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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

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**Standing Committee**  
45<sup>th</sup> meeting  
Strasbourg, 8-12 December 2025

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**Bureau of the Standing Committee**  
8-10 April 2025  
Strasbourg

**New File: 2024/2**  
**Deforestation in an Emerald Network site (UA0000338) in**  
**Kyiv Region**  
**(Ukraine)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by*  
*Ministry of Ecology and Natural Resources of Ukraine*

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**Mikaël POUTIERS**

**Secretary of the Bern Convention**

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**from PUBLIC ORGANIZATION "MARKHALIVKA.  
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Dear Mr. Michael!

THE PUBLIC ORGANIZATION "MARKHALIVKA. SUPPORT", which is an environmental organization, found out that in August 2024, a citizen of Ukraine, Viktoriia Chechenkova, filed a complaint with the Secretariat of the Bern Convention, reporting that a valuable forest was being destroyed on the territory of the Ukrainian part of the European Emerald Network (number UA0000338 Pryirpinnya and Chernechy Forest with a total area of 6094.7 hectares).

Later it became known that these actions are taking place in connection with the implementation of a pilot project for the design and construction of the National Military Memorial Cemetery (NMMC). Thus, on the land plots with cadastral numbers 3222481200:05:002:0457, 3222481200:05:002:0458 with a total area of 266.7 hectares, which are part of the Emerald Network, large-scale construction works are being carried out, the territory is being cleared, access roads are being arranged, which involves massive deforestation of valuable forest plantations.

In connection with the acceptance of the aforementioned complaint for consideration, the Secretary of the Bern Convention officially addressed the Department of Nature Reserve Fund and Biodiversity of the Ministry of Environmental Protection and Natural Resources of Ukraine with a notice that the above-mentioned deforestation actions contradict the terms of the Bern Convention, and proposed to provide appropriate explanations before the discussion of the complaint, which is scheduled for spring 2025.

Taking into account the mentioned above, we consider it necessary to inform the Secretariat of the Bern Convention of the following information that is relevant for the consideration of the complaint.

When Viktoriia Chechenkova appealed to the Secretariat of the Bern Convention, the applicant noted that a number of environmental organizations had filed lawsuits with the court aimed at declaring illegal the actions and decisions of the Ukrainian state authorities regarding the destruction of natural resources in the Emerald Network in connection with the construction of the cemetery.

We would like to inform you that the Resolution of the Sixth Administrative Court of Appeal dated 16.01.2025 in court case No. 320/33830/24 upheld the position set out in the statement of claim of the environmental Charitable Organization "Charitable Foundation of Dniprovskyi District of Kyiv 'Kyiv Ecological and Cultural Center'" against the Cabinet of Ministers of Ukraine on the recognition of the Resolution of the Cabinet of Ministers of Ukraine dated March 1, 2024 No. 225 as unlawful and invalid.

It is on the basis of the said Resolution of the Cabinet of Ministers No. 225 that valuable flora is being destroyed in connection with the implementation of a project to build a cemetery in a protected area – the Emerald Network of Europe (number UA0000338 Pryirpinnya and Chernechy Forest).

In particular, during the consideration of this case, the courts established that the land plots where natural resources are being destroyed belong to the territory of the Emerald Network and, accordingly, to the lands of the nature reserve fund.

In addition, the courts stated that the fact that the territory is part of the Emerald Network makes it impossible to use this territory for any purpose other than as land of the nature reserve fund. At the same time, the courts found that the adoption of the unlawful Resolution No. 225 on the destruction of natural resources contravenes the provisions of the Bern Convention.

Thus, the courts have recognized the unlawfulness of the actions and decisions of the highest executive body of Ukraine – the Cabinet of Ministers of Ukraine, and found violations of obligations under an international agreement.

At the same time, we would like to draw your attention to the fact that the main entity responsible for such violations of environmental legislation by Ukraine is the relevant ministry - the Ministry of Environmental Protection and Natural Resources of Ukraine.

In particular, it was the Ministry of Environmental Protection that approved the abolished Resolution No. 225 of the Cabinet of Ministers, which has resulted in the destruction of almost 30 hectares of valuable forest.

To sum up, the current status is as follows:

- Despite the valid courts' decisions of the higher judicial authorities of Ukraine, strictly prohibiting any deforestation in these areas of the Emerald Network, such activities are actively continued;
- The Ministry of Environment does not respond to numerous appeals from environmental organizations and holds a passive-observational position;
- More than 30 hectares of the Emerald Network have been completely logged;
- Many kilometers of drainage systems have been laid in this area, thus severely disrupted the natural water balance;
- Heavy construction machinery constantly runs through the territory, which finally destroys wildlife;
- The construction of capital buildings has begun on the site, engineering communications are actively being laid;
- The area of deforestation, despite the active resistance of numerous environmental organizations, continues to increase.

**Please take this information into account when considering the complaint of Victoria Chechenkova and take measures to prevent the destruction of the Emerald Network site, in particular, by suspending the implementation of the project of the National Military Memorial Cemetery on the territory of the Emerald Network (number UA0000338 Pryirpinnya and Chernechi Forest).**

**Each day of delay causes additional damage to the territory of the Emerald Network.**

Best regards,

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