

Strasbourg, 9 February 2022

T-PVS/Files(2022)14

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

42<sup>nd</sup> meeting  
Strasbourg, 29 November – 2 December 2022

---

**New complaint (pending): 2021/4**

**Threats to wild flora and fauna and their  
natural habitats in Irpin river valley Emerald  
Network site from constructions  
(Ukraine)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
Irpin community*

---

Dear Eoghan,

I would like to present my compliments to the Secretariat of the Bern Convention and provide the progress report regarding to complaint 2021/04: New Complaint: Ukraine: Threats to wild flora and fauna and their natural habitats in Irpin river valley Emerald Network site from constructions has the honour to inform of the following.

As was provided in complaint form, most of lands in Irpin river valley Emerald Network site are intended for the construction and maintenance of an apartment building and construction of residential areas (complexes of apartment buildings). MINISTRY OF ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES OF UKRAINE (further as Ministry) also confirm this based on information from the State Land Cadastre.

According to the Law of Ukraine «On Environmental Impact Assessment» the Environmental Impact Assessment is mandatory in the decision-making process on the implementation of the planned activity and being the subject to an assessment of the environmental impact before making a decision on the implementation of the planned activity. Additionally, Strategic Environmental Assessment mandatory for evaluating the significance of potential change and its implications for relevant conservation objectives.

According to my search, the notice of planned activity being the subject to environmental impact assessment, announcement of the beginning of public discussion of the environmental impact assessment report, information on the conclusion of the environmental impact assessment and decision on the planned activity (indicating the body, number and date of their adoption) were not published on the official website on the Internet. The Ministry maintains a Unified Register for Environmental Impact Assessment (<http://eia.menr.gov.ua/>), however I did not find any information regarding Environmental Impact Assessment.

Even more, the purpose of the lands is changing so quickly from recreational to building apartment and the construction of apartment building and construction of residential areas and from Sep 2021 we have had a terrible situation of destruction of wild flora and fauna and their natural habitats in Irpin river valley Emerald Network site

I will show you a little part of building construction on Irpin river valley included into Emerald Network. Some of buildings are ready, some is under construction and some in planning.





For protection of Irpin river valley included into Emerald Network, our Community organized EcoFest on 03-04 Sep 2021 to inform the citizen and local authority about importance to save the wild flora and fauna and their natural habitats in Irpin river. Community invited representatives from Ministry, association of ecologists, national parks in Ukraine and other organizations which try to protect the nature in Ukraine.

Also, to protect some lands in Irpin river valley, Community had to go to court and open the case. On 29 Apr 2021 during the regular meeting of local Authority in Irpin city they voted to create a detail plan of lands construction and now this plan is under preparation. Per local Authority

explanation they want to build apartments on these lands. All these lands, about 57 Ha, are included into Emerald Network. Local Authority could not vote to create a detail plan of lands construction because these lands are not under their responsibility. I was present on this meeting on 29 Apr 2021 and informed them about violation of the Constitution of Ukraine by its decision, but they did not listen to me.

Of course, our community does not want to accept the destruction of wild flora and fauna that is why we decided to file a lawsuit to set aside of local Authority decision.

Before going to court, we applied to various Authorities in Ukraine and to the president as well, but all of these without result.

The first meeting of the court was conducted on 16 Dec 2021. Due to defendant did not prepare required documents the court was postponed until 25 Jan 2022. On 25 Jan 2022 the judge was too busy and meeting was re-scheduled and moved to written form. For now we do not have final decision from court.

Our Community is trying to protect a little piece of lands included into Emerald Network but the measure of building is much more critical. On photo, which I already provided, you can see that local Authority allowed to build apartments and in the most cases the building is illegal.

I have materials related to our case but they are on local language.

By summary, from Sep 2021 the construction of buildings has not been stopped, even more has begun to grow very fast without compliance to the local laws and without Environmental Impact Assessment and Strategic Environmental Assessment.

Best regards,

Dina Haman.

Date 08 Feb 2022