



Explanatory Note to the Draft Resolution of the Cabinet of Minister of Ukraine On Measures for Conservation of the Emerald Network Sites

1. Purpose of the regulation

The purpose of the regulation is to ensure conservation of natural habitats and habitats of species of wild flora and fauna by means of regulatory approval of the list of the Emerald Network sites as adopted by the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats of 19.09.1979 (hereinafter referred to as the Bern Convention), and to ensure inclusion of the information on such sites into the state official geoinformation registers and their boundaries and areas are taken into account in the state planning documents of the national, regional, and local level.

2. Justification of the regulation adoption

Approval of the Emerald Network sites, their official identification and setting the priorities for management of these sites is carried out with the purpose of conservation of natural habitats, species of wild flora and fauna and their habitats. The said commitment arises from Annex XXX to the Association Agreement between Ukraine, of the one part, and the European Union, European Atomic Energy Community and their Member States, of the other part, ratified with a declaration by the Law No. 1678-VII of 16.09.2014 (hereinafter referred to as the Association Agreement) providing for the implementation of the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora of 21.05.2021 (hereinafter referred to as the Habitats Directive).

The list of the Emerald Network sites for Ukraine has already been adopted by the Standing Committee of the Bern Convention, which corresponds to the international procedure of approval of such sites. Information on these sites belongs to mandatory geospatial data sets according to the Law of Ukraine of 13 April 2020 No. 554-IX.

Due to the above, a need arises in approval of a single official list of the Emerald Network sites at the national level.

This will ensure:

- gradual fulfilment by Ukraine of the international obligations under the Association Agreement and the Bern Convention;
- properly taking into account these sites in the processes of spatial and urban planning;

- development and implementation of the measures for management and protection of natural habitats and species.

Adoption of the resolution will establish the regulatory basis for official application of the list of the Emerald Network sites agreed at the international level and facilitate integrated and efficient management of these sites.

3. Key Provisions of the Draft Resolution

The Draft Resolution provides for:

- approval of the list of the Emerald Network sites as adopted by the Standing Committee of the Bern Convention, to which Ukraine is a party.
- ensuring display of the information on such sites on the cartographic basis of the State Land Cadastre as a separate information layer according to the Procedure for Information Interaction between the State Land Cadastre, Other Cadastres and Information Systems;
- ensuring the boundaries and areas of the Emerald Network sites are taken into account by the state authorities, Oblast State (Military) Administrations and other responsible bodies in the regional and local schemes of the econetwork development and in relevant state planning documents.

4. Legal Aspects

The legal grounds for adopting the regulation are as follows:

- the Association Agreement between Ukraine and the European Union (Annex XXX, Nature Protection sector);
- the Convention on the Conservation of European Wildlife and Natural Habitats;
- the legislation in the area of: environmental protection, geodesy, cartography, and state cadastres maintenance.

Adoption of the Resolution does not require any amendments to be made to other regulations.

5. Financial and Economic Justification

Implementation of the regulation shall be carried out within the expenses stipulated in the state budget for maintenance of the relevant executive authorities and does not require any additional costs from the state budget.

6. Position of the Stakeholder Bodies

A draft regulation is to be approved by:

- the Ministry of Economy, Environment and Agriculture;
- the State Service of Ukraine for Geodesy, Cartography and Cadastre;
- other interested executive authorities.

Stakeholder bodies support the necessity of the official identification of the list of the Emerald Network sites and display of the information on them in the state official geoinformation registers.

7. Assessment of the Draft Regulation Compliance with Ukraine's International Obligations

The draft resolution complies with Ukraine's international obligations in the area of nature protection and ensures fulfilment of the requirements of the EU-Ukraine Association Agreement regarding implementation of the Directive of the European Parliament and of the Council 2009/147/EC of 30 November 2009 on the conservation of wild birds and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, and the Convention on the Conservation of European Wildlife and Natural Habitats of 19.09.1979.

8. Forecast of the Implementation Results

The implementation of the regulation will ensure:

- regulatory recognition of the list of the Emerald Network sites;
- inclusion of the information on these sites into the state geoinformation systems and cadastres;
- providing opportunity for the information on the Emerald Network sites being properly taken into account in the process of urban and spatial planning;
- increased level of conservation of natural habitats and habitats of species of wild flora and fauna; and
- harmonization of the state nature protection policy with the European requirements and Ukraine's international commitments.