



Bankwatch  
Network



EEB  
European  
Environmental  
Bureau



AMO.CZ



GREENPEACE



TRANSPARENCY  
INTERNATIONAL EU



Ecoclub

екодія

23 January 2023

## Joint open letter to the Ukraine Facility COM(2023)338 triologue negotiators

Ahead of the political decision to adopt the Ukraine Facility Regulation, our broad coalition of civil society organisations is reaching out to advocate for an inclusive and environmentally sound Ukraine Facility that ensures the country's sustainable recovery.

We wish to share our analysis of the positions of the co-legislators on the EU Commission's proposal for a regulation of the European Parliament and of the Council on establishing the Ukraine Facility.

We believe that the amendments proposed by the Parliament and the Council should be incorporated into the final agreement. In particular, we recommend that the negotiators retain and, where possible, strengthen amendments that relate to:

- the transparent and meaningful participation of civil society in processes related to the Ukraine Facility and Ukraine Plan; and
- the adherence to environmental safeguards and principles.

### **Transparent and meaningful participation of civil society in processes related to the Ukraine Facility and Ukraine Plan**

The Ukraine Facility Regulation and the associated Ukraine Plan offer Ukrainian society an opportunity to contribute to the country's sustainable recovery from the devastation wrought by Russia's war of aggression.

Fortunately, both the European Parliament and the Council of the European Union have proposed amendments that support a collaborative and transparent approach. We are calling for these amendments to be retained in the final text. In particular, we fully endorse the amendments (highlighted in bold) proposed by:

- the Council in the Preamble (21, 22) highlighting civil society and (34) the commitment to **‘support children and youth as key agents of change and as contributors to the realisation of the 2030 Agenda’**;
- the Parliament in the Preamble (36) that the Ukraine Plan **‘should demonstrate how meaningful participation of stakeholders was planned and conducted via consultations, with sufficient timeframes and transparency, and clear follow-up procedures to input given’**;
- the Parliament in Article 4(6) on the application of the **‘EU partnership Principle and EU Code of Conduct’** and in Article 4(7) on the **‘full implementation of the Aarhus Convention’**;
- the Parliament on the participation of civil society in Article 17(3) that, in **‘line with the EU Partnership Principle and the European Code of Conduct, Ukraine and the Commission shall ensure that civil society organisations are duly consulted and involved in the process and have timely access to relevant information to allow them to play a meaningful role in the design and implementation of the Ukraine Plan’**;
- the Parliament in Article 17a(2) that the **‘Ukrainian government shall establish Monitoring Committees involving a diverse range of stakeholders, including non-governmental organisations, supported by a specific framework agreement for cooperation with those non-governmental organisations, in line with the EU Partnership Principle and the European Code of Conduct’**; and
- both the Parliament and Council in Article 18(3), point (b) that the criteria taken into account in the Commission’s assessment of the Ukraine Plan when reviewing ‘the methodology and processes used for the selection and implementation of projects’ should apply to **‘civil society organisations’** and **‘civil society groups’**.

It should be noted that civil society organisations have thus far not been invited to meaningfully engage in the development of the Ukraine Plan. This underlines the importance of the above amendments in providing guidance on how to ensure their involvement.

### **Adherence to environmental safeguards and principles**

We welcome the amendments proposed by the Parliament and the Council aimed at strengthening the environmental aspects of the Regulation. In particular, we fully endorse the amendments (highlighted in bold) proposed by:

- the Parliament in the Preamble (20) that investments ‘**should be aligned, to the extent possible, with the Union climate and environmental acquis, and should contribute to the implementation of the Ukrainian National Climate and Energy Plan**’;
- the Parliament in the Preamble (33) specifying that ‘the principles of ‘do no **significant harm**’ must fall ‘**within the meaning of Article 17 of Regulation (EU) 2020/852**’, also known as the Taxonomy Regulation;
- the Council in Article 3(2), point (e) that the specific objectives of the Facility should ‘develop and strengthen **environmental protection**’ as well as ‘a sustainable **and just** green transition in all economic sectors’;
- the Council in Article 15(5) on the need for the Ukraine Plan to be consistent with ‘**Ukraine’s commitments under the United Nations Convention on Biological Diversity**’ and in Article 16(2), point (g) that ‘measures under the Plan are expected to contribute to climate and environmental objectives; **including biodiversity conservation**’;
- the Parliament in Article 18(3), point (ba) that the criteria applied by the Commission in its assessment should consider ‘**whether the measures in the Ukraine Plan are expected to contribute to climate change mitigation and adaptation, environmental protection, to the green transition, including biodiversity, or to addressing the challenges resulting therefrom, and whether those measures aim to account for an amount that represents at least 20 % of the Plan’s total allocation**’. This would also help meeting international finance obligations such as those under the Kunming-Montreal Global Biodiversity Framework and potentially the EU’s biodiversity spending target of 7,5% in 2024 and 10% in 2026/2027.

Additionally, we propose to replace the ‘do no harm principle’ with ‘do no significant harm’ in the meaning of Article 17 of Regulation (EU) 2020/852 throughout the Regulation as a means of derisking. The adaptation of the EU’s ‘do no significant harm’ guidelines to the Ukrainian context is essential in order for them to be applicable and sufficiently ambitious. We consider this to be a critical amendment.

Finally, we recommend the immediate application of the EU’s Environmental Impact Assessment Directive and the Strategic Environmental Assessment Directive by narrowing its derogative regime in Ukraine as a condition for spending funds under the Ukraine Facility.

We appreciate the tremendous work already carried out by the European Commission, the European Parliament, and the Council, demonstrating their steadfast and unwavering support for Ukraine.

We remain at your disposal.

Yours sincerely,

Andreas Beckmann, CEO WWF Central and Eastern Europe

[abeckmann@wwfcee.org](mailto:abeckmann@wwfcee.org)

Mark Martin, Executive Director, CEE Bankwatch Network

[mark.martin@bankwatch.org](mailto:mark.martin@bankwatch.org)

Patrick ten Brink, Secretary General, European Environmental Bureau (EEB)

[secretarygeneral@eeb.org](mailto:secretarygeneral@eeb.org)

Nick Aiossa, Director of Transparency International EU

[naiossa@transparency.org](mailto:naiossa@transparency.org)

Tobias Münchmeyer, European Project Lead “Green Recovery Ukraine”, GREENPEACE

[tobias.muenchmeyer@greenpeace.org](mailto:tobias.muenchmeyer@greenpeace.org)

Vit Dostal, Executive Director of Association for International Affairs, Czech Republic

[vit.dostal@amo.cz](mailto:vit.dostal@amo.cz)

Bohdan Vykhov, CEO WWF Ukraine

[bvykhov@wwf.ua](mailto:bvykhov@wwf.ua)

Olga Polunina, Executive director of NGO Centre for Environmental Initiatives

“Ecoaction”, Ukraine

[pol@ecoaction.org.ua](mailto:pol@ecoaction.org.ua)

Svitlana Romanko, Founder & Director of Razom We Stand, Ukraine

[svitlana.romanko@razomwestand.org](mailto:svitlana.romanko@razomwestand.org)

Andriy Martynyuk, Executive Director of NGO Ecoclub, Ukraine

[martynyuk@ecoclubrivne.org](mailto:martynyuk@ecoclubrivne.org)