



Monitoring of Forestry Legislation in Ukraine and EU

Period: June - August 2024

The series "Monitoring of Forest Legislation in Ukraine and EU" 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.

Further this series includes an overview on recent regulations EU level related to forestry respectively forest land use with relevance for Ukraine.

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Monitoring of Forestry Legislation in Ukraine

Adopted regulatory acts

Government Order dated 13.06.2024 No. 689 "On Amendments to the Procedure for Monitoring the Domestic Consumption of Unprocessed Timber and Control over the Non-Exceedance of the Volume of Domestic Consumption of Unprocessed Timber".

The Order introduced the mandatory photo recording of timber harvested and loaded on a track.

From now on, the electronic timber tracking system will generate a consignment note for timber transportation only after uploading a photo of the vehicle with the loaded timber from four angles.

Government Order dated 13.06.2024 No. 684 "Some issues of functioning of the state environmental monitoring system and its subsystems".

The Order approves the Procedure for the functioning of the state environmental monitoring system and its subsystems, including forest monitoring.

It also states that at the national level, the Ministry of Environment Protection and Natural Resources ensures coordination of the monitoring system, including by ensuring the collection, storage and publication in the EcoSystem data and information obtained as a result of monitoring.

The Order shall enter into force simultaneously with the Law of Ukraine No. 2973-IX dated 20.03.2023 "On Amendments to Certain Legislative Acts of Ukraine on the State System of Environmental Monitoring, Information on the State of the Environment (Environmental Information) and Information Support for Environmental Management".

Government Order dated 12.07.2024 No. 815 "On Information Interaction between Automated Information Systems of Public Authorities and the National Environmental Automated Information and Analytical System for Ensuring Management Decision-Making and Access to Environmental Information and its Network".

In accordance with the Order, the State Forest Resources Agency, as well as other responsible ministries and agencies, must bring their own normative documents governing the creation and operation of automated information systems/subsystems of the state environmental monitoring in Ukraine in line with the approved procedure for information interaction within six months from the date of cancellation or termination of martial law in Ukraine.

Government Order dated 23.07.2024 No. 848 "On Approval of the Procedure for Monitoring of Land and Soils".

The Order recognises the State Forest Resources Agency as one of the entities responsible for conducting land and soil monitoring in accordance with the Land and Soil Monitoring Programme. The Order also defines monitoring indicators and frequency of information submission. The Order shall enter into force simultaneously with the Law of Ukraine No. 2973-IX dated 20.03.2023 "On Amendments to Certain Legislative Acts of Ukraine on the State System of Environmental Monitoring, Information on the State of the Environment (Environmental Information) and Information Support for Environmental Management".

Government Order dated 30.07.2024 No. 861 "Some issues of providing wood fuel to the population of the territories where military operations are (were) conducted".

The Order stipulates that for the period of martial law and within six months from the

date of its termination or cancellation in the territories where military operations are (were) conducted, the population has the right to collect fuel wood for domestic needs free of charge under the conditions established by the Order.

Orders of the Ministry of Environment Protection and Natural Resources

The Order of the Ministry of Environment Protection and Natural Resources dated 15.08.2024 No. 1043 cancelled the Order of the Ministry of Environment Protection and Natural Resources dated 07.08.2024 No. 995 'On Approval of the Limits for the Use of Game Animals Belonging to the State Hunting Fund for the Hunting Season 2024-2025 and Establishment of the Norms for the Use (Harvesting) of Other Game Animals Belonging to the State Hunting Fund by One Hunter per Day for the Hunting Season 2024-2025'.

Draft laws submitted for consideration by the Government of Ukraine

Draft Law on Amendments to Certain Legislative Acts of Ukraine on Improving Forest Relations, No. 11318, registered by the Parliament 04.06.2024.

The draft law proposes, in particular:

- to regulate the preparation of forest management plans and restrictions on the rights of forest users in the absence of forest management plan;
- to regulate the sale of wood and wood products;
- to regulate the functioning of the electronic timber tracking system at the legislative level.

Draft Law on the Basic Principles of the State Climate Policy, No. 11310, registered by the Parliament 03.06.2024, adopted in the first reading (taken as a basis) 16.07.2024.

The adoption of the draft law will facilitate:

- strategic planning and implementation of the goals of the state climate policy;
- Integration of climate issues into other areas of state policy, i.e. ensuring cross-sectorality;
- fulfilment of Ukraine's European integration and international commitments in the field of climate change;
- synchronisation of national legislation with EU law.

In the case of forestry, it could be used a provision on the possibility of state support in case of implementation of measures aimed at climate change mitigation and/or adaptation.

Monitoring of forestry related legislation in EU

Adopted regulatory acts

Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, published 05.07.2024, entered into force 25.07.2024.

The Directive said about prohibition of causing any measurable environmental degradation, such as harmful soil change, water or air pollution, harmful emissions, excessive water consumption, degradation of land, or other impact on natural resources, such as deforestation.

Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869, entered into force 18.08.2024.

A new regulation aimed at putting measures in place to restore at least 20% of the EU's land and sea by 2030. In the case of habitat types that are in "poor condition", the restoration requirement is at least 30% by 2030, which is set to increase incrementally to 60% by 2040 and 90% by 2050.

The regulation requires member states to meet legally binding targets and obligations to carry out nature restoration in respect of specific ecosystems. Restoration, with a view to conserving and enhancing biodiversity and ecosystem resilience, will mean the process of actively or passively assisting the recovery of:

- an ecosystem to a good condition;
- a habitat type to the highest condition attainable and to its favourable reference area;

- a habitat of species to a sufficient quality and quantity; or
- a species populations to satisfactory levels.

The regulation leaves it up to each Member State to decide on the specific restoration measures it will apply within its own territory. To demonstrate how they will deliver on the targets, member states will be required to submit regular national restoration plans, which outline the restoration needs and measures, taking into account the local context alongside timelines for implementation.

Consideration of drafts forestry related regulatory acts in EU

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the production and marketing of forest reproductive material (FRM), amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material).

The proposed draft is intended to replace the current EU Council Directive on forest reproductive material with a new regulation.

The proposal maintains the principles of approval of parent trees (basic material) and certification of harvested FRM before placing it on the market (by issuing a master certificate). Those trees are checked for characteristics that contribute to more resilient forests, e.g. tolerance to diseases, better adaptation to the local climatic and ecological conditions. Information about the suitability of FRM will be provided to potential buyers, so that the right variety of a tree is planted in the right place. This, in turn, would allow speeding up climate change adaptation

of forests and ensure their continued productivity in the future.

Member States enter the basic material approved on their territory in their national registers, based on which the Commission publishes a Community list of approved basic material.

It would be possible to register basic material intended for conserving forest genetic resources without an approval by the competent authorities; instead, professional operators would be able to only notify the basic material to the competent authorities.

Member States would be required to establish contingency plans to help ensure sufficient supply of FRM to reforest areas affected by extreme weather events, fires, pest outbreaks and other disasters.

The European Economic and Social Committee published its opinion on the draft 12.01.2024

EU Parliament voted on the report and adopted it as its first-reading position on 24 April 2024 with certain amendments. Amendments were published in July 2024.

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