment of the heads of the State Forest Resources Agency of Ukraine and the State Enterprise "Forests of Ukraine" is an important signal of political support for forestry in Ukraine, after a long period of time when these positions were held by acting heads.

Draft laws submitted for consideration by the Verkhovna Rada of Ukraine

Draft Law "On Amendments to Certain Legislative Acts of Ukraine on Effective Management of Forests on the Basis of Forestry Based on the Principles of Close-to-Nature Forestry Adapted to Climate Change, Conservation of Biodiversity in Forests" No. 9516 of 20 July 2023 Included in the agenda: 3369-IX of 05.09.2023.

The draft law proposes amendments to the Forestry Code of Ukraine in order to consolidate at the legislative level the definition of the division of the territory of Ukraine by natural zones (Ukrainian Polissya, Ukrainian Forest-Steppe, Ukrainian Steppe, Ukrainian Carpathians and Mountainous Crimea) in terms of territorial communities, the division of powers between the Ministry of Ecology and the State Forestry Agency in relation to the approval of forest management materials and estimated felling, the establishment of the mandatory appointment of clear sanitary felling in the presence of decisions of the Commission on Technogenic and Environmental Safety and Emergency Situations.

"The draft law also clarifies the mechanism for appointing sanitary felling. In particular, it is proposed that "continuous sanitary felling shall be carried out in accordance

with the rules of sanitary felling in the forests of Ukraine, approved by the Cabinet of Ministers of Ukraine in the presence of a decision: Commission on Emergencies of Enterprises, Institutions and Organisations - for the area of continuous sanitary felling up to 8 ha; Local Commission on Technogenic and Ecological Safety and Emergencies - for the area of continuous sanitary felling from 8 ha to 15 ha; Regional Commission on Technogenic and Ecological Safety and Emergencies - for the area of continuous sanitary felling from 15 ha to 25 ha; State Commission on Technogenic and Ecological Safety and Emergencies - for the area of continuous sanitary felling from 25 ha and more. "

Amendments to the Law of Ukraine "On Environmental Impact Assessment" (EIA) are also proposed in order to clearly define the types of forestry activities that require an environmental impact assessment. Procedure of conducting an EIA is obligatory during:

- all harvesting operations, within the limits of harvesting funds for main use, which are determined by forest management;
- continuous sanitary felling in the territories and objects of the nature reserve fund; afforestation in areas larger than the established minimum for each natural zone;
- cutting of trees and shrubs over an area of more than 500 m² in case of changing the designated purpose of forest land plots for the purpose of using them for purposes other than forestry.

The draft law also proposes to increase the thresholds for afforestation when an environmental impact assessment is required, depending on the natural zone: The draft law also proposes to increase the thresh-

olds for afforestation, when an environmental impact assessment is required, depending on the natural zone:

- afforestation in the natural zones of Ukrainian Polissya, Ukrainian Carpathians on an area of more than 150 ha;
- Ukrainian forest-steppe on an area of more than 100 ha;
- Ukrainian Steppe and mountainous Crimea on an area of more than 50 ha.

Draft law "On forest reproductive resources" of 17 March 2023 N 9116. Included in the agenda: 3369-IX of 05.09.2023.

The draft law provides for the introduction of a mechanism for the harvesting and sale of forest seeds and planting material adapted to the requirements of EU directives on the circulation of forest reproductive material, its labelling and packaging. It is planned to establish requirements for:

- 1) regulation of obtaining, production and use of forest reproductive material of certain species and hybrids of forest trees and shrubs and hybrids of the genera *Larix*, *Populus* and *Salix* for the purpose of forest reproduction;
- 2) Registration of forest reproductive and basic material;
- 3) Monitoring and circulation of forest reproductive material;
- 4) Regionalisation of forest reproductive material;
- 5) Conservation of genetic resources, identification of tree species and hybrids of forest trees and hybrids of the genera *Larix*, *Populus* and *Salix*, the reproductive material of which is used for forestry purposes;
- 6) Provision of reserve stocks of forest seeds to cover their deficit in case of

unforeseen increase in the use of forest reproductive material;

- 7) Public administration and regulation to ensure the implementation of the State policy on the circulation of forest reproductive material.

Author, editorial team, contacts:

General forestry legislation monitoring:

Vasyl Masyk - Short Term Expert

Edition of the English publication:

Volker Sasse – Project Leader

Edition of the Ukrainian version:

Vitaliy Storozhuk – National Project Coordinator

Tel.: +38 (067) 964-77-02

info@sfi-ukraine.org.ua

www.sfi-ukraine.org.ua

