

Environmental POLICY AND LAW

UA REVIEW

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HIGHLIGHTS

STRICTER LIABILITY FOR ENVIRONMENTAL WRONGS

A new draft law (No. 8026 of Feb 9, 2018) aimed at introduction European practice of environmental control was registered in the Parliament. It's adoption may help to create an effective mechanism for dealing with environmental law violations and remedial actions.

The draft law was developed by the Ministry of Environment in line with the Concept for Reforming State Control System in the Field of Environmental Protection. In essence, it proposes a serious revision of the Ukraine's legislation on administrative wrongs, proposing amendments to over 50 provisions setting liability for environmental wrongs. These amendments include increased amount of fines, as well as

definitions of new wrongs in the areas of water and air protection. As the O.Semerak, Ukraine's minister for environment, notes, some fines will increase by dozens, hundreds and even thousands times. For example, fine for placing wastes in the forests is proposed to be €150-250 for individuals and €250-500 for public servants.

So called public environmental inspectors are supposed to get much wider functions. In particular, they will be able to issue official reports for forest contamination with wastes, illegal logging, soil pollution, poaching, protected areas regime violations, cutting vegetation in settlements, etc. This looks to be reasonable in light of decentralization process in Ukraine.

PILOT REFORM OF STATE ENVIRONMENTAL INSPECTORATE

On Feb 21, 2018, the Government of Ukraine created five district environmental inspections (capital, Carpathian, Central, Polissya, and Crimean - Black Sea districts). At the same time, original 12 local inspectorates were closed down. O.Semerak, the Minister of Environment of Ukraine, explained that districts were formed on the basis environmental resources and technogenic criteria.

Together with closing down 12 local offices of environmental inspectorates, the Government amended staff plan for inspectorate's central and local offices. As a result, central office staff was increased with 22 additional job positions,

which respectively cut total local offices staff. If this change is related to the reforming of environmental inspectorate system, it means weakening of the local offices role. It may also imply that certain functions of local offices (such as control over big polluters) will be transferred to central office.

In general, this is a pilot reform taking place under overall concept for creating state environmental protection service. Such service is envisaged to merge a number of other bodies currently performing environmental control functions. A total of 10 district inspectorates are planned, together with 27 regional inspection offices.

NUMBER OF THE MONTH

5 times

**increase of forest fires in 2017
 compared to previous year
 (data by State Forestry Agency)**

THE GOVERNMENT ASSESSED THE PROGRESS IN IMPLEMENTATION OF THE EU-UKRAINE ASSOCIATION AGREEMENT IN 2017

The Governmental Office for Coordination of European and Euro-Atlantic Integration released the 2017 Report on Implementation of the EU-Ukraine Association Agreement. The Report assesses the implementation of tasks envisaged by the Plan of Measures for Association Agreement implementation adopted by the Government on October 25, 2017. The Plan itself has not been made public, yet; therefore, it is not clear how the Government estimated progress towards each target.

The overall progress of the Agreement implementation is assessed as 41%, the progress in the environmental protection field is 27%. The Report also shows progress according to the implementing institution. In the environmental sector, the Parliament and the central executive bodies received 27% score, and there were no requirements for other state bodies for 2017.

The narrative part includes main achievements, ongoing issues, targets and plans for some sectors for 2018.

The Report indicates a few sectors which show real progress (not just a description of the ongoing actions), namely: horizontal environmental legislation (adoption of the Law of Ukraine on Environmental Impact Assessment), water sector (adoption of the by-laws to implement the integrated river basin management principle, adoption of the Law of Ukraine on Making Changes to the Law of Ukraine on Drinking Water and Drinking Water Supply, ratification of the Dnister Agreement, launching the geoportal "Water Resources of Ukraine"), waste management (adoption of the National Strategy on Wastes Manage-

ment), industrial pollution (adoption of the National Emission Reduction Plan for the Large Combustion Plants), climate change (adoption of the Concept on Implementation of the State Policy on Climate Change till 2020 and Plan of Measures to its implementation). The report also refers to a number of draft legislative acts, which are deemed important for relevant sectors. In particular, it highlights draft law of Ukraine on monitoring, verification and reporting of GHGs emissions; draft low-carbon development strategy for Ukraine till 2030; new draft law of Ukraine of state biosafety system for GMOs development, testing, transportation and use.

However, the report also relies on some draft legislative acts, which have not been made public, yet.

It is surprising to see that some sectors have no plans indicated for 2018. These include air pollution, GMOs, industrial pollution, wastes, or concrete plans for nature protection sector. It seems from the report that in 2018 the Government will focus on horizontal legislation: adoption of the law on strategic environmental assessment, amendments to the access to environmental information framework, adoption of the environmental policy strategy till 2030. Water sector priority encompasses adoption of the long-term strategy for water sector. In climate change the government will focus on adoption of the law on ozone depleting substances. A clear picture of these and other priorities is lacking till the Government makes public the Plan of Measures, adopted in October last year, which is still being finalized.

QUOTE OF THE MONTH

"I am convinced the only right way for Ukraine is energy reform. For example, it provides for introducing new incentive instruments for GHGs emissions reduction, modernization of production, increase of renewable energy production and consumption, modernization of electrical grids and transport. This will lead us to ambitious target of CO₂ emissions reduction by 31-34% compared to 1990"

Ostap Semerak, Minister of Environment and Natural Resources of Ukraine, speaking at Ukraine Energy Forum – 2018.

EVENT OF THE MONTH

By decision No.102 of Feb 21, 2018, the Cabinet of Ministers of Ukraine closed down 12 local state environmental inspectorates, instead set up 5 district environmental inspectorates on a pilot basis.