

Environmental POLICY AND LAW

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HIGHLIGHTS

ASSOCIATION AGREEMENT IN THE REGIONS: TO BE HEARD?

The EU-Ukraine Association Agreement is an important instrument for improving well-being of every Ukrainian citizen, including environmental quality of life. The approximation process of the Ukrainian legislation towards the EU *acquis* aims at introducing European standards and rules. Vast majority of efforts to develop and adopt new legislation are currently taken at central level, while regions – expected to be active players – are waiting for instructions from the "top".

Local authorities do not have proper information, capacity and often willingness to get involved into Association Agreement implementation. In addition, planning and legislative process does not provide for their involvement to implementation process. In contrast, the local public shows high interest in solving local environmental problems

with the help of pro-European instruments (the latter often being the last hope).

The need for dialogue to enhance involvement of the regions into EU-Ukraine Association Agreement implementation is obvious. The first step towards a policy recognition of the role of regions was a discussion "Ukraine towards sustainability", which took place together with a signing ceremony of an agreement between Ukraine and the Regional Environmental Center (REC) to open REC country office in Ukraine. A distinctive component of the event was devoted to discussing the implementation of the environmental policy at local level in the context of the EU-Ukraine Association Agreement. The question remains whether this will stimulate a search for effective instruments for involving regions into association agenda.

ELK IN THE RED BOOK OF UKRAINE

On January 6, 2018, Ministry of Environment of Ukraine officially published its order No.481 of Dec 19, 2017 (registered at Ministry of Justice on Dec 28, 2017) on amending the list of fauna species included into the Red Book of Ukraine. The amendment is simple: it lists elk as a Red Book species. This order was a final stage of the fight that environmentalists launched to save the elk from hunting. This included controversial moves by the Ministry of Environment of Ukraine, ranging from a 25-years ban on hunting (order No.41 of Feb 2, 2017) to approval of elk hunting quotas in 2017/2018.

Since the elk is listed now in the Red Book, from January 2018 it is a protected species in all territory of Ukraine. Its special use is strictly limited to exceptional cases (such as scientific and selection purposes, including for breeding in artificial conditions and for renewal of its populations), subject to a permit to be issued by the Ministry of Environment upon a decision by the national Red Book Commission. There is still a legal collision for 2018, since elk hunting quota was not abolished. It is, however, unlikely that hunting quotas will be used in 2018, which would be clear violation of the Red Book ban on hunting, including provisions of the Law on Environmental Protection, Nature Protection Fund and Red Book.

NUMBER OF THE

by **2,5** times

increased the share of environmental tax which will go to national budget in 2018, leaving much less in the regions (45% of all revenues from environmental tax)

PLANS FOR CLIMATE: WHAT THE GOVERNMENT IS PLANNING BY 2030?

On Dec 6, 2017 the Government of Ukraine adopted a Plan of Measures to Implement the Concept of State Climate Change Policy by 2030.

The Plan includes 25 measures (most having sub-tasks), which may be grouped into the following categories:

- ▶ Legislative work and further strategic planning
- ▶ International cooperation
- ▶ Scientific and technical advance
- ▶ Inter-sectoral cooperation
- ▶ Education and capacity raising.

The highest priority of climate change policy reflected in the Plan is development of national emissions trading system. Development and adoption of two related laws represent major benchmarks of the Plan, setting priorities for other tasks. A draft law on monitoring, reporting and verification of greenhouse gases was already

made public by the Ministry of Environment of Ukraine for the purpose of public consultation in early 2018. It includes explanatory note for the whole system to be established. The Plan also includes the need to set up a special body for the purpose of emissions trading and change of fiscal (likely tax) instruments to reduce greenhouse gases emissions.

Adaptation to climate change, as well integration of climate issues into other sectors (such as agriculture, forestry) is delayed for the future. For example, a national climate change adaptation strategy is to be adopted in..2020.

The Plan has two direct references to the energy sector:

- ▶ Development of complex National Plan for Energy and Climate for 2021-2030 (by Ministry of Energy, 2020)
- ▶ Risks and benefits analysis of national nuclear industry

development in achieving Ukraine's emission reduction targets (Ministry of Environment, 2019).

The first draft of this Plan was made public in spring 2017 and had much stronger language on nuclear energy: "development of proposals justifying increase of nuclear energy share in the electricity production in the context of commitments to reduce greenhouse gases emissions at the sake of heat energy production". Final text of the Plan has much more cautious wording on nuclear and climate relationship. As well as change of responsible authority (from Ministry of Energy to Ministry of Environment).

In 2018 Ukraine plans to adopt a Low Carbon Development Strategy till 2030, which will be developed by the Ministry of Environment. Yet, the final text of the Plan lacks any references to renewables.

QUOTE OF THE MONTH

"The public means one or more physical or legal persons, their associations, organizations or groups, registered on the territory covered by the strategic planning document"

(Draft Law on Strategic Environmental Assessment, text for second reading, 15.01.2018)

EVENT OF THE MONTH

January 16, 2018

signing ceremony of the agreement between Regional Environmental Center (REC) and the Government of Ukraine on opening of the REC country office in Ukraine. REC is an international organization, operating in the field of environmental protection and convergence of environmental legislation to EU standards.