Strasbourg, 11 February 2026 **T-PVS/Files(2026)2025-3_gov**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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

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Bureau of the Standing Committee
7-9 April 2026
Strasbourg

New complaint: 2025/3

Alleged destruction of aquatic habitats and fish in the Emerald Network site - Skhidnyi Svydovets - UA0000259 due to the construction of hydropower plants in the Teresva River basin (Ukraine)

- GOVERNMENT REPORT -

Document prepared by
Minister of Economy, Environment and Agriculture of Ukraine

Update Report, received February 2026

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

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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 Kaliny, 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 Kaliny, 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 Kaliny 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-Svyatoshinsky 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