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REGULATION

on the Agency for Biodiversity (Nature) Conservation of Ukraine

1. The Agency for Biodiversity (Nature) Conservation of Ukraine (hereinafter referred to as the Agency) is a central executive body with a special status, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the central executive body authorized to formulate state policy in the field of biodiversity conservation, plant protection, animal welfare, forestry and hunting management (hereinafter referred to as the line ministry).
2. The Agency is established and operates for the purpose of implementing state policy in the field of biodiversity conservation, management of the Emerald Network (Natura 2000) sites, ensuring effective management of the objects of the nature reserve fund (hereinafter referred to as the NRF), conservation and use of the ecological network of Ukraine, and fulfilment of Ukraine's international and European integration obligations in the field of biodiversity conservation.
3. In its activities, the Agency is guided by the Constitution and laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, other regulatory legal acts, as well as this Regulation.
4. Within the scope of powers provided for by law, on the basis of and in implementation of the Constitution and laws of Ukraine, acts of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, and orders of the line ministry, the Agency issues organizational and administrative orders, organizes and controls their implementation.
5. The Agency is a legal entity of public law, has an independent balance sheet, accounts in the Treasury bodies, and a seal bearing the image of the State Emblem of Ukraine and its name.
6. The main tasks of the Agency are:
 - 1) implementation of state policy in the field of biodiversity conservation, conservation and restoration of natural ecosystems, conservation and use of the ecological network of Ukraine, management of the Emerald Network, ensuring the implementation in Ukraine of the Natura 2000 network with further management of this network, in particular by means of coordination and cooperation with state authorities, local self-government bodies and other authorized entities responsible for the management of nature protection territories;
 - 2) fulfilment of Ukraine's European integration obligations in the field of conservation of types of natural habitats and species of wild flora and fauna, in particular implementation of the provisions of Directive 2009/147/EC of the European Parliament and of the Council of 30

November 2009 on the conservation of wild birds, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, Regulation (EU) 2024/1991 on nature restoration;

- 3) organization of protection and use of the nature reserve fund;
- 4) coordination of the activities of the administrations of NRF objects in the part of biodiversity conservation, development of unified standards for the management of nature protection territories;
- 5) organization and implementation of monitoring of the state of biodiversity conservation, types of natural habitats, species of wild flora and fauna, ecosystems, and maintenance of the National Biodiversity Cadastre;
- 6) development and approval of management plans for the Emerald Network (Natura 2000) sites;
- 7) ensuring cooperation with international organizations, participation in the implementation of EU programs (in particular LIFE, Horizon Europe), as well as attraction of international technical assistance;
- 8) organization of scientific and methodological support of measures on biodiversity conservation, popularization of knowledge about nature and environmental education.

7. In accordance with the tasks assigned, the Agency:

- 1) implements measures of state policy in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna, conservation and use of the ecological network, management of the Emerald Network (Natura 2000) sites, ensuring effective management of objects of the nature reserve fund;
- 2) summarizes the practice of application of legislation on issues in its areas of competence, develops proposals for improving legislative acts, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, regulatory legal acts of ministries and, in due course, submits them to the line minister in regards of:
 - conservation, use and reproduction of species of wild flora and fauna;
 - maintenance of state records and cadastre of the plant world, animal world and biodiversity;
 - maintenance of state records of the number of objects of the animal world and records of the volumes of their taking;
 - establishment of ecological standards, limits, norms of use of objects of the animal world;
 - special use of objects of the animal world;
 - registration and keeping of wild animals removed from the natural environment for the purpose of providing them assistance;
 - sale of objects of the animal world confiscated or gratuitously withdrawn as a result of violation of the requirements of legislation on import into Ukraine and export outside its borders of wild animals and other objects of the animal world;
 - establishment of rules for taking wild animals, as well as their keeping and breeding in semi-free conditions or in captivity;

- establishment of rules for taking rare and endangered species of animals for breeding in specially created conditions, as well as for scientific research and other purposes;
- regulation of measures necessary to reduce the number of animals in case of occurrence or threat of occurrence of epizootics and in case of occurrence of other dangerous situations;
- use of wild animals for the purpose of obtaining products of their vital activity;
- creation of regional centres for rescue and rehabilitation of wild animals, placement of wild animals in them and their keeping;
- establishment of limits of special use of natural plant resources of national significance;
- use of natural plant resources for scientific research purposes;
- approval of lists of wild-growing plant species, the distribution and number of which are subject to regulation, as well as the procedure for carrying out measures for regulating their distribution and number;
- collection of technical, medicinal, spice-aromatic and food raw materials from wild-growing plants;
- general use and reproduction of natural plant resources;
- introduction and acclimatization of plants;
- import into Ukraine and export outside its borders of species of wild flora and fauna;
- approval of standards of special use of natural plant resources;
- identification of natural plant communities subject to inclusion in the Green Data Book of Ukraine, approval of lists of rare and endangered and typical natural plant communities that are subject to protection and are included in the Green Data Book of Ukraine;
- maintenance of the Red and Green Data Books of Ukraine;
- creation, replenishment, storage, use, alienation and maintenance of state records of zoological and botanical collections, trade in them, as well as their import into Ukraine, forwarding and export outside its borders;
- approval of lists of species of animals, plants and fungi that are included in the Red Data Book of Ukraine, and species that are excluded from it;
- maintenance of state records of rare and endangered species of wild flora and fauna included in the Red Data Book of Ukraine;
- special use (taking, collection) of objects of the Red Data Book of Ukraine;
- compensation for illegal taking, destruction or damage of species of wild flora and fauna included in the Red Data Book of Ukraine, as well as for destruction or deterioration of their natural habitats and the methodology for its calculation;
- conducting risk assessment of potential impact of genetically modified organisms on the environment;
- establishment of the list of lands on which a restriction regarding cultivation of genetically modified varieties of plants is applied;
- identification and inclusion of animal species not included in the Red Data Book of Ukraine, but those having special scientific, nature protection or other value, into the lists of animal species that are subject to special protection, establishment of the procedure for their protection, use and reproduction;
- approval of standard designs of means for transportation of wild animals;
- determination of belonging of forest territories to virgin forests, quasi-virgin forests, natural forests;

- ensuring conservation of biological and landscape diversity, territories and objects of the nature reserve fund of Ukraine, formation of the national ecological network;
- 3) develops and participates in implementation of state target programs in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna, conservation and use of the ecological network, management of the Emerald Network (Natura 2000) sites;
 - 4) develops proposals regarding determination of priorities for development of state policy in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna, management of the Emerald Network (Natura 2000) sites, ensuring effective management of objects of the nature reserve fund;
 - 5) plans resources and measures necessary for implementation of state policy on issues falling within the competence of the Agency;
 - 6) ensures, within the limits of powers, observance and organization of fulfilment of obligations assumed by Ukraine under international treaties in relevant spheres, participates in preparation of international treaties of Ukraine, ensures implementation of international cooperation, studying, generalization and dissemination of international experience in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna;
 - 7) participates in implementation of measures on adaptation of legislation of Ukraine in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna to the legislation of the European Union;
 - 8) ensures creation, maintenance, functioning and public access to the National Biodiversity Cadastre;
 - 9) organizes and carries out monitoring of the state of biodiversity, types of natural habitats, species of wild flora and fauna;
 - 10) ensures planning, creation, identification, change of boundaries, expansion and cancellation of the Emerald Network (Natura 2000) sites in Ukraine, including preparation of scientific substantiations, standard data forms, drafts of decisions on granting the relevant status to territories, their approval with the line ministry and submission in due course to the relevant international institutions;
 - 11) develops and approves management plans for the Emerald Network (Natura 2000) sites;
 - 12) ensures practical implementation of the protection and management regime of the Emerald Network (Natura 2000) sites, including determines conservation objectives for each site of the Emerald Network;
 - 13) develops and approves standard management plans for objects of the nature reserve fund that have administrations, as well as management plans for objects of the nature reserve fund that do not have administrations;
 - 14) approves land management projects regarding organization and establishment of boundaries of the territories of the nature reserve fund and other nature protection purpose (in case of presence of territories or objects of the nature reserve fund of national significance);

- 15) provides, within the limits of powers provided by law, to the composition of land management documentation information on restrictions in land use, observance of the protection and use regime of the relevant territory and requirements of nature protection legislation;
- 16) approves decisions on establishing maximum norms of free collection of wild-growing herbaceous plants, flowers, berries, nuts, mushrooms;
- 17) issues, cancels and reissues, in due course, documents of a permit nature for:
 - special use of objects of the animal world;
 - special use of natural plant resources;
 - resettlement of species of wild fauna to new places of stay, acclimatization of new for the fauna of Ukraine species of wild animals, carrying out measures regarding crossbreeding of wild animals;
 - keeping of wild animals in captivity;
 - import and export of specimens of species of wild fauna and flora, certificates for travelling exhibitions, re-export and introduction-from-the-sea of such specimens (except sturgeon fish and products made from them), which are objects of regulation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
 - special use (taking, collection) of objects included in the Red Data Book of Ukraine;
 - the right to carry out breeding in semi-free conditions or in captivity of animal species included in the Red Data Book of Ukraine;
 - conducting state approbations (trials) of genetically modified organisms in an open system;
 - release of genetically modified organisms in an open system;
 - transit movement of genetically modified organisms not registered in Ukraine;
- 18) provides prior informed consent regarding the possibility of transboundary movement of genetically modified organisms intended for intentional introduction into the environment, in accordance with the Cartagena Protocol on Biosafety and the Convention on Biological Diversity;
- 19) coordinates the activities of the administrations of objects of the nature reserve fund, approves, upon submission of such administrations, management plans of objects of the nature reserve fund and exercises control over their implementation;
- 20) approves standards of special use of natural plant resources;
- 21) carries out monitoring of the state of biodiversity, maintains state records and cadastre of the plant and animal world;
- 22) maintains the Red and Green Data Books of Ukraine;
- 23) carries out management of the formation, conservation and use of the national ecological network;
- 24) ensures, in the sphere of organization of conservation and use of the nature reserve fund, regulatory legal regulation, namely develops drafts of regulatory legal acts with subsequent sending of them to the line ministry on the issues of:
 - special use of natural resources within the territories and objects of the nature reserve fund;
 - maintenance of the state cadastre of territories and objects of the nature reserve fund;
 - activities of the state protection service of the nature reserve fund;

research, recreational, environmental-educational activities of nature and biosphere reserves and national nature parks;

economic substantiation of development of the nature reserve fund, as well as economic assessment of natural complexes and objects that are part of it;

maintenance of the passport of a wetland of international importance;

determination of belonging of territories to primeval-forest monuments of nature;

25) approves limits for use of natural resources within the territories and objects of the nature reserve fund of national significance;

26) maintains the state cadastre of territories and objects of the nature reserve fund;

27) ensures, in accordance with competence, display on the Internet of geospatial data and metadata and unimpeded users' access to the State Cadastre of territories and objects of the nature reserve fund, including, namely, the following:

ensures ordering, creation, use, updating, publication and performance of other actions with geospatial data and metadata regarding territories and objects of the nature reserve fund, their functional and protection zones, territories reserved for the purpose of subsequent reservation, the Emerald Network (Natura 2000) sites, wetlands of international importance, biosphere reserves of the UNESCO "Man and the Biosphere" programme, UNESCO world heritage sites;

ensures relevance, reliability, substantiation, completeness, accuracy, openness, interoperability of geospatial data and metadata regarding the specified territories and objects;

ensures access to its geospatial data and metadata, information interaction with other data holders, including with the help of geoportal services;

28) participates in formation of scientific and technical policy and coordinates its implementation in the sphere of organization of protection and use of the nature reserve fund, in particular regarding generalization of results of scientific research on the territories of nature and biosphere reserves, national nature parks, approval of the procedure for preparation and programmes of the Chronicle of Nature, approval of programs and plans of scientific research works on the territories and objects of the nature reserve fund, development of scientific basis for protection, reproduction and use of natural resources and especially valuable natural objects;

29) determines the composition, tasks and procedure of activity of scientific and scientific-technical councils of natural reserves, biosphere reserves, national nature parks and botanical gardens belonging to the sphere of management of the Agency;

30) carries out management of protection and use of territories and objects of the nature reserve fund, activities of the state protection service of the nature reserve fund, prepares and submits proposals regarding creation, declaration of new territories and objects of the nature reserve fund, change of their boundaries, category and cancellation of status of existing territories and objects, ensures organization of creation of nature protection territories of international significance;

31) approves projects of organization of the territory of nature and biosphere reserves, national nature parks, botanical gardens of national significance, projects of maintenance and reconstruction of parks-monuments of landscape gardening art of national significance; approves technical assignments for development of projects of organization of the territory of nature and biosphere reserves, national nature parks belonging to the sphere of management of the Agency, and approves technical assignments for development of such projects for objects belonging to the sphere of management of other institutions and organizations;

- 32) approves projects of organization of territories of dendrological, zoological parks and botanical gardens of national significance, projects of maintenance and reconstruction of parks-monuments of landscape gardening art of national significance that do not belong to the sphere of management of the Agency;
- 33) approves, with subsequent referral to the line ministry, regulations on ecological funds of natural, biosphere reserves, national nature parks, botanical gardens, dendrological parks and zoological parks;
- 34) approves appointment of heads of special administrations of nature and biosphere reserves, national nature parks, botanical gardens, dendrological and zoological parks of national significance, as well as regional landscape parks;
- 35) organizes on-site establishment (on the terrain) of boundaries of territories and objects of the nature reserve fund;
- 36) approves the establishment of a fee for visiting territories and objects of the nature reserve fund for institutions of the nature reserve fund of national significance and for institutions of the nature reserve fund established in the exclusion zone and the zone of unconditional (mandatory) resettlement;
- 37) ensures the development of projects for creation, declaration, change of boundaries, category and cancellation of the status of territories and objects of the nature reserve fund of national significance, projects for reservation of natural territories and objects valuable for reservation, reviews and approves petitions on the necessity of creation or declaration of such territories and objects, approves change of boundaries, category and cancellation of the status of territories and objects of the nature reserve fund;
- 38) approves regulations on territories and objects of the nature reserve fund of national significance, as well as regulations on territories and objects that have special ecological value;
- 39) determines authorized land users or bodies responsible for protection of objects of the nature reserve fund that do not have administrations, concludes relevant agreements or memoranda with them;
- 40) exercises control over fulfilment by authorized land users or bodies responsible for protection of objects of the nature reserve fund that do not have administrations, of the terms of relevant agreements, memoranda and management plans;
- 41) within the competence of the Agency, prepares national reports for the European Commission and the Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats and other international bodies within its competence;
- 42) organizes research activity in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna, conservation and use of the ecological network, coordinates cooperation with research institutions, non-governmental organizations and territorial communities;
- 43) participates in development of communication policy in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna, conservation and use of the ecological network;
- 44) informs and provides explanations regarding implementation of state policy on issues falling within the competence of the Agency, promotes development of environmental

education and environmental upbringing of the population in the field of biodiversity conservation, conservation of types of natural habitats, species of wild flora and fauna, management of the Emerald Network (Natura 2000);

45) carries out consideration of citizens' appeals on issues related to the activities of the Agency;

46) organizes work on attraction of international financial and technical assistance, grants and other international programs in the defined areas;

47) every three years prepares and publicly presents a report on implementation of measures on biodiversity conservation in Ukraine;

48) carries out other functions determined by the legislation of Ukraine.

8. The Agency has the right:

1) to require provision, in due course, from executive authorities, local self-government bodies, enterprises, institutions and organizations regardless of the form of ownership, of information, documents, materials, geospatial data and other information necessary for performance of the tasks and functions entrusted to the Agency;

2) to involve, in due course, research institutions, expert institutions, non-governmental organizations, specialists and consultants in performance of individual tasks, conducting research, assessments, expert examinations and development of drafts of regulatory legal acts;

3) to establish advisory, consultative, scientific-technical and expert bodies, commissions and working groups to resolve issues falling within the competence of the Agency;

4) to represent the interests of Ukraine in international nature protection organizations, working groups, committees, including of the European Union, the Council of Europe, the United Nations Environment Programme (UNEP), UNESCO, as well as to participate in international programs, projects and cooperation mechanisms;

5) to initiate development of drafts of regulatory legal acts in the field of biodiversity conservation, natural habitats, species of wild flora and fauna, creation and management of territories of the nature reserve fund and the Emerald Network sites, fulfilment of Ukraine's international and European integration obligations;

6) to obtain, in due course, access to state registers, cadastres, data banks, geoportals, information systems and bases of ecological information for the purpose of implementation of the powers entrusted to the Agency;

7) to adopt decisions on creation, change of boundaries, status and categories of nature protection territories, including sites of the Emerald Network (Natura 2000), as well as to participate in procedures of environmental impact assessment, strategic environmental assessment;

8) to require from business entities, authorities and institutions conducting measures on elimination of violations of legislation in the field of biodiversity conservation, natural habitats, species of wild flora and fauna, maintenance of cadastres and ensuring of protection regimes of the nature reserve fund;

- 9) within the competence to initiate conducting by authorized state control bodies of service inspections, audits, inspection surveys related to violation of protection regimes of NRF objects, natural habitats, species of wild flora and fauna;
- 10) to obtain information from authorities of foreign states, international organizations and the European Commission within the framework of international treaties of Ukraine and cooperation programmes;
- 11) to submit, in due course, proposals to drafts of state and regional programmes, strategies, nature restoration plans, conservation of natural habitats, species of wild flora and fauna, formation and development of the national ecological network;
- 12) to carry out information and educational activity, organize communication campaigns, training programs, public consultations, discussions of draft decisions and regulatory legal acts falling within the competence of the Agency;
- 13) to initiate creation, maintenance and filling of sectoral information systems, databases, geospatial layers and registers related to biodiversity, natural habitats, territories of the nature reserve fund and the Emerald Network (Natura 2000) sites;
- 14) within the limits of powers, to submit proposals mandatory for consideration to executive authorities, local self-government bodies, enterprises, institutions and organizations regarding measures on preventing degradation of natural habitats, conservation of species of wild flora and fauna, ensuring protection regimes of nature protection territories;
- 15) to initiate, in due course, conducting scientific research, mapping, inventory, records, monitoring of natural habitats and species necessary for fulfilment of Ukraine's national and international obligations;
- 16) to exercise other rights provided by law necessary for proper performance of the tasks and functions of the Agency.

9. The Agency is headed by the Head, who is appointed to the position and dismissed from the position by the Cabinet of Ministers of Ukraine upon submission of the Prime Minister of Ukraine.

10. The Head of the Agency:

- 1) carries out management of the activities of the Agency, bears personal responsibility for performance of the tasks entrusted to it;
- 2) distributes duties among his/her deputies, determines the degree of their responsibility and ensures coordination of their activities;
- 3) approves the structure of the central apparatus of the Agency upon approval with the Cabinet of Ministers of Ukraine;
- 4) appoints to positions and dismisses employees of the Agency in the manner established by legislation;
- 5) approves regulations on structural subdivisions of the Agency, determines their tasks and functions;
- 6) represents the Agency in relations with other authorities, institutions, organizations and international partners;

7) ensures interaction of the Agency with the line ministry, submits for approval drafts of regulatory legal acts prepared by the Agency, other documents and proposals within the competence of the Agency;

8) ensures effective planning of the activities of the Agency, approves work plans of the Agency and reports on their implementation;

9) organizes preparation of international and European reporting, interaction with institutions of the European Union, the Council of Europe and other international organizations;

10) bears personal responsibility for carrying out annual public reporting on implementation of measures on biodiversity conservation in Ukraine.

11. The Head of the Agency has four deputies, including one first deputy, who are appointed to positions and dismissed from positions in accordance with legislation on the civil service.

12. For agreed collective resolution of issues, a collegium is established in the Agency, the composition of which is approved by the Head of the Agency.

Decisions of the collegium may be implemented by issuance of the relevant order of the collegium.

13. For consideration of scientific recommendations and conducting professional consultations on the main issues of activity, other permanent or temporary consultative, advisory and other auxiliary bodies may be established in the Agency.

The decision on establishment or liquidation of the collegium, other permanent or temporary consultative, advisory and other auxiliary bodies, their quantitative and personal composition, regulations on them are approved by the Head of the Agency.

14. The Agency exercises its powers directly and through regional offices established in due course.

15. The structure of the Agency consists of the central apparatus and regional offices, which are established in the oblasts of Ukraine to ensure implementation of state policy on the ground.

16. Regional offices of the Agency are territorial bodies of the Agency, act on the basis of regulations approved by the Head of the Agency, and are subordinated directly to the Head of the Agency or the deputy determined by him/her.

17. Regional offices, within the scope of their powers, ensure implementation of the tasks and functions of the Agency in the relevant territories, in particular, participate in maintaining state cadastres, monitoring of the state of biodiversity, organization of management of territories of the nature reserve fund and the Emerald Network sites, implementation of nature protection measures and interaction with local self-government bodies.

18. Heads of regional offices are appointed to positions and dismissed by the Head of the Agency in the manner established by legislation; they bear personal responsibility for performance of the tasks entrusted to the regional office.

19. Regional offices of the Agency, within the competence, carry out information interaction with local executive authorities and local self-government bodies, enterprises, institutions and organizations, facilitate implementation of state programs, decisions and instructions of the Agency.

20. The maximum number of civil servants and employees of the Agency, its regional offices, is approved by the Cabinet of Ministers of Ukraine.

The structure of the apparatus of the Agency is approved by its Head upon approval with the line minister.

The staffing schedule and the cost estimate of the apparatus of the Agency are approved by its Head upon approval with the Ministry of Finance of Ukraine.

21. Financing of the activities of the Agency is carried out at the expense of state budget funds, international technical assistance, grants, as well as other sources not prohibited by legislation. Financing of the activities of the regional offices of the Agency is carried out at the expense of state budget funds provided for the Agency, as well as other sources not prohibited by legislation.

22. In the process of performing the tasks entrusted to it, the Agency interacts with other state bodies, auxiliary bodies and services established by the President of Ukraine, and temporary consultative, advisory and other auxiliary bodies established by the Cabinet of Ministers of Ukraine, local self-government bodies, associations of citizens, public unions, trade unions and employers' organizations, relevant bodies of foreign states and international organizations, as well as enterprises, institutions, organizations.

23. Liquidation or reorganization of the Agency is carried out by decision of the Cabinet of Ministers of Ukraine.

24. The Regulation on the Agency is approved by the Cabinet of Ministers of Ukraine.

25. Until implementation of the Natura2000 network in Ukraine, the Agency ensures facilitation of its establishment, including by carrying out measures regarding scientific substantiation, identification and preparation of sites, and in parallel continues performance of tasks on organization, management and development of the Emerald Network sites. After introduction of the Natura2000 network in Ukraine, the Agency takes all measures provided by legislation to ensure its proper functioning, management, monitoring and protection, and also ensures fulfilment of the relevant international and European integration obligations of Ukraine.