



**ENVIRONMENT
PEOPLE LAW**

The rule of law for the protection of the environment

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1. Policy analysis and development



- ▲ EPL contributed to development of environmental policy by analyzing the government's actions and decisions in order to create analytical basis for further policy, legislative and advocacy work.



The government's actions were monitored, analysis and recommendations were summarized in analytical digests of governmental news in the environmental area - Ecorevisor. Totally, in 2021 seven Ecorevisor digests were released.

- ▲ Throughout the year EPL was working to promote key horizontal environmental reforms (the reform of environmental control (enforcement), environmental monitoring, legal liability for environmental crimes) and sectoral reforms (in the areas of waste management, air quality, forest management, biodiversity preservation). EPL's policy work was summarized in policy papers, policy briefs, statements and analytical reports.

The policy brief on environmental reforms was published at the [following link](#).

- ▲ In November 2021, in anticipation of a new minister of environment EPL developed [a policy agenda](#) outlining key direction of environmental policy development and vital horizontal and sectoral reforms as well as ways of their implementation.
- ▲ EPL developed [a map of key](#) horizontal and sectoral reforms and held a series of work meetings and discussions with the Ministry of Environment, State Environmental Inspectorate and civil society experts.

- ▲ The policy brief on control, monitoring and permitting procedures in the area of hazardous waste was discussed with experts in the area and published at [the following link](#).
- ▲ The policy paper on formation of the Emerald network was developed, discussed with stakeholders and finalized. Authors of the policy paper participated in finalizing the draft law on the Emerald network and took into consideration proposals from experts in minerals extraction, forest management experts, hunters etc.



- ▲ At the end of 2021, EPL team once again updated the information on key environmental reforms that urgently need to be implemented

- ▲ The European Green Deal (EGD) as a comprehensive document outlining key tendencies and goals in development of European environmental policy serves as a guideline for Ukrainian environmental policy development.

EPL analyzed the compliance of Ukrainian planning documents with goals of the EGD in order to evaluate the current status of and steps needed for Ukrainian environmental policy to approximate to the EGD.

The greatest achievement of EPL's work regarding the EGD is developed comprehensive vision of the degree of compliance of Ukrainian goals in the area of forest management, biodiversity conservation and waste management with the relevant goals of the European Green Deal. It is important that EPL team took a broader and more systematic approach and made a full analysis of the situation in selected areas, developing comprehensive analysis of the current situation and steps needed.

Results of the analysis were summarized in three policy papers that were duly discussed with stakeholders.

2. Policy and legislation advocacy

- ▲ EPL prepared a position paper on the progress in implementation of environmental reforms in Ukraine. It was submitted to the EU Delegation to Ukraine, the Committee of International Relations of the Ukrainian Parliament, members of parliaments of the Baltic countries and became the basis for analyzing the progress in implementing environmental reforms.



- ▲ EPL took part in the meeting with the EU Commissioner for the Environment, Oceans and Fisheries Virginijus Sinkevičius and presented the overview of the progress of reforms in the area of state environmental control (enforcement), state environmental monitoring, waste management, biodiversity conservation.

- ▲ Besides regular working meetings with representatives of the Ministry of Environment of Ukraine, State Inspectorate of Ukraine, experts involved into the working group, EPL advocated the draft law on environmental control through a series of information releases illustrating disastrous consequences for the environment of the lack of effective environmental control (enforcement). One of the examples used was Burshtyn thermal power plant that regularly denies entry to its territory for environmental inspectors while various emergencies with significant adverse environmental consequences take place. EPL continued analyzing and publicizing corruption risks in the current system of environmental control, in particular among staff of the State Environmental Inspectorate, which illustrates the urgent need to reform the system of environmental control (enforcement).



▲ Within the process of preparing the draft law #3091 for the second reading in the Parliament EPL produced analytics on the reasons for blocking the draft law that are to be overcome. Deputies of European Parliament also made a statement regarding the importance of adopting key draft laws on environmental control, formation of the Emerald network, which EPL used in its information campaign.

Also, an information campaign in social networks was aimed at promoting adoption of the draft law. Besides regular information releases, in September EPL conducted online marathon on air quality. EPL also organized appeals to MPs, preparatory campaigns before environmental days in the Parliament, actions of activists in front of the Ministry of Environment and the Parliament of Ukraine.



As a result of numerous expert discussions, it was decided to focus on advocacy of the draft law #6004-2 on air quality protection that is an updated version of #4167 draft law. A series of work group meetings, discussions with the Environmental Committee of the Parliament and the Ministry of Environment as well as civil society experts were conducted.

EPL organized flashmobs and actions, released infographics and appeals to MPs and authorities calling on adoption of the draft law. It was included into the reform map that is currently advocated by EPL and partner organizations.



- ▲ The draft law on environmental monitoring was on agenda in key meetings with the Ministry, MPs, experts and was included into the reform map.

EPL participated in discussions and finalization of the draft law #2207-1д that was proposed by the Environmental committee as a final version of the framework draft law on waste management. EPL conducted an information campaign aimed to promote adoption of the draft law.

- ▲ EPL participated in developing and disseminating the policy paper on environmental policy of Eastern Partnership countries: check out [here](#) and [here](#).



3. Pro bono legal aid to communities and civil society empowerment

- ▲ EPL systematized online consultations that can be found at epl.org.ua under People – Awareness Raising – Consultations. We also produced a series of legal consultations under [#будьєкосвідомим](#) [#екоінформаціятвоязброя](#)

Also, EPL launched an online tool of drafting information requests.

- ▲ In addition to functioning of the regular hotline on protection of environmental rights, the project team held 8 public consultations for amalgamated territorial communities countrywide on key issues of protection of environmental rights of local residents.

How to prevent a waste collapse? An action plan for residents and a community.

Civil control in the area of environmental impact assessment.

Green zones in cities: precondition of our right to clean air.

How a community can influence the functioning of environmentally hazardous objects.

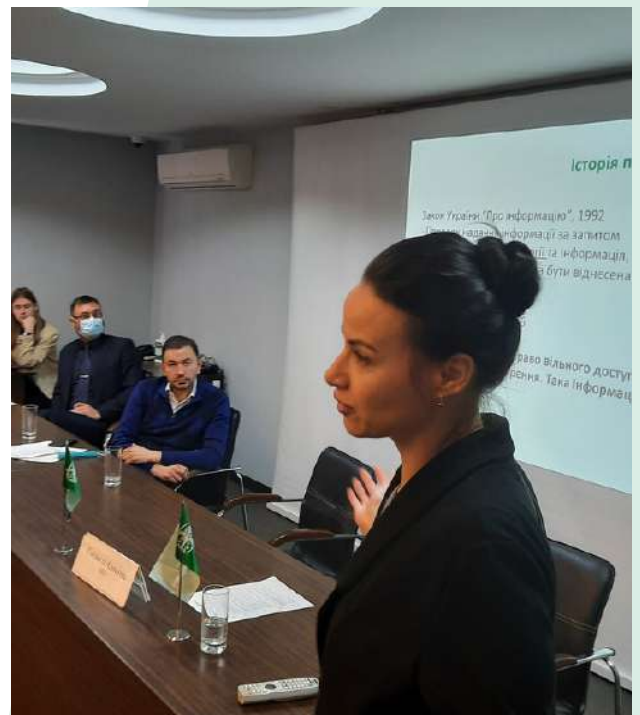
The right to land, is there space for environmental protection?

Open registers as mechanisms of protection of environmental rights in the forest sector.

Cruel treatment of stray animals.

Access to environmental information as an effective tool of environmental protection.

Also, there was held a public discussion «No right to life. Do we know about our environmental rights?»



Totally, 325 persons registered for public consultations online. Video recording of the public consultations were disseminated online and they got 35944 views.

4. Defending environmental defenders

- ▲ Besides assistance in institutional development, EPL worked to protect environmental activists and NGOs from pressure. EPL was among initiators of collecting and analyzing data on the cases of physical and moral attacks on environmental activists, labelling them as ecoterrorists and discrediting them and their role in ensuring transparency of environmental decision-making. EPL released a statement that was supported by more than 150 human rights NGOs and activists showing that this is a pressing problem for Ukrainian civil society.

- ▲ EPL released regular digests of **EIA procedure** analysis that served as a basis for public participation in decision-making regarding the proposed projects.



- ▲ EPL regularly analyzed EIA procedures publicizing results of such analysis and the most vivid drawbacks in cases such as EIA conclusions of Policolor Ltd, Rokoban Ltd.

- ▲ A series of publications were produced on important aspects of environmental democracy:



- ▲ As a result of analysis of EIA procedures, EPL experts developed proposals for improving EIA procedure that were included into the draft law #5766 “On amending the Law of Ukraine “On Environmental Impact Assessment”.

- ▲ Another area of EPL’s work was analyzing strategic environmental assessment (SEA) procedures. Totally seven SEA digests were released.

The guide on conducting environmental impact assessment (EIA) has been published and can be viewed at [this link](#).

The guide on access to justice can be found at [this link](#).

The guide on gender and environment can be found [here](#).

The guide on public participation in environmental decision-making can be found [here](#).

The guide on defending defenders can be found [here](#).



- ▲ EPL implemented practical initiatives to assist communities to strengthen environmental governance and as an example can serve cooperation with Rudky community in Lviv region.

EPL developed a scheme of sanitary cleaning of amalgamated territorial community Rudky, developed and discussed with the community the plan of developing the dendrological park "Rudkivsky", conducted an educational campaign on proper waste management and value of the dendrological park.

series of trainings were held for schools of the community focusing on European practices of waste management and important aspects of biodiversity preservation, particularly through development of protected areas. EPL also worked with local waste management communal enterprise and local authorities in the effort to promote application of new progressive practices of waste management.

5. Litigation and promoting access to justice

- ▲ EPL strengthened cooperation with Specialized Environmental Prosecutor's Office, in particular regarding monitoring compliance with the law during the pre-trial investigation in the area of environmental protection. One of important directions of discussion was violations in conducting EIA procedures.

EPL got several court victories in cases aimed to protect environmental rights.

Residents of Kamianske city are fighting against Rokoban Ltd that plans to launch a hazardous waste incineration facility that will cause serious threat to the environment and human health.

The Third Appellate Court ruled in favor of the activists challenging the license of Rokoban Ltd in Kamianske city to conduct activities related to hazardous waste management. There is also another process related to challenging EIA conclusion regarding functioning of Rokoban Ltd. In July 2021, there was a positive court decision that satisfied the suit of Kamianske city council challenging EIA conclusion allowing functioning of waste incineration facility.

In November 2021, the Appellate court supported the same decision, which is a great victory for protection of the right to safe and healthy environment of Kamianske residents.

EPL got a victory in the Appellate Court in the case challenging the decision of Ivano-Frankivsk State Geological Cadaster to allocate a land lot for construction of a pig farm and thus prevented a project that would contaminate air, water and soil of local community.



In the case aimed to protect the mountain complex Svydovets, the court directed the case for a new review, due to procedural violations and made it possible to expand the groups of plaintiffs widening public participation in the process.

EPL is also working to protect the valuable mountain range Borzhava. The court proceeding underway in the Economic Court of Zakarpattya oblast. EPL worked to generate discussion among experts of the decision of local government that does not take into account all potential adverse impacts of a windmill on Borzhava range. In view of the above, we demanded that all decisions of the government of Ukraine regarding construction of a wind farm on Borzhava ridge should be reviewed. Also, EPL developed a position for the Secretariat of the Bern Convention asking to give relevant recommendations for the government of Ukraine and participated in the Consultative council meeting of the Bern Convention devoted to discussion of threats to natural value of Borzhava where presented the complex position.

Another important victory relates to the decision of the Supreme Court that recognized to be legal environmental conditions related to functioning of Emerald network in an EIA conclusion. It means it is legal to include into EIA conclusion specific limitations and restrictions regarding using Emerald sites



6. Fighting corruption in the area of environmental protection



- ▲ Complex investigation was conducted regarding forest logging in the territory of protected areas in the Carpathian mountains. It was established that 6 protected areas log forest for export under pretext of sanitary felling. EPL called on the State Agency of Forest Resources and the Ministry of Environment of Ukraine to further investigate these cases and take measures to stop commercial felling in protected areas.

Also, EPL conducted an investigation of rightfulness of forest logging in Kalush forestry and detected systematic violations related to allocation of trees for sanitary felling. Based on this EPL initiated legal proceedings.

EPL investigated cases of selling land plots located in the territory of protected areas. Although the sales were conducted through Prozorro procurement web-sites, they are illegal and should be addressed accordingly.

We think that these and other similar facts should be addressed through relevant legislative amendments prohibiting auction sale of lands of protected areas and introduction of effective tools of checking correctness of information on land lots.

7. Promoting Ukraine's compliance with multilateral environmental agreements, international networking

- ▲ EPL participated in the 7th meeting of the Parties to the Aarhus Convention and reported on key processes and decisions as official delegation of Ukraine failed to meaningfully participate in the meeting. Importantly, the meeting of the Parties approved a new rapid response mechanism aimed to ensure fast and effective response to attacks and pressure on civil society activists.

The 7th session of the Meeting of the Parties to the Aarhus Convention formally approved the decision in the case submitted under EPL's communication ACCC/C/2014/118 and ruled that Production sharing agreements must be made available to the public, the public has the right to participate in their development, and the right to challenge their legality in court.

This is a revolutionary decision and the Meeting of the Parties recommended that Ukraine take the necessary legislative, regulatory, administrative or other measures to ensure full and timely access to product sharing agreements for the public.



EPL conducted the assessment of Ukraine's implementation of the EU-Ukraine Association Agreement in the area of environmental protection.

This document assesses Ukraine's progress in fulfilling certain obligations under the EU-Ukraine Association Agreement in terms of cooperation in carrying out institutional reforms in the area of environmental protection (Article 365 of Chapter 6 "Environment" of Title V "Economic and Sector Co-operation"), as well as the gradual approximation of Ukrainian legislation in the area of environmental protection to EU legislation, particularly certain EU acts provided for in Annex XXX to the Chapter 6 of Title V of the Agreement.



The document will serve as a basis for further enforcement of Ukraine's environmental obligations including through expert exchange with international partners.



8. Education, awareness raising, media coverage

- ▲ At the beginning of 2021, EPL launched the online course on environmental law. This year the online course included modules covering an overview of the national and international legislation in the area of environmental protection, practical aspects of application of environmental impact assessment and strategic environmental assessment procedures as key tools of ensuring environmental safety, aspects of access to environmental information and public participation in environmental decision-making, mechanisms of defending environmental defenders, overview of the best Ukrainian and international jurisprudence.

Initially, 80 persons enrolled into the course and finally 30 participants successfully graduated.

A new online course on environmental law was launched in October 2021 focusing on environmental aspects of functioning of amalgamated territorial communities. Due to decentralization, local authorities received much wider powers, particularly in environmental governance sector and this will be covered in the modules of the online course.



Following the 2021 online course, the summer school for civic activists and journalists was held in the Carpathian mountains to inspire and motivate participants for further protection of the environment and environmental rights. It lasted for 3 days (6-8 July 2021).

Agenda of the summer school covered the following blocks:

- procedural aspects of environmental rights (access to environmental information, public participation in environmental decision-making, access to justice)
- substantial environmental rights – rights to clean air, water, soil
- reviewing specific examples of violations of environmental rights in Ukraine and legal strategies of addressing them;
- sharing success stories and good practices of protection of environmental rights in Ukraine.



The training sessions were combined with tours to Borzhava mountain range that is currently being protected by EPL from destruction by investment projects.

Also, participants of the summer school visited the location of planned gas extraction that is a threat for environmental rights of local residents. Importantly, local activists who fight for their rights participated in the summer school and told the participants about the strategy and tactics of their fight.

A video clip was shot to reflect on results of the summer school.

A series of trainings and workshops were held on various aspects of environmental protection.

The training on civil control in conducting EIA procedure was held on 11 May 2021 in Eurohotel (Lviv) and attended by 22 participants (14 women and 8 men). The training on access to justice in environmental matters was held on 12 May 2021 and attended by 17 participants (12 women and 5 men). The training on gender and environment was held on 19 May 2021 in online format with 26 participants (25 women and 1 man). The training on defending defenders was held on 16 June 2021 in Eurohotel (Lviv) and was attended by 21 person (17 women and 4 men). The training on public participation in environmental decision-making was held on 17 June 2021 with 21 participants (17 women and 4 men).

Moreover, three trainings on protection of environmental rights were held back to back to the summer school in July 2021. The trainings were held in a combined style – some participants were present on site and some participants participated via zoom.



The trainings focused on theoretical knowledge and practical skills of protection of environmental rights with particular focus on access to environmental information, public participation in environmental decision-making and access to justice. Trainers who are experienced environmental lawyers shared their practical experience of handling environmental cases for protection of environmental rights, particularly in the areas of animal raising industry, waste management/pesticides, air pollution and biodiversity preservation. Also, special emphasis was put on giving publicity to cases of violation of environmental rights, establishing effective cooperation among environmental activists and journalists. Also, methods of advocating recommendations in front of authorities were covered.



The purpose of the trainings was two-fold: to increase competence of the target groups in legal tools of protecting environmental rights and to create platforms for communication among local activists, and affected communities for more effective cooperation in solving their environmental problems. There were 33 participants on site and 51 participant online.

Together with ANTS, EPL was a co-organizer of the training for journalists on reporting on environmental issues that was held in Kyiv on 24-25 June 2021 in Reikartz Raziotel.

The training covered environmental journalistic investigations, ways of ensuring safety of journalists and preventing lawsuits against journalists, specifics of reporting on environmental issues, sources of information.

The training was attended by 33 persons on site and some sessions were followed by online users.

EPL contributed to raising awareness of the goals and trends of the European Green Deal that among other tools was performed through involvement into the work of Work Group 3 of Ukrainian National Platform of the Forum of Eastern Partnership Civil Society Forum that included expert discussions, webinars, meetings. The activities were implemented with involvement of MPs, the government and civil society activists.

One of the important ways of raising environmental awareness and culture of Ukrainians is increasing presence of environmental issues in the media and information spheres.



EPL experts gave more than 30 interviews to journalists on waste problem, particularly on increase of amounts of waste during the pandemic, explanation of new legislation on limitation of circulation of plastic bags, increased fines for burning dry vegetation, amendments in the land legislation, emergencies at Burshtyn and Darnytska thermal power plants, progress in implementation of key environmental reforms, access to environmental information, public participation in environmental decision-making, access to justice in environmental matters, defending defenders and others.

On 26 July 2021, EPL organized a round-table discussion and briefing on environmental threats resulting from unregulated use of lands polluted with radiation.



On 23 September 2021, EPL conducted a press-briefing devoted to protection of environmental rights of residents of Hriada village in Lviv region.

A huge pig farm male living of the local community unbearable and they filed a lawsuit against the farm and EPL is helping in this litigation process.

On 6 October 2021, EPL organized a press-briefing on various aspects of illegal forest logging in the Carpathian mountains. Experts in this area exchanged views and positions regarding ways of increasing transparency and accountability and decreasing corruption risks in the forest sector.

On 27 October 2021, EPL organized a press-briefing on criteria and action plan of a new minister for environment.

On 2 December 2021, EPL was a co-organizer of a press-briefing on preservation of Osokorky park that is a valuable natural area.

EPL initiates campaigns for specific nature protection purposes. One of them is [a campaign to protect Sovski lakes](#).

EPL produced a series of visual products aimed to raise awareness of various aspects of environmental protection.



The leading environmental NGOs and experts reminded the authorities about the current European integration agenda in the area of environmental protection, gaps in its implementation and determined the requirements for a candidate to the minister's position.

[Video clip](#) on protection of environmental rights.

A series of infographics on various aspects of protection of environmental rights of citizens have been developed and disseminated.

9. Digests on protection of environmental rights

Totally 7 digests have been produced and disseminated.

The digests sum up important events in the area of exercising environmental rights (examples of specific violations of environmental rights, success stories of eliminating violations of environmental rights, update on the international processes in the area of environmental rights).

Information for the digest comes from EPL's clients who request pro bono legal aid for protection of environmental rights, from networks of environmental organizations, EPL's partner organizations that focus on environmental issues, and analysis of decisions adopted by national and regional authorities.

In order to ensure wider coverage of the audience, EPL decided to use EPL's Telegram channel for the purposes of informing about protection of environmental rights. It regularly disseminates environmental rights news. Currently, EPL's Telegram channel has 907 subscribers.

A Facebook page on [the greening of environmental democracy and protection of environmental rights](#) was launched.



