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DRAFT submitted by People's
Deputy of Ukraine
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LAW OF UKRAINE

On Amendments to Certain Laws of Ukraine Regarding the Prohibition of Sale of Fauna and Flora Objects Removed from the Natural Environment

The Verkhovna Rada of Ukraine hereby resolves:

I. To amend the following Laws of Ukraine:

1. In the Law of Ukraine “On the Plant World” (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 1999, Nos. 22–23, Article 198, as amended):

1) to supplement part one of Article 26 with a new clause 9-1 as follows:
“9-1) prohibition of sale of specially protected objects of the plant world removed from the natural environment;”;

2) to supplement with a new Article 31⁻¹ as follows:

“Article 31⁻¹. Prohibition of Sale of Specially Protected Objects of the Plant World Removed from the Natural Environment

The sale or exchange (including via the Internet), transportation or keeping for the purpose of sale, as well as offering for sale or exchange (including via the Internet) of wild vascular plants, bryophytes, algae, lichens, as well as fungi at all stages of development, removed from the natural environment, shall be prohibited where the species are specified in Appendix I to the Convention on the Conservation of European Wildlife and Natural Habitats and in the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine, except for those that were acquired in a manner not prohibited by law, as evidenced by the relevant documents.”

2. In the Law of Ukraine “On the Animal World” (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2002, No. 14, Article 97, as amended):

2) to supplement part one of Article 7, after the words “in natural freedom”, with the words: “except for fauna objects of the species specified in Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats and in the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine,”;

3) to supplement part five of Article 31, after the words “natural habitats in Europe,” with the words:

“the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine,”;

4) to supplement part one of Article 37 with a new ninth paragraph as follows:

“establishing a prohibition on the sale of specially protected objects of the animal world removed from the natural environment;” ;

5) to supplement with a new Article 52⁻² as follows:

“Article 52⁻² . Prohibition of Sale of Specially Protected Objects of the Animal World Removed from the Natural Environment

Enterprises, institutions, organizations and citizens shall be prohibited from selling or exchanging (including via the Internet), transporting or keeping for the purpose of sale, as well as offering for sale or exchange (including via the Internet) fauna objects removed from the natural environment, where the species are specified in Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats and in the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine, except for those bred (obtained) under semi-free conditions or in captivity, or acquired in another manner not prohibited by law, as evidenced by the relevant documents.”;

6) in Article 63:

to supplement part two with a new paragraph as follows:

“sale or exchange, transportation or keeping for the purpose of sale, as well as offering for sale or exchange of fauna objects removed from the natural environment, the sale of which is prohibited;”;

to restate part five as follows:

“Fauna objects and products made therefrom that have been illegally taken (collected), or that are illegally sold, exchanged, stored or transported for the purpose of sale, as well as the instruments of the offence, shall be

subject to confiscation free of charge in accordance with the procedure established by law.”;

to supplement part seven, after the words “live animals”, with the words: “or live wild animals that are illegally sold, exchanged, stored or transported for the purpose of sale”.

3. In Article 13 of the Law of Ukraine “On the Protection of Animals from Cruelty” (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2006, No. 27, Article 230):

1) to supplement with a new part three as follows:

“Agreements for the sale and purchase, gifting (donation), or exchange (barter) of animals, the species of which are specified in Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats and in the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine, except for those bred (obtained) under semi-free conditions or in captivity, or acquired in another manner not prohibited by law, as evidenced by the relevant documents, shall be void.”

2) to restate the new part four as follows:

“In the event of sale of a wild animal, the seller shall be obliged to provide the buyer with a document certifying the lawfulness of acquisition of such wild animal into ownership.”

4. In Article 37 of the Law of Ukraine “On Fisheries, Industrial Fishing and Protection of Aquatic Bioresources” (Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2012, No. 17, Article 155, as amended):

1) to supplement part four, after the words “Red Data Book of Ukraine”, with the words: “Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats and the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine.”;

2) to supplement part five, after the words “Red Data Book of Ukraine”, with the words: “as well as Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats and the list of wild flora and fauna species subject to special protection in Europe approved by the Cabinet of Ministers of Ukraine”.

II. Final Provisions

1. This Law shall enter into force ten days after the day following the day of its publication.

2. Within six months from the day following the day of publication of this Law, the Cabinet of Ministers of Ukraine shall:

- 1) ensure the adoption of regulatory acts necessary for implementation of this Law;
- 2) bring its regulatory acts into conformity with this Law.

Chairperson
of the Verkhovna Rada of Ukraine