



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate F – Green Diplomacy & Multilateralism
ENV.F.2 – Regional & Bilateral Environmental Cooperation

Brussels
ENV.F.2/DP

Mr Gavrilyuk Ruslan
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Dear Sir, / Dear Madam,

Thank you for your letter of 14 November 2022 to the President of the European Commission Ms Ursula von der Leyen in which you raise the issue of the application of public participation and accountability standards in Ukraine's legislation, including legislation enacted under martial law and the legislation under preparation (draft Law No. 8058). The President has asked me to reply on her behalf.

The European Commission is aware of the draft Law No. 8058, which was brought to the attention of the EU Delegation in Kyiv and other services. We take note of civil society concerns and have raised the issue with the Ukrainian authorities. While we can understand the necessity to act under war-time circumstances, we are expressing our firm opinion towards Ukrainian authorities that environmental legislation should be applied to the extent possible in times of the war and that any suspensions or adaptations of legislation should be temporary and limited in scope. Ukraine should avoid a blanket suspension of a key environmental governance law for an undefined period. Public participation in decision making is also to be provided for, as circumstances allow, and international conventions, such as the Aarhus Convention, should be applied to the extent possible.

I appreciate that the Civil Society Forum has raised the issue of conformity with environmental legislation. This is an important part of Ukrainian commitments under the EU-Ukraine Association Agreement and it is the more important now when Ukraine was granted Candidate Country status.

I believe that this discussion will continue. The topic of reconstruction of Ukraine will be raised, for instance, during the upcoming EU-Ukraine Cluster 3 Sub-Committee on energy, transport, climate, environment and civil protection, which is foreseen on 25-26 January 2023. The EU Delegation in Kyiv is also engaged in a dialogue with civil society organisations in Ukraine on stepping back in environmental requirements in Ukraine, and on implementation of the EU-Ukraine Association Agreement.

We will continue to engage with the Ukrainian authorities on this issue.

Yours sincerely,

Electronically signed

Davor PERCAN
Head of Unit