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EXPLANATORY NOTE

to the draft resolution of the Cabinet of Ministers of Ukraine

“On approval of the Regulations on the Agency for Biodiversity (Nature) Conservation of Ukraine”

1. Justification of the need to adopt the Resolution

The draft resolution was developed with the aim of institutionally ensuring the implementation of state policy in the field of biodiversity conservation, protection and restoration of natural ecosystems, as well as the fulfillment of Ukraine's international and European integration obligations.

The need to adopt the act is due, among other things, to:

- 1) the absence of a separate central executive body responsible for implementing state policy in the field of biodiversity conservation at the systemic level;
- 2) fragmentation of powers in the field of management of the territories of the nature reserve fund and the Emerald Network;
- 3) the need to increase the efficiency of public administration in this area.

The adoption of the resolution is also due to the need to fulfill Ukraine's obligations under the Association Agreement between Ukraine and the European Union, in particular regarding the implementation of the provisions of:

1. Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds.
2. Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
3. European Union legal acts in the field of restoration of natural ecosystems.

2. Purpose and objectives of the adoption of the resolution

The purpose of adopting the resolution is to establish the Agency for Biodiversity Conservation of Ukraine as a central executive body with a special status and to determine the legal basis for its activities.

The main objectives of adopting the resolution are:

- ensuring effective implementation of state policy in the field of biodiversity conservation;
- implementation of a systematic approach to the management of protected areas;

- creation of an effective management mechanism for the Emerald Network and implementation of the Natura 2000 network;
- ensuring proper implementation of Ukraine's international obligations;
- improving the system of monitoring, accounting and management of natural resources.

3. General characteristics and main provisions of the draft resolution

The draft resolution provides for the approval of the Regulations on the Biodiversity Conservation Agency of Ukraine.

The regulation defines:

- the status of the Agency as a central executive body with a special status, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine through the relevant ministry;
- the main tasks, functions and powers of the Agency in the field of biodiversity conservation;
- powers to manage the territories of the nature reserve fund and the Emerald Network;
- mechanisms for maintaining state cadastres, monitoring and information support;
- authority to issue permits;
- principles of international cooperation, interaction with state authorities, local governments and other entities.

The project also provides for the establishment of territorial bodies (regional offices) of the Agency to ensure the implementation of state policy on the ground.

4. The state of the regulatory framework in the field of legal regulation

In the field of legal regulation, the following apply:

- Constitution of Ukraine;
- laws of Ukraine "On Environmental Protection", "On the Nature Reserve Fund of Ukraine", "On the Animal World", "On the Flora";
- international treaties of Ukraine, the binding consent of which has been granted by the Verkhovna Rada of Ukraine;
- other regulatory legal acts in the field of environmental protection.

However, the current regulatory framework does not provide for the creation of a specialized executive body with comprehensive powers in the field of biodiversity conservation.

5. Financial and economic justification

The implementation of the resolution will be carried out at the expense of the state budget within the limits of the expenditures provided for the maintenance of the relevant executive bodies, which, prior to the adoption of the resolution, are responsible for the implementation of state policy in the field of biodiversity conservation.

An additional source of funding may be international technical assistance funds, grants, and other sources not prohibited by law.

6. Forecast of socio-economic and other consequences of the adoption of the resolution

The adoption of the resolution will allow:

- increase the efficiency of public administration in the field of biodiversity conservation;
- ensure the fulfillment of Ukraine's international and European integration obligations;
- improve the management system of the nature reserve fund and the Emerald Network;
- improve the conservation status of natural ecosystems and species of flora and fauna;
- create the prerequisites for attracting international financial and technical assistance.