

# Environmental POLICY AND LAW

## UA REVIEW

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### HIGHLIGHTS

### THE FUTURE OF UKRAINE'S HYDRO ENERGY

On April 18, 2018, the Committee on Environmental Policy, Natural Resources and Elimination of Consequences of Chornobyl Disaster hosted a round table "Environmental Aspects of Hydro Energy Development in Ukraine". The round table served as a discussion point for exchange of thoughts between MPs, representatives of energy sectors, Ministry of Environment, environmental NGOs, local communities and scientists.

Vasyl Poluyko, the Vice-Minister for Environmental Protection, highlighted that the Program for Development of Hydro Energy till 2025 had not been subject to transboundary consultations with Moldova (nor with civil society), no strategic environmental assessment had been carried out, no alternatives had been discussed. This led, in his opinion, to an "insufficiently grounded management decision leading to accumulating of various problems on national and international levels".

The environmental activists attending the round table described a number of challenges related to that program: (1) non-compliance with international and EU-association related commitments by Ukraine, (2) no account taken of environmental considerations, (3) lack of respect towards democratic mechanisms for consultations, (4) social risks.

In their turn, the representatives of hydro energy sector appealed to the role of hydro energy in the energy balance of Ukraine. They insisted they act exclusively in compliance with programs and limits already established, while recognize concerns by the public over large projects.

Based on the outcomes of the round table the parliamentary committee is preparing a complex paper with recommendations for all stakeholders.

### ELIMINATION OF CHORNOBYL ACCIDENT CONSEQUENCES ON PARLIAMENT'S AGENDA

On April 18, 2018, the Parliament of Ukraine approved in the first reading governmental draft law related to elimination of Chornobyl accident consequences and preventing such accidents in the future. The draft law No.6624 aims to amend State Program for Decommissioning of Chornobyl Nuclear Power Plant and Converting Shelter Object into Environmentally Safe System. It includes:

- a new period for implementation and budget financing: extending it till 2020, including implementation of measures foreseen for 2017;
- update of the list of measures: finalization of confine-

ment construction and its start of operation, finalization of construction and safe operation of the dry storage facility for spent nuclear fuel from nuclear reactors RVPK-1000 of Chornobyl NPP (SNFF-2), putting into operation of the wet nuclear wastes recycling), etc.

Despite an urgent need for and importance of these measures, the draft law had been on the waiting list for a long time (it was included into Parliament's agenda only on April 17, 2018, nine months after its submission). It was only April 17, 2018, when the Parliament supported the draft in the first reading, with just 236 votes, after several attempts and re-voting.

### NUMBER OF THE MONTH

# 16

times

**decrease in the efficiency of the inspections by the regional environmental inspectorates in 2017 compared to 2015**

Based on reports by Accounting Chamber of Ukraine

## THE MINISTRY OF ENERGY AND ENVIRONMENT OF UKRAINE?

Recently O.Semerak, the Minister of Environment and Natural Resources of Ukraine, wrote a [post](#) in Facebook hinting a possible merge of the ministries of energy and environment in Ukraine:

*"...climate and energy policies are closely linked. Moreover, in many countries the seats of the ministers of energy and environment merged long time ago. This supports lack of any conflict, but rather a single direction of national environmental and energy policies. This is not the case in Ukraine, yet."*

This is unclear how realistic is the idea of combining these two ministries in Ukraine. Yet, this has not come as a surprise (and requires public discussion), taking into account active participation of the Minister of Environment in events related to energy sector (in particular, renewables and energy efficiency) and his high interest in climate change (closely linked with energy issues). This is particularly interesting on the background of recent media reports about planned reshuffling of the Government.

As a general rule the Constitution of Ukraine does not prescribe existence of specific ministries, so establishing a separate ministry fully depends on current political situation. Yet, the ministry of environment has been always there in the Government of Ukraine since its independence.

Clearly, merging two ministries implies a much wider political reasoning than just functionality. However, most likely the environmental civil society will be those most concerned about such merge, so pro's and contra's should be considered.

It's true that many European countries have combined ministries of energy and environmental protection. These include

Austria, Belgium (federal level), Ireland, Greece, Sweden, Croatia, Italy, France. It is also quite common to see environmental portfolio combined with agriculture and tourism.

Merging functional portfolios does not directly mean an equal combining of the ministries: it could lead to take-over by one of another (for example, the Ministry of Environment and Territorial Development and Marine of Italy, which functionally took over energy), equal merge (for example, the Ministry of Environment and Energy of Sweden) or combining under a new political umbrella issue (like recently created Ministry for the Ecological and Inclusive Transition of France).

Any specific model for uniting two ministries fully depends on political situation and agenda of a country, so no copy-pasting is possible. Ukraine can feature any or develop its own for combining energy and environmental portfolios. Moreover, such a merge could be segmental in its functional sense. For example, it is quite possible to set up the ministry of energy and climate change, since the two political issues are closely related.

In practice, direct merging of these two ministries in Ukraine is likely to end with a simple take over of the environmental portfolio by the ministry of energy. In the absence of well-established and effectively functioning system of environmental policy and legal framework, this is likely to lead to systemic conflict of interests. On a positive side, such a merge would bring more political weight: the minister of energy is a "heavy-weight" in the Government and this could bring more weight to the environmental issues. Yet, this would completely depend on environmental values and perceptions of a specific minister.

### QUOTE OF THE MONTH

**"For our industry it is cheaper to pay environmental taxes than invest into more expensive pollution control equipment. Environmental tax has become a fee for use of environment, but it does not provide stimuli for preventing the pollution."**

Based on reports by Accounting Chamber of Ukraine

### EVENT OF THE MONTH

**On April 25, 2018, the Government approved and submitted for Parliament's consideration draft law on State Environmental Policy Strategy till 2030 (No.8328 of 26/04/2018).**