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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
46th meeting
Strasbourg, 7-11 December 2026

Bureau of the Standing Committee
22 - 24 September 2026
Strasbourg

New File: 2024/02

**Deforestation in an Emerald Network site (UA0000338) in Kyiv Region
(Ukraine)**

- GOVERNMENT REPORT -

**DOCUMENT PREPARED BY
THE MINISTRY OF ECONOMY AND ENVIRONMENT OF UKRAINE**

Update Report, received 10 August 2026



**МІНІСТЕРСТВО ЕКОНОМІКИ ТА
ДОВКІЛЛЯ УКРАЇНИ**

вул. М. Грушевського, 12/2, м. Київ, 01008,
тел./факс: (044) 253-63-71,
тел. (044) 200-47-53,
e-mail: meconomy@me.gov.ua,
сайт: www.me.gov.ua,
код згідно з ЄДРПОУ 37508596

**Ministry of Economy and
Environment of Ukraine**

M. Hrushevskoho str., 12/2, Kyiv,
01008, fax: (044) 253-63-71,
phone (044) 200-47-53,
e-mail: meconomy@me.gov.ua,
web: www.me.gov.ua

Ms. Alessandra Siino,

The Ministry of Economy and Environment of Ukraine presents its compliments and has the honour to inform you that, following a change in the composition of the Cabinet of Ministers of Ukraine, the Ministry of Economy, Environment, and Agriculture of Ukraine has been renamed the Ministry of Economy and Environment of Ukraine.

The Ministry of Economy and Environment of Ukraine has reviewed the letter from the Secretary of the Bern Convention dated May 18, 2026, and hereby provides information regarding the review of Complaint No. 2024/02, "Reported Deforestation in the Emerald Network Site (UA0000338) in Kyiv Oblast."

Unfortunately, the Russian Federation's armed aggression against Ukraine continues, in violation of the UN Charter, and its invasion of Ukraine's sovereign territory - involving the use of force against Ukraine - is nothing less than a war of aggression against our state. These military operations are exacting an ever-greater toll on the country's material and human resources. Preserving Ukraine's independence with the sincere assistance of all European countries is currently our top priority.

At the same time, our state continues to carry out other important tasks, including the conservation of plant and animal species listed in the Bern Convention. The Ministry reaffirms its commitment to the principles of the Bern Convention and reports on the measures taken regarding Complaint No. 2024/02: "Reported deforestation in the Emerald Network site (UA0000338) in Kyiv Oblast," despite constant enemy bombardment and the loss of human lives.

The Ukrainian Government drafted, and the Verkhovna Rada of Ukraine adopted on April 30, 2026, Law of Ukraine No. 4869-IX "On Amendments to Certain Legislative Acts of Ukraine Concerning the Burial Sites of Persons Who Died Defending the Independence, Sovereignty, and Territorial Integrity of Ukraine" (hereinafter referred to as the Law No. 4869).



ДОКУМЕНТ СЕД Мінекономіки АСКОД

Підписувач Краснолуцький Олександр Васильович
Сертифікат 04AF212836405D99040000006D603D00562AEE00
Дійсний з 09.02.2026 0:00:00 по 08.02.2028 23:59:59

Мінекономіки



6001-08/73206-07 від 10.08.2026

According to paragraph 2 of Section II. “Final Provisions” of Law No. 4869, in the absence of any other satisfactory solution regarding the location of the National Military Memorial Cemetery, it is established that the location of said cemetery was determined in accordance with the provisions of Article 9 of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, September 19, 1979), ratified by the Law of Ukraine “On Ukraine’s Accession to the 1979 Convention on the Conservation of European Wildlife and Natural Habitats.”

In accordance with the aforementioned Law, the Ministry of Veterans Affairs must ensure the development and implementation of measures aimed at preventing pollution and protecting and restoring wild flora and fauna and natural habitats within the territory of the National Military Memorial Cemetery.

The Ministry of Economy must develop and approve regulatory acts regarding the application of compensatory measures aimed at preserving biodiversity, natural habitats, and ecosystems in connection with the establishment of the National Military Memorial Cemetery, and submit the relevant draft acts to the Cabinet of Ministers for consideration in accordance with established procedures.

We hereby inform you that, prior to its inclusion in the list of Emerald Network territories, the NVMC territory was not classified as a particularly valuable natural complex or site. There were no territories or objects within the Natural Reserve Fund of Ukraine subject to special protection measures in the aforementioned area. For reference, we note that during a commission inspection involving representatives of the state institution “National Military Memorial Cemetery,” a representative of the Department of Ecology and Natural Resources of the Kyiv Regional State Administration, the Fastiv District State Administration, and representatives of the territorial body of the State Ecological Inspection of Ukraine, the relevant forest areas were inspected in accordance with Resolution No. 225 of the Cabinet of Ministers of Ukraine dated March 1, 2024, “Certain Issues Regarding the Removal of Trees, Shrubs, Lawns, and Flower Beds During Preparatory and/or Construction Work and the Operation of the National Military Memorial Cemetery,” the inspection reports on green spaces lack information regarding the presence of species listed in the Red Book of Ukraine and the lists of the Bern Convention (copies of the available reports are attached).

Since Ukraine, in accordance with Law of Ukraine No. 4869-IX of April 30, 2026, and Article 9 of the Berne Convention, has decided to make a derogation within the territory of the NVMC, then, in accordance with paragraph 2 of Article 9, Ukraine will, within two years, submit to the Standing Committee of the Berne Convention a report on the derogation from the provisions of the Berne Convention, in accordance with the reporting structure specified in Article 9.

In light of the above, we hereby inform you that the Government of Ukraine (specifically the Ministry of Veterans Affairs and the Ministry of Economy) is taking all measures feasible under the current circumstances during this extremely difficult time of war to minimize the negative impact on the biological and landscape diversity of the Emerald Sites.

We kindly ask that you take into account all the challenges posed by the state of war in Ukraine, the extraordinary losses we are currently enduring as we fight for victory on behalf of the entire European community, and that you maintain the pending status of Complaint No. 2024/02 until the aforementioned report on the withdrawal is submitted.

The Ministry of Economy and Environment takes this opportunity to assure its esteemed colleagues of its highest regard for them.

Attachment: inspection reports, 53 sheets in 1 copy. Sincerely,

[e-signed]

Oleksandr Krasnolutskyi
Deputy Minister of Economy and
Environment
of Ukraine

Ms. Alessandra Siino
Secretary of the Bern Convention
Council of Europe, Avenue de
l'Europe F-67075 Strasbourg
Cedex, France Email:
bern.convention@coe.int

**Update Report, received in February 2026
Part 1****МІНІСТЕРСТВО ЕКОНОМІКИ,
ДОВКІЛЛЯ ТА СІЛЬСЬКОГО
ГОСПОДАРСТВА УКРАЇНИ****Ministry of Economy,
Environment and Agriculture
of Ukraine**

вул. М. Грушевського, 12/2, м. Київ, 01008,
тел./факс: (044) 253-63-71,
тел. (044) 200-47-53,
e-mail: meconomy@me.gov.ua,
сайт: www.me.gov.ua,
код згідно з ЄДРПОУ 37508596

M. Hrushevskoho str., 12/2, Kyiv, 01008,
fax: (044) 253-63-71,
phone (044) 200-47-53,
e-mail: meconomy@me.gov.ua,
web: www.me.gov.ua

№ від 20 р.

Ms. Marta Medlinska
Secretary of the Bern Convention
Council of Europe, Avenue de l'Europe
F-67075 Strasbourg Cedex, France

Subject: Complaint No. 2024/02: New complaint: Ukraine: Deforestation in the Emerald Network (UA0000338) in the Kyiv region

Dear Ms. Marta Medlinska,

Ministry of Economy, Environment and Agriculture of Ukraine in response to the letter from the Permanent Representation of Ukraine to the Council of Europe dated 20 November 2025 No. 31011/14-119-143583 regarding the preparation by the Ukrainian side of information for consideration at the Bureau meeting on 7–9 April 2026 in Strasbourg on the issue of the National Military Memorial Cemetery with the Emerald Network site, within the limits of its competence, reports the following.

According to Resolution No. 1371 of the Cabinet of Ministers of Ukraine dated 13 September 2002, the Ministry of Economy and the Ministry of Foreign Affairs are designated as the central executive authorities responsible for fulfilling the obligations arising from Ukraine's membership in the Berne Convention.

The Permanent Representation of Ukraine to the Council of Europe has requested cartographic materials, information on the design and landscape, a project implementation schedule, data on the minimisation of negative environmental impact and possible compensation measures on the territory of the National Military Memorial Cemetery with the Emerald Network site by 31 January 2026.

It also emphasised the need to provide information on the results of relevant court proceedings concerning the construction of the National Military Memorial Cemetery.



ДОКУМЕНТ СЕД Мінекономіки АСКОД

Підписувач Зубович Ігор Олегович

Сертифікат 6FA97849F1B2570D0400000001A4020055F40800

Дійсний з 06.10.2025 10:27:20 по 06.10.2027 10:27:20

Мінекономіки



6003-10/11675-03 від 04.02.2026

The Ministry of Veterans Affairs of Ukraine, in its letter dated 26 December 2025 No. 28842/1.2/7.1-25 (attached) provided information, available copies of documents, and cartographic materials on the basis of which construction work is being carried out on the territory of the National Military Memorial Cemetery, and also provided information on the status of court proceedings.

We would like to inform you that the contact details of the persons responsible for matters relating to the Bern Convention are available in English at pm_coe@mfa.gov.ua.

The Ministry avails itself of this opportunity to reaffirm Ukraine's commitment to the objectives and principles of the Bern Convention and to renew to the Secretariat of the Bern Convention the assurances of its highest consideration.

Annex: on 457 sheets in 1 copy.

Sincerely, Igor Zubovich
Deputy Minister of Economy,
Environment and Agriculture of Ukraine

Part 2*Non-official translation***MINISTRY OF VETERANS AFFAIRS OF UKRAINE**

Ministry of Economy, Environmental
Protection, and Agriculture of Ukraine

The Ministry of Veterans Affairs of Ukraine, in response to the letter from the Ministry of Economy dated December 18, 2025, № 6003-06/89040-03, hereby informs within the limits of its competence.

The location of the National Military Memorial Cemetery (hereinafter referred to as the NMMC) is determined by the Order of the Cabinet of Ministers of Ukraine dated 15 March 2024 № 236-r: Gatnenska rural territorial community of Fastiv district, Kyiv region, land plots with cadastral numbers 3222481200:05:002:0457 with an area of 258.7298 hectares and 3222481200:05:002:0458 with an area of 7.9607 hectares.

A map of the approved territories of the Emerald Network is available on the official resources of the Bern Convention at: <http://emerald.eea.europa.eu>, as well as on the Public Cadastral Map of Ukraine – <https://map.land.gov.ua>.

At the same time, maps of the NVMK territory indicating the Emerald Network site in kind (on the ground) have not been published.

The customer for the construction of the NMMC, in accordance with the order of the Cabinet of Ministers of Ukraine dated 18.03.2024 № 245-r, is the state institution “National Military Memorial Cemetery” (hereinafter – SI “NMMC”).

In accordance with the supplementary agreement dated 16.06.2025 № 10 to the Agreement dated 07.08.2024 № 027-2024, concluded between the State Enterprise “NVMK” and the CONSORTIUM “BUILDING UA” for the construction of the National Military Memorial Cemetery at the address: Kyiv Region, Fastiv District, within the Gatnenska Territorial Community, Phase I of construction (1–2 launch complexes), the deadline for the construction of the 2nd launch complex is set for June 30, 2026.

In addition, on July 14, 2025, the State Enterprise “NVMK” and LLC “BUILDING COMPANY PARITETBUDINVEST” concluded Contract № 022-2025 for construction work on the project: “New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the Gatnenska territorial community,” second stage, with a deadline of December 31, 2026.

We hereby provide information on the minimization of negative environmental impact and compensatory measures taken on the territory of the NMMC, including within the Emerald Network site.

The procedure for designing and constructing facilities by owners or users of land plots is defined in part five of Article 26 of the Law of Ukraine “On the Regulation of Urban Development,” which provides for the following stages:

- 1) obtaining initial data by the customer or designer;

2) development of project documentation and, in cases provided for in Article 31 of this Law, its examination;

3) approval of project documentation;

3¹) obtaining the right to perform preparatory and construction works in cases specified by this Law;

4) performance of preparatory and construction works;

4¹) state registration of a special property right to an unfinished construction project and a future real estate object in cases specified by law;

4²) conducting control geodetic surveys of completed construction projects (except for projects that, according to their class of consequences (responsibility) belong to objects with insignificant consequences (CC1)) and carrying out their technical inventory (except for objects, the list of which is determined by the central executive authority that ensures the formation and implementation of state policy in the field of construction, architecture, and urban planning);

5) commissioning of completed construction projects;

6) state registration of ownership rights to a completed and commissioned project (or its component) in cases specified by this Law.

In accordance with paragraph 6 of the Procedure for the approval of construction projects and their examination, approved by Resolution of the Cabinet of Ministers of Ukraine № 560 dated May 11, 2011, the purpose of examining construction projects is to determine and verify the quality of design solutions by identifying deviations from established requirements, in particular with regard to the strength, reliability, and durability of buildings and structures, their operational safety and engineering support, compliance with standards in the field of creating conditions for unhindered access for persons with disabilities and other low-mobility groups of the population, the permissible percentage of land development, maximum permissible construction height and population density, sanitary and epidemiological well-being of the population, occupational safety, ecology, fire, man-made, nuclear and radiation safety, energy conservation, as well as the cost estimate part of the construction project. Expert review is the final stage in the development of construction projects.

Regarding the design of NVMK as a whole, we note that, based on the results of the implementation of agreement № 012-2024 dated March 27, 2024, concluded with INZHYNIRING-HOLDING LLC, to adjust the design and estimate documentation for the "Preliminary Design" stage for the object: "New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the Gatnenska territorial community" and passing its examination, design and estimate documentation (registration number PD01:8354-7014-0073-7744) and a positive expert report of the State Enterprise "Ukrderzhbudekspertiza" dated 20.06.2024 № 00-0278/01-24/CB (registration number EX01:8996-8923-2636-4241). The preliminary design provides for the construction of the facility in six stages.

According to Volume 1, "General Explanatory Note" 025-2023-3II3 of the preliminary design, the design solutions provide for the maximum preservation of existing forest plantations and their use as elements of landscaping the cemetery

and its sanitary zone in accordance with paragraphs 4.2.28 and 4.2.30 DBN № 2.2-1-2008.

The project also provides for the organization of the terrain with maximum preservation of the existing relief, soil cover, and existing green plantings, as well as the use of removed soil directly on the construction site.

After completion of construction, the designed facility will be operated with minimal negative impact on the surrounding natural environment, as well as on the surrounding social (including the human environment) and man-made environment.

According to the expert report, at least 50 percent of the area within the sanitary protection zone of the NVMK will be landscaped.

Decisions on the improvement and greening of the territory provide for the planting of trees and shrubs, the creation of flower beds and lawns. The total area of greening is 1,090,819.09 square meters.

With regard to the construction of Phase I, it should be noted that on August 23, 2024, the State Inspectorate of Architecture and Urban Planning of Ukraine issued a permit for construction work on the project: "New construction of the National Military Memorial Cemetery at the address: Kyiv Region, Fastiv District, within the Gatnenska Territorial Community, Phase I of construction (1–2 launch complexes)" № IU013240814696. On May 19, 2025, Certificate IU123250516725 was issued by the State Inspection of Architecture and Urban Planning of Ukraine, which certifies the compliance of the completed construction project (stage, separate launch complex) with the project documentation and confirms its readiness for operation: information about the stage/start-up complex being put into operation, start-up complex number: 1, name of the facility according to the project: "New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the Gatnenska territorial community, and the first stage of construction (1–2 launch complexes)".

Thus, the first launch complex of the first stage has been put into operation.

According to an extract from the State Register of Property Rights dated September 3, 2025, № 61336944, on September 1, 2025, the Ministry of Veterans Affairs of Ukraine registered ownership rights to real estate belonging to the sphere of management of the Ministry of Veterans Affairs of Ukraine, – "Building, part of the National Military Memorial Cemetery" (registration number of the immovable property 3196881432140; type – complex (structure): columbarium wall № 2), located at: Kyiv region, Fastiv district, Gatnenska territorial community, Vita-Poshtova village, Zvenyhorodska Street, 212. The State Enterprise "NVMK" has registered the usufruct of state property, as confirmed by Extract from the State Register of Property Rights dated 22.10.2025 № 62042306.

According to the results of the agreement dated October 6, 2025, № 051-2025, concluded with TERRA ENGINEERING, for the adjustment of the design and estimate documentation for the "Project" stage, "Working documentation" and the first stage of construction (2 start-up complex) for the object: "New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the Gatnenska territorial community" and passing its examination, design and estimate documentation was received (registration

number PD01:2477-2663-4552-6764) and a positive expert report from the State Enterprise "Ukrderzhbudekspertiza" dated 17.10.2025 № 00-0384/01-25/CB (registration number EX01:3115-0124-4976-4516) for the object: "New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the Gatnenska territorial community" Phase I of construction (1-2 launch complexes)". Adjustment 2.

The project documentation includes volume 31, "Environmental Impact Assessment 06/25-II.OBHC", according to which the impact during construction will consist of cutting down trees and shrubs, which will indirectly affect the fauna.

The area allocated for the construction of the NVMK complex is currently occupied by a forest, and therefore the project provides for selective felling in order to use the natural forest land as a sanitary protection zone and a zone for green spaces and landscaping.

Within the burial zone, felling will be carried out selectively where necessary, and the remaining trees will be protected from damage by construction equipment during the construction period.

The project provides for the greening of the territory with 1,672 shrubs and 1,397 trees. No nature reserve objects have been identified within a 2 km radius, so there will be no impact on them.

Regarding the construction of the second stage, it should be noted that, according to the results of agreement № 026-2024 dated 01.08.2024, concluded with TERRA ENGINEERING, for the development of project and estimate documentation for the "Project" stage, "Working documentation" for the object: "New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the boundaries of the Gatnenska territorial community" second stage and passing its examination, the design and estimate documentation (registration number PD01:0234-3383-3788-3984) and a positive expert report from the State Enterprise "Ukrderzhbudekspertiza" were received dated 30.12.2024 № 00-0741/01-24/CB (registration number EX01:3819-8843-6882-3334).

The project documentation for phase II includes volume 26, "Environmental Impact Assessment" 07/24-II.OBHC, according to which the impact during construction work will consist of selective felling of trees and shrubs, which may indirectly affect the fauna.

The area allocated for the construction of the NVMK complex is currently occupied by a forest, and therefore the project provides for selective felling in order to use the natural forest land as a sanitary protection zone and an area for green spaces and landscaping.

The felling of green spaces will be carried out in the administrative area of the memorial cemetery and under the driveways.

Within the burial area, felling will be carried out selectively, where necessary, and the remaining trees will be protected from damage by construction equipment for the duration of the construction work.

The project provides for the greening of the territory with 584 shrubs and 987 trees. No nature reserve objects have been identified within a 2 km radius, therefore there will be no impact on them.

As stated in the conclusions of the environmental impact assessment, the construction projects for phases I and II of the NVMK have been carried out in accordance with the requirements of DBN A.2.2.-1-2021 "Composition and content of environmental impact assessment (EIA) materials", taking into account the specific impact of the cemetery on the environment in accordance with DBN № 2.2-1:2008 "Cemeteries, crematoria, and columbariums. Design standards".

On July 15, 2025, the State Inspection of Architecture and Urban Planning of Ukraine issued a permit for construction work on the following project: "New construction of the National Military Memorial Cemetery at the address: Kyiv region, Fastiv district, within the Gatnenska territorial community" second stage of construction № IU013250715823.

Therefore, at present, the construction of the second launch complex of the first stage of construction and the construction of the second stage are being carried out.

Subparagraph 3 of paragraph 4 of the Procedure for the maintenance and protection of the National Military Memorial Cemetery, approved by Resolution of the Cabinet of Ministers of Ukraine № 517 dated May 7, 2024, provides that after the commissioning of individual phases and/or launch complexes of the NMMC in accordance with the procedure established by law, the State Enterprise "NMMC" shall ensure the performance of manual and mechanized work on the improvement of the cemetery territory in order to maintain it in proper condition, in particular, landscaping with the maximum possible preservation of existing plantings.

Thus, after the memorial complex is completed, it is planned to improve the landscaping by planting coniferous and ornamental trees and other plants there.

In particular, individually identified property (100 linden trees) was transferred from the jurisdiction of the Ukrainian Institute of National Memory from the National Memorial Complex of the Heroes of the Heavenly Hundred – Museum of the Revolution of Dignity to the jurisdiction of the Ministry of Veterans Affairs, with subsequent consolidation on the balance sheet of the State Enterprise "NVMK" in accordance with the Regulations on the procedure for transferring objects of state property, approved by Resolution of the Cabinet of Ministers of Ukraine № 1482 dated 21.09.1998. The relevant act of acceptance and transfer was approved by Order of the Ministry of Veterans № 14-G dated 28.04.2025. The planting of lime trees, oak seedlings, etc. is currently underway.

Thus, both during construction and during operation of the NVMK, the minimization of negative environmental impact and the implementation of compensatory measures are provided for, in particular through the selective felling of green spaces, the planting of trees and shrubs, the creation of flower beds and lawns, etc.

Additionally, we would like to inform you of the results of the court proceedings in case № 320/33830/24.

We would also like to inform you about the results of the court proceedings in case № 320/33830/24.

By the decision of the Kyiv District Administrative Court dated 25.09.2024 in case № 320/33830/24, partially amended by the decision of the Sixth Administrative Court of Appeal dated 16.01.2025, the claim of the charitable

organization "Charitable Foundation of the Dnipro District of Kyiv "Kyiv Ecological and Cultural Center" against the Cabinet of Ministers of Ukraine was recognized as unlawful and invalid the resolution of the Cabinet of Ministers of Ukraine dated 01.03.2024 № 225 "Some issues of removing trees, shrubs, lawns, and flower beds during the preparation and/or construction works and operation of the National Military Memorial Cemetery."

By a ruling of the Supreme Court dated May 23, 2025, the cassation appeals of the Cabinet of Ministers of Ukraine and the Ministry of Veterans Affairs were partially upheld. The decision of the Kyiv District Administrative Court dated September 25, 2024, and the ruling of the Sixth Administrative Court of Appeal dated January 16, 2025, were overturned, and case № 320/33830/24 was sent for retrial to the court of first instance.

By the decision of the Kyiv District Administrative Court dated 25 September 2025, the claim of the charitable organisation "Charitable Foundation of the Dnipro District of Kyiv City "Kyiv Ecological and Cultural Centre" was denied.

By a ruling of the Sixth Administrative Court of Appeal dated November 4, 2025, appeal proceedings were opened on the basis of an appeal filed by the charitable organization "Charitable Foundation of the Dnipro District of Kyiv Kyiv Ecological and Cultural Center" and requested administrative case № 320/33830/24 from the Kyiv District Administrative Court. The case is still pending.

First Deputy Minister

Viktor BAIDACHNY

Part 3*Non-official translation***MINISTRY OF ECONOMY, ENVIRONMENTAL PROTECTION, AND
AGRICULTURE OF UKRAINE**

Ministry of Foreign Affairs of Ukraine

Secretariat of the Permanent
Representative of Ukraine to the
Council of Europe

pm_coe@mfa.gov.ua

The Ministry of Economy, Environment, and Agriculture of Ukraine considered a letter from the Secretariat of the Permanent Representation of Ukraine to the Council of Europe dated November 20, 2025, № 31011/14-119 -143583 concerning the territory of the National Military Memorial Cemetery with the Emerald Network site and the destruction of aquatic biotopes and fish mortality within the territory Emerald Network “Eastern Svidovets — UA0000259” in connection with the construction of hydroelectric power plants in the Teresva River basin and, based on the available information, reports the following.

The planned construction and commissioning of small hydroelectric power plants on the Teresva River in the village of Kalyny, Dubivska settlement community, Tyachiv district, Zakarpattia region, involved the new construction and operation of small hydroelectric power plants SHPP-1 and SHPP-2 on land plots with cadastral numbers: 21224482800:01:002:0128 and 21224482800:01:002:0129.

According to information from the territorial body of the State Environmental Inspection – State Environmental Inspection in Zakarpattia region, LLC “Gidroresurs-Teresva” attempted to commence preparatory construction work on the construction of a small hydroelectric power plant without conclusions from an environmental impact assessment for the planned activity “New construction and operation of mini hydroelectric power plant № 1 in the village of Kalyny, Tyachiv district, in the Tyachiv district, Zakarpattia region, on the Teresva River with a total installed capacity of up to 999 kW. Type of mini-HPP – riverbed” and “New construction and operation of mini-HPP № 2 in the village of Kalyny, Tyachiv district, Zakarpattia region, on the Teresva River with a total installed capacity of up to 999 kW. Type of SHPP – riverbed” as a result of which the left bank dam on the Teresva River in the village of Kalyny was damaged.

The Tyachiv District Police Department of the Main Directorate of the National Police in Zakarpattia Oblast initiated criminal proceedings № 12025078160000093, information about which was entered on 05.04.2025 into the Unified Register of Pre-trial Investigations under Article 356 of the Criminal Code of Ukraine.

The State Environmental Inspection in Zakarpattia Oblast, in accordance with the appeal of the residents of the village of Kalyny dated 15.04.2025, based on the order of the Ministry of Environmental Protection and Natural Resources of Ukraine dated 06.06.2025 № 1135 and the approval of the State Environmental Inspection

dated June 12, 2025, № 2. 1/68PG, an unscheduled state supervision (control) event was planned to be held from July 8, 2025, to July 11, 2025, to check whether Hydroresource-Teresva LLC was complying with environmental protection legislation.

However, due to obstruction by the management of Hydroresource-Teresva LLC, the inspection was not carried out. In this regard, the State Environmental Inspection in Transcarpathian region informed the Main Directorate of the National Police in Transcarpathian region that the actions of the business entity may be considered signs of crimes against the environment under Articles 236, 238, 246 of the Criminal Code of Ukraine.

According to information from the Main Directorate of the National Police in Zakarpattia Oblast, on 07.08.2025, the information contained in the aforementioned statement was entered into the information communication system "Information Portal of the National Police" (single accounting journal of the Tyachiv District Police Department of the Main Directorate of the National Police in the region) under № 24080.

The State Environmental Inspection in Zakarpattia region did not record any destruction (damage) of aquatic biotopes or fish mortality within the territory of the Emerald Network "Eastern Svidovets - UA0000259" in connection with the construction of hydroelectric power plants in the Teresva River basin (as of 11.12.2025).

We would like to inform you about the court proceedings in the case of the National Military Memorial Cemetery.

The Kyiv Regional Military Administration adopted Order № 275 of March 14, 2024, "On the seizure and transfer for permanent use of a land plot with a change in its intended purpose to the state institution 'National Military Memorial Cemetery'".

Resolution № 225 of the Cabinet of Ministers of Ukraine dated March 1, 2024, approved the "Procedure for the removal of trees, shrubs, lawns, and flower beds during the preparatory and/or construction work and operation of the National Military Memorial Cemetery".

By the decision of the Kyiv District Administrative Court dated 25.09.2024 in case № 320/33830/24, the resolution of the Cabinet of Ministers of Ukraine dated 01.03.2024 № 225 "Some issues of removal trees, shrubs, lawns, and flower beds during preparatory and/or construction work and operation of the National Military Memorial Cemetery" unlawful and invalid.

The decision was overturned on the basis of Supreme Court Resolution № 320/33830/24 dated 23.05.2025, which overturned the decision of the Kyiv District Administrative Court dated 25.09.2024 and the resolution of the Sixth Administrative Court of Appeal Administrative Court dated January 16, 2025, were overturned, and case № 320/33830/24 was sent for a new trial to the court of first instance.

By the decision of the Kyiv District Administrative Court dated March 13, 2025, in case № 320/25649/24, the administrative claim of the public organization "Markhalivka. Support" against the Kyiv Regional Military Administration, with the participation of a third party that does not assert independent claims on the subject of the dispute on the side of the defendant - State Institution "National Military Memorial Cemetery", regarding the recognition as unlawful and cancellation of

paragraphs 2-5 of Order № 275 of March 14, 2024, - satisfied and recognized as unlawful and repealed paragraphs 2-5 of the order of the Kyiv Regional Military Administration № 275 of 14.03.2024 "On the seizure and provision for permanent use of a land plot with a change in its intended purpose to the state institution "National Military Memorial Cemetery".

By the decision of the Sixth Administrative Court of Appeal dated 05.08.2025 in case № 320/25649/24, the appeal of the Kyiv Regional State Administration was dismissed (the decision of the Kyiv District Administrative Court dated 13.03.2025 remained unchanged (Order № 275 of the Kyiv Regional Military Administration dated 14.03.2024 "On the seizure and transfer for permanent use of a land plot with a change in its intended purpose to the State Institution "National Military Memorial Cemetery" was declared unlawful)).

Also, the Sixth Administrative Court of Appeal in case № 320/25649/24 considered in written proceedings the application of the public organization "Markhalivka. Support" for measures to secure the claim in the administrative case of the public organization "Markhalivka. Support" against the Kyiv Regional Military Administration and established that most of the measures that the plaintiff requests to be applied to secure the claim relate to the discretionary powers of state bodies that are to exercise control in the field of land, forest, and environmental legislation, and are beyond the scope of judicial control in this case, and a decision was made to deny the application of the public organization "Markhalivka. Support" on taking measures to secure the claim in the case (ruling of 05.08.2025).

By the ruling of the Kyiv-Sviatoshyn District Court of Kyiv Region dated 28.05.2025 in case № 369/4377/25, the State Institution "National Military Memorial Cemetery" was prohibited from:

- cutting down forests without special permission on land plots with cadastral numbers 3222481200:05:002:0457, 3222481200:05:002:0458 and other land plots belonging to the Emerald Network nature conservation area within the Gatnenska rural territorial community of the Fastiv district of the Kyiv region;
- conducting burials on land plots with cadastral numbers 3222481200:05:002:0457, 3222481200:05:002:0458 of the Gatnenska rural territorial community of the Fastiv district of the Kyiv region until all works provided for by the project are completed and the completed construction is accepted.

By the ruling of the Kyiv-Sviatoshyn District Court of the Kyiv Region dated 09.07.2025 in case № 369/4377/25, the measures to secure the claim, taken by the ruling of the Kyiv-Sviatoshyn District Court of the Kyiv Region dated 28.05.2025 in case № 369/4377/25.

By the decision of the Kyiv Court of Appeal dated 30.10.2025 in case № 369/4377/25, the ruling of the Kyiv-Svyatoshynsky District Court of the Kyiv Region dated 09.07.2025 was left unchanged.

By the ruling of 14.11.2025 on securing the claim in a civil case brought by the public organization "Markhalivka. Support" against the State Institution "National Military Memorial Cemetery" was denied (there are no grounds for establishing a ban on logging on the land plot with cadastral number: 3222481200:05:002:0457, the applicant did not submit any relevant and admissible evidence to support the arguments set out in the application, and therefore the court refused to satisfy the application for securing the claim).

In addition, the Ministry of Economy provides contact persons responsible for issues related to the Bern Convention:

Deputy Director of the Department - Head of the Division for the Formation and Development of the Network of Protected Areas of the Department of Protected Areas and Biodiversity - Maxim Serhiyovych Zheleznyak;

Head of the Department for the Protection and Use of the Nature Reserve Fund of the Department of Protected Areas and Biodiversity – Kateryna Oleksandrivna Litvishko, tel. +380508539715.

Deputy Minister of Economy, Environment
and Agriculture of Ukraine

Ihor ZUBOVYCH

Part 4*Non-official translation***DECISION
IN THE NAME OF UKRAINE**

29 January 2026

Kyiv

case No. 320/25649/24

administrative proceedings No. K/990/36505/25, K/990/36606/25

The Supreme Court, acting as a panel of judges of the Cassation Administrative Court, composed of:

Reporting judge – Rybachuk A.I.

Judges: Buchyk A.Yu., Tatsii L.V.,

having examined, under written proceedings in the cassation instance, administrative case No. 320/25649/24

upon the claim of the Public Organization (hereinafter – PO) “Markhalivka. Support” against the Kyiv Regional Military Administration, with a third party not asserting independent claims regarding the subject matter of the dispute on the defendant’s side – the State Institution (hereinafter – SI) “National Military Memorial Cemetery”, seeking recognition as unlawful and annulment of provisions of an administrative order, in which proceedings were initiated

based on cassation appeals filed by the SI “National Military Memorial Cemetery” and the Kyiv Regional Military Administration

against the decision of the Kyiv District Administrative Court dated 13 March 2025, adopted by the court composed of presiding judge Parnenko V.S.,

and the ruling of the Sixth Administrative Court of Appeal dated 5 August 2025, adopted by a panel of judges composed of presiding judge Hryban I.O., judges Kliuchkovych V.Yu., Kuzmyshyna O.M.,

ESTABLISHED:**I. PROCEDURAL HISTORY**

1. On 4 June 2024, the PO “Markhalivka. Support” filed a claim with the Kyiv District Administrative Court, requesting the court to recognize as unlawful and annul clauses 2–5 of the order of the Kyiv Regional Military Administration dated 14 March 2024 No. 275 “On the withdrawal and granting for permanent use of a land plot with a change of designated purpose to the State Institution ‘National Military Memorial Cemetery’”.

In substantiation of its claims, the PO “Markhalivka. Support” referred to the fact that by the disputed decision in this case the defendant, acting beyond the scope of its competence and in violation of the requirements of the Land Code of Ukraine and the Forest Code of Ukraine, unlawfully changed the designated purpose of a land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares, which forms part of the Emerald Network and has special environmental significance in accordance with the Convention on the Conservation of European Wildlife and Natural Habitats of 1979 (the Bern Convention), to which Ukraine acceded pursuant to the Law of Ukraine dated 29 October 1996 No. 436/96-VR “On Ukraine’s Accession to the 1979 Convention on the Conservation of European Wildlife and Natural Habitats”.

The claimant emphasized that the said land plot belonged to natural reserve fund objects, however its designated purpose (code 09.01 – for forestry management) was unlawfully changed to public use land

allocated for burial sites with the right to cut down trees and shrubs and to use the harvested timber in the manner prescribed by law (code 07.09).

In addition, substantiating the illegality of transferring the said land plot for permanent use to the SI "National Military Memorial Cemetery" for the implementation of the project for the construction of the National Military Memorial Cemetery, the claimant referred to the failure of the defendant to take into account public interests when adopting the disputed order.

2. By the decision of the Kyiv District Administrative Court dated 13 March 2025, left unchanged by the ruling of the Sixth Administrative Court of Appeal dated 5 August 2025, the claim was satisfied:

clauses 2–5 of the order of the Kyiv Regional Military Administration dated 14 March 2024 No. 275 "On the withdrawal and granting for permanent use of a land plot with a change of designated purpose to the State Institution "National Military Memorial Cemetery"" were recognized as unlawful and annulled;

court fees in the amount of UAH 3,028.00 were recovered from the budgetary appropriations of the Kyiv Regional Military Administration in favor of the PO "Markhalivka. Support".

3. On 3 September 2025 and 4 September 2025, respectively, cassation appeals were submitted to the Supreme Court by the SI "National Military Memorial Cemetery" and the Kyiv Regional Military Administration, in which, referring to incorrect application by the courts of first and appellate instances of substantive law and violation of procedural law, the appellants request that the decision of the Kyiv District Administrative Court dated 13 March 2025 and the ruling of the Sixth Administrative Court of Appeal dated 5 August 2025 be set aside and that a new court decision be adopted dismissing the claim.

4. By rulings dated 22 September 2025, the Supreme Court opened cassation proceedings based on the said cassation appeals and requested the case materials from the court of first instance.

5. By the ruling of a judge of the Supreme Court (the reporting judge in this case) dated 24 September 2025, the motion of the SI "National Military Memorial Cemetery" and the Kyiv Regional Military Administration to suspend the effect of the contested court decisions was partially satisfied, and the effect of the decision of the Kyiv District Administrative Court dated 13 March 2025 was suspended until completion of its review in cassation proceedings.

6. On 6 October 2025, responses to the cassation appeals of the SI "National Military Memorial Cemetery" and the Kyiv Regional Military Administration were received by the cassation court from the PO "Markhalivka. Support", in which the claimant requests that the cassation appeals be dismissed and that the court decisions contested by the defendant and the third party without independent claims regarding the subject matter of the dispute on the defendant's side be left unchanged.

7. On 6 October 2025, additional explanations were received by the Supreme Court from the Kyiv Regional Military Administration, in which the defendant again emphasizes the unfounded nature of the contested court decisions and requests that its cassation appeal and that of the SI "National Military Memorial Cemetery" be satisfied.

II. FACTUAL BACKGROUND OF THE CASE

8. The courts of previous instances established that the Cabinet of Ministers of Ukraine adopted Resolution dated 1 March 2024 No. 225 "Certain issues of removal of trees, shrubs, lawns and flower beds during preparatory and/or construction works and operation of the National Military Memorial Cemetery" (hereinafter – Resolution No. 225), by which it instructed the SI "National Military Memorial Cemetery", the Kyiv Regional State Administration (Kyiv Regional Military Administration), and the Fastiv District State Administration (Fastiv District Military Administration) to ensure, in accordance with the procedure established by law, that the designated purpose and composition of land within the territory of the Hatne rural territorial community of the Fastiv District of the Kyiv Region (land plots with cadastral numbers 3222481200:05:002:0457 with an area of 258.7298 hectares and 3222481200:05:002:0458 with an area of 7.9607 hectares) are brought into compliance with the objectives related to the functioning of the National Military Memorial Cemetery.

In execution of Resolution No. 225, the Kyiv Regional Military Administration adopted Order dated 14 March 2024 No. 275 "On the withdrawal and granting for permanent use of a land plot with a change of designated purpose to the State Institution 'National Military Memorial Cemetery'" (hereinafter also – Order dated 14 March 2024 No. 275), by which it was:

- 1) withdrawn from the permanent use of the National University of Life and Environmental Sciences of Ukraine a state-owned land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares, with designated purpose 09.01 for forestry management and related services, located within the territory of the Hatne rural territorial community of the Fastiv District of the Kyiv Region (outside populated areas);
- 2) the designated purpose of the land plot specified in clause 1 of this Order was changed from 09.01 for forestry management and related services to 07.09 public use land allocated for burial sites with the right to cut down trees and shrubs and to use the harvested timber in accordance with the procedure established by law by the SI "National Military Memorial Cemetery" (legal entity identification code 45022710);
- 3) the SI "National Military Memorial Cemetery" (legal entity identification code 45022710) was granted permanent use of a state-owned land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares, with designated purpose 07.09 public use land allocated for burial sites, located within the territory of the Hatne rural territorial community of the Fastiv District of the Kyiv Region (outside populated areas), for the placement of the National Military Memorial Cemetery;
- 4) the Department of Urban Development and Architecture of the Kyiv Regional Military Administration was instructed to notify the state registration authority of the termination of the right of permanent use by the National University of Life and Environmental Sciences of Ukraine of the land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares, located within the territory of the Hatne rural territorial community of the Fastiv District of the Kyiv Region (outside populated areas);
- 5) the SI "National Military Memorial Cemetery" was instructed, in accordance with the procedure established by law, to ensure state registration of the right of permanent use of the land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares, located within the territory of the Hatne rural territorial community of the Fastiv District of the Kyiv Region (outside populated areas).

Considering that clauses 2–5 of the Order of the Kyiv Regional Military Administration contradict the requirements of environmental legislation and norms of international treaties, consent to the binding nature of which was given by the Verkhovna Rada of Ukraine, the claimant filed this claim with the court.

III. ASSESSMENT BY THE COURTS OF FIRST AND APPELLATE INSTANCES

9. In granting the claim, the court of first instance, with whose conclusion the appellate court agreed, proceeded from the fact that the land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares allocated for the Memorial Cemetery is located within the territories of the Emerald Network and belongs to lands of environmental protection purpose, which in turn made it impossible to change its designated purpose in order to transfer the land plot for permanent use to the SI "National Military Memorial Cemetery".

In addition, the court of first instance noted that despite the fact that amendments introduced by the Law of Ukraine dated 8 December 2023 No. 3505-IX "On Amendments to Certain Legislative Acts of Ukraine Regarding Ensuring the Construction and Operation of the National Military Memorial Cemetery" (hereinafter – Law No. 3505-IX) to the Final Provisions of the Law of Ukraine dated 10 July 2003 No. 1102-IV "On Burial and Funeral Affairs" (hereinafter – Law No. 1102-IV) effectively cancelled, for the period of martial law, the conduct of public discussions regarding the intentions to construct the National Military Memorial Cemetery within the territory of a territorial community, however, taking into account the provisions of the Aarhus Convention, the said amendments do not indicate that the defendant could adopt a decision on granting the land plot for implementation of the said project without taking into account the interests of the public.

IV. ARGUMENTS OF THE PARTIES

10. In the cassation appeal, the SI “National Military Memorial Cemetery” argues that the courts of previous instances incorrectly applied the provisions of substantive law, in particular the Land Code of Ukraine, the Forest Code of Ukraine, the Law of Ukraine “On Burial and Funeral Affairs”, as well as international treaties ratified by Ukraine. The appellant maintains that the disputed land plot does not belong to the lands of the nature reserve fund, and the inclusion of the territory in the Emerald Network does not establish a special legal regime that would prohibit a change in the designated purpose of the land plot.

The appellant also emphasizes that the adoption of Resolution No. 225 by the Cabinet of Ministers of Ukraine and the subsequent adoption of Order No. 275 by the Kyiv Regional Military Administration were aimed at ensuring the implementation of a project of national importance during the period of martial law, which required prompt decision-making. According to the appellant, the courts failed to take into account the special legal regime of martial law and the public necessity of creating the National Military Memorial Cemetery.

11. In the cassation appeal, the Kyiv Regional Military Administration notes that it acted strictly within the limits of its powers and in accordance with the instructions of the Cabinet of Ministers of Ukraine. The defendant asserts that the change of the designated purpose of the land plot and its transfer for permanent use to the SI “National Military Memorial Cemetery” were carried out in compliance with the requirements of land legislation, taking into account the amendments introduced by Law No. 3505-IX.

The defendant further states that the provisions of the Aarhus Convention are not subject to application in this case, as the decision concerns the implementation of measures related to national defense and honoring the memory of fallen servicemen, which allegedly excludes the obligation to conduct public consultations.

12. In the response to the cassation appeals, the PO “Markhalivka. Support” contends that the arguments of the appellants are unfounded and essentially repeat the positions previously examined and rejected by the courts of first and appellate instances. The claimant emphasizes that the disputed land plot has significant environmental value, is part of the Emerald Network, and is subject to special protection under international environmental law.

The claimant also points out that neither Resolution No. 225 nor Law No. 3505-IX abolishes the obligation of public authorities to comply with the requirements of international treaties ratified by Ukraine, including the Aarhus Convention and the Bern Convention. According to the claimant, the failure to take into account public interests and environmental considerations renders the contested order unlawful.

V. LEGAL ASSESSMENT BY THE SUPREME COURT

13. Having reviewed the case materials, verified the arguments of the cassation appeals and the responses thereto, and assessed the correct application by the courts of previous instances of substantive and procedural law, the Supreme Court concludes as follows.

14. Under Article 19 of the Constitution of Ukraine, bodies of state power and bodies of local self-government, their officials are obliged to act only on the basis, within the limits of authority, and in the manner prescribed by the Constitution and laws of Ukraine.

15. Pursuant to Articles 13 and 14 of the Constitution of Ukraine, land, its subsoil, atmospheric air, water and other natural resources within the territory of Ukraine are objects of the right of ownership of the Ukrainian people and are under the special protection of the state.

16. According to Article 150 of the Land Code of Ukraine, lands of environmental protection purpose include lands of the nature reserve fund and other lands with special environmental value.

17. The Supreme Court notes that the inclusion of territories in the Emerald Network is carried out in order to ensure the conservation of natural habitats and species of wild flora and fauna of European

importance in accordance with the Bern Convention. Such inclusion imposes on the state the obligation to avoid deterioration of natural habitats and disturbance of species for which the territory has been designated.

18. The Court emphasizes that although the legislation of Ukraine does not establish a separate category of lands of the Emerald Network, the environmental value of such territories must be taken into account when deciding on the change of designated purpose of land plots located within them.

19. The Supreme Court agrees with the conclusions of the courts of previous instances that the land plot with cadastral number 3222481200:05:002:0457 with an area of 258.7298 hectares is located within the Emerald Network and has significant environmental value, which limits the possibility of changing its designated purpose.

20. As regards the arguments of the appellants concerning the special legal regime of martial law, the Supreme Court notes that the introduction of martial law does not abolish the obligation of state authorities to comply with the Constitution of Ukraine, laws of Ukraine, and international treaties ratified by Ukraine.

21. The Court also notes that Law No. 3505-IX, while simplifying certain procedures related to the construction of the National Military Memorial Cemetery, does not contain provisions that would allow ignoring environmental requirements or excluding the participation of the public in decision-making on matters affecting the environment, as guaranteed by the Aarhus Convention.

22. Therefore, the Supreme Court finds that the Kyiv Regional Military Administration, in adopting Order No. 275 dated 14 March 2024, failed to fully take into account the environmental significance of the disputed land plot and the public interests related thereto.

VI. CONCLUSIONS OF THE SUPREME COURT

23. Taking into account the foregoing, the Supreme Court concludes that the courts of first and appellate instances correctly established the factual circumstances of the case, provided a proper legal assessment thereof, and reached lawful and well-reasoned conclusions.

24. The arguments set out in the cassation appeals do not refute the conclusions of the courts of previous instances, are aimed at a different interpretation of the provisions of law, and do not indicate incorrect application of substantive law or violations of procedural law that would constitute grounds for setting aside the contested court decisions.

25. In accordance with Article 350 of the Code of Administrative Procedure of Ukraine, a court of cassation instance leaves a cassation appeal without satisfaction if it finds that the courts of first and appellate instances have not committed violations of substantive or procedural law.

VII. RESOLUTION PART

26. The cassation appeals of the State Institution "National Military Memorial Cemetery" and the Kyiv Regional Military Administration shall be left without satisfaction.

27. The decision of the Kyiv District Administrative Court dated 13 March 2025 and the ruling of the Sixth Administrative Court of Appeal dated 5 August 2025 shall be left unchanged.

28. The court decision of the cassation instance shall enter into legal force from the date of its adoption, shall be final, and shall not be subject to further appeal.

Judges:

A.I. Rybachuk

A.Yu. Buchyk

L.V. Tatsii