



Co-funded by  
the European Union



## **Plan of legislative changes in terms of transposition of the EU requirements regarding protection of species of wild flora and fauna**

*Council Directive 92/43/EEC of May 21, 1992 on the conservation of natural habitats and wild fauna and flora (Habitats Directive)*

*Directive 2009/147/EU of the European Parliament and of the Council of November 30, 2009 on the conservation of wild birds (Birds Directive)*

### **I. General**

#### **1. Current status of transposition of the EU legislative acts in Ukraine**

The legislation of Ukraine is partially aligned with the provisions of the Habitats and Birds Directives in terms of protection of species (the level of alignment – high).

The regime of special protection of animal and plant species included into the Red Data Book of Ukraine and regional lists at the legislative level mostly corresponds to the regime of species protection as required under the Habitats and Birds Directives. Annex VI to the Habitats Directive and Annex IV to the Bird Directive, listing prohibited methods and means of capture and killing and modes of transport, are transposed in Ukraine fully.

A considerable gap, however, is lack in the Ukrainian legislation of prohibition of sale, transportation, keeping for sale and offering for sale of live or dead animals (including birds) and of any readily recognizable parts and derivatives of animals subject to special protection (apart from international trade regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which Ukraine is a party to). Due to lack of general prohibition, relevant provisions on derogations regarding certain species, trade in which is allowed by the EU law, have not been transposed either.

Furthermore, analysis of annexes to the Directives related to wild flora and fauna in terms of species found in Ukraine shows that not all such species are subject to strict protection in Ukraine (included into the Red Data Book of Ukraine or regional lists). About a quarter of species subject to protection under the EU law are not subject to special protection in Ukraine. Species protected under the Bern Convention – they enjoy a certain level of protection in Ukraine – do not fully coincide with species protected under the Habitats and Birds Directives either.

Ukraine does not clearly specify game species, whereas the legislation on prohibition of capture of wild animals with the purpose of keeping and breeding in semi-free conditions or in captivity refers to lists of species protected under the Bern Convention and included into the Red Data Book of Ukraine. Therefore, relevant Annexes to the Habitats (Annex V) and Birds (Annex III) Directives listing species whose taking in the wild and exploitation may be subject to management measures require transposition into the legislation of Ukraine.



Administrative liability is provided for in Ukraine for violations in the sphere of protection of species, though a list of offences and the amount of fines require considerable revision. Relevant provisions of the Directive 2024/1203 of April 11, 2024 on the protection of the environment through criminal law which at the EU level is aimed at ensuring of execution of the Habitats and Birds Directives, among other things, have not been transposed in Ukraine yet. Criminal liability in this sphere in Ukraine is limited to a single crime “Illegal hunting”.

## **2. Strategy for transposition of the EU legislative acts in Ukraine**

Taking into account the fact that the sphere of protection of flora and fauna species at present has a high level of alignment with the relevant EU acts, for full transposition of the requirements of the Habitats and Birds Directives in terms of protection of species, it would be sufficient to make specific amendments and supplements to current laws of Ukraine and bylaws. It is necessary to introduce into the national legal framework, including the Laws of Ukraine “On Fauna”, “On Hunting Economy and Hunting”, “On Flora”, “On Fish Farming, Industrial Fishing and Protection of Aquatic Bioresources”, the definition of “conservation status of a species” and to implement approaches determining and providing for “favourable” conservation status of species.

In the sectoral legislation, it will be necessary to embed the prohibition of sale, transportation, keeping for sale and offering for sale of live or dead animals (including birds) and of any readily recognizable parts and derivatives of animals subject to protection under the Habitats and Birds Directives and international obligations of Ukraine. What is also important is to consider the necessity and to introduce into the legislation, if needed, separate exceptions from the rule of prohibition of sale of separate species of wild fauna subject to protection.

In the context of protection of species, along with providing for legal framework for their protection at the level of European standards it is planned to approve the lists of protected species as specified in Annexes to the Birds and Habitats Directives in the legislation of Ukraine. In this aspect it is also planned to regulate correlation of the legal status of such lists and relevant lists of the Red Data Book of Ukraine and regional lists. Revision of the list of game species is also planned, as well as transposition of Annexes to the Habitats (Annex V) and Birds (Annex III) Directives specifying species, whose taking in the wild and exploitation may be subject to management measures.

As a separate legislative initiative, it is planned to propose a draft law to amend the Code of Ukraine of Administrative Offences (in terms of expanding list of offences and strengthening sanctions) and Criminal Code of Ukraine to strengthen administrative liability and introduce criminal liability for violations of legislation in the sphere of protected species.



Co-funded by  
the European Union



### **3. Key executives and sub-executives**

- MEPR



Co-funded by  
the European Union



## II. Actions of the plan of regulatory activities

Action	Responsible bodies, by when	Performance indicators
<p>1. Draft law on amending separate laws of Ukraine regarding protection of species (introducing terminology, approaches and mechanisms of the Directives), including</p> <ul style="list-style-type: none"> <li>- the Law of Ukraine “On Environmental Protection” of 25.06.1991 No. 1264-12,</li> <li>- The Law of Ukraine “On the Red Data Book of Ukraine” of 07.02.2002 No. 3055-14,</li> <li>- The Law of Ukraine “On Fauna” of 13.12.2001 No. 2894-14;</li> <li>- The Law of Ukraine “On Fish Farming, Industrial Fishing and Protection of Aquatic Bioresources” of 08.07.2011 No. 3677-VI,</li> <li>- The Law of Ukraine “On Flora” of 9.04.1999 N 591-XIV;</li> <li>- The Law of Ukraine “On Hunting Economy and Hunting” of 02.02.2000 No. 1478-14-III</li> <li>- The Law of Ukraine “On the protection of animals from cruelty” of 21 February 2006 No. 3447-IV and others                             <ul style="list-style-type: none"> <li>- with annexes transposing the lists of protected species of fauna and flora (according to Annexes II and IV to the Habitats Directive and Annexes I and II to the Birds Directive).</li> </ul> </li> </ul>	MEPR, 2026	Adoption of the law
<p>2. Draft law on amending separate laws of Ukraine regarding protection of species (introducing prohibition of sale), including</p> <ul style="list-style-type: none"> <li>- The Law of Ukraine “On Fauna” of 13.12.2001 No. 2894-14;</li> <li>- The Law of Ukraine “On Fish Farming, Industrial Fishing and Protection of Aquatic Bioresources” of 08.07.2011 No. 3677-VI,</li> <li>- The Law of Ukraine “On Flora” of 9.04.1999 N 591-XIV;</li> <li>- The Law of Ukraine “On Hunting Economy and Hunting” of 02.02.2000 No. 1478-14-III                             <ul style="list-style-type: none"> <li>- with annexes transposing the lists of species of fauna, whose taking in the wild and exploitation may be subject to management measures (according to Annex V to the Habitats Directive and Annex III to the Birds Directive).</li> </ul> </li> </ul>	MEPR, 2025	Adoption of the law
<p>3. Draft law on amending the Code of Ukraine of Administrative Offenses (expanding list offences and strengthening sanctions)</p>	MEPR, 2026	Adoption of the law
<p>4. Draft law on amending the Criminal Code of Ukraine (introducing criminal liability for violations of legislation in the sphere of protected species in correspondence with the Habitats and Birds Directives and the Directive on the</p>	MIA, MEPR, 2025	Adoption of the law



Co-funded by  
the European Union



protection of the environment through criminal law)		
5. Draft resolution of the CMU/order of the MEPR on approval of lists of species (according to Annexes II, IV and V to the Habitats Directive and Annexes I, II and III to the Birds Directive), if these have not been transposed by the above amendments to the laws	MEPR, 2026	Adoption of the resolution of the CMU or the order of the MEPR
6. Making amendments to legislative acts in the sphere of hunting, as well as fishing, taking into account requirements and lists of species of wild animals as stipulated by the EU law	Minagro, MEPR, other central executive authorities, 2026	Adoption of the resolutions of the CMU, orders of the central executive authorities
7. Draft order of the MEPR on the rules of state recording of a number of game animals and scopes of their capture (taking into account the list of wild animals protected by the EU law)	MEPR, 2025	Adoption of the order of the MEPR