

# SUCCESSES AND CHALLENGES IN UPHOLDING THE AARHUS PRINCIPLES IN TIMES OF WAR

Civil Society Report on the Implementation of  
the Aarhus Convention in Ukraine, 2021–2024





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2025



## List of Abbreviations:

EIA	environmental impact assessment
EPL	Environment—People—Law
EU	European Union
GMO	genetically modified organisms
MEPR	Ministry of Environmental Protection and Natural Resources of Ukraine
NGO	non-governmental organisation
PRTR	pollutant release and transfer register(s)
SEA	strategic environmental assessment

Authors: Environment. People. Law (Yelyzaveta Aleksyeyeva, Solomiia Baran, Olha Melen-Zabramna, Yuliia Frantsishkevych-Vyrsta), Zaporizhzhia Regional Development Agency (Askad Ashurbekov, Felix Khrustaliyov)

Contributors: Arnika—Marcela Černochová, Zuzana Vachůňová, Martin Skalský

English proofreading: Simon Gill

Cover photo: Majda Slámová

Graphic designer: Bylina & Kobyla

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Yelyzaveta Aleksyeyeva, Solomiia Baran, Olha Melen-Zabramna, Yuliia Frantsishkevych-Vyrsta,

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# Introduction

After the Chernobyl disaster of 1986 and the subsequent consequences of the concealment of vital environmental information from the public, newly-independent Ukraine felt very strongly about the public's right to environmental information. This led to this right being enshrined in the Constitution of Ukraine (1996) and Ukraine becoming one of the very first countries to ratify the Convention on Access to Information, Public Participation in Decision Making, and Access to Justice in Environmental Matters (Aarhus Convention, Convention) in 1999.<sup>1</sup>

Since ratification, Ukraine has taken significant steps towards integrating the Convention's principles into its national legal and institutional frameworks. Notable achievements include the adoption of the Law of Ukraine "On Access to Public Information" (2011)<sup>2</sup> and the Law "On Environmental Impact Assessment" (2017).<sup>3</sup> Following the ratification of the Protocol on Pollutant Release and Transfer Registers (the PRTR Protocol)<sup>4</sup> in 2022, the Ukrainian Parliament adopted the Law "On the National Pollutant Release and Transfer Register"<sup>5</sup>, laying the foundations for improved public access to information on environmental pollutants. These efforts have marked a shift towards greater environmental transparency and public involvement, helping Ukraine approximate its legislation with European Union standards.

Ukraine played a crucial role in enabling the Amendment to the Aarhus Convention on genetically modified organisms (the GMO amendment) to enter into force, becoming the 30<sup>th</sup> party to ratify the amendment, in 2024.<sup>6</sup> This act highlighted Ukraine's willingness to contribute to strengthening the international environmental governance regime.

Despite the legislative progress, the practical implementation of the Aarhus Convention in Ukraine remains inconsistent. The country has faced difficulties in submitting national implementation reports in a timely manner. For instance, the report for the 2014–2017 cycle was not submitted on time, and the 2017–2020 and 2021–2024<sup>7</sup> reports were delayed, with an adverse effect on transparency and compliance monitoring.<sup>8</sup> Delays in preparing and submitting national implementation reports and the limited effectiveness of public participation mechanisms, while

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<sup>1</sup> Law of Ukraine On the Ratification of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters: <https://zakon.rada.gov.ua/laws/show/832-14#Text>

<sup>2</sup> Law of Ukraine On Access to Public Information: <https://zakon.rada.gov.ua/laws/show/2939-17#Text>

<sup>3</sup> Law of Ukraine On Environmental Impact Assessment: <https://zakon.rada.gov.ua/laws/show/2059-19#Text>

<sup>4</sup> Law of Ukraine On the Ratification of the Protocol on Pollutant Release and Transfer Registers: <https://zakon.rada.gov.ua/laws/show/980-19#n2>

<sup>5</sup> Law On the National Pollutant Release and Transfer Register: <https://zakon.rada.gov.ua/laws/show/2614-20#Text>

<sup>6</sup> Thanks to Ukraine, the GMO amendment to the Aarhus Convention will finally enter into force: <https://epl.org.ua/en/announces/zavdyaky-ukrayini-gmo-popravka-do-orguskoyi-konventsii-nareshiti-nabere-chynnosti/>

<sup>7</sup> The draft of the National Implementation Report for 2021–2024 was published on the MEPR's website on 31 December 2024, causing it to go largely unnoticed by civil society during the holiday season. As a result, no public comments on the draft were submitted.

<sup>8</sup> So, where is the national report on the implementation of the Aarhus Convention?:

<https://epl.org.ua/en/announces/i-de-zh-toj-natsionalnyj-zvit-z-vprovadzhennya-orhuskoyi-konventsii/>

ongoing barriers to access to justice remain—particularly for NGOs—and underscore systemic challenges.

In 2021, the Aarhus Convention Compliance Committee concluded that Ukraine had failed to comply with several provisions of the Convention, particularly in the context of decision making around production-sharing agreements for hydrocarbon extraction.<sup>9</sup>

Moreover, although the government has declared its intention to implement the PRTR system, the development and full operationalisation of a national pollutant register has been significantly delayed. These shortcomings are further compounded by persistent issues of administrative opacity and weak enforcement of environmental rights at both the national and local levels.

This shadow report examines how Ukraine progressed in integrating the Aarhus Convention's pillars into its legal framework and practice in 2021–2024, highlighting achievements, challenges, and areas requiring improvement. It aims to offer a detailed and objective overview of Ukraine's progress and outstanding challenges in fulfilling its obligations under the Aarhus Convention that covers the respective reporting period.

The report presents the perspective of civil society, particularly the International Charitable Organisation “Environment-People-Law” (EPL), which has played a leading role in monitoring the implementation of the Aarhus Convention, promoting public awareness, and advocating the reinforcement of legal guarantees related to environmental rights, as well as of a number of other NGOs whose experience and knowledge were included into this document. Importantly, the report also reflects how the Convention's principles are implemented in practice, drawing on the unique insights and experience of civil society organisations.

This shadow report is not intended to replace or act as a substitute for the official national implementation reports prepared by the designated governmental authorities of Ukraine. Rather, it seeks to complement them by providing an independent civil society assessment and encouraging a more inclusive and transparent dialogue on Ukraine's adherence to its international environmental commitments.

The Aarhus Convention acknowledges the valuable role of civil society in supporting its implementation. In particular, Decision I/8<sup>10</sup> of the Meeting of the Parties invites non-governmental organisations engaged in relevant activities to submit reports to the secretariat on their programmes, experiences, and lessons learned. While not part of the formal reporting procedure, such shadow or alternative reports are encouraged as a means of broadening perspectives, ensuring accountability, and highlighting practical challenges in the Convention's implementation.

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<sup>9</sup> Challenging product-sharing agreements to the Aarhus Convention Compliance Committee: <https://epl.org.ua/en/law-posts/oskarzhennya-ugod-pro-rozpodil-vuglevodniv-do-komitetu-z-dotrymannya-orguskoyi-konventsii/>

<sup>10</sup> UNECE, Decision I/8 on Reporting Requirements, 2002: <https://unece.org/fileadmin/DAM/env/pp/documents/mop1/ece.mp.pp.2.add.9.e.pdf>



# Legislative Framework

## 1 A General Review of Relevant National Laws, Policies, and International Obligations Related to the Aarhus Convention

Ukraine ratified the Aarhus Convention over a quarter of a century ago. Ukraine has since embarked on substantial legal reforms to align its domestic legal framework with the Convention's three foundational pillars. Significant progress in this area has been achieved through the alignment with the European Union's horizontal environmental legislation, a process that began in 2014 and accelerated notably after 2022. The transposition of the following elements of the EU acquis has had a particularly substantial impact on national legislation concerning the Aarhus Convention:

- Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (codified) amended by Directive 2014/52/EU
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment
- Directive 2003/4/EC on public access to environmental information
- Directive 2003/35/EC providing for public participation with respect to the drawing-up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC
- Regulation (EC) No166/2006 concerning the establishment of a European Pollutant Release and Transfer Register

Moreover, in May 2020, Ukraine ratified the Council of Europe Convention on Access to Official Documents (Tromsø Convention), thereby reaffirming its commitment to harmonising national access to information legislation with European standards and strengthening its obligations under the Aarhus Convention.

### Access to Environmental Information

The laws of Ukraine guarantee the public's right to receive environmental information from public authorities. Key legislative instruments include:

- **Law of Ukraine "On Environmental Protection" (1991)**—the main framework law in this area—provides for the right of the public to obtain accurate and timely environmental information. It also defines environmental information and mandates that environmental authorities collect, store, and disseminate such information and provide it upon request.
- **Law of Ukraine "On Access to Public Information" (2011)** ensures transparency in the activities of public authorities by granting the public the right to request and obtain information, including environmental information. It mandates that as a rule all public information is open and sets limited grounds for restricting access to information. The law establishes an obligation of public authorities to publish information on the Internet and provide it (including copies of documents) upon request and sets deadlines for responses, as well as exhaustive grounds for refusal.
- **Law of Ukraine "On National Pollutant Release and Transfer Register" (2022)** mandates the establishment of a publicly accessible PRTR containing data on releases of pollutants and transfers reported annually by the operators. The law is fully aligned with the UNECE Protocol on Pollutant Release and Transfer Register (2003) and the respective EU regulation No166/2006.

## Public Participation in Environmental Decision Making

Public involvement in environmental policy, planning, and decision making in Ukraine is regulated by a number of laws:

- **Law of Ukraine “On Environmental Protection” (1991)** provides for the right of the public to participate in policy and regulatory development and planning related to the environment as well as in environmental impact assessment and strategic environmental assessment procedures.
- **Law of Ukraine “On Environmental Impact Assessment” (EIA) (2017)**—Replacing the earlier state ecological expertise system, this law introduces an EIA procedure for projects with significant environmental impacts with its indispensable public participation provisions. It mandates that the public must be notified duly and in a timely manner of the EIA procedure and their right to participate and allows access to EIA reports, as well as establishing obligations of public authorities to facilitate public participation and solicit and collect comments (in writing and during public hearings), as well as to take them into due account while making an EIA decision.
- **Law of Ukraine “On Strategic Environmental Assessment” (SEA) (2018)**—The law provides mechanisms for early public involvement in the drafting of strategic documents such as plans and programmes in energy, transport, agriculture, urban development, and other sectors. It ensures access to draft plans and programmes and SEA reports (evaluating the environmental consequences of their implementation) and sets procedures for public consultations.
- **Law of Ukraine “On integrated industrial pollution prevention and control” (2024)** grants members of the public the right to participate in the procedure for issuing integrated environmental permits. The Law establishes the procedural framework governing such public participation and ensures access to relevant information both during the process of granting permits and throughout the operational phase of the installations concerned.
- **Law of Ukraine “On the Principles of State Regulatory Policy in the Sphere of Economic Activity” (2004)** establishes procedures for the publication of draft regulatory acts with the aim of soliciting comments and proposals from individuals, legal entities, and their associations. The scope of the law extends to legislative acts, including laws, as well as regulations adopted by the Cabinet of Ministers and sectoral ministries in a vast variety of sectors, including on environmental matters.
- **Law “On Administrative Procedure” (2022)** codifies principles of legality, proportionality, impartiality, and public participation in the administrative decision-making processes. The law provides detailed procedures for initiating, conducting, and concluding administrative proceedings and ensuring due process and legal certainty in the relationship between public authorities and individuals or legal entities.
- **Law “On Public Consultations” (2024)** regulates the procedure for organising and conducting public consultations by executive authorities and local self-government bodies. It aims to enhance transparency, accountability, and public participation in the development and implementation of state and local policies. The law sets forth the rights of members of the public to participate in consultations, establishes procedural safeguards, and mandates timely publication of relevant information and consultation outcomes.

## Access to Justice in Environmental Matters

Ukrainian legislation supports the right to judicial review in cases where environmental rights are infringed, including:

- **Constitution of Ukraine (1996)** guarantees the right to a safe and healthy environment and compensation for harm caused by environmental violations.
- **The Law of Ukraine “On Environmental Protection” (1991)** allows individuals and environmental NGOs to challenge in court violations of their right to access environmental information and to bring lawsuits for environmental damage, regardless of whether they are directly affected.
- **Law “On Administrative Procedure” (2022)** sets a procedure for the administrative review of administrative acts (decisions and actions) in response to a complaint by an individual or a legal person.
- **Code of Administrative Procedure of Ukraine (2005)** enables individuals and NGOs to challenge unlawful decisions, acts, or omissions by public authorities (and in some cases by private parties) related to environmental information and participation rights, as well as those which contravene provisions of the law relating to the environment (e.g. EIA decisions, environmental permits, planning decisions, development consents, operations without environmental permits or in violation of environmental regulations).
- **Civil Procedural Code of Ukraine (2004) and Commercial Procedural Code of Ukraine (1991)** enables individuals and NGOs to challenge acts and omissions by private persons which contravene provisions of the law relating to the environment and to seek compensation for pecuniary and non-pecuniary damage.

## 2 Analysis of the Legislative Framework and its Compliance with the Aarhus Convention with a Focus on Legislative Changes Made in the Period 2021–2024

### a Access to Information

In Ukraine, access to information is the most advanced pillar, in terms of both its transposition into the law and practical implementation. The Law of Ukraine “On Access to Public Information” (2011) introduced in Ukraine some of the best international standards in transparency of public institutions and access to public records and information of public interest, thereby implementing most of the Aarhus provisions related to access to information, both active and passive, and even going beyond them. For example, the deadline for the response to an information request in Ukraine is only five business days and private parties possessing environmental information are, as a rule, under an obligation to provide it upon request, just like public authorities. In the following decade active dissemination of information to the public advanced significantly as a result of the digitalisation of data and documents that have been increasingly organised into publicly accessible online registers and databases.

The fully-fledged aggression against Ukraine in 2022 did not result in any changes in legislation related to the first pillar in terms of its shrinkage, although it caused significant challenges for

both the state and the public in practical terms with regard to information sensitive for defence and national security purposes (see the section on case studies on non-compliance with the Aarhus Convention). Nevertheless, the granting of candidate status to Ukraine that same year and the opening of accession negotiations in 2024 boosted the process of the alignment of the national legislation with the EU acquis, including horizontal environmental ones that directly relate to access to information according to the Aarhus provisions.

In 2021 the Cabinet of Ministers of Ukraine created regulations for the operation of the Unified Ecological Platform “EcoSystem” (<https://eco.gov.ua/>). EcoSystem is an official digital tool introduced by the Ministry of Environmental Protection and Natural Resources of Ukraine to centralise and facilitate access to environmental information. Its goal is to serve as a key component in implementing Ukraine’s environmental policy by supporting transparency, accountability, and public participation in environmental decision making. Functioning as a one-stop portal, it aggregates data from various environmental registries, including on environmental permits and inventories of emissions. It allows the public to access up-to-date environmental information and submit electronic applications, comments and reports.

In 2022, Ukraine adopted the Law of Ukraine “On a National Pollutant Release and Transfer Register”. Although Ukraine signed the UNECE Protocol on a Pollutant Release and Transfer Register in 2003 and ratified it in 2016, the required legal framework for the launch of a national PRTR in Ukraine was adopted only in 2022. On the other hand, its provisions are to a large extent aligned with the PRTR Protocol and the respective EU regulation No. 166/2006. It mandates that industrial enterprises annually report data on their emissions and transfers of pollutants to the air, water, and soil. Once reported, the information is compiled into a centralised publicly accessible online system via the EcoSystem web portal. Furthermore, the law mandates that the national PRTR is to be integrated with the European PRTR by 2028 to facilitate data exchange and support efforts to reduce industrial pollution in Europe.

In 2022 and 2023 amendments were introduced to the EIA and SEA laws embodying provisions on electronic EIA and SEA registers into the respective laws (<https://eco.gov.ua/registers>). The two registers serve as the central repositories for all documentation generated in the course of EIA and SEA procedures carried out in Ukraine. For example, the EIA register includes notifications of planned activities, EIA reports, public comments, and EIA decisions. The registers operate as modules of EcoSystem and allow stakeholders, including the public, to monitor and participate in ongoing EIA and SEA procedures and to have easy and unlimited access<sup>11</sup> to EIA and SEA documents at the stage of the respective plans, programmes, and project implementation.

In 2023, Ukraine passed the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the State System of Environmental Monitoring, Information on the State of the Environment (Environmental Information), and Information Support for Environmental Management”. This law—as its title suggests—amended the Law of Ukraine “On Environmental Protection” and the Law of Ukraine “On Access to Public Information” to fully align their provi-

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<sup>11</sup> Certain limitations were introduced because of national security and defence considerations (see the section on case studies on non-compliance with the Aarhus Convention)

sions with the remaining elements of the Aarhus Convention and the respective EU directive on access to environmental information that remained untransposed.

In particular, the definition of “environmental information”, the list of environmental information to be available to the public in easily accessible electronic databases, and other provisions and obligations of public authorities with regard to dissemination and provision upon a request for environmental information were aligned with the respective international standards. It is important to emphasise, however, that this law is not in force yet. It will come into force six months after the termination of martial law in Ukraine.

In 2024, Ukraine adopted the Law of Ukraine “On Integrated Prevention and Control of Industrial Pollution”. The law establishes a comprehensive framework for regulating industrial pollution and aligns Ukraine’s legislation with EU Directive 2010/75/EU on industrial emissions. The law provides for the establishment of the Unified State Register of Integrated Environmental Permits. This electronic register, accessible via the EcoSystem web portal, will, among other things, serve as a public platform for accessing information related to industrial installations causing major emissions into the environment. In particular, the register will contain permit applications (including baseline reports), public consultation announcements, comments from stakeholders (including competent authorities, local authorities, and the public), pre-permit initial inspection reports, and integrated environmental permits that are issued, as well as documents originating during the operation of installations, such as annual reports on compliance with permit conditions, routine and non-routine inspection reports, etc.

Each permit application is to be assigned a unique registration number, under which all related documents are organised, ensuring the transparency and usability of the database throughout the installation’s lifecycle. Documents are to be retained in the register for the duration of the installation’s operation, but not less than for ten years after the withdrawal, invalidation, or cancellation of the permit. The adoption of this law—fully in line with the Aarhus Convention—represents a significant step forward in enhancing transparency in environmental governance in relation to major industrial polluters. The law is set to come into force on 8 August 2025.

Because of insufficient funding and the absence of a stable system for data collection and processing, as well as changes in the structure and functions of the ministry, the MEPR stopped producing national reports on the state of the environment. The last such report was released for the year 2021 (<https://mepr.gov.ua/>). In 2024, the Cabinet of Ministers of Ukraine adopted a new procedure for the preparation of the annual National Report on the State of the Environment in Ukraine. The updated procedure mandates a systematic approach to collecting and verifying environmental data from various sources, inclusion in the report of a wide range of environmental indicators, and prompt dissemination of the report to the public through official government websites. It will come into force six months after the termination of martial law in Ukraine. It is expected that the MEPR will renew the preparation and disclosure of the state of the environment reports once the war is over.

## b Public Participation

From 2021 to 2024, Ukraine's legislative landscape underwent some transformation concerning public participation in environmental matters. While some of these reforms aligned Ukrainian law more closely with the standards of the Aarhus Convention, others introduced substantial risks of backsliding, particularly with respect to procedural transparency and the inclusiveness of decision-making processes.

For example, the EPL expressed serious concerns about the adoption of the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Activities in the Field of Environment and Civil Protection During Martial Law"<sup>12</sup> (draft law No. 7144), which was passed by the Verkhovna Rada of Ukraine<sup>13</sup> on 15 March 2022. This law excluded from the scope of the Law of Ukraine "On Environmental Impact Assessment" restoration activities aimed at addressing the consequences of armed aggression and hostilities during martial law and the post-conflict recovery period. This exclusion raises significant concerns regarding Ukraine's compliance with the Aarhus Convention.

It is also important to highlight that the new Law of Ukraine "On Waste Management" dated 20 June 2022 No. 2320-IX<sup>14</sup> does not provide for public participation in the process for obtaining a permit for waste treatment facilities, nor in the issuance of licences for handling hazardous waste. This represents a significant step back in terms of compliance with the Aarhus Convention, which guarantees the public's right to participate in environmental decision-making processes. However, it is important to note that public consultations and discussions regarding the draft local waste management plan are conducted as part of its strategic environmental assessment.<sup>15</sup> In this regard, public participation guarantees are preserved.

Further concern arises from Cabinet of Ministers of Ukraine Resolution No. 1121 (11 October 2022)<sup>16</sup>, which expanded the scope of activities exempted from EIA procedures. The exemptions included critical post-war reconstruction projects and military infrastructure, provided they did not alter structural specifications. While potentially justified in the context of urgency, this exemption mechanism may reflect an assumed need but lacks safeguards to assess the cumulative environmental impacts and does not mandate alternative forms of public input. Such blanket exemptions risk undermining Ukraine's compliance with the Convention and may lead to long-term environmental harm.

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<sup>12</sup> Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning Activities in the Field of Environment and Civil Protection During Martial Law": <https://zakon.rada.gov.ua/laws/show/2132-20#Text>

<sup>13</sup> The Verkhovna Rada of Ukraine is the unicameral national parliament of Ukraine. It holds legislative authority, adopts laws, approves the state budget, ratifies international treaties, and exercises parliamentary oversight over the executive branch.

<sup>14</sup> Law of Ukraine "On Waste Management" dated 20 June 2022 No. 2320-IX: <https://zakon.rada.gov.ua/laws/show/2320-20#Text>

<sup>15</sup> Resolution No. 947 of 5 September 2023, Kyiv, "On the Approval of the Procedure for the Development, Coordination, and Approval of Local Waste Management Plans": <https://zakon.rada.gov.ua/laws/show/947-2023-n#n11>

<sup>16</sup> Cabinet of Ministers of Ukraine Resolution No. 1121 (11 October 2022): <https://zakon.rada.gov.ua/laws/show/1121-2022-n#Text>

The Ukrainian Parliament adopted amendments to the Law “On Environmental Impact Assessment” in July 2023 through Draft Law No. 8410 (Law of Ukraine on Amendments to Certain Laws of Ukraine Regarding the Improvement and Digitalisation of the Environmental Impact Assessment Procedure No. 3227-IX<sup>17</sup>). According to the explanatory note, the draft law was developed with the aim of improving the provisions of the current Law “On Environmental Impact Assessment” in the light of the need to implement digitalisation principles in procedures for granting permits, as well as to shorten the duration of the EIA process and limit the discretionary powers of authorities involved in decision making.

In our view, however, the proposed changes are broader and more substantial than stated. While many of them are worth implementing, some raise serious concerns among representatives of civil society.

The amendments included the digitalisation of the submission process and the introduction of electronic communication tools through the Unified Register for EIA, which improved administrative efficiency and transparency. Additionally, certain technical procedures were clarified with the aim of accelerating post-war reconstruction efforts.

However, the amendments also introduced problematic restrictions. Most notably, the public consultation period for the scoping phase was reduced from 20 to 12 working days—a change that has been widely criticised by civil society for limiting opportunities for meaningful public participation, particularly in rural or war-affected areas. This reduction contradicts the spirit of Article 6 of the Aarhus Convention, which emphasises the need to ensure adequate time frames and effective public access to participation procedures.

One of the key provisions of this law states the following: “Temporarily, for the duration of martial law on the territory of Ukraine, introduced by the Presidential Decree “On the Introduction of Martial Law in Ukraine” dated 24 February 2022, No. 64/2022, and approved by the Law of Ukraine “On the Approval of the Presidential Decree “On the Introduction of Martial Law in Ukraine”” dated 24 February 2022, No. 2102-IX, public hearings provided for in Article 7 of this Law shall be conducted by videoconference, which must be indicated in the announcement on the commencement of public consultations on the environmental impact assessment report and in the report on the results of public consultation. During this period, environmental impact assessments of planned activities to be carried out within the territories of territorial communities located in areas of military (combat) operations or under temporary occupation or encirclement (blockade) shall not be conducted, the deadlines for reviewing submitted documentation shall be suspended, and environmental impact assessment conclusions for such planned activities shall not be issued.”

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<sup>17</sup> Law of Ukraine On Amendments to Certain Laws of Ukraine Regarding the Improvement and Digitalisation of the Environmental Impact Assessment Procedure No. 3227-IX: <https://zakon.rada.gov.ua/laws/show/3227-20#Text>

The provision stipulating that public consultations are to be conducted via videoconference has also been included, since September 2023, in the Procedure for Conducting Public Hearings in the Environmental Impact Assessment Process.<sup>18</sup>

On 29 December 2023, the revised version of Part 2 of Article 3 of the Law on Environmental Impact Assessment (Scope of Application of EIA) entered into force.<sup>19</sup> The updated provision removed the exclusion of restoration activities during the post-conflict recovery period from the scope of the law.

However, a provision remained in force that allowed the EIA requirements to be waived for proposed activities carried out exclusively for national defence, emergency response, or restoration works aimed at addressing the consequences of armed aggression during martial law—provided that such activities meet the criteria established by the Cabinet of Ministers of Ukraine.

In response to these legislative changes, increased public concern, and a growing number of information requests related to the EIA Register, the Ministry of Environmental Protection and Natural Resources (MEPR) launched a new EIA Register in 2024 within the framework of the EcoSystem. This initiative aimed to enhance transparency, improve public access to environmental information, and reduce the administrative burden on the MEPR by streamlining information dissemination processes.

The growing practice of bypassing the EIA procedure through the adoption of Cabinet of Ministers of Ukraine acts authorising so-called “experimental projects” is a matter of serious concern. This approach is increasingly inconsistent with Ukraine’s international obligations, which establish clear and limited grounds for exemptions from EIA requirements and public participation procedures.

For example, by Resolution No. 1003 of the Cabinet of Ministers of Ukraine dated 30 August 2024,<sup>20</sup> an experimental project was approved that introduces a simplified procedure for obtaining permits to conduct waste treatment operations. However, this simplified permitting procedure contradicts paragraph 10 of Article 42 of the Law of Ukraine “On Waste Management”,<sup>21</sup> which establishes that the absence of an Environmental Impact Assessment (EIA) conclusion on the admissibility of a proposed activity constitutes a legal ground for refusing to issue such permits. In contrast, the contested resolution allows permits to be issued to operators who possess either an EIA conclusion or a conclusion from the state environmental expert review, thereby contradicting the provisions of the law, which holds superior legal authority.

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<sup>18</sup> Procedure for Conducting Public Hearings in the Environmental Impact Assessment Process (Resolution No. 989 of the Cabinet of Ministers of Ukraine): <https://zakon.rada.gov.ua/laws/show/989-2017-n#n10>

<sup>19</sup> Improving access to EIA materials during wartime and the recovery period: <https://epl.org.ua/announces/pokrashhennyam-dostupu-do-materialiv-z-ovd-v-umovah-vijny-ta-u-vidbudovnyj-period/>

<sup>20</sup> Procedure for the Implementation of the Experimental Project on the Simplified Procedure for Obtaining a Permit for Waste Treatment Operations (Resolution No. 1003 of the Cabinet of Ministers of Ukraine dated 30 August 2024): <https://zakon.rada.gov.ua/laws/show/1003-2024-n#Text>

<sup>21</sup> Law of Ukraine “On Waste Management”: <https://zakon.rada.gov.ua/laws/show/2320-20#Text>



On 6 September 2024, the government once again amended Resolution No. 1010 of the Cabinet of Ministers of Ukraine dated 13 December 2017,<sup>22</sup> specifically the Criteria for Determining Planned Activities Not Subject to an EIA. As a result of these changes, in addition to all previous exemptions, planned activities carried out by business entities listed in the electronic register of participants and contractors under state contracts (agreements), in accordance with the Procedure for the Implementation of the Experimental Project on the Production, Procurement, and Supply of Ammunition approved by Resolution No. 763 of the Cabinet of Ministers of Ukraine dated 21 July 2023, are now also exempt from undergoing an EIA. Moreover, the latest amendments to the Criteria maintain this situation.<sup>23</sup> As a result, all planned activities of such business entities—regardless of whether they actually involve the production of ammunition or whether the ammunition is intended for national defence—are now exempt from the EIA procedure.

In addition, on 18 July 2023, the Cabinet of Ministers of Ukraine approved the Resolution “On the Implementation of the Experimental Project “Construction of the Kakhovka Hydroelectric Hub on the Dnipro River. Reconstruction Following the Destruction of the Kakhovka Hydropower Plant and Ensuring the Stable Operation of the Dnipro Hydropower Plant During the Reconstruction Period””.<sup>24</sup> This resolution sets out the parameters and procedures for launching the experimental project aimed at reconstructing the Kakhovka HPP. The Cabinet’s decision was adopted without public consultation and without taking into account the views of scientists and experts from relevant fields. The project is planned to be implemented over a two-year period. According to the Implementation Procedure approved by Resolution No. 730, dated 18 July 2023, the project is to be carried out without conducting an environmental impact assessment.

In September 2024, the MEPR published the final version of the Concept Note outlining the scope of derogations from the procedures of Environmental Impact Assessment and Strategic Environmental Assessment.<sup>25</sup> Following what amounted to nominal public consultations, the MEPR finalised a list of activities and provided justifications for those which, because of the ongoing war and the imposition of martial law triggered by Russian aggression, may be authorised by the state without applying procedures designed to ensure the integration of environmental considerations and public participation.

As a result, rather than upholding environmental interests—as is the Ministry’s core mandate—the competent authority has focused instead on legitimising governmental decisions which, according to numerous environmental law experts, exceed the limits permitted by the Consti-

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<sup>22</sup> Resolution No. 1010 of the Cabinet of Ministers of Ukraine dated 13 December 2017:

<https://zakon.rada.gov.ua/laws/show/1010-2017-n#Text>

<sup>23</sup> Procedure for the Implementation of the Experimental Project on the Production, Procurement, and Supply of Ammunition: <https://zakon.rada.gov.ua/laws/show/763-2023-n#n12>

<sup>24</sup> Resolution of the Cabinet of Ministers of Ukraine “On the Implementation of the Experimental Project “Construction of the Kakhovka Hydroelectric Hub on the Dnipro River. Reconstruction Following the Destruction of the Kakhovka Hydropower Plant and Ensuring the Stable Operation of the Dnipro Hydropower Plant During the Reconstruction Period””: <https://zakon.rada.gov.ua/laws/show/730-2023-n#Text>[https://t.me/Denys\\_Smyhal/5630](https://t.me/Denys_Smyhal/5630)

<sup>25</sup> Concept note defining the scope of derogations from the rules on environmental impact assessment (EIA) and strategic environmental assessment (SEA): <https://mepr.gov.ua/kontseptualna-zapyska-shho-vyznachaye-sferu-vidstupivvid-pravyl-otsinky-vplyvu-na-dovkillya-ovd-ta-strategichnoyi-ekologichnoyi-otsinky-seo/>

tution, international treaties ratified by Ukraine, and the country's commitments under the EU integration process.

It is worth noting that the Strategic Environmental Assessment framework saw incremental improvement with the creation of the Unified SEA Register in 2023, intended to increase transparency in spatial and strategic planning. However, delays in operationalising this tool and limited public outreach have diminished its practical utility to date.

In relation to the SEA, the Cabinet of Ministers of Ukraine adopted Resolution No. 1196 dated 21 October 2022, "On Amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 555 of 25 May 2011".<sup>26</sup> This procedure introduces both positive changes and certain shortcomings. Despite its flaws and limitations, the procedure ensures public participation in the discussion of urban planning documentation at the local level.

It should be noted that on 12 May 2022, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding Priority Measures for Reforming the Urban Planning Sector" No. 2254-IX.<sup>27</sup> Among other provisions, this law sets out the requirements for the adoption, form, and content of comprehensive recovery programmes for regions and territorial communities. Notably, such programmes are not classified as urban planning documentation and are therefore not subject to an SEA. However, they are subject to public consultation, which is essential to ensuring public participation in the adoption process. These issues are further detailed in the Procedure for the Development, Public Discussion, and Approval of Comprehensive Recovery Programmes for a Region or a Territorial Community (or part thereof), and Amendments Thereto, approved by Resolution No. 1159 of the Cabinet of Ministers of Ukraine dated 14 October 2022.<sup>28</sup>

In addition, the Procedure for Conducting Public Hearings on Urban Planning Documentation at the Local Level (as amended on 31 December 2024<sup>29</sup>) includes the following provision: failure to publish, untimely publication, or incomplete publication of documents required to be made public during public hearings—except for materials subject to disclosure restrictions under martial law and classified as restricted-access information—constitutes a violation of the procedure.

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<sup>26</sup> Resolution of the Cabinet of Ministers of Ukraine No. 1196 dated 21 October 2022, "On Amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 555 of 25 May 2011": <https://zakon.rada.gov.ua/laws/show/1196-2022-n#Text>

<sup>27</sup> Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding Priority Measures for Reforming the Urban Planning Sector" No. 2254-IX: <https://zakon.rada.gov.ua/laws/card/2254-20>

<sup>28</sup> Resolution No. 1159 of the Cabinet of Ministers of Ukraine "Procedure for the Development, Public Discussion, and Approval of Comprehensive Recovery Programmes for a Region or a Territorial Community (or part thereof), and Amendments Thereto": <https://zakon.rada.gov.ua/laws/show/1159-2022-n#Text>

<sup>29</sup> Resolution of the Cabinet of Ministers of Ukraine No. 1557 dated 31 December 2024 "On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine Regarding the Development of Urban Planning Documentation at the Local Level": <https://zakon.rada.gov.ua/laws/show/1557-2024-n#n25>

Local self-governance legislation was updated with Law No. 3703-IX,<sup>30</sup> enacted in January 2025, which introduced broader mechanisms for community consultations and strengthened procedural guarantees for civic initiatives. However, these tools remain unevenly implemented at the municipal level, with local authorities often lacking the capacity or willingness to facilitate genuine participation. The absence of mandatory enforcement measures further limits the effectiveness of these reforms.

## c Access to Justice

According to Article 9 (1) of the Aarhus Convention, each party has to ensure that each person who considers that his or her request for information was ignored or inadequately answered has access to the review procedure in a court or another independent body established by law. This court procedure has to be expeditious, free of charge, or inexpensive for reconsideration by a public authority or independent body other than a court.

The possibility of complaining about a refusal to provide information or incomplete provision of information is foreseen by the law on access to public information. It foresees a few options for complaint—to the head of the agency, to a superior agency, or directly to a court. The law also foresees that control over access to public information is vested in the Ombudsman. Complaints concerning violation of the right of access to public information could be directed to the Ombudsman, who can impose a fine on the official who violated the right to public information.

Refusal to provide public information could be challenged in administrative courts. There are no specific legal procedural provisions concerning consideration of such cases by an administrative court. The applicant is obliged to pay a fee for application to the court in such a case (3000 UAH, around 60 euros for applicants who are legal persons and 20 euros for applicants who are physical persons).

According to Article 9 (2) of the Aarhus Convention, the state has to provide access to the review procedure before a court and/or another independent body established by the law to challenge substantive or procedural legality or any decision, act, or omission where public participation is obligatory. The possibility of a preliminary review procedure before an administrative authority could also be offered to members of the public whose right to public participation in environmental decision making has been violated.

The Code of Administrative Procedure of Ukraine provides norms concerning the right of the public to challenge in court decisions, acts, or omissions which violated its rights, freedoms, or legal interests (Art. 5). This also allows NGOs to go to court in cases of challenging decisions that violate not only rights (such as the right to public participation), but also legal interests, thus allowing wide access to the courts.

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<sup>30</sup> Law of Ukraine No. 3703-IX “On Amendments to Certain Laws of Ukraine Regarding Democracy at the Level of Local Self-Government”: <https://zakon.rada.gov.ua/laws/show/3703-IX#Text>

In February 2022, the Law “On Administrative Procedure” was enacted. It regulates the decision making of bodies or officials executing functions of public administration by the solution of administrative cases and issuing of administrative acts; it also foresees the possibility of administrative review of administrative decisions taken by public authorities. In Chapter VI it provides the rules for an administrative review, allowing a review to be initiated by any person who deems that his/her rights, freedoms, or legal interests were violated or might be violated by an adopted administrative act or during the implementation of this act, or when a procedural decision or action or omission adversely affects his or her rights, freedoms, or legal interests (Art. 78) Such complaints should be addressed to the higher body or established complaint commission (as in cases with bodies of local self-government). The time limit for an administrative review is 30 days from the time when the person learned about the decision, and an administrative review is free of charge. An amendment to this law was enacted in 2023 that exempted an EIA procedure from the scope of this law, but on 10 October 2024 a new amendment on the elimination of this exemption of an EIA procedure from the scope of the law on administrative procedure was introduced. Use of the procedure of an administrative review is not obligatory before an application to a court.

During the reporting period the judicial system of Ukraine underwent some changes related to the fact that a fully-fledged war erupted on the territory of Ukraine in 2022. Ukraine also continued the development of the digitalisation of its court system during this period.

Some important changes to court proceedings adopted by the Parliament of Ukraine during 2021–2024 also affected litigation in environmental cases. For instance, the amendments to the law on court fees lifted the obligation to pay court fees for an application to the court with cases related to war, concerning the establishment of facts that are of legal importance resulting from hostilities, the temporary occupation of Ukraine, emergencies of a natural or technogenic character, and violation of property rights concerning movable and immovable property.

Additionally, the Code of Administrative Proceedings was amended by a new mechanism of control over the execution of judgements in administrative cases (Art. 381-1). It foresees the obligation of the losing party to provide a report on the execution of the judgement to the court upon the request of the plaintiff or on the court’s initiative. The report is considered by the court and it approves or rejects it with the consequences of a court ruling on a fine to be paid by the defendant—the state or municipal authority (Art. 382-3).

The amendments to the procedural codes of Ukraine adopted in 2021 launched the start of the operation of a united court information and communication system.

## Information concerning receipt of cases related to environmental protection during 2020–2023<sup>31</sup>

Categories of cases	Received for consideration			
	2020	2021	2022	2023
Local Administrative Courts				
<b>Concerning environmental protection, namely:</b>	939	1216	397	419
Ensuring environmental safety, in particular during usage of natural resources, waste management	471	688	169	188
Particular protection of protected territories and sites, according to the law	68	124	56	77
Cassation Administrative Court of the Supreme Court				
<b>Concerning environmental protection, namely:</b>	153	174	127	130
Ensuring environmental safety, in particular during usage of natural resources, waste management	106	94	74	69
Particular protection of protected territories and sites, according to the law	5	9	6	9

It consists of information and telecommunication modules, allowing the automatization of judicial procedures, specifically case file management, automatic distribution of judges, exchange of documents between the court and the participants in the dispute, the recording of judicial procedure and video-conferencing, provision of informational aid to judges etc.

Modules of this system:

1. "Judicial power of Ukraine" W=web portal;
2. State registry of judicial decisions;
3. Official electronic address (E-CABINET);
4. Single contact center of judicial system;
5. Automatic distribution of judges;
6. Electronic court (e-court);
7. Court statistics.

<sup>31</sup> Source: [https://supreme.court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/supreme/2024\\_prezent/environmental\\_rights\\_bernaziuk.pdf](https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/2024_prezent/environmental_rights_bernaziuk.pdf)

The e-court system allows electronic channels (email) to be used to send documents to courts and to receive documents from courts and to exchange documents between participants in judicial proceedings. It allows access to electronic case files. The email addresses of attorneys, state bodies, local self-government bodies, and other parties have to be registered there to allow communication through the e-court system. Access to the e-court is via email and with a certified electronic signature.

For the convenient use of the e-court by all the parties, an e-court mobile app was developed. It allows the progress of the case to be followed, notifications on new messages to be sent to an e-cabinet, access to procedural documents sent by the court or by the parties, the viewing of procedural documents created by the user in an e-cabinet, and powers of attorney and orders that have been issued to be viewed and annulled.

The numbers of court cases concerning violations of the environmental law during the reporting period have shown a decline since the fully-fledged war erupted, and emigration resulting from the war, occupation of the territory of Ukraine, and a shift in the priorities of concerned citizens are a few reasons that can be mentioned here.

The table above shows the numbers of court cases related to environmental protection registered during 2020–2023 by the local administrative courts (information provided by the Supreme Court). Only around 400 environmental cases were directed to local administrative courts in 2022, while in 2021 their number was three times larger.

The number of cases arriving in the higher courts is usually smaller and the table above confirms this conclusion. Usually, the grounds for a second appeal are more strict, and thus fewer cases are considered by higher courts. The court fee for a second appeal is 200% of what was paid by the plaintiff when applying to the court of first instance, and thus this could not be considered as a financial obstacle.

Concerning adherence to Article 9 (3) of the Aarhus Convention by Ukraine in cases related to the environment, the positions of lower courts might vary, but the position of the Supreme Court is clear: the state has to ensure unhindered access of citizens to justice in cases concerning the challenging of acts, actions, or omissions of the state authorities violating national environmental legislation. For instance, in case N520/16518/2020 the Supreme Court ruled thus: taking into account the importance of real protection of the environment, it is not acceptable to give a limited interpretation of national legislation, consisting of the Aarhus Convention, concerning the right to apply to a court for protection of a legal interest in guaranteeing environmental safety (para. 90).<sup>32</sup> Injunction relief is possible under the procedural codes of Ukraine; the court fee for its application is around 20 € in administrative jurisdiction. The court is empowered to rule on the following types of injunctions: suspension of the force of an individual or normative act, a ban on the defendant with regard to certain actions, a ban on other persons performing activities that involve the subject of the claim, suspension of payments, etc. The Code of Administrative Proceedings foresees the norm on compensation for damage to another party in the event of the plaintiff losing the case, but this provision is not applicable to the defendant—a public

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<sup>32</sup> <https://reyestr.court.gov.ua/Review/106017551>

official or authority. The application of injunction relief by a court is not very popular in administrative environmental cases.

Access to judicial decisions is open to the general public via the official State Register of Court Decisions online portal: <https://reyestr.court.gov.ua>.<sup>33</sup> The websites of all the courts publish the list of cases to be scheduled in that court on a weekly basis with distribution by the name of the judge. Access to court hearings is open to anyone (as a general rule) by presenting his or her ID at the security check at the entrance to the court building.

#### There are numerous unofficial databases of court decisions:

- <https://lpd.juscourt.com/> — legal positions of the Supreme Court
- <https://court.opendatabot.ua/#/> — online service of court decisions “Granny”
- <https://comp.com.ua/> — analytical tool for search and visualisation of court decisions “Court in the palm”
- <https://verdictum.ligazakon.net/analysis> — search and analysis of court decisions “Verdictum”
- <https://liga360.ligazakon.net> — Liga360 analytical legal system

#### EPL’s unofficial database of environmental court decisions:

- <http://caselawepl.org.ua>

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<sup>33</sup> Managed by the State Company “Informational judicial systems”. This online register of court decisions is a separate part of the online system of courts: <https://court.gov.ua>. According to Art. 3 of the Law “On Access to court decisions” (2005), the State Judicial Administration provides access to court decisions through the State Register of Court Decisions. This register is an automatic system for the collection, storage, protection, accounting, search, and provision of electronic versions of court decisions. General courts shall post to the register all the court decisions and separate opinions in written form no later than the next day after their delivery.

# Case Studies on Non-Compliance with the Aarhus Convention

## a Access to Information

### Case Study 1: Restrictions on Public Registers

In October 2021, Ukraine officially launched EcoSystem—a single nationwide environmental information platform. According to its governing act,<sup>34</sup> EcoSystem is a statewide information system that allows access to environmental information and digital interaction between individuals, business entities, and authorities providing digital services for the purpose of receiving administrative and other public services in the area of environmental protection.

In February 2022, however, because of the aggression against Ukraine martial law was introduced in the country and the Government (by Resolution No. 263 of 12 March 2022) allowed public authorities to cease or limit the operation of information, information and communication, and electronic communication systems, as well as public electronic registers. Because of this EcoSystem provides access to environmental information and other public services only upon digital identification and authorisation in the system with a digital signature based on a qualified digital signature certificate, while open access is only provided to very limited information.

For example, before the full-scale invasion of Ukraine, the online EIA Register provided the public with full access to all documents generated in the EIA procedure, including EIA reports and EIA decisions, without any restrictions. The updated EIA Register that was developed as a module of EcoSystem in 2022 under the pretext of protecting data that is sensitive for national security reasons limits public access to EIA documentation by allowing such access only upon digital identification and authentication in EcoSystem using an electronic signature. At the same time, any individual who has a digital signature can access the full set of EIA documents without any additional checks and restrictions, while less digitally advanced individuals who do not possess an electronic digital signature are deprived of this opportunity.

The same restrictions apply to the documents contained in the SEA register, the register on natural protected areas, the National PRTR, and many others.

According to the recommendations<sup>35</sup> of the Aarhus Convention Compliance Committee issued at the request for advice from Ukraine provided in the specific context of the current war, *there are no specific provisions in the Convention providing for a different legal regime applicable during time of war. This means that even during time of war the Convention, and the obligations incumbent upon a Party thereunder, continue to apply (para 16).*

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<sup>34</sup> Resolution of the Cabinet of Ministers No. 1065 dated 11 October 2021

“On the Single Environmental Platform “EcoSystem””.

<sup>35</sup> [https://unece.org/sites/default/files/2023-06/A3\\_Ukraine\\_advice\\_adv\\_unedited.pdf](https://unece.org/sites/default/files/2023-06/A3_Ukraine_advice_adv_unedited.pdf)



Since anyone holding a valid digital signature may access the information included in EcoSystem, the imposed limitation does not add any value in terms of national defence. It does, however, discriminate against individuals with lower levels of digital competence. According to the official data of the Ministry of Digital Transformation of Ukraine<sup>36</sup>, the proportion of individuals with below-basic digital skills in Ukraine as of 2023 constituted 40.4% of the adult population (aged 18–70 years). As a result of the above-mentioned restriction, over 40% of the adult population of Ukraine is incapable of accessing EcoSystem.

In our opinion, the dissemination of environmental information covered in Article 5 of the Aarhus Convention should not be limited only to digitally competent individuals, and EcoSystem as it stands now does not seem to serve the aim and is not consistent with the general principles of the Aarhus Convention.

## Case Study 2: Commercial Secrets of the LLC “NEW ECOSVIT”

On 1 May 2024, EPL submitted an information request to the Ministry of Environmental Protection and Natural Resources of Ukraine (hereinafter the Ministry) regarding the issuance of a number of environmental permits to “NEW ECOSVIT”, as the Ministry’s official website indicated that it had issued a licence to manage hazardous waste to the company.

Suspecting possible corrupt practices, EPL sought in its request to verify whether the Ministry had indeed issued, prior to granting the licence, the following documents to the LLC “NEW ECOSVIT”, as these fall within the Ministry’s competence under the current legislation and are necessary for obtaining a licence for hazardous waste management. In the event that such documents had been issued, EPL requested copies thereof. The documents in question included:

- a. an inspection report of material and technical facilities;
- b. an environmental impact assessment (EIA) conclusion for hazardous waste management activities;
- c. a permit for emissions of pollutants into the atmospheric air;
- d. permit for waste processing operations.

In its response to EPL, the Ministry stated that, in order to process EPL’s request, it had contacted the LLC “NEW ECOSVIT” as the holder of the requested information and received a reply in which the company refused to grant consent to the requested information being shared with third parties, citing confidentiality and the presence of commercial secrets.

In its response to EPL, the Ministry did not provide an answer to the core question of whether such documents had been issued to the LLC “NEW ECOSVIT” prior to the issuance of the licence, nor did it supply copies of any of the requested documents. This was despite the fact that the Ministry itself is the issuing authority and, according to the Law of Ukraine “On Access to Public Information”, serves as the administrator of the requested information.

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<sup>36</sup> [https://osvita.diia.gov.ua/uploads/1/8864-presentation\\_ua\\_2023.pdf](https://osvita.diia.gov.ua/uploads/1/8864-presentation_ua_2023.pdf)

According to Article 4.4 (d) of the Aarhus Convention, a request for environmental information may be refused if the disclosure would adversely affect the confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Nevertheless, the Convention requires the grounds for refusal to be interpreted in a restrictive way, taking into account the public interest served by disclosure and whether the information requested relates to emissions into the environment (Article 4.4). Furthermore, the Convention requires that if information exempted from disclosure under Article 4.4 can be separated out, public authorities must make available the remainder of the environmental information that has been requested.

In the case under analysis, the Ministry violated the provisions of both the Aarhus Convention and national legislation. First, it applied the confidentiality exemption to the inspection and permit documents improperly and, second, did not separate out sensitive information—if there was any—while providing the remainder of the environmental information that had been requested.

### **Case Study 3: Limited Access to Production-Sharing Agreements (PSAs)**

In early 2013, the Government of Ukraine and the Dutch-British company Shell entered a 50-year PSA for the exploration and production of hydrocarbons in the Yuzivska field in eastern Ukraine (hereinafter Yuzivska PSA). The agreement covering 7,886 km<sup>2</sup> became the second PSA in Ukraine's history and the first shale gas deal.

In late 2013, the Government of Ukraine and Chevron Ukraine BV entered a 50-year PSA for the exploration and production of hydrocarbons in the Oleska field (hereinafter Oleska PSA). It covers 6,324 km<sup>2</sup> in western Ukraine.

To date, neither of the Yuzivska or Oleska PSA preliminary drafts, nor the final drafts approved by the governmental decrees, and not even the signed texts have ever been released to the public. The Government has invoked the confidentiality provisions, asserting that the disclosure of any of the terms of these agreements is restricted by mutual consent of the contracting parties.

Over the years Environment-People-Law, alongside many other private individuals and NGOs, filed numerous public information requests to various public authorities seeking information on the terms of the aforementioned PSAs or requesting copies of the drafts or signed texts of the PSAs. The consistent stance of all public authorities was that because of the confidentiality agreed upon by the contracting parties, they were not in a position to disclose any version of the agreements or any information pertaining to their terms.

Following several unsuccessful cases in Ukrainian courts, in 2015 Environment-People-Law filed a communication with the Aarhus Convention Compliance Committee. In 2021, the Meeting of the Parties to the Aarhus Convention adopted a decision<sup>37</sup> endorsing the Committee's findings, which concluded that Ukraine had failed to comply with Article 4(1) of the Convention by failing

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<sup>37</sup> [https://unece.org/sites/default/files/2021-10/ECE\\_MP.PP\\_C.1\\_2021\\_18\\_E.pdf](https://unece.org/sites/default/files/2021-10/ECE_MP.PP_C.1_2021_18_E.pdf)

to provide access upon request to either the full text of the PSA for the Yuzivska and Oleska fields or redacted versions thereof. The Meeting of the Parties also recommended Ukraine to take the necessary legislative, regulatory, administrative, or other measures to ensure that subject to any redactions made in accordance with Article 4 (3) and (4) of the Convention, the texts of the PSAs were to be provided in full to members of the public upon request, in accordance with Article 4 of the Convention.

As a result of Russia's invasion in 2014, both Shell and Chevron withdrew from their respective PSAs. Nevertheless, both PSAs remain valid; their texts have never been disclosed to the public by request or otherwise. Meanwhile, in 2025, the Government of Ukraine replaced the operator of the Oleska PSA with the largest domestic oil extraction company, "Ukrnafta", which has already obtained an extraction permit and is about to commence geological exploration of the Oleska field.

Despite clear recommendations from the Aarhus Convention bodies, Ukraine continues to withhold disclosure of the Yuzivska and Oleska PSAs, even as one of them advances towards implementation in 2025.

## **b Public Participation**

### **Case Study 1: Kamyanske, Dnipropetrovsk Region—The Rokoban Facility and the Right to a Safe Environment**

This case concerns the violation of the right of residents of Kamyanske to live in a healthy environment, resulting from the MEPR authorising the operation of a hazardous waste treatment facility—the LLC "Rokoban"—despite significant opposition from the local community and documented environmental risks.

The decision-making process related to Rokoban's activities lacked meaningful public participation, a core obligation under Article 6 of the Aarhus Convention. In 2020, the MEPR issued a positive EIA conclusion for a planned hazardous waste and animal byproduct processing facility in Kamyanske, a city already burdened with high levels of pollution. Despite residents' concerns and expert evaluations highlighting serious risks and inconsistencies, the MEPR proceeded to issue an EIA conclusion, a waste management licence, and an air emissions permit to the company.

Although a formal EIA procedure was conducted, the consultation process did not properly account for the concerns of the residents, who questioned the facility's safety, the suitability of its location, and the compliance of the proposed technologies.

EPL analysed the EIA report and identified numerous violations and inaccuracies. The LLC "Rokoban" claimed that the implementation of its planned activities related to the collection, transportation, utilisation, and destruction of hazardous waste in classes 1 to 3 would significantly improve the environmental condition of the city of Kamyanske. However, the company failed to take a comprehensive approach to waste management. For example, ash and slag waste resulting from the incineration of hazardous and mixed municipal waste (estimated at 70 tons per

year) would be disposed of in municipal landfills without any prior analysis of their composition or hazardous substance content, thereby exacerbating the environmental conditions around these sites.

Moreover, emissions from the facility, which will probably worsen Kamyanske's position among the most polluted cities in Ukraine and contribute to increasing rates of cancer and other diseases among its population, were not properly calculated or studied.

Despite the proclaimed goal of environmental improvement, the investor did not allocate funds for thorough research on air quality, including baseline pollution levels for key pollutants. The authors of the EIA report reached unsubstantiated conclusions, including that pollutant concentrations at the sanitary protection zone (SPZ) boundary would not exceed permissible levels, and that the facility would pose no environmental risk. In addition, the process of animal waste utilisation may generate emissions of methyl mercaptan—a toxic gas with a strong, unpleasant odour—which was not mentioned in the EIA report. Consequently, no technical measures were proposed to reduce or neutralise emissions of this substance. Therefore, whether the treatment of hazardous and animal waste in Kamyanske can be considered environmentally and socially safe remains highly uncertain, as the EIA report contains numerous contradictions, inaccuracies, and even more unanswered questions. Among other things, such data misleads the public and affects opportunities for public participation.

The Kamyanske City Council filed a lawsuit against the Ministry challenging the legality of the EIA conclusion. The court sided with the city, declaring the conclusion unlawful and annulling it. Rokoban's appeal was dismissed, upholding the original judgment. In particular, the courts formulated the following conclusion: "In the table summarising the consideration of public comments and suggestions, most of the comments were not taken into account, and the majority were not addressed at all. There is no clear structure or allocation of responses to specific comments, making it impossible to determine which comment received which response. This constitutes a violation of Annex 5 of the Cabinet of Ministers Resolution No. 1026 of 13 December 2017 "On Approval of the Procedure for the Submission of Documentation for the Issuance of the Environmental Impact Assessment Conclusion and Financing of the Environmental Impact Assessment" as well as the Procedure for Maintaining the Unified Environmental Impact Assessment Register, which requires information on whether comments and suggestions from the public during the scoping phase were fully taken into account, partially taken into account, or reasonably rejected by the developer (Vol. 1, pp. 63–137)." During the court hearing, the respondent explained that some of the public comments were similar in content, and therefore specific responses were omitted from the table. However, the court deemed these explanations unacceptable, as even in cases where the responses to similar comments are the same, the respondent is still obligated to record an appropriate entry in the table for each comment. Thus, when issuing the conclusion, the fact that the developer violated paragraph 10 of Article 5 of the Law of Ukraine "On Environmental Impact Assessment"—specifically regarding the proper consideration of public comments—was not taken into account. This in turn led to a violation by the competent authority of Article 7 of the same Law concerning the consideration of public comments, and Article 9 regarding the compliance of the contested EIA conclusion with environmental legislation. This failure, in the absence of any proposed measures aimed at preventing,

avoiding, mitigating, or eliminating the environmental impact of the planned activity, resulted in the issuance of the contested EIA conclusion.<sup>38</sup>

This case illustrates a clear breach of the Convention's public participation provisions. The public's input was effectively ignored, environmental concerns were dismissed without justification, and the state failed to ensure that decisions were made in a transparent and informed manner. The Rokoban case reflects broader structural issues in Ukraine's environmental governance, particularly concerning the implementation of EIA and public involvement in decision making on environmentally sensitive projects.

## Case Study 2: Protection of the Svydovets Massif from the Construction of a Large-Scale Ski Resort

This case concerns the attempt to protect an exceptionally valuable natural area—the Svydovets massif—from the construction of a massive ski and tourism complex. The planned development posed a significant threat to glacial lakes, a designated Emerald Network site, and wetlands of international importance.

In May 2017, the Rakhiv and Tyachiv District State Administrations adopted orders approving a detailed spatial plan covering approximately 14,000 hectares. The plan designated this area for recreational use, with up to 1,400 square metres earmarked for development. It included the removal of 430 hectares of forest to construct ski lifts and infrastructure, with a total built-up area of 50,000 m<sup>2</sup>, 90 km of planned roads, and 53 km of ski lifts.



*Svydovets ridge (Photo: Mike Pellini / Getty Images)*

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<sup>38</sup> Decision of the Kyiv District Administrative Court of 28 July 2021 in case No. 640/24964/20: <https://reyestr.court.gov.ua/Review/98678700>



*Svydovets ridge (Photo: Environment-People-Law)*

The project involved constructing 23 cableways and developing 230 km of ski slopes with 100% artificial snowmaking capacity. The resort was projected to accommodate 22,000 visitors simultaneously. However, the proposed land lies outside any populated areas, and the planning documentation was adopted without proper environmental assessment or compliance with public participation procedures required by both national and international law.

Despite environmental concerns, the detailed spatial plans were adopted without their undergoing a Strategic Environmental Assessment (SEA), and public consultations were either lacking or significantly flawed, constituting a breach of the Aarhus Convention's requirements on public participation in environmental decision making.

Environmental NGOs and local residents challenged the legality of the planning documentation in court, arguing that it was adopted in violation of national spatial planning procedures, without conducting the required SEA, and without proper public participation.

In the first instance, the court ruled in favour of the plaintiffs and annulled the decisions of the Rakhiv and Tyachiv administrations.<sup>39</sup> This decision was later overturned by the Eighth Administrative Court of Appeal.<sup>40</sup> However, the Supreme Court reviewed the case and, in its judgment dated 9 October 2024,<sup>41</sup> annulled the appellate court's decision and reinstated the original ruling of the Zakarpattia District Administrative Court, confirming the illegality of the detailed spatial plans that were adopted.

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<sup>39</sup> Decision of the Zakarpattia District Administrative Court of 10 January 2018 in case No. 807/1314/17: <https://reyestr.court.gov.ua/Review/71714520>

<sup>40</sup> Ruling of the Lviv Administrative Court of Appeal of 4 May 2018 in case No. 876/1506/18: <https://reyestr.court.gov.ua/Review/73842742>

<sup>41</sup> Ruling of the Supreme Court of 9 October 2024 in case No. 807/1314/17: <https://reyestr.court.gov.ua/Review/122379452>

Among other things, the Supreme Court stated the following: “Given the content of the notices/announcements on the public hearings, the panel of judges of the Administrative Cassation Court of the Supreme Court agrees with the arguments of the cassation appeal that these notices did not comply with the provisions of paragraph 5 of Procedure No. 555 and did not contain all the necessary information. The cassation court also notes that the appellants rightly pointed out discrepancies in the notices/announcements regarding the exact title of the Detailed Plan of the Territory (DPT) that was submitted for public discussion. This deprived the public of the opportunity to fully understand the purpose and scope of such hearings. The appellate court erred in concluding that the shortcomings in the notices/announcements about the public hearings were minor and did not affect citizens’ proper exercise of their right to participate in the discussion of the DPT project. During the proceedings, the respondents failed to prove compliance with paragraph 4 of Procedure No. 555 regarding the publication of properly developed draft urban planning documentation in accordance with the law. Moreover, the panel of judges of the Administrative Cassation Court of the Supreme Court emphasises that the current legislation does not contain exceptions that would allow for the publication of only part of the urban planning documentation project, even in connection with its large volume. The court concludes that the appellate court was wrong in considering that the large volume of the DPT project gave the respondents the right to publish an incomplete version. Therefore, the panel of judges agrees with the first-instance court’s conclusion that the respondents failed to ensure a proper public hearing procedure regarding the discussed Detailed Plan of the Territory.”

This case illustrates a serious failure by public authorities to ensure proper public participation and environmental assessment in a project with potentially devastating impacts on a highly sensitive and valuable natural area. It highlights non-compliance with Article 6 of the Aarhus Convention and underlines the critical role of judicial protection in enforcing environmental rights when administrative safeguards fail.

### **Case Study 3: Public Participation in the Environmental Impact Assessment for Exploratory Well No. 29, Ostroverkhivske Gas Condensate Field**

This case concerns the approval of the EIA for the construction of exploratory well No. 29 at the Ostroverkhivske gas condensate field by the Department of Environmental Protection and Natural Resources of the Kharkiv Regional State Administration. It raises serious concerns regarding the violation of public participation rights as guaranteed by the Aarhus Convention.

In September 2021, the Department issued a positive EIA conclusion (Case No. 03.02-20/032), authorising PrJSC “Ukrhazvydobutok” to proceed with drilling activities and infrastructure development. Several individuals and environmental NGOs challenged the decision in court, citing procedural violations and, in particular, the improper handling of public comments during the EIA process.

One of the key issues was the Department’s failure to ensure proper and transparent consideration of public input. The official report summarising the public consultations omitted several submissions, including a formal objection submitted by one of the plaintiffs. The revised version of the report—issued only after litigation had commenced—partially included the missing comments, which the court later attributed to a “technical error”. This late correction undermined the



credibility and fairness of the process and demonstrated a disregard for timely and meaningful engagement with public feedback.

Moreover, even the comments that were eventually included were not properly addressed or reflected in the decision-making process. No clear justification was provided for dismissing concerns related to environmental risks, proximity to residential areas, or compliance with relevant safety and environmental standards. The failure to engage substantively with the content of public submissions points to a merely formalistic approach to consultation, rather than genuine participation as envisioned by the Aarhus Convention.

In addition to procedural flaws, the plaintiffs identified several substantive concerns, including:

1. the unjustified reduction of the sanitary protection zone from 500 to 300 metres, without adequate evaluation of residential proximity or a scientifically grounded rationale;
2. the lack of a comprehensive assessment of the environmental and health risks, particularly regarding potential contamination of nearby protected water bodies;
3. an incomplete evaluation of the overall project scope, with omissions related to well testing, infrastructure connection, and long-term cumulative impacts;
4. a superficial treatment of topographical and ecological sensitivities, including failure to account for slope gradients and the site's proximity to water protection zones.

Despite these deficiencies, the first-instance court ruled in favour of the Department<sup>42</sup>, stating that the procedure had been lawfully followed and that public comments had been formally addressed. However, the Second Administrative Court in Kharkiv partially overturned this decision on appeal.<sup>43</sup> The court emphasised the fundamental nature of public participation under both national law and international obligations, referencing Article 9 of the Aarhus Convention and affirming its legal force under Article 9 of the Constitution of Ukraine.

This case illustrates systemic deficiencies in how public comments are handled in EIA processes in Ukraine. While procedural requirements may be formally met, the spirit and substance of public participation are often undermined, especially when environmental authorities fail to transparently integrate and respond to legitimate public concerns. Such practices are incompatible with the obligations arising from the Aarhus Convention, particularly with respect to ensuring meaningful access to justice and participatory environmental governance.

## Case Study 4: Protection of the Runa Mountain Pasture— Challenging the Construction of a Wind Farm

This case concerns significant public opposition to the construction of a wind farm in the ecologically unique and recreationally significant territory of the Runa mountain pasture in Zakarpatska

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<sup>42</sup> Decision of the Kharkiv District Administrative Court of 27 March 2023 in case No. 520/22006/21: <https://reyestr.court.gov.ua/Review/109878560>

<sup>43</sup> Ruling of the Second Administrative Court of Appeal dated 24 October 2023, Case number 520/22006/21: <http://caselawepl.org.ua/decision/481>





Pasture Runa (Photo: Environment-People-Law)

Oblast. The area is in the Carpathian Mountains, adjacent to and overlapping several nature conservation sites, including the “Sokolovi Skeli” ornithological reserve and the “Turie-Polyanskyi” zoological reserve. It is a proposed Emerald Network site characterised by unique highland landscapes, old-growth forests, and high biodiversity.

In July 2023, the Turie-Remety Village Council initiated the process of development of a Detailed Territorial Plan (DTP) for the construction of 30 wind turbines. The plan was financed by the LLC “Vitryanyi Park Turyanskyi”. The DTP was formally approved in May 2024 by a council decision and declared to promote green energy while preserving the natural and recreational value of the area.

Public participation during the development of the DTP and Strategic Environmental Assessment thereof was marked by serious procedural violations. The draft DTP was not properly published; public hearings were carried out only formally, without ensuring access to relevant documentation or meaningful public dialogue. The operation of the conciliatory commission was ineffective; its mandate was undermined by local council members. These wrong participatory proceedings denied local communities the opportunity to influence decisions affecting their environment, in clear violation of national legislation and Article 6 of the Aarhus Convention, which guarantees the right to participate in environmental decision making.

EPL challenged the DTP’s legality in court, citing violations of urban planning law and environmental safeguards. In September 2024, EPL filed a lawsuit (Case No. 260/5885/24) in the administrative court seeking annulment of the DTP approval. The proceedings were repeatedly delayed by the court’s decision to conduct a land and technical expert examination<sup>44 45</sup>—an act

<sup>44</sup> Zakarpattia District Administrative Court, Ruling on appointment of expert examination and suspension of proceedings, 14 January 2025, Uzhhorod, Case No. 260/5885/24: <https://reyestr.court.gov.ua/Review/124497129>

<sup>45</sup> Eighth Administrative Court of Appeal, Judgment in the name of Ukraine, 25 March 2025, Lviv, Case No. 260/5885/24, proc. No. A/857/5163/25: <https://reyestr.court.gov.ua/Review/126107184>



Pasture Runa (Photo: Environment-People-Law)

EPL described as a stalling tactic. In the meantime, without an EIA decision the investor started construction works and laid the foundations for four wind turbines. Requests for injunctive relief to prevent further development were turned down, despite ongoing environmental harm.<sup>46</sup>

Simultaneously, in January 2025, an EIA process was initiated for the wind farm project. EPL identified multiple procedural and substantive violations in the EIA report.<sup>47</sup> On 22 January 2025, the MEPR suspended the EIA process by Order No. 101, citing concerns raised by EPL and the pending court case.<sup>48</sup> In response, the investor filed a lawsuit (Case No. 260/1284/25) against the MEPR, claiming unjustified interference in its business operations. EPL joined the case as a third party in support of the Ministry. However, the plaintiff withdrew the claim in May 2025, and the court closed the case.<sup>49</sup>

Despite the suspension of the EIA process and the ongoing litigation, the Turie-Remety Village Council continued to facilitate the project by issuing urban planning conditions to the developer which allowed them to register building notice. Field inspections documented ongoing ground-works and forest clearing, raising concerns of irreversible environmental damage.

<sup>46</sup> Zakarpattia District Administrative Court, Ruling on referral of the case for continuation of expert examination and suspension of proceedings, 2 May 2025, Uzhhorod, Case No. 260/5885/24:

<https://reyestr.court.gov.ua/Review/127054340>

<sup>47</sup> Save Polonyna Runa: How Developers Are Trying to Bypass Environmental Impact Assessment: <https://epl.org.ua/about-us/posts/vryatuvaty-polonynu-runa-yak-zabudovnyky-namagayutsya-projty-otsinku-vplyvu-na-dovkillya/>

<sup>48</sup> A Decision to Protect the Carpathians: Ministry of Environment Puts Polonyna Runa Development on Hold: <https://epl.org.ua/announces/rishennya-na-zahyst-karpat-mindovkillya-stavyt-na-pauzu-zabudovu-polonyny-runa/>

<sup>49</sup> Zakarpattia District Administrative Court, Ruling in the name of Ukraine on termination of proceedings in the administrative case, 1 May 2025, Uzhhorod, Case No. 260/1284/25: <https://reyestr.court.gov.ua/Review/127022721>

This case exemplifies a broader pattern of a formal approach to public participation procedures and environmental concerns being ignored in spatial planning decisions. The authorities failed to ensure transparency, public dialogue, and prevention of environmental harm during decision making. This case illustrates non-compliance with Article 6 of the Aarhus Convention and underscores the critical role of civil society and the judiciary in defending environmental rights and ensuring prevention of harm to the environment.



Pasture Runa (Photo: Environment-People-Law)

## c Access to Justice

In general, the national courts' case law indicates that some problems with access to justice in environmental cases exist on the local and appeal levels, while the case law of higher courts concludes that provisions of the Aarhus Convention could not be interpreted too narrowly, as this convention vests in the public the right to justice in order to protect the interests of an unlimited number of persons (Judgement of High Administrative Court dated 16/11/22, case No. 320/8650/20).<sup>50</sup>

### Case Study 1: Kronospan v. NGO Ecoclub

Kronospan is building a woodworking plant near Rivne and plans to emit pollutants into the air. The Ecoclub NGO analysed the company's Environmental Impact Assessment (EIA) Report and published its comments. Afterward, Kronospan filed a lawsuit against Ecoclub for damaging its business reputation, in which Kronospan demanded that the allegations made in its posts be withdrawn and a payment of UAH 150,000 UAH be made (it then changed the amount to UAH 1). Ecoclub lost the case in the local and appeal courts. In order to defend its right to criticise, it filed a complaint to the Supreme Court. In May 2021 the Supreme Court of Ukraine overturned the decisions of local courts

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<sup>50</sup> <https://reyestr.court.gov.ua/Review/113405944>



*Kronospan v. NGO Ecoclub. (Photo: Valentyna Romaniuk / RFE / RL)*

that declared Ecoclub's publications illegal.<sup>51</sup> The Supreme Court confirmed the right of members of the public to criticise dubious and risky decisions, including the construction of the Kronospan plant. In its decision, the Court recognised that public criticism of environmentally threatening projects is an important foundation of the democratic system of the country and must not be limited.



*NGO Ecoclub at the Supreme Court. (Photo: NGO Ecoclub)*

<sup>51</sup> <https://reyestr.court.gov.ua/Review/97517292>

The Court stated:

- In international treaties and national legislation, the rights of public environmental organisations to participate in the discussion and dissemination of environmental information were guaranteed.
- According to the provisions of the Aarhus Convention, public participation should not be limited to the assessment of the possible impact of the planned activity on the environment but should provide the public with an opportunity to submit any comments and remarks related to the planned activity, including aspects of the admissibility of this activity and its compliance with environmental legislation.
- The provisions of the Law of Ukraine “On Environmental Impact Assessment” do not restrict the right of public organisations to disseminate comments in order to inform the public, even outside the procedures and deadlines provided by this Law.
- Dissemination of criticism of the planned activities in order to ensure compliance with environmental requirements in carrying out economic activities cannot be considered as dissemination of unreliable and negative information about a person because of the environmental nature of this information.

Thus, the Supreme Court confirmed the right of the members of the public to express their thoughts about an ecological situation that has happened or will be happening.

## Case Study 2: Challenging of Local Planning Documentation by a Citizen

Some problems with access to justice in environmental cases might arise in the event of disputed jurisdiction of courts in certain claims—civil, administrative, or commercial jurisdiction might be argued by judges and parties. In such cases, the Supreme Court should usually make a final judgement concerning the disputed jurisdiction and the standing of plaintiffs in a certain jurisdiction. For instance, the case No. 759/23414/20 shows that sometimes citizens are confronted with the burden of proving their standing in courts of a certain jurisdiction and have to search for an appropriate jurisdiction for their suits. The plaintiff—a physical person—was challenging in a civil court the actions of the local state administration and a document issued by the local state administration—urban planning conditions and restrictions, allowing construction of two 18-storey residential buildings near her house in the village of Petropavlivska Borschagivka (bordering on the city of Kyiv). The plaintiff at first addressed this claim to an administrative court and the courts of first instance and appeal ruled that this dispute was of a private character, and thus should not be considered by administrative but civil courts, and thus the case was closed. The Supreme Court concluded that the plaintiff was deprived of the right to protect her rights in the administrative courts and thus this dispute should be considered in civil proceedings, namely that the right to a court hearing should be enforced.

The civil courts of first instance and appeal rejected the suit on the basis of the absence of violation of the rights and interests of the plaintiff by the defendant’s actions and the urban planning conditions and restrictions document, and thus the plaintiff had no standing in this case. This approach was declared by the Supreme Court to be too formal and to violate the norms of an international treaty to which Ukraine is a party and which has priority over national legislation. The lower courts ignored the fact that the plaintiff is a representative of the local community and has the rights granted to it. Limited interpretation of the provisions of the Aarhus

Convention resulted in ignoring the fact that the right to protect one's right to a safe and healthy environment belongs to anyone and could be enforced by any member of the public concerned. The Supreme Court explained that cases aimed at protection of the environment have particular importance, and thus in cases arising from the Aarhus Convention the court has to concentrate not on the issue of the standing of the plaintiff, as the plaintiff contributes to environmental protection and is exercising his/her rights under national legislation and the Aarhus Convention. The court has to concentrate on the environmental and legal grounds of the case, and in the event of the establishment of a violation of environmental legislation, the consideration of the court case has to result in prevention or suspension of the illegal harm to nature. The Supreme Court reached conclusions concerning the standing in the event of violation of the right to a safe and healthy environment. The too-formal approach of the lower courts resulted in wrong conclusions that the plaintiff has no right to go to court with this claim as her application to do so is based on the presence of an environmental interest and the need to protect environmental rights. The lower courts unreasonably concluded that the rights, interests, and freedoms of the plaintiff were not violated by the questionable urban planning conditions and restrictions, and this constituted independent grounds for rejection of the claims. Thus, on 18 May 2023 the ruling of the Supreme Court reversed the decisions of the lower courts in this case and sent this case back to the civil court of first instance for fresh consideration.<sup>52</sup>

### **Case Study 3: Appealing to the Ombudsman for Access to Public Information**

The Ombudsman ignored a violation of the right to environmental information by the Ministry of the Environment of Ukraine, which refused to provide official documents and permits issued to a hazardous waste management company upon the request of an environmental NGO, Environment-People-Law. In May 2024 the NGO sent an informational request to the Ministry of the Environment of Ukraine asking to provide documents presented by the company "NEW EKOSVIT", which received a hazardous waste management licence from the Ministry on 24 April 2024. The NGO asked for a list (and copies) of the permits (such as an emission permit, EIA conclusion, etc.) which were presented by this company and on the basis of which the Ministry issued the licence. Before replying, the Ministry asked the company for permission to provide the NGO with the requested information and the company refused; thus the Ministry sent the NGO a letter stating that the Ministry was satisfying the informational request, but because the company refused to allow the transmission of information to third parties, they sent only the list of hazardous waste of the company "New Ekosvit" (the company agreed to provide only that to third parties).

The NGO sent a complaint to the Ombudsman stating that there had been a violation of the right of the public to access public information. The Ombudsman referred this matter to the Ministry and later also sent a letter to the company and considered the NGO's informational request for a second time. As a result, the Ministry again limited the right of the NGO of access to public information on the basis of Article 6 of the Law "On access to public information" as the requested information was confidential information and its distribution could result in significant harm to the interests of a business entity, and provided a letter from the company "New Ekosvit"

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<sup>52</sup> <https://reyestr.court.gov.ua/Review/111078327>

suspecting the applicant NGO of supporting the Russian Federation and also citing the legal provisions on the protection of commercial information.

The Ombudsman replied to the NGO that the case had been closed as the Ministry replied to the NGO's request for a second time and provided a reasonable refusal. The NGO decided that such steps on the part of the Ministry of the Environment were illegal as the NGO asked for public information, a list of official permits held by the company and provided during the process of its application for a hazardous waste management licence. The Ministry even failed to provide the list of documents provided by the company, although the official state registers and online database provide free online access to many environmental permits, and thus the refusal of the Ministry was groundless and illegal. The NGO prepared a suit and filed a case to the Kyiv District Administrative Court against the Ministry of the Environment. The case is pending at the time of the preparation of this publication.



# Protection of Environmental Defenders

In assessing the implementation of the Aarhus Convention, particular attention should be paid to cases of persecution and harassment of environmental defenders and in particular to legal proceedings initiated against journalists, environmental activists, and non-governmental organisations actively engaged in the protection of the environment and in the public discussion and dissemination of information on high-profile projects that are likely to have a significant environmental impact and/or are being implemented without an appropriate legal basis (such as without compliance with environmental impact assessment procedures, in violation of urban planning legislation, etc.).

Such proceedings are typically initiated as civil or commercial lawsuits based on formal claims for refutation of allegedly false information, protection of honour, dignity, and business reputation, or compensation for non-pecuniary damage in disproportionately high and often unsubstantiated amounts. These cases bear the characteristics of Strategic Lawsuits Against Public Participation (SLAPP). Their objective is not the restoration of violated rights, but rather the suppression of criticism, pressure on activists, discrediting them in the public space, and, ultimately, depriving them of the opportunity to influence environmentally significant decision making.

Such practices are incompatible with Article 3 of the Aarhus Convention, which prohibits any form of persecution or harassment of persons exercising their rights to participate in environmental matters. Parties to the Convention are obliged to ensure that such participation takes place in a safe, free, and non-discriminatory environment.

In the review period a few such cases were filed in response to public criticism, without proper substantiation of either the alleged harm or the falsity of the information that was disseminated. At the same time, in these cases, the defendants—with the support of civil society and human rights organisations—defended their right to freedom of expression and to participation in environmental matters.

## Case Study 1: Wind Parks v. Activists

A representative example is the series of court cases brought by the LLC “Management Company Wind Parks of Ukraine” against the representatives of the public opposing the construction of a wind park in the Carpathian Mountains. One case was brought against the NGO “Save Pikuy”, seeking protection of business reputation and compensation of about 10,000 € for alleged non-pecuniary damage (case No. 907/723/25).<sup>53</sup> The plaintiff demanded that a Facebook post be declared false and refuted—the post mentioned the death of a person during the construction of a wind power plant in the village of Nyzhni Vorota and its alleged concealment. However, the

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<sup>53</sup> <https://reyestr.court.gov.ua/Review/128686524>



disputed publication was general in nature and did not directly name the plaintiff company. The case materials contained no evidence of actual damage or a causal link between the publication and any harm suffered. By a ruling of the Commercial Court of the Zakarpatska Region, the case was left without further consideration because of the plaintiff's failure to pay the court fee. This suggests that the plaintiff deliberately avoided payment, using the proceedings as a form of moral pressure rather than a genuine legal remedy.

Another case was initiated against a local journalist from Zakarpattia, Olena Mudra, and the NGO "KOD 21" (case No. 299/2199/25).<sup>54</sup> In this case, the LLC "Management Company Wind Parks of Ukraine" sought the retraction of publications and specific statements that reported on violations in the implementation of the wind energy project in Nyzhni Vorota. The case was initiated as a civil proceeding and is being considered under the general procedure.

Both lawsuits share a common feature—they were initiated against individuals and organisations that publicly reported violations related to the implementation of wind energy projects. In both cases, the defendants took an active stance in exposing legal breaches during the construction of a wind power plant on Polonyna Runa, which is also the subject of administrative litigation, discussed in detail in this report.

## Case Study 2: LLC Tekhnopryvid Invest Group v. Ecoclub

Another illustrative case is a lawsuit filed by the LLC Tekhnopryvid Invest Group against the NGO "Ecoclub" (Rivne) No. 918/132/20<sup>55</sup>, concerning critical publications about violations in the environmental impact assessment procedure during the construction of the Kronospan wood-processing plant (also discussed above in this report).

While the lower and appellate courts partially upheld the claim, in 2021 the Grand Chamber of the Supreme Court overturned these decisions and ruled to dismiss the lawsuit entirely, recognising that the information that was disseminated was of public interest and constituted value judgments.

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<sup>54</sup> <https://reyestr.court.gov.ua/Review/126991837>

<sup>55</sup> <https://reyestr.court.gov.ua/Review/97517292>

# Conclusions and Recommendations

## a Access to Information

Ukraine has made significant strides in aligning its legislative framework with the Aarhus Convention and relevant EU environmental acquis. Since 2021, legislative reforms have strengthened the public's right to access environmental information. The establishment of the EcoSystem platform, adoption of the PRTR Law, refinement and alignment of legal provisions on access to environmental information across legislative acts, and the introduction of new laws on the prevention and control of industrial pollution reflect Ukraine's strong commitment to transparency and environmental governance.

However, important legislative reforms enhancing the framework for the dissemination and provision upon request of environmental information have been delayed because of the ongoing martial law. While this delay is justified by some officials, it hinders full compliance with the Convention, which is inconsistent with Ukraine's EU integration efforts that have only accelerated in the context of the current war.

The digitalisation of environmental information and the development of EcoSystem and its integrated registers (on EIA, SEA, PRTR, environmental permits, natural protected areas, etc.) have facilitated greater access to environmental data. The introduction of martial law in 2022, however, led to restriction of public access to environmental information systems. These restrictions were disproportionate and unnecessary in terms of the Convention, as they failed to enhance national security while significantly impeding access rights. Requiring digital identification through electronic signatures created a barrier for a substantial portion of the population, particularly those with below-basic digital skills (over 40% of adults).

Withholding information on commercial secrecy grounds, such as in the case of the LLC "NEW ECOSVIT", demonstrates misapplication of exceptions and a lack of proper balancing of the public interest. Failure to disclose PSAs constitutes a long-standing and systemic breach of Article 4 of the Convention, despite explicit recommendations from the Aarhus Convention Compliance Committee and the Meeting of the Parties.

In terms of enhancing access to environmental information it is recommended to:

- ensure non-discriminatory access to digital platforms by removing or mitigating the requirement for digital identification via electronic signature to access public registers containing environmental information;
- strengthen enforcement of access to information obligations by developing guiding documents and training public officials in the correct interpretation of commercial confidentiality exceptions under the Aarhus Convention, emphasising the requirement to apply exceptions narrowly and to redact sensitive information while providing the remainder of the requested environmental information;
- comply with long-standing recommendations on PSAs by immediately disclosing full or redacted versions of the Yuzivska and Oleska PSAs, in line with the Aarhus Convention and decisions of the Meeting of the Parties;

- rigorously enforce legal provisions mandating that all future PSAs or similar agreements related to environmental resources be made publicly available, with clearly defined deadlines and narrow exceptions;
- remove barriers delaying the entry into force of adopted laws and regulations implementing the Convention's access-to-information provisions (e.g. the environmental monitoring law and National Environmental Report regulation), ensuring they take effect without further postponement.

## b Public Participation

The implementation of the provisions of the Aarhus Convention on public participation in environmental decision making (Articles 6 and 7) in Ukraine remains inconsistent and raises systemic concerns. While the legal framework formally provides mechanisms for public participation—particularly through the environmental impact assessment and strategic environmental assessment procedures—practical application frequently falls short of the Convention's standards. The case studies analysed in this report reveal recurring patterns of ineffective, formalistic, or bypassed public consultation.

In a number of instances, the authorities failed to ensure meaningful public engagement, either by ignoring public comments (as in the Rokoban and Ostroverkhivske well cases), limiting access to relevant information, or not conducting proper consultations at all (as in the Svydovets ski resort project). Even where consultations did occur, public inputs were often excluded from the final documentation or dismissed without proper justification. Courts have repeatedly identified such deficiencies as violations of national legislation and Convention principles, and yet enforcement remains weak and inconsistent.

Recent legislative developments further undermine public participation guarantees. Notably, martial law has been used to justify broad exemptions from EIA and SEA procedures, including for reconstruction and defence-related projects. These exemptions often lack proper safeguards or alternative mechanisms for public input. The reduction of consultation time frames from 20 to 12 working days, as introduced by recent amendments to the EIA Law, further limits the public's ability to engage meaningfully, particularly in war-affected or rural areas.

Local self-governance reforms, while introducing new instruments for civic initiatives, have not resulted in consistent implementation or enforcement. Public participation in planning processes at the municipal level remains highly uneven and frequently symbolic because of the absence of accountability mechanisms and limited administrative capacity.

Despite the existence of legal procedures, public participation in environmental decision making in Ukraine often remains superficial or symbolic. Members of the public, including local communities and civil society organisations, frequently face practical barriers to participation, such as a lack of access to timely and complete information, shortened consultation time frames, or failure by the authorities to genuinely consider comments that are submitted. In many cases, public input is either disregarded or inadequately reflected in final decisions, undermining the purpose of consultations. While judicial mechanisms have occasionally addressed such procedural violations, meaningful public engagement continues to rely largely on the persistence

and capacity of NGOs and concerned citizens, rather than being embedded as a guaranteed and enforceable part of decision-making processes.

The following recommendations are proposed to address gaps in the implementation of Articles 6 and 7 of the Aarhus Convention in Ukraine:

- safeguard procedural guarantees for public participation in all EIA and SEA processes, including those implemented during martial law and post-war reconstruction. Derogations from standard procedures must be limited, justified by objective necessity, and accompanied by alternative forms of public involvement that ensure compliance with the core principles of the Aarhus Convention;
- ensure meaningful consideration and documentation of public comments by requiring clear, individualised responses to each submission. Authorities must provide transparent justifications for accepting or rejecting public input, even under time-constrained or emergency procedures;
- reinstate and protect adequate public consultation time frames in environmental legislation, with special consideration for wartime communication disruptions, displacement of communities, and limitations on access to digital tools;
- strengthen oversight and accountability mechanisms to ensure that consultation processes meet minimum quality standards, especially at the local level, where administrative capacity may be impaired and public oversight is weakest;
- support capacity-building for local government, authorities granting permits, and project developers through practical training and clear methodological guidance on implementing inclusive and conflict-sensitive participatory practices during and after the war; expand digital transparency tools (such as the EIA and SEA registers), but ensure they are complemented by accessible offline mechanisms, especially in areas with limited digital access.

## c Access to Justice

The implementation of Article 9 by national courts could be regarded as effective and positive; the norms of the Aarhus Convention are applied and cited in court judgements. Access to justice in cases related to the environment at lower levels might face obstacles as a result of standing or problems of conflicts of jurisdiction, but the case law of the Supreme Court shows the clear position on broad standing for members of the public, challenging decisions, actions, or omissions violating environmental legislation, and providing guidance to lower courts on the correct application and interpretation of the provisions of Article 9 of the Aarhus Convention. The success of court cases relating to the protection of the right to a safe and healthy environment depends heavily on the evidence the plaintiff presents to the court and the capacity to appeal unsuccessful decisions up to the Supreme Court, as in many cases the Supreme Court confirms standing and deeply analyses the facts of violation of environmental legislation by public authorities. The decreasing number of court cases related to environmental protection in recent years indicates that access to justice in such cases might face obstacles, and the lack of sufficient evidence of violation of one's rights and the ongoing full-scale war could be mentioned as examples.

Administrative review of the decisions of public authorities has weak points and could not be regarded as effective. The work of the Ombudsman in cases of violation of the right of access to public information lacks effectiveness and a clear position on the interpretation of the limitations

on this right. The newly-adopted legislation on the administrative procedure has had limited chances to show its effectiveness and to gain popularity among members of the public. Thus, non-judicial mechanisms for the review of the decisions of public officials violating the right to information or public participation during environmental decision making could not be deemed to be effective and contributing to the implementation of Art. 9 of the Aarhus Convention. In cases of violation of environmental legislation by public authorities during decision making, redress through court proceedings is almost the only option for members of the public—NGOs or citizens. While court proceedings are not prohibitively expensive in Ukraine, the possibility of obtaining an injunction from a court is too rare.

The following recommendations could be outlined to address the existing gaps in the implementation of Art. 9 of the Aarhus Convention by Ukraine:

- awareness-raising activities for members of the public concerning access to justice in environmental cases;
- improvement of the work of the Ombudsman in cases relating to violation of the right to public information;
- testing the administrative review procedure of the new Law “On Administrative Procedure” in decisions of public officials affecting the right to a safe and healthy environment and violating environmental legislation, analysis of its effectiveness, and preparation of recommendations for improvements (if needed).

# Attachment 1: Results of Partial Survey on Target Group Experience and Feedback on the Implementation of the Aarhus Convention in Ukraine

*(conducted in March-April 2025)*

## Introduction

As part of the preparation of the Aarhus Convention Shadow Report 2021–2024, we attempted to obtain feedback from at least a partial sample of representatives of the key target groups and collect information regarding knowledge of the provisions of the Aarhus Convention principles and their practical use in practice. Analysis of target group responses is one of the sources from which it is possible to draw information on the state of environmental democracy. This survey was prepared by experts from the Zaporozhye Regional Development Agency. The survey results have limited informative value, mainly because of the relatively low number of respondents, as well as the low number of relevant responses received. Out of 1,061 territorial hromadas, only 458, or 43%, sent their responses. Of these, only half sent responses that can be considered relevant and analysed for their content. Out of 108 courts addressed, only four provided relevant responses. We contacted all of the 39 state agencies that can be considered relevant for the purposes of this survey—we received responses from 30, which means it does not cover all the oblasts and regions of Ukraine. Of the hundreds of NGOs operating in Ukraine, we invited 32 to participate in the survey—only seven of them sent us responses. From the above list, it is clear that the survey did not reveal the opinions and experiences of a significant part of the target groups. We can only guess why this is the case and what information we are missing in the resulting analysis. For some addressees, the survey questions may have been too complex and processing the answers time-consuming. Others may not have been able to answer because they are solving completely different and more urgent problems as a result of the war. Others may not want to publish the information they have for various reasons or may not have any relevant information at all. It is also important to remember that a significant part of the territory of Ukraine is under the control of the occupying army, and obtaining information about events in these areas is practically impossible. Martial law is in effect throughout the entire territory of the state, which fundamentally disrupts everyday life and the functioning of state institutions. The issue under analysis is broad and there are too many unknowns. The results of this survey should therefore be considered only partial information. The conclusions drawn apply to the responses that are analysed, but they do not and cannot cover the experience of that part of the target groups whose responses could not be obtained. On the sole basis of the analysis of the responses of the sample of target groups, it is not possible to draw any conclusions that would relate to the overall implementation of the Aarhus Convention in Ukraine. Despite all the aforementioned limitations, the analysis of the responses that were obtained represents an interesting probe into the issue.

## Methodology

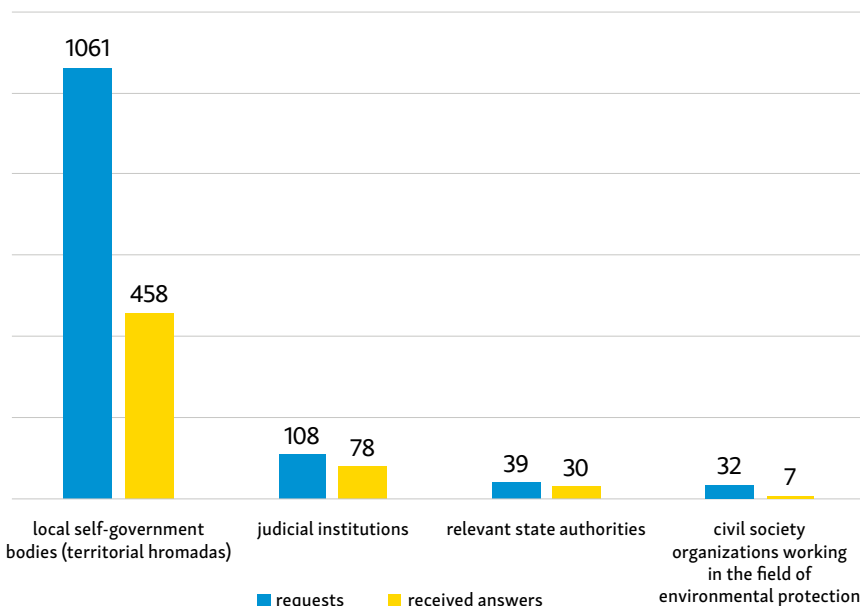
The survey is intended to offer a perspective that reflects the experiences of a certain sample of the public, civil society organisations, courts, state authorities, and local self-government bodies in applying the principles of the Convention.

A combination of qualitative and quantitative methods was used to collect data, including:

### Submitting requests for access to public information to:

- local self-government bodies (territorial hromadas)—1,061 requests;
- judicial institutions—108 requests;
- relevant state authorities (departments of ecology and regional environmental inspections)—39 requests;
- civil society organisations working in the field of environmental protection—32 requests.

In total, 1,240 requests were submitted.



### Analysis of the responses received on the basis of the following criteria:

- completeness of the responses;
- involvement in the development of regulatory acts, environmental impact assessments (EIA), and issuance of environmental permits;
- availability of judicial or admin. mechanisms for appealing or challenging the decisions made.
- **Processing of feedback from civil society organisations regarding their participation in information requests, court cases, appeals, and environmental decision making more broadly.**

The authors also made targeted phone calls to each category of addressees to clarify the requests that were submitted and verify their receipt via email.

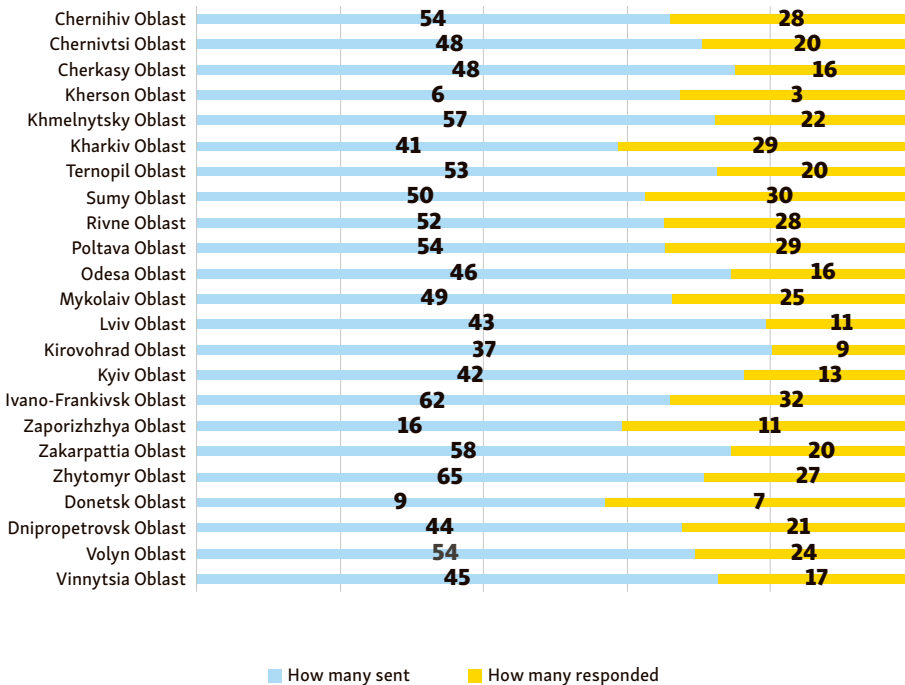
The methodology included comparing results across different regions, as well as analysing trends over the years. This allowed for the identification of patterns, gaps, and examples of both good practices and violations of Aarhus Convention principles.

The data may not be fully representative because of the following factors: military actions, destabilisation of government and decreased activity of civil society, non-working communication channels, and ignoring requests.

## Section 1: Territorial Hromadas

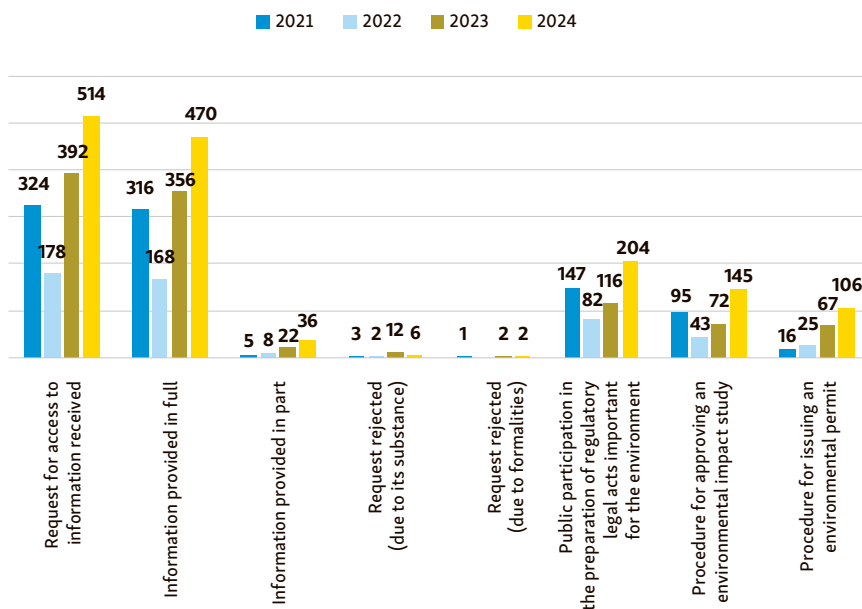
As part of the monitoring of the implementation of the Aarhus Convention in Ukraine, emails were sent to **1,061 territorial hromadas across 23 regions of Ukraine** (covering almost all the hromadas in the government-controlled territory). **Responses were received from 458 hromadas. Three hromadas** explicitly refused to provide a response, thereby violating the legislation on public information. The remaining hromadas did not respond because of non-functional communication channels or by ignoring the requests. Out of 455 hromadas that responded, **220 provided meaningful and well-structured answers**. Additionally, **235 hromadas** stated in their responses that from 2021 to 2024 they had not received any requests for access to environmental information and had not initiated any public participation procedures in decision-making processes relevant to environmental matters.

### Regional statistics on requests submitted and received





The chart illustrates the results for each region of Ukraine covered in the study. Experts were also able to partially include the regions currently experiencing the most difficult conditions, namely Donetsk, Zaporizhzhia, Kharkiv, Kherson, Sumy, and Chernihiv Oblasts. When analysing the number of responses, it is worth noting that more than half of the hromadas in these regions that were contacted provided replies—a positive trend given the ongoing war. Other regions where at least half of the requests received responses include Poltava, Ivano-Frankivsk, Mykolaiv, and Rivne Oblasts. The regions with a lower response rate include Kyiv, Kirovohrad, Lviv, Odesa, and Cherkasy Oblasts.



The histogram below presents a general summary of the responses received. Over the four-year period (2021–2024), territorial hromadas across Ukraine received a total of 1,408 requests for information related to the issues under study. The majority of these requests were fully satisfied—1,309 requests, or 93%.

There were 71 partial responses (5%) and 26 refusals (less than 2%).

In 2021, **prior to the full-scale invasion, citizens demonstrated high activity in submitting environmental information requests**—324 requests were submitted, nearly all of which were fully satisfied. This reflects growing public interest in environmental oversight and increasing trust in access mechanisms. In 2022, because of the onset of the war, **the number of requests nearly halved (dropping to 178)**. This year also marked the first signs of deterioration in local authorities' responsiveness, reflected in an increase in partial responses and formal refusals. However, in 2023, there was a notable resurgence; the number of requests increased to 392. At the same time, the trend of incomplete responses continued, probably because of the burden on local authorities. In 2024, **a record number of requests—514**—was documented, indicating a revival and growing public interest in participating in environmental matters. It can be concluded that civil society in Ukraine is demonstrating an increasing level of environmental awareness and the ability to self-organise: even under wartime conditions, citizen participation in information requests and environmental procedures not only persisted but strengthened.

When it comes to such aspects as public participation in the development of regulatory acts, approval procedures, and the issuance of permits, **there remains a problem of insufficient engagement. The number of relevant cases remains very low across all years — and in some regions, they are entirely absent.**

This situation highlights not only a lack of consistent enforcement practices but also the absence of a unified approach to the implementation of the Aarhus Convention principles.

Some territorial hromadas, during phone consultations, expressed surprise regarding the inclusion of questions related to public participation in procedures such as the preparation of regulatory acts important for the environment, approval of environmental impact assessments (EIA), and the issuance of environmental permits. This surprise is related to the fact that, according to the current legislation of Ukraine, particularly the Law of Ukraine “On the Permit System in the Sphere of Economic Activity” and specific environmental laws, local self-government bodies are not authorised to issue such permits. Instead, these functions are assigned to the competence of authorised state bodies—either central authorities or their territorial units. As a result, hromadas often do not identify themselves as entities responsible for these processes. However, according to the Aarhus Convention, public participation must be ensured at all levels of decision making that have significant environmental impacts. This means that even if local self-government bodies are not formal entities in the procedures for granting permits, they can and should play an important role in ensuring access to information, conducting consultations, and taking citizens’ views into account.

Public participation in the legislative process, despite its fundamental importance, is scarcely addressed. **Territorial hromadas generally do not see themselves as actors capable of influencing the formation of the regulatory framework.** In the few cases where participation is mentioned, it usually refers to informing the public rather than engaging in genuine dialogue or consultation. Procedures for approving environmentally significant decisions—particularly at the local level—are rarely described in the context of public involvement. **It appears that in many regions, these processes are perceived as internal administrative matters with no obligations for openness or transparency.**

However, over the four-year period, 548 instances of public participation in the preparation of regulatory legal acts (RLAs) were recorded, along with 354 cases of public involvement in the approval of environmental impact assessment (EIA) studies, and 214 instances where citizens participated in the environmental permit process.

These figures reflect an uneven implementation of the Aarhus Convention principles. **The environmental permit sector was the least participatory, indicating a weak integration of the public in permit procedures.**

In 2021, 147 instances of public participation were recorded, a relatively high figure. In 2022, this number dropped to 82, which can be explained by the start of Russia’s full-scale invasion of Ukraine and the resulting institutional destabilisation of public authorities. By 2023, there was a partial recovery (116 instances), and in 2024 a significant increase was observed—204 instances, the highest for the entire period. This positive trend indicates a gradual recognition by hromadas of their role in the law-making process and growing institutional readiness on the part of authorities to involve citizens.

Over the four-year span, 354 references were recorded of public participation in the approval of Environmental Impact Assessment (EIA) studies. In 2021 there were 95 such references; in 2022 the figure fell by half to 43. Activity began to rebound in 2023 (72 references) and reached 145 in 2024, reflecting renewed interest in EIA processes. This may also signal improved transparency and openness in the relevant procedures.

**The lowest figures remain those related to participation in environmental permit procedures:** only 16 instances in 2021, 25 in 2022, 67 in 2023, and 106 in 2024. Despite the low absolute numbers, the trend shows nearly a sevenfold increase over the 2021–2024 period. Given that such procedures are legally assigned to state authorities, local self-government bodies often do not perceive themselves as actors capable of influencing these processes. **However, under the Aarhus Convention, public participation must be ensured at all levels of decision making, which requires additional methodological support and formalisation of these mechanisms at the local level.**

We propose to examine the results by region separately (see **Table: Responses from Hromadas by Region**).

The highest number of inquiries was recorded in Poltava Oblast (254), which not only responded fully to the requests but also demonstrated active participation in environmental permit procedures, especially in 2023–2024. In second place was Volyn Oblast (172 requests), which showed a stable trend and consistent involvement in both regulatory and permit processes. Zakarpattia Oblast also stood out for its high level of completeness in responses (all requests were satisfied), although its participation in procedural aspects remained minimal. In Zhytomyr Oblast, activity increased significantly over the past two years, particularly in the preparation of environmentally significant regulatory acts. Among the regions with strong and consistent engagement, Sumy Oblast is worth highlighting for its systematic participation in all key procedures, while Ivano-Frankivsk Oblast, despite a large volume of responses, recorded numerous partial responses and refusals.

The lowest number of requests came from residents of Zaporizhzhia, Kirovohrad, Mykolaiv, and Cherkasy Oblasts (fewer than ten throughout the entire period), which may indicate insufficient public awareness or a low level of organisational support. In Donetsk and Kherson Oblasts, activity virtually ceased after 2021, probably because of military actions. Some regions, such as Lviv, Odesa, and Chernihiv, showed moderate levels of engagement, with noticeable growth in 2023–2024.

Thus, there is clear regional differentiation in the practice of access to environmental information, from complete openness and active participation in permit procedures to almost total passivity and silent inaccessibility. At the same time, the increase in the number of requests in 2023–2024 indicates a gradual strengthening of citizen involvement in environmental matters, even despite the challenges of wartime. **However, the willingness of local self-government bodies to engage in dialogue between community residents and the decision-making authorities affecting the environment remains an open question.**

Table. Response Results from Hromadas by Region

Request for access to information received	Information provided in full	Information provided partially	Request rejected (because of its substance)	Request rejected (because of formalities)	Public participation in the preparation of regulatory legal acts important for the environment	Procedure for approving an environmental impact study	Procedure for issuing an environmental permit	Year
<b>Vinnysia Oblast</b>								
3	3				2	3		<b>2021</b>
1	1							<b>2022</b>
3	3				3	4		<b>2023</b>
2	2				5	6		<b>2024</b>
<b>Volyn Oblast</b>								
59	59				13	3	1	<b>2021</b>
21	19	1	1		2			<b>2022</b>
50	49			1	5	1		<b>2023</b>
42	40		2		11	2		<b>2024</b>
<b>Dnipropetrovsk Oblast</b>								
10	6	2	2		7	6	1	<b>2021</b>
3	2	1			6	4		<b>2022</b>
11	10		1		6	5		<b>2023</b>
12	8	4			11	7	1	<b>2024</b>
<b>Donetsk Oblast</b>								
21	21							<b>2021</b>
1	1							<b>2022</b>
								<b>2023</b>
9	3							<b>2024</b>
<b>Zhytomyr Oblast</b>								
3	2	1			4	1		<b>2021</b>
10	10				11		1	<b>2022</b>
15	12	2	1		13	6	2	<b>2023</b>
37	36		1		21	10	3	<b>2024</b>
<b>Zakarpattia Oblast</b>								
59	59				12			<b>2021</b>
11	11				16			<b>2022</b>
25	25				17			<b>2023</b>
50	49	1			18	1	1	<b>2024</b>

Request for access to information received	Information provided in full	Information provided partially	Request rejected (because of its substance)	Request rejected (because of formalities)	Public participation in the preparation of regulatory legal acts important for the environment	Procedure for approving an environmental impact study	Procedure for issuing an environmental permit	Year
<b>Zaporizhia Oblast</b>								
								<b>2021</b>
								<b>2022</b>
					1			<b>2023</b>
5	5				3	1		<b>2024</b>
<b>Ivano-Frankivsk Oblast</b>								
2	2				17	27	1	<b>2021</b>
15	13	1	1		4	10		<b>2022</b>
17	6	6	5		3	19	3	<b>2023</b>
21	10	11			3	24	4	<b>2024</b>
<b>Kyiv Oblast</b>								
17	17				17	16		<b>2021</b>
4	4				4	3		<b>2022</b>
12	12				7	7		<b>2023</b>
6	6				16	15		<b>2024</b>
<b>Kirovohrad Oblast</b>								
1	1				1			<b>2021</b>
								<b>2022</b>
					1	1	1	<b>2023</b>
3	3				4	3	3	<b>2024</b>
<b>Lviv Oblast</b>								
7	7				3	2	1	<b>2021</b>
2	2				1	3	1	<b>2022</b>
10	10				2	5	1	<b>2023</b>
3	3				4	3	1	<b>2024</b>
<b>Mykolayiv Oblast</b>								
6	6				1			<b>2021</b>
					1			<b>2022</b>
4	4				3			<b>2023</b>
5	5				6	5	1	<b>2024</b>

Request for access to information received	Information provided in full	Information provided partially	Request rejected (because of its substance)	Request rejected (because of formalities)	Public participation in the preparation of regulatory legal acts important for the environment	Procedure for approving an environmental impact study	Procedure for issuing an environmental permit	Year
<b>Odesa Oblast</b>								
5	5				5	6		<b>2021</b>
5	5					3		<b>2022</b>
20	20				2	2		<b>2023</b>
25	25				9	12		<b>2024</b>
<b>Poltava Oblast</b>								
60	60				19	15	3	<b>2021</b>
37	37				9	6	11	<b>2022</b>
71	68	2	1		6	4	25	<b>2023</b>
86	79	3	4		22	14	33	<b>2024</b>
<b>Rivne Oblast</b>								
9	9				4		2	<b>2021</b>
6	6				3			<b>2022</b>
5	5				2			<b>2023</b>
14	14				4	2	2	<b>2024</b>
<b>Sumy Oblast</b>								
9	9				17	2		<b>2021</b>
5	5				10			<b>2022</b>
10	8		1	1	22	5	1	<b>2023</b>
26	25			1	22	9	1	<b>2024</b>
<b>Ternopil Oblast</b>								
12	12				1	1		<b>2021</b>
9	7	3						<b>2022</b>
9	9					3		<b>2023</b>
23	23				2	5		<b>2024</b>
<b>Kharkiv Oblast</b>								
13	10	1	1	1	4	4	1	<b>2021</b>
8	7	1				2	1	<b>2022</b>
30	25	3	2		3	2	1	<b>2023</b>
36	32	4			3	2	14	<b>2024</b>

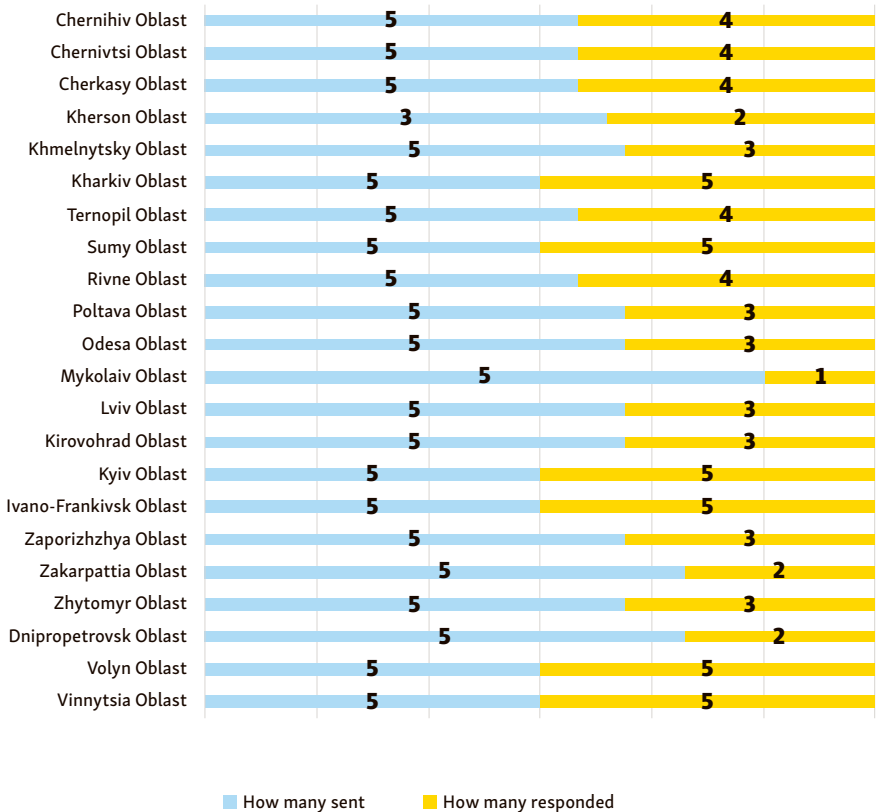
Request for access to information received	Information provided in full	Information provided partially	Request rejected (because of its substance)	Request rejected (because of formalities)	Public participation in the preparation of regulatory legal acts important for the environment	Procedure for approving an environmental impact study	Procedure for issuing an environmental permit	Year
<b>Khmelnyskyi Oblast</b>								
4	4				5	2	6	<b>2021</b>
14	14				7	4	10	<b>2022</b>
10	9	1			13	6	33	<b>2023</b>
24	23	1			22	16	39	<b>2024</b>
<b>Kherson Oblast</b>								
1	1				1	1		<b>2021</b>
								<b>2022</b>
								<b>2023</b>
								<b>2024</b>
<b>Cherkasy Oblast</b>								
6	6				1			<b>2021</b>
5	5				1	2	1	<b>2022</b>
8	8				1			<b>2023</b>
3	2			1	2			<b>2024</b>
<b>Chernivtsi Oblast</b>								
6	6				3			<b>2021</b>
11	10	1			2			<b>2022</b>
15	15				1			<b>2023</b>
21	21				4	2	1	<b>2024</b>
<b>Chernihiv Oblast</b>								
11	10	1			10	6		<b>2021</b>
10	9	1			5	2		<b>2022</b>
67	57	10			5	2		<b>2023</b>
61	56	5			12	6	2	<b>2024</b>

# Section 2: Courts

As part of the study, 108 email inquiries were sent to courts across 22 regions of Ukraine. Courts in the Donetsk and Luhansk regions, as well as the Autonomous Republic of Crimea, were not included, as their territorial jurisdiction had been redefined as a result of the inability to administer justice during martial law (source: Supreme Court of Ukraine. URL:

[https://supreme.court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/supreme/rozporyadjenya/Zagalna\\_tablica\\_sudiv\\_07\\_08\\_2023%20\(1\).pdf](https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/rozporyadjenya/Zagalna_tablica_sudiv_07_08_2023%20(1).pdf) (accessed on 5 May 2025).

The results we obtained are presented in the histogram below.



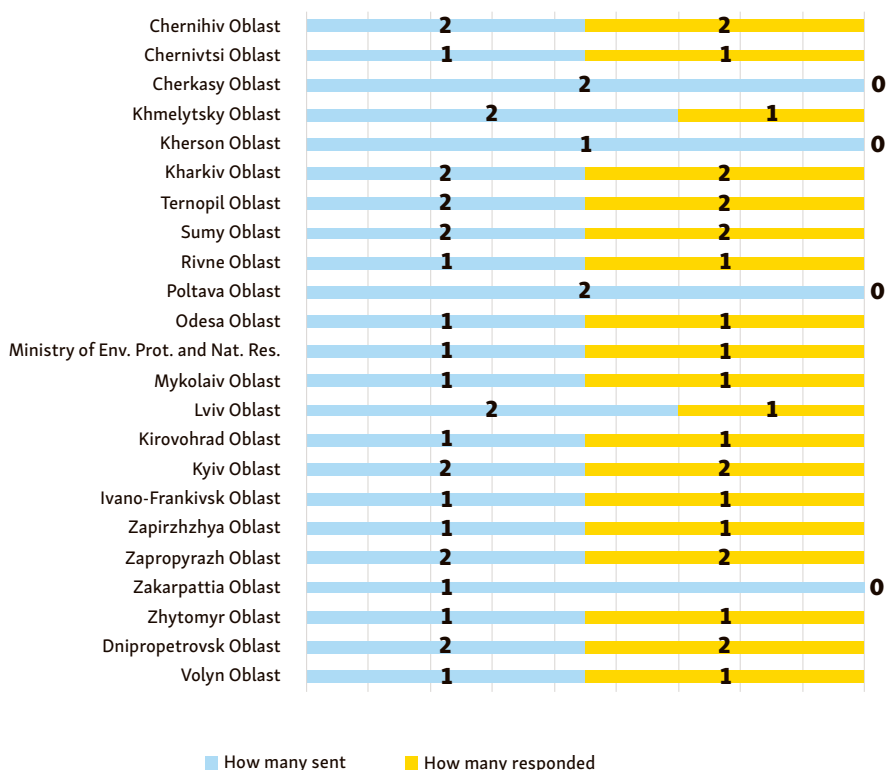
Overall, a consistent trend was observed, with the average number of responses per region being four. In total, 78 responses were received. The lowest number of responses came from the Mykolaiv region, while the highest were received from the regions of Vinnytsia, Ivano-Frankivsk, Kyiv, Sumy, Kharkiv, and Volyn. Despite the ongoing war, courts in the frontline regions included in the study were not less responsive to the requests compared to those located in relatively safer areas.

However, 74 of the responses indicated that the courts had not received any requests falling under the criteria outlined in our letter. Two responses included refusals, one court stated that it does not collect statistical information, and another noted that because of the war its cases had been transferred to another court.



This raises an important question: what is the reason for such results? It could be that citizens do not feel the need to file lawsuits challenging environmental decisions under the specified criteria, either because local authorities fulfil their requests adequately and involve them in decision making, or because people do not believe that the judiciary can address issues of environmental injustice effectively. Alternatively, society might be unaware that the judicial system is responsible for resolving such matters.

## Section 3: Specialised Institutional Structures



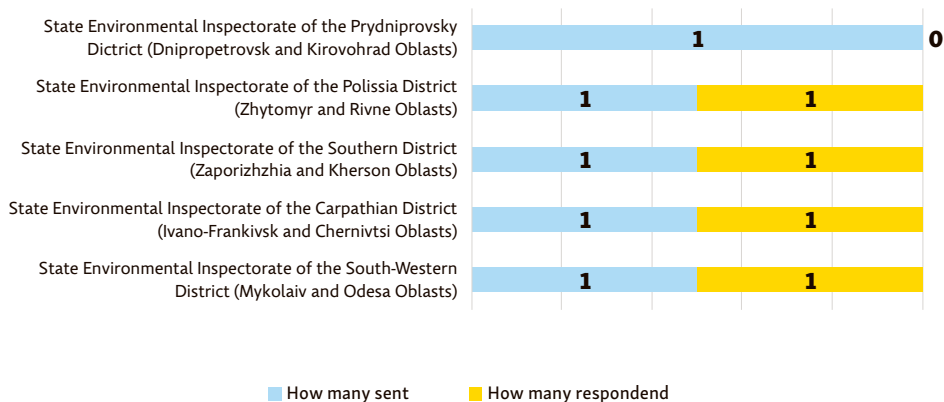
The data presented in the histogram reflects the responses received from specialised environmental and ecological structures within the regional state (military) administrations—including:

- Ministry of Environmental Protection and Natural Resources of Ukraine;
- State Ecological Inspectorate in Vinnytsia Oblast;
- Department of Ecology and Natural Resources of the Volyn Oblast State Administration;
- State Ecological Inspectorate in Volyn Oblast;
- Department of Ecology and Natural Resources of the Dnipropetrovsk Oblast State Admin.;
- State Ecological Inspectorate of the Prydniprovsky District (Dnipropetrovsk and Kirovohrad Oblasts);
- Department of Ecology and Natural Resources of the Zhytomyr Oblast State Administration;
- State Ecological Inspectorate of the Polissya District;

- Department of Ecology and Natural Resources of the Zakarpattia Oblast State Administration;
- State Ecological Inspectorate in Zakarpattia Oblast;
- Department of Environmental Protection of the Zaporizhia Oblast Administration;
- Department of Ecology and Natural Resources of Ivano-Frankivsk Oblast State Administration;
- State Environmental Inspectorate of the Carpathian District;
- Department of Ecology and Natural Resources of the Kyiv Regional State Administration;
- State Environmental Inspectorate of the Capital District;
- Department of Ecology and Natural Resources of the Kirovohrad Regional State Administration;
- Department of Ecology and Natural Resources of the Lviv Regional State Administration;
- State Environmental Inspectorate in the Lviv Region;
- Department of Ecology and Natural Resources of the Mykolaiv Regional State Administration;
- State Environmental Inspectorate of the South-Western District (Mykolaiv and Odesa regions);
- Department of Ecology and Natural Resources of the Odessa Regional State Administration;
- Department of Ecology and Natural Resources of the Poltava Regional State Administration;
- State Ecological Inspectorate of the Central District;
- Department of Ecology and Natural Resources of the Rivne Regional State Administration;
- State Ecological Inspectorate of the Polissya District;
- Department of Environmental Protection and Natural Resources of the Sumy Regional State Administration;
- State Ecological Inspectorate in the Sumy Region;
- Department of Ecology and Natural Resources of the Ternopil Regional State Administration;
- State Ecological Inspectorate in the Ternopil Region;
- Department of Environmental Protection and Nature Management of the Kharkiv Regional State Administration;
- State Ecological Inspectorate in the Kharkiv Region;
- Department of Natural Resources and Ecology of the Khmelnytskyi Regional State Administration;
- State Ecological Inspectorate in the Khmelnytskyi Region;
- State Ecological Inspectorate of the Southern District (Zaporizhzhya and Kherson Regions);
- Department of Ecology and Natural Resources of the Cherkasy Regional State Administration;
- State Ecological Inspectorate of the Central District;
- Department of Ecology and Natural Resources of the Chernivtsi Regional State Administration;
- State Environmental Inspectorate in the Chernihiv Region;
- Department of Ecology and Natural Resources of the Chernihiv Regional State Administration.
- Departments, Inspections, and Directorates—as well as from the Ministry of Environmental Protection and Natural Resources of Ukraine.

Separate requests were also sent to the State Environmental Inspectorates. Some of these were attributed to specific regions (including Zakarpattia, Stolychna (Kyiv), Lviv, Sumy, Kharkiv, Khmelnytskyi, Central (Poltava), Cherkasy, and Chernihiv). The histogram below shows cases in which these bodies are assigned to districts that cover two or more regions.

It is important to note that, unfortunately, no responses were received from relevant bodies in certain regions, specifically, Poltava and Cherkasy Oblasts. Additionally, no responses were received from the departments of Zhytomyr and Kherson Oblasts, nor from the inspectorate of



the Prydniprovskiy district. This, in turn, complicates a comprehensive analysis of the situation regarding access to environmental information in these regions.

Moreover, the fact that multiple oblasts fall under a single district jurisdiction further complicates the analysis of specific regions, as the information is provided at the district level rather than for individual oblasts.

In 2021, a total of 1,637 requests for environmental information were recorded—the highest number to date. However, by 2022, the number of requests had dropped almost threefold (661 requests), which can be attributed to objective factors such as military actions, destabilisation of public administration, and a decline in civil society activity.

There has been a gradual recovery in recent years. In 2023, the number of requests increased to 1,303, and by 2024 it had surpassed the pre-war level, reaching 1,824 requests. This indicates a steady return of citizens to actively using access-to-information tools and re-establishing communication with public authorities.

It is worth highlighting that throughout all the years, the rate of full responses to information requests remained remarkably high—between 93% and 95% of all requests. The highest rate was observed in 2024, with 1,727 out of 1,824 requests (94.7%) being fully satisfied. This reflects the continued transparency of environmental institutions despite the broader national challenges.

At the same time, there has been a slight increase in the number of refusals—both substantive (from 30 in 2021 to 49 in 2024) and formal (such cases began appearing in 2023–2024). This trend may stem from stricter control procedures or errors on the part of applicants. It underscores the need for better public awareness regarding the correct procedure for submitting information requests.

## **Adoption of Regulatory Legal Acts Important for the Environment**

Legislative activity in the field of environmental protection has also changed. In 2021, 60 legal acts relevant to environmental regulation were adopted. This number declined over the following years, reaching a low of 33 in 2023. In 2024, there was a slight increase to 37 acts, which may indicate a gradual stabilisation of legislative work.

At the same time, public engagement declined: from 64 recorded instances of participation in 2021 to just 33 in 2023. However, in 2024 this figure rose again to 43. This suggests that the public is gradually returning to involvement in environmental governance—a positive sign for the democratic development of environmental policy.

## **Environmental Impact Assessment (EIA)**

It is a key procedure within the environmental control system. In 2022, as in other areas, there was a significant decrease in the number of EIA procedures, with only 462 cases recorded. However, in 2023–2024, these figures began to gradually increase.

The most striking trend is the increase in the number of public hearings held within the EIA framework—from 106 in 2021 to 702 in 2024. This nearly sevenfold growth indicates heightened attention to transparency, greater public participation in decision-making processes, and possibly improved procedures on the part of public authorities.

Although the number of approved EIA procedures remains slightly below the 2021 level (770 approvals), the results for 2023 and 2024 are relatively stable—567 and 598 approvals, respectively. The number of refusals to approve EIA procedures has also remained within a stable range, with the exception of 2022, which saw the highest number of refusals—127 cases.

## **Approved Requests for Obtaining Environmental Permits**

In the area of environmental permits, the highest level of activity was recorded in 2021, with 1,025 approved applications. Since 2022, the number of permits issued has declined (701) and remained in the range of 700–800 permits per year in the following years.

It is worth noting the public hearings related to environmental permits. In 2021–2022, no such hearings were recorded at all. However, in 2023 and 2024, the first instances appeared—four and three hearings, respectively. This suggests initial attempts to implement mechanisms for public engagement. Nonetheless, the level of participation remains very low, highlighting the need for additional efforts to ensure effective interaction between authorities and society.

Let us now examine the results in regional breakdown.

In 2021, the majority of Ukrainian regions demonstrated a high level of transparency. The Lviv, Dnipropetrovsk, Kharkiv, and Khmelnytskyi regions were the leaders in terms of the number of processed information requests. The performance of the Lviv region was particularly notable—over 100 requests annually, with a high rate of full satisfaction for applicants.

In 2022, because of the outbreak of the full-scale war, all regions experienced a sharp decline in the number of information requests. This drop can be attributed to security risks and the relocation of institutions, which temporarily disrupted the usual rhythm of communication with the public.

However, in 2023–2024, there was a gradual recovery in informational activity. In the Kharkiv region, despite the prolonged course of hostilities, 88 requests were registered in 2024, 78% of which were fully satisfied. This reflects not only the technical recovery of institutional capacity but also a deep institutional adaptation to wartime conditions.

The Khmelnytskyi (301 total requests) and Dnipropetrovsk (290) regions also maintained high dynamics. In Khmelnytskyi, the volume of requests increased steadily until 2023, with a slight decline in 2024, which can be explained by the overall strain on the system under wartime conditions.

Environmental Impact Assessment (EIA) procedures are a key instrument for preventing environmental risks during the implementation of economic projects. In 2021, the system functioned steadily. The Khmelnytskyi region conducted 173 procedures, Dnipropetrovsk 160, Kharkiv 114, and Lviv 106.

By 2022, because of the suspension of many economic initiatives, population displacement, and, in some areas, occupation, a decline in activity in this area was observed. A significant number of projects were either cancelled or put on hold.

In 2023–2024, the number of EIA procedures began to gradually increase, indicating economic revitalisation in some regions. Dnipropetrovsk is showing the most dynamic recovery, being among the leaders not only in terms of the number of procedures, but also in the number of public hearings held—over 100 during the period.

Despite shelling and military threats, the Kharkiv region conducted 14 hearings in 2024—twice as many as in the previous year. The Lviv and Khmelnytskyi regions are maintaining procedural consistency and demonstrating stable public engagement.

The Kharkiv region stands out as a vivid example of institutional resilience. Despite security challenges, the region has managed not only to restore but also to increase performance, both in terms of information requests and EIA implementation. This is an indicator of a high level of human resource mobilisation and managerial adaptability.

Dnipropetrovsk Oblast demonstrates the highest overall activity across all areas. This indicates the presence of stable governance practices, effective planning, and well-established communication with the public.

Lviv Oblast serves as a model of consistent and predictable performance. The stability in the number of requests and environmental impact assessment (EIA) procedures over the years reflects internal process coherence and a high level of public trust.

Meanwhile, Kherson, Mykolaiv, and Zaporizhzhia Oblasts are facing objective challenges. Temporary occupation, destruction of infrastructure, and the inability to ensure the safe operation of institutions have led to a significant decline in activity.

From 2021 to 2024, the work of environmental structures in Ukraine's regions was influenced by unprecedented circumstances. Nevertheless, the system overall demonstrated a high level of resilience and institutional stability. Even during wartime, it maintained the ability to provide access to environmental information and implement mechanisms for public participation.

Regional disparities are evident: western and central regions show higher levels of activity and stability compared to southern and eastern regions, primarily as a result of security and administrative factors.

Kharkiv Oblast stands as a benchmark of national-level adaptation: the increase in the number of procedures and transparency amid ongoing threats points to a genuine transformation in institutional culture.

In conclusion, despite all the challenges, Ukraine retains a functional model of environmental democracy. The gradual recovery of activity in 2023–2024 reflects the resilience of the system and its readiness for further development in the context of post-war recovery.

Table. Results of Responses from Relevant Authorities by Region

Request for access to information received	Information provided in full	Information provided partially	Request denied (because of its content)	Request denied (because of formalities)	Adoption of regulatory legal acts important for the environment	Public participation (e.g. NGOs) in the development of regulatory legal acts important for the env.	Procedures initiated for issuing environmental impact assessments	Public hearings conducted regarding the env. impact assessment (EIA) procedure	Decisions made to approve the environmental impact assessment	Environmental impact assessment (EIA) was not approved	Approved requests for obtaining environmental permits***	Public hearings conducted regarding the procedure for obtaining env. permits	Year
<b>Ministry of Environmental Protection and Natural Resources of Ukraine</b>													
460	460						495		330	44			2021
151	151						329		192	85			2022
422	422						349	85	256	59			2023
702	702						370	343	258	44			2024
<b>Vinnitsia Oblast</b>													
22	22												2021
7	7												2022
18	18												2023
21	21												2024
<b>Volyn Oblast</b>													
52	52								22				2021
26	26								13		31		2022
49	49							8	23	1	98		2023
41	36		5					25	17	7	97		2024
<b>Dnipropetrovsk Oblast</b>													
163	163								39	1	319		2021
50	50								26	1	172		2022
63	63							8	17	5	144		2023
68	68							26	27	6	151		2024
<b>Zakarpattia Oblast</b>													
39	39							44	41	3			2021
35	35							32	29	3			2022
79	79							63	63				2023
101	101							35	34	1			2024
<b>Zaporizhia Oblast</b>													
45	45						7		33		268		2021
21	21						9		9	1	77		2022
25	25							4	5		42	1	2023
16	16						2	6	8		23	3	2024

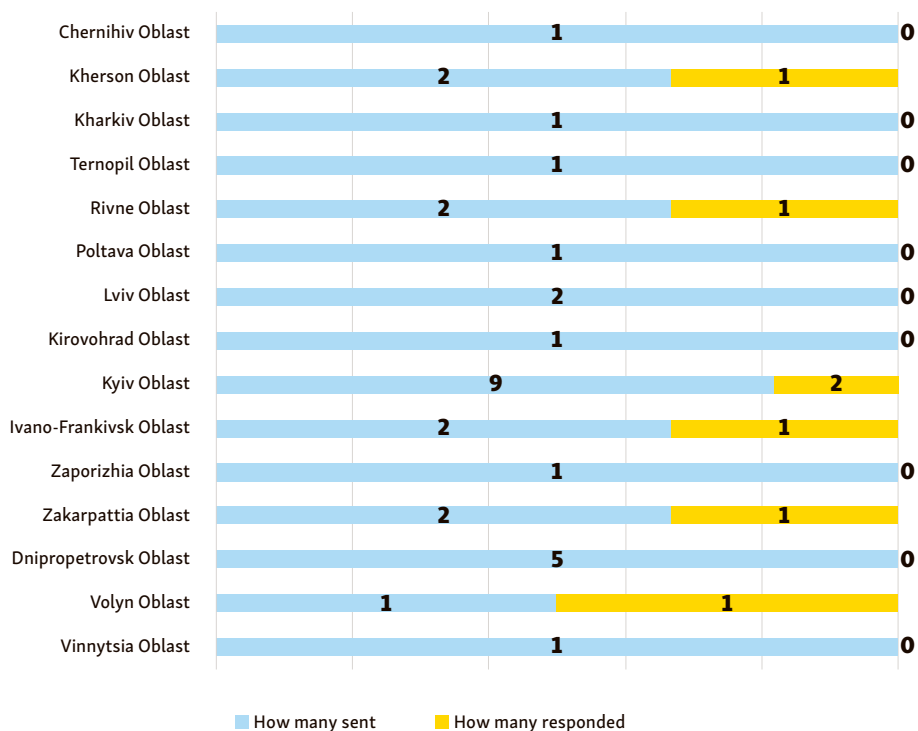
Request for access to information received	Information provided in full	Information provided partially	Request denied (because of its content)	Request denied (because of formalities)	Adoption of regulatory legal acts important for the environment	Public participation (e.g. NGOs) in the development of regulatory legal acts important for the env.	Procedures initiated for issuing environmental impact assessments	Public hearings conducted regarding the env. impact assessment (EIA) procedure	Decisions made to approve the environmental impact assessment	Environmental impact assessment (EIA) was not approved	Approved requests for obtaining environmental permits**	Public hearings conducted regarding the procedure for obtaining env. permits	Year
<b>Ivano-Frankivsk Oblast</b>													
17	17				56	60	60		56	4			2021
11	11				39	41	41		39	2			2022
12	12				28	28	28		28				2023
20	20				34	39	39	37	34	5			2024
<b>Kyiv Oblast</b>													
28	28								60	23			2021
22	22								31	13			2022
44	44								58	22			2023
81	81							50	39	11			2024
<b>Kirovohrad Oblast</b>													
24	24							26	22	4	196		2021
7	7							26	23	3	160		2022
6	6							10	10		127	1	2023
19	19							25	17	8	121		2024
<b>Lviv Oblast</b>													
108	99		9										2021
43	36		7										2022
60	54		6										2023
38	34		4										2024
<b>Mykolayiv Oblast</b>													
49	49												2021
9	9												2022
10	10												2023
13	13												2024
<b>Odesa Oblast</b>													
25	25							26	21	5			2021
24	24							32	22	10			2022
115	115							36	31	5			2023
142	142							64	55	9			2024



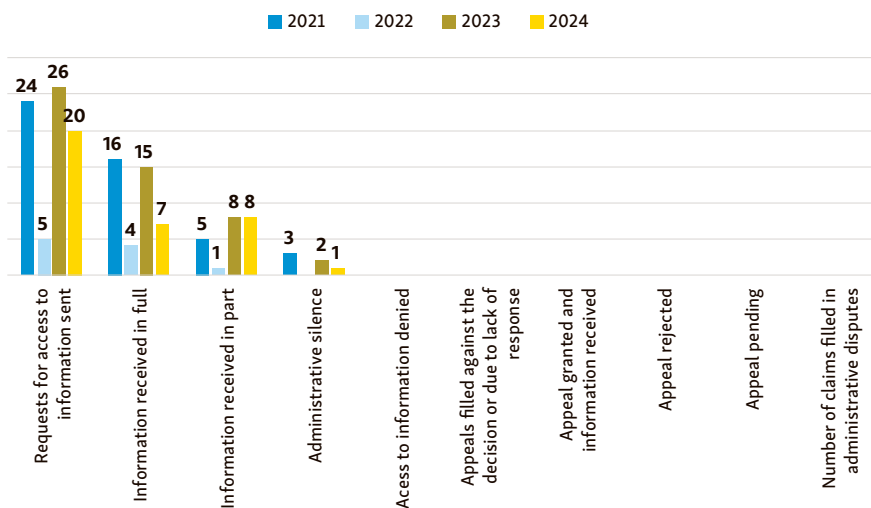
Request for access to information received	Information provided in full	Information provided partially	Request denied (because of its content)	Request denied (because of formalities)	Adoption of regulatory legal acts important for the environment	Public participation (e.g. NGOs) in the development of regulatory legal acts important for the env.	Procedures initiated for issuing environmental impact assessments	Public hearings conducted regarding the env. impact assessment (EIA) procedure	Decisions made to approve the environmental impact assessment	Environmental impact assessment (EIA) was not approved	Approved requests for obtaining environmental permits***	Public hearings conducted regarding the procedure for obtaining env. permits	Year
<b>Rivne Oblast</b>													
59	45	10	4		3	3	30		23	3	242		2021
18	13	4	1		2	2	22		18	2	222		2022
45	27	3	15		5	5	36	15	26	2	313	2	2023
52	38	3	11		4	4	22	22	18	5	243		2024
<b>Sumy Oblast</b>													
67	56	6	5				22		19	3			2021
32	21	7	4				14		13	1	39		2022
34	32	2					14	14	5	9	74		2023
55	50	2	3				29	28	18	11	68		2024
<b>Ternopil Oblast</b>													
43	40	3					41	4	25	1			2021
26	25	1					36		36	6			2022
57	55	2					28		21	1			2023
38	38						21	4	28	2			2024
<b>Kharkiv Oblast</b>													
144	111	21	12				84		60				2021
33	25	1	7				11		24				2022
57	36	9	12				9	7	12				2023
88	69	10	9				10	14	14				2024
<b>Khmelnytskyi Oblast</b>													
41													2021
33													2022
49													2023
32													2024
<b>Chernivtsi Oblast</b>													
38	38							6	11				2021
25	25							3	4				2022
43	43							11	11				2023
16	16							10	16	2			2024

Request for access to information received	Information provided in full	Information provided partially	Request denied (because of its content)	Request denied (because of formalities)	Adoption of regulatory legal acts important for the environment	Public participation (e.g. NGOs) in the development of regulatory legal acts important for the env.	Procedures initiated for issuing environmental impact assessments	Public hearings conducted regarding the env. impact assessment (EIA) procedure	Decisions made to approve the environmental impact assessment	Environmental impact assessment (EIA) was not approved	Approved requests for obtaining environmental permits***	Public hearings conducted regarding the procedure for obtaining env. permits	Year
<b>Chernihiv Oblast</b>													
71	71				1	1			9				2021
37	36		1						15				2022
68	66		2					4	10				2023
213	196		17					13	15				2024
<b>State Environmental Inspectorate of the South-Western District (Mykolaiv and Odesa Oblasts)</b>													
													2021
													2022
													2023
1		1											2024
<b>State Environmental Inspectorate of the Polissia District (Zhytomyr and Rivne Oblasts)</b>													
63	63												2021
24	24												2022
23	23												2023
35	35												2024
<b>State Environmental Inspectorate of the Carpathian District (Ivano-Frankivsk and Chernivtsi Oblasts)</b>													
30	30												2021
8	8												2022
14	14												2023
19	19												2024
<b>State Environmental Inspectorate of the Southern District (Zaporizhzhia and Kherson Oblasts)</b>													
49	49												2021
9	9												2022
10	10												2023
13	13												2024

## Section 4: Non-Governmental Organisations



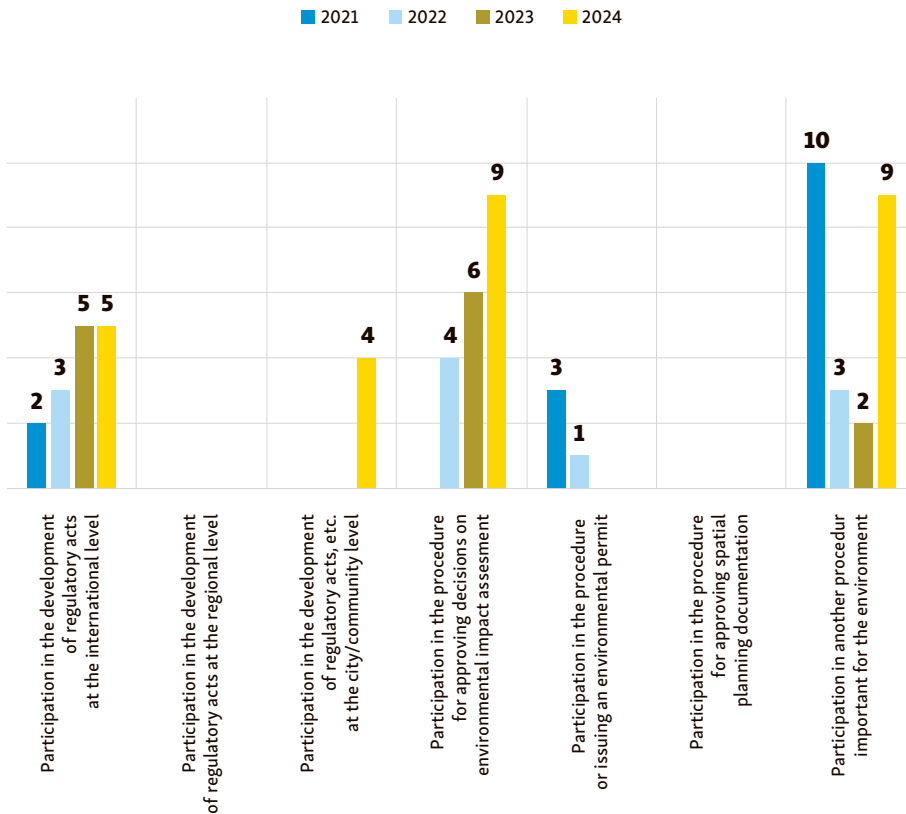
Within the framework of the study, 32 letters were sent to NGOs whose activities are focused on environmental and ecological issues. The outreach encompassed 15 regions out of 24 in Ukraine.



**Only seven organisations submitted responses, and merely three of those provided thorough responses.** The others either had not engaged in comparable activities or lacked the capacity to allocate time for replying to the inquiry and participating in the study.

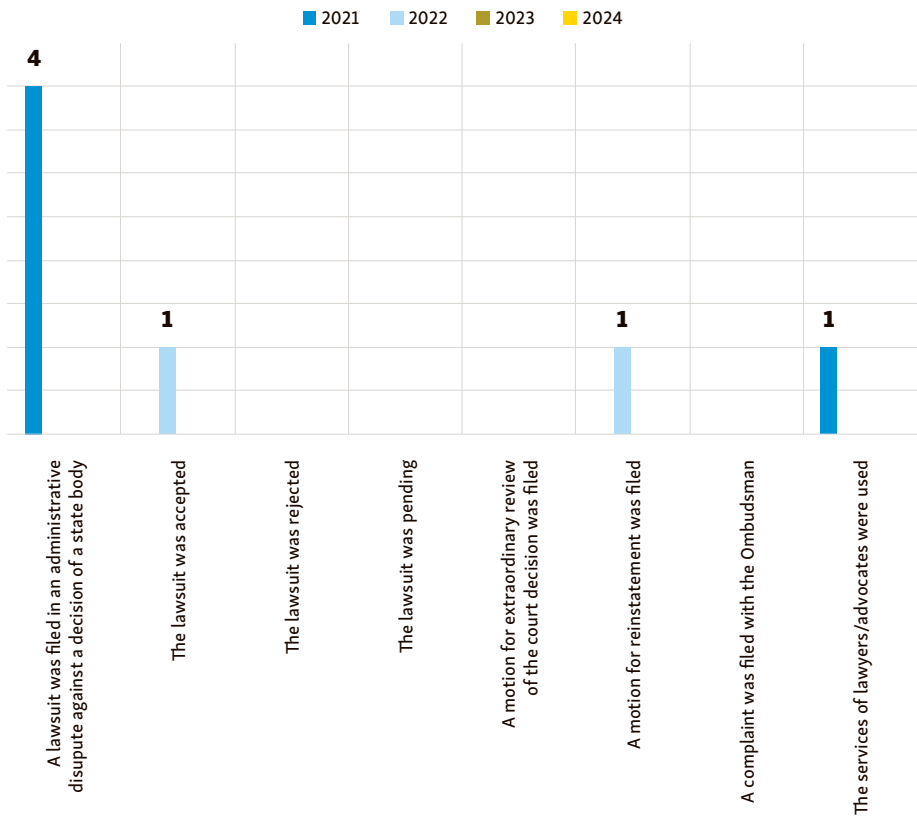
NGOs actively exercised their right to access information in 2021 and 2023, while in 2022 there was a sharp decline—evidently as a consequence of the war. In 2024, a decrease in full responses and an increase in partial ones was observed, indicating growing communication challenges or a decline in institutional transparency.

Legal action by NGOs was undertaken only in 2021–2022. No such cases were recorded afterwards, which may suggest a reduced willingness to pursue legal remedies or growing constraints in terms of financial and legal resources. Our information might be incomplete as some of them simply did not answer and thus we did not get the full information.



**NGOs demonstrate the highest level of activity in Environmental Impact Assessment (EIA) procedures** and other environmental processes, such as public consultations. However, their involvement in the development of regulatory and legal acts—particularly at the local level—remains limited. Notably, 2024 shows a positive shift, with the first recorded instances of participation at the hromada level, indicating a potential trend towards broader civic engagement in normative processes.

Although civil society organisations in Ukraine are legally entitled to initiate requests for environmental information and to participate in relevant procedures, **their actual engagement remains sporadic and inconsistent**. While surges in information requests were observed in 2021 and 2023, by 2024 the number of complete responses had declined, and instances of partial or no responses had increased. This may indicate **system fatigue**, bureaucratic obstacles, or restrictions on access.



# About us



## Arnika

Arnika is a Czech non-governmental organisation that has been uniting people striving for a better environment since 2001. Its mission is to protect nature and foster a healthy environment for future generations both in Czechia and globally. In its work, Arnika relies on open discussion of problems, public participation in decision making, and scientific evidence-based solutions. Arnika advocates less waste and toxic pollution, conservation of wild rivers and diverse nature, and environmental justice for local communities.

### Contact:

Arnika, Seifertova 327/85, 130 00 Praha 3, Czech Republic

tel: + 420 774 406 825

e-mail: [cepo@arnika.org](mailto:cepo@arnika.org)

### More information:

[www.arnika.org/en/countries/ukraine](http://www.arnika.org/en/countries/ukraine)



## Clean Air for Ukraine

Clean Air for Ukraine is a joint programme of Arnika and an informal network of local non-governmental organisations from the industrial regions of Ukraine. Our objective is to improve access to information and strengthen public participation in decision making. A public network for the monitoring of air pollution and analysis of water, soil, and sediments as well as capacity building programmes for civil society in the war affected regions are some of our main achievements. We bring the experience of transformation of the Czech Republic, involve scientists and experts in public campaigns, publish analyses, and suggest solutions.

### More information:

[www.cleanair.org.ua](http://www.cleanair.org.ua)



## Environment. People. Law

EPL is a public interest environmental law organisation which, since 1994, has been protecting environmental rights, supporting, restoring, and improving the environment, and providing legal help in protecting other human rights, especially those which overlap with environmental rights. We care about the environment in Ukraine and abroad and are concerned about all the risks, threats, and dangers which may lead to deterioration of the environment.

**More information:**

[www.epl.org.ua/en](http://www.epl.org.ua/en)



## Zaporizhzhia Regional Development Agency

The Zaporizhzhia Regional Development Agency was officially established in 2016. It was created as an institution to implement the Regional Development Strategy of the Zaporizhzhia region, initiated by the regional state administration and local government bodies. The Agency's main areas of activity include promoting and coordinating regional development: analysing the economic and social situation of the region, drafting development strategies, preparing and supporting projects, assisting in attracting investment and international aid, supporting communities in implementing local development projects, and monitoring the execution of development programmes.

**More information:**

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