



To
Directorate-General for the Environment of the European Union
Delegation of the European Union to Ukraine
Verkhovna Rada of Ukraine

In the near future, the Verkhovna Rada of Ukraine is planning to vote on the draft law No. 9516.

It proposes to abolish the EIA procedure for all sanitary clearcuts smaller than 10 hectares. The main author of this draft law is Oleksandr Matusevych, a former director of a forestry enterprise in the Carpathians. The main lobbyists are representatives of the State Enterprise “Forests of Ukraine”, which controls more than 75 % of Ukrainian forests (7,3 million hectares).

According to the official certificates of timber origin issued by the State Forestry Agency of Ukraine, in 2022 10% of all timber harvested in Ukraine (or 1,85 million cubic meters) was exported to EU countries. In 2023 this increased to 11% (2 million m³).

In 2023, 9.7% of all timber in Ukraine was harvested by sanitary clearcuts. In the Carpathian regions of Western Ukraine, which are extremely valuable for biodiversity conservation, this percentage is even higher - 19.3% in the Transcarpathia province, 16.6% in Ivano-Frankivsk region, etc. Representatives of civil society organizations have repeatedly pointed out violations in the designation of these felling operations. In particular, when healthy trees are cut down under the guise of diseased trees, including in the old-growth forests of Svydovets. Several reports [See for example [here](#) and [here](#)] have shown that sanitary felling is the most commonly abused loophole to conduct illegal logging operations in Ukraine.

EU institutions have also confirmed this problem. In particular, the «Conclusions of the Competent Authorities for the implementation of the European Timber Regulation (EUTR) on the application of Articles 4(2) and 6 of the EUTR to timber imports from Ukraine» (December 9, 2020) indicate the existence of illegal sanitary logging in Ukraine. The EU's Ukraine 2023 Integration Report mentions that “Illegal logging is widespread, and despite efforts made in recent years, the illegal trade in timber persists”. It recommended that “Access by civil society to environmental information and participation in decision-making needs to be ensured” and “The independence and capacity for monitoring and control of licenses, felling and the sale of forest products need to be strengthened”.

The proposed version of draft law 9516 contradicts the EU recommendations. Firstly, the abolition of EIA will remove the ability of the public to influence decision-making on sanitary logging by submitting comments. Secondly, in the EIA procedure, the decision is made by the Ministry of Environment, which ensures independent control. After its abolition, decisions on the appointment of sanitary clearcuts will be made only by foresters, who are directly interested in increasing harvesting volumes.

Numerous reports from Ukrainian and international agencies have pointed to the abuse of power that occurs due to the conflicts of interest at the heart of State Forestry Agency of Ukraine (SFAU), which profits from the sale of forests under its control, but is also in charge of ensuring timber is harvested legally and sustainably. For example, it was mentioned in the 2018 TAIEX report "Reform Of Forest Governance In Ukraine"¹. The same report also noted that "huge share of sanitary felling on total harvest (around 30–40%) provides much bigger space for the risk of illegal logging."

The situation has not changed significantly since then. During the so-called forestry reform in 2022-2023 newborn State Enterprise "Forests of Ukraine" was left under the control of the SFAU.

Additionally, the international High-level working group on the environmental consequences of the war, co-chaired by former Deputy Prime Minister and Minister of Foreign Affairs of Sweden Margot Wallström, developed the document "An Environmental Compact for Ukraine"² as part of the implementation of President Zelenskyy's Peace Formula. Recommendation 42 of this document states that EIAs "should be required for all projects, plans and programs respectively, whether reconstruction from war or normal development, with proper oversight to ensure implementation."

Leading Ukrainian environmental organizations such as UNCG, Ecoaction, EPL, WWF-Ukraine, and Save Dnipro have opposed draft law 9516³.

On October 17, 2023, the EU Delegation to Ukraine sent a letter to the Verkhovna Rada's Environmental Committee. According to the letter, the Delegation "shares the concerns of environmental civil society regarding the draft law 9516 as one that could weaken the environmental component in forest management and forestry activities". Therefore, the Delegation asks the Environmental Committee "to carefully evaluate and avoid any deviations from the application of the EIA legislation provided for by this draft law."

If this bill is passed, it will primarily affect old-growth forests in the Carpathians. Ukrainian legislation prohibits commercial logging in such forests. However, there will be no restrictions on sanitary clearcuts after the EIA procedure is canceled by the 9516. There is a high risk that such logging would lead to a violation of the EUDR requirements, as forest degradation will occur due to the transformation of natural old-growth forests into artificial monocultures through clear-cutting.

Therefore, the adoption of the draft law 9516 in its current version poses significant risks not only to the forests of Ukraine, but also to wider ecosystems in Europe, given the importance of old-growth forests in the Carpathians.

Given the above arguments, we, the European non-governmental organizations that have signed this letter, ask you to help preserve Ukraine's ecologically valuable forests and warn Ukrainian MPs about the risks of adopting Draft Law 9516 and the implication regarding EUDR.

Ukrainian Nature Conservation Group, Ukraine

Center for Environmental Initiatives Ecoaction, Ukraine

EarthSight, United Kingdom

¹https://neighbourhood-enlargement.ec.europa.eu/document/download/baaf1c2b-d5ce-47c9-99e9-87c42f98cbb5_en?filename=eu_taiex_mission_report_january_2018_public.pdf

²

https://www.president.gov.ua/storage/j-files-storage/01/24/69/cc0dab040b3207268e5c8fb5275b22e4_1707492952.pdf

³ <https://epl.org.ua/announces/zayava/>

ANTS – National Interests Advocacy Network, Ukraine
Great Lakes and Wetlands Association, Hungary
Earth Thrive, United Kingdom
Progressive Shopper, USA
Wild Europe Foundation, UK and Netherlands
Biofuelwatch, Europe/USA
Leefmilieu, Netherlands
Comité Schone Lucht, Netherlands
AbibiNsroma Foundation, Ghana
Forum Ökologie & Papier, Germany
Focus Association for Sustainable Development, Slovenia
Bruno Manser Fund, Switzerland
Landelijk Netwerk Bossen- en Bomenbescherming, the Netherlands
European Civic Forum, France/Switzerland
Mijøbevægelsen NOAH - Friends of the Earth, Denmark
Rainforest Relief, USA
Wild Heritage, USA
EuroNatur, Germany
Quercus – ANCN, Portugal
Fern, Europe
ClientEarth, Europe
Pro REGENWALD, Germany
Save Estonia's Forest, Estonia
denkhausbremen.de, Germany
ROBIN WOOD, Germany
Asociatia Neuer Weg, Romania
Environmental Investigation Agency
Center for Environment/FoE Bosnia and Herzegovina, Bosnia and Herzegovina