



ANNUAL REPORT

2020

CONTENT

From the Chair of the Executive Board	03	g. "Ecologization of Participatory Democracy: Protecting Environmental Rights in Ukraine".	15
1. Some Highlights of Our Annual Work	04	h. "Public Synergy"	16
a. Perspective	04	6. Online-Course and Environmental Law Summer School	17
b. Core activities	04	7. Strategic Litigation and EPL International Procedures	18
c. Reestablishment of the Ministry of Environment	04	a. Committees on international conventions compliance	18
d. Gratefulness and thanks	05	b. PRTR Protocol	18
2. January – Active Start of the Year!	06	c. Nature Reserve Fund (NRF)	19
a. Trainings and other events	06	d. Protection of Water Bodies	19
b. Electronic thematic digests	06	e. MiniHPP in the village of Goloshino	20
3. Draft Laws and Commentaries	07	f. Nuclear energy	20
a. Law drafting	07	g. Air Protection	20
b. Improving proposed legislation	07	h. EIA Activities	20
c. Improving Environmental Impact Assessment	07	i. Pesticide Control	21
4. Publications, Manuals and Econalytics	08	j. Pig farm of Danosha LLC	21
5. Projects	09	k. Biodiversity and captive animals	22
a. "Zero Waste in Action" project ("Zero Waste" for Business")	09	l. Judicial Protection of Activists	22
b. "Effective Organic Waste Management in Lviv"	10	8. Institutional Development	23
c. "Public Control over the Environmental Governance System Reform in Lviv Region"	11	9. Financial Report	24
d. "Protection of Marine Mammals in Ukraine."	12	10. Conclusion and Looking to the Future	25
e. "Strengthening Public Control over the Management of Communal Forests"	13		
f. "Strengthening Environmental Democracy in Ukraine"	14		

FROM THE CHAIR OF THE EXECUTIVE BOARD

Environment-People-Law is a gem. While it is rooted in the soil of Ukraine and the hearts of Ukrainians, its members have worldwide experience – in their education, their networks, and their vision.

Environment-People Law flies on two wings, each as important as the other. On one side, EPL provides counselling and brings litigation to solve the most pressing long-term problems of the environment that Ukraine faces. On the other side, EPL's doors are open to ordinary citizens and local organizations that face environmental problems of immediate concern to them.

EPL's legal staff (all female at present, by the way), its scientific staff, its support staff, and its leadership are seasoned professionals.

The quality of their steadfast work and devotion to duty is unmatched.

I recommend that you examine this Annual Report to learn more. Surely you will come away impressed.

Professor John E. Bonine, Chair of the Executive Board



1. SOME HIGHLIGHTS OF OUR ANNUAL WORK

a. Perspective

2020 was an interesting, action-packed, unexpected and somewhat unpredictable year in the history of the International Charitable Organization "Environment-People-Law".

It was unexpected and unpredictable, because we, as millions of other people on our planet, had to work under pandemic and quarantine conditions.

It was interesting and action-packed because it might have clipped our wings, but it did not. The flight of our collective ideas continued! So did our actions. We quickly learnt to work under difficult conditions, we made our contributions to nature conservation and the protection of democracy and environmental rights in Ukraine.

b. Core activities

2020 included dozens of public events, speeches and meetings, hundreds of pages of analytics, various documents and publications, thousands of kilometres covered in the territory of Ukraine.

Throughout this year the organization focused on its core activities:

- advocacy of draft environmental laws;
- education and awareness raising;

- analytics and research, particularly in the field of EIA and SEA;
- implementation of several projects aimed at waste management within one city (Lviv) for business and educational institutions;
- representation of community interests in courts;
- providing eco-legal advice to citizens;
- development of our institutional capacity.

c. Reestablishment of the Ministry of Environment

One of our main achievements was the resumption of the work of the Ministry of Environmental Protection and Natural Resources. We launched the initiative #Return_the Ministry of Environment. This ministry was liquidated in 2019 and its state management functions were transferred to the Ministry of Energy.

EPL became the driving force that loudly and constantly emphasized the need to resume the work of the ministry. Owing to our proactive stance and with our partners, we brought this about. We are grateful to all the non-governmental organizations, politicians and officials with whom we worked in this challenging matter.

1. SOME HIGHLIGHTS OF OUR ANNUAL WORK

Respect and honour to you!

d. Gratefulness and thanks

We are delighted with the new acquaintances we have made over the year, with people dedicated to environmental protection. These are activists, entrepreneurs, managers, scientists, manufacturers of various kinds of environmental equipment, teachers and even primary school pupils, whom we taught waste-sorting during one of the projects! These acquaintances inspire us to continue working, despite the difficulties we face!

We are grateful to everyone we worked with in 2020 on the way to the implementation of European rules and practices of environmental management.

Special thanks go to our international partners and donors who see us as reliable and dedicated people who know the ways to solve problems and who confidently pursue our ambition!

Yours sincerely,
EPL Team



2. JANUARY – ACTIVE START OF THE YEAR!

a. Trainings and other events

The training "Effective Environmental Investigations: Methods, Goals and Civil Liability" was held in Lviv. The event registered about 80 people, but we had to refuse most of them as we had planned for only 20 participants.

The training took place in the Lviv Press Club. In fact, this office became a kind of EPL "backup" office for the whole year. Here we hosted 5 events on various environmental issues faced by the residents of the Lviv region.

In general, in 2020 EPL independently or in partnership with stakeholders held more than 20 public events (trainings, briefings, coordination meetings, etc.) And these were only the offline activities!

b. Electronic thematic digests

During the year, month after month, we regularly prepared a Review of SEA Procedures, EIA Digest and within one of the donor-supported projects "Environmental News Digest for Business and Responsible Citizens" (for Lviv). These e-publications have their own audience and we believe that in this way we successfully deliver important environmental messages to citizens.



3. DRAFT LAWS AND COMMENTARIES

a. Law drafting

Since January EPL continued its active work and throughout the year has proceeded, in various forms and formats, with working on:

- the draft Law "On State Environmental Control" (registered with the Parliament);
- the draft Law "On Amendments to Certain Legislative Acts of Ukraine with Regards to Access to Environmental Information and Public Participation in the Decision-Making Process on Environmental Issues" (submitted to the Committee on Environmental Policy);
- draft law on state monitoring.

b. Improving proposed legislation

We have provided suggestions and comments to:

- the draft law on amber;
- the draft Law on Amendments to Certain Laws Concerning the Introduction of Prohibition on Full Felling of Fir-Beech Forests on the Mountain Slopes of the Carpathian Region;
- the draft Law on vegetation burning;
- a number of draft laws on lobbying;
- the draft law on the territories of the Emerald Network;
- the draft law on prevention, reduction and control of industrial pollution.

c. Improving Environmental Impact Assessment

In addition, EPL participated in the development of the "Guidelines for the Development of the Environmental Impact Assessment Report (EIAR) in Forestry", which were officially approved in 2020.

In total, in this or that way we were involved in more than 150 EIA procedures! And this means analysis of tens of thousands pages.



4. PUBLICATIONS, MANUALS AND ECONALYTICS

This is another cornerstone in EPL activities! From January till the end of the year EPL team with the support of external experts prepared and presented electronic and paper publications:

- article-by-article commentary to the Law of Ukraine "On Strategic Environmental Assessment";
- financing environmental projects through crowdfunding: legal aspects and application practice;
- unaccounted forests of Ukraine. Analytical note;
- nature reserve fund: green treasury of the community;



- protection of marine mammals in Ukraine;
- guidebook for the residents and guests of Lviv "Lviv Routes" zero waste";
- educational and methodological materials "Organic Waste – a Gift to Nature" for the pupils of 1st-2nd grades and teachers;
- educational materials "Organic Waste – a Gift to Nature" for pupils of 3d-4th grades and teachers;
- the concept of "zero waste" - from theory to practice and some others.

One should stress that work on some of these manuals and analytical documents began some time ago and generally required 2 or 3 years!

5. PROJECTS

a. “Zero Waste in Action” project (“Zero Waste” for Business”)

This project was implemented in Lviv as a separate initiative within the framework of a large-scale all-Ukrainian project of the Government of Sweden and UNDP in Ukraine “Enhanced Partnership for Sustainable Development” with the financial support from the Government of Sweden.

The events lasted from December 2019 to October 2020. The project partners involved by EPL were the Lviv Chamber of Trade and Commerce, the Department of Environment and Natural Resources of the Lviv Regional State Administration, NGO “Zero Waste Lviv” and LLC “Grinera Ukraine”. With joint efforts we:

- conducted information campaign;
- held several public events, including briefings and a Business Forum for catering, trade and hospitality organizations in Lviv;
- announced a contest of cases among these organizations on the best practices of applying “zero waste” principles and identified the winners in several nominations;
- purchased some equipment (branch shredder, separator, composters for organic waste, etc.) and put it on the books of Lviv utility enterprises;
- conducted garbage audits of catering, trade and hospitality organizations in Lviv;
- prepared a guidebook and publication “Zero Waste” Concept- from Theory to Practice” ...

But the main thing is that we have gained fantastic experience and are firmly convinced that cooperation of various state, municipal, business and non-governmental organizations and structures is possible and is an effective tool to achieve one's goal!



5. PROJECTS



b. "Effective Organic Waste Management in Lviv"

There was an extremely interesting project which was implemented from April to November 2020 with the financial support of the Ministry of Foreign Affairs of the Czech Republic under the Transition Promotion Program.

It was interesting, as its purpose was to engage primary school children in waste sorting (organic waste), to develop appropriate methodologies.

And here EPL composters came in handy. This time they were installed in schoolyards.

Components of the project we were happy to implement:

- selection of schools that expressed interest in the project (there were 11 in total);
- production of animated and video materials;
- preparation of teaching materials (see above, "Publications, Manuals and Ecoanalytics");
- conducting a competition among Lviv schools "Organic waste - a Gift to Nature";
- Conducting "EcoRanger School" in the Carpathians (October).

TRANSITION
Ministry of Foreign Affairs of the Czech Republic

5. PROJECTS

c. “Public Control over the Environmental Governance System Reform in Lviv Region”

This is another local project aimed at enhancing the level of community participation to solve environmental problems.

This initiative was implemented as part of a project performed by the Institute for War and Peace Reporting (IWPR) with the support of the Ministry of Foreign Affairs of the Kingdom of Norway.

Throughout the year EPL together with local activists conducted almost a dozen of trainings, briefings, press-tours and press breakfasts, where topical issues were raised - the future of Stradch, Vynnyky Lake, lands bordering the pig farm in the village of Hryada, the need to preserve “Tulip Valley” near Rozvadov, etc.

We are very proud that in several cases during the project by joining our efforts we managed to inspire representatives of local communities to address environmental problems in their settlements, instilled faith in the possibility of finding a solution to the problem.

This is especially true against the background of well-known facts, when local authorities get annoyed when it comes to environmental activists and the work of the media to reveal violations in their “kingdoms”!

In total, environmentalists and EPL lawyers provided about 50 consultations for the activists and comments for the press on “hot spots” on the map of Lviv region.

We have also been active to involve local authorities and supervisory structures that have to exercise control over legislation and produce corresponding initiatives to problem solving or at least expressing their clear position.



Norwegian Ministry
of Foreign Affairs

INSTITUTE FOR WAR & PEACE REPORTING



5. PROJECTS



d. "Protection of Marine Mammals in Ukraine."

We had the honor together with a broad international team to prepare an analytical document on this project. This was made possible with the support of the Jewish Community Federation & Endowment Fund (JCF).

The document consists of the following sections:

- key factors that influence decrease in the population of cetaceans in the Black and Azov Seas;
 - protection of marine mammals in natural conditions;
 - protection of marine mammals in captivity;
 - recommendations and ways of solving the problems of protection and conservation of cetacean populations in the Black and Azov Seas.
- and also of a number of appendices.

This work resulted from many years of work carried out by environmental non-governmental and scientific institutions.



5. PROJECTS

e. "Strengthening Public Control over the Management of Communal Forests"

Forests! It is one of our favorite topics, especially in the context of their preservation. The project is implemented with the financial support of the International Renaissance Foundation and is aimed at research and analysis of the state of forests in Chernihiv region.

We have conducted "field research", analyzed open data, prepared a number of publications and infographics, and we hope that these materials were and will be useful to those who manage this industry, who keep records of forestry and those who protect forests.

In addition, in September EPL held a round table "Self-Seeding and Communal Forests: Challenges in the Context of Decentralization and Land Reform", which was attended by MPs and representatives of the Ministry of Environment and Natural Resources.

We have developed a number of measures to ensure conservation and sustainable use of communal and undocumented forests.



5. PROJECTS

f. "Strengthening Environmental Democracy in Ukraine"

In April this multi-year project was launched, which EPL started together with the Environmental Law Alliance Worldwide (ELAW) with the financial support of the United Nations Democracy Fund (UNDEF).

This 2-year project aims at increasing the public capacity to participate in the campaign for environmental justice. To this end, the project will create three thematic platforms to solve problems related to the environmental impact of:

- wars,
- alternative energy,
- sustainable agriculture.

The project involves interested NGOs and activists, there are 3 working groups communicating the project activities.

Soon EPL will conduct a series of trainings on 5 cross-cutting issues:

- public participation in the process of making environmentally important decisions,
- EIA procedure,
- access to justice in environmental matters,
- protection of environmentalists,
- gender and environment.

In addition, the project provides for the publication of roadmaps for environmental activists, providing members of the platforms with consultations from national and international experts, participation in the EPL School of Environmental Activism, exchange of experience, development and implementation of joint actions to address environmental issues.

Through the project activities, civil society representatives gain new knowledge about the available democratic instruments of environmental protection and environmental rights, as well as the ways to solve environmental problems.



5. PROJECTS

g. "Ecologization of Participatory Democracy: Protecting Environmental Rights in Ukraine".

At the end of the year EPL together with the National Interests Protection Network "ANTS" and the Zoï Environment Network with the financial support of the Dutch Ministry of Foreign Affairs launched this project.

The goal of this initiative is to raise citizens' awareness of the possibilities of the effective protection of their environmental rights. Our plans include:

- preparation of analytical documents and relevant recommendations;
- conducting trainings and other educational activities in different cities;
- creation and launch of an online-directory for the environmentalists;
- launch of the "hot line" to protect environmental rights;
- the final event will be the international conference "Defenders of Environmental Rights as Promoters of Environmental Democracy" and many other things.

The main activities of the project will take place during 2020-2022.



Kingdom of the Netherlands



5. PROJECTS



h. "Public Synergy"



In March 2020 was published the final report on the project, which was implemented in Ukraine with the support of the European Union and the International Renaissance Foundation for 3,5 years. It was attended by dozens of Ukrainian non-governmental organizations representing various fields.

The main goal was to help civil society to be actively and systematically involved in the promotion of Eurointegration reforms in Ukraine. EPL was involved in the implementation of the project during the previous years in the context of the implementation of environmental impact assessment (EIA) standards, but we are still pleased to mention this work!

We should recall that the organization's experts held trainings for business, local authorities and the public in Lviv, Odesa and Kyiv. The trainings were attended by 305 participants from different regions of Ukraine. Moreover, 37 participants received certificates of trainers and in future will be able to hold similar events on their own. In addition, within the frameworks of the project, EPL team provided 11 expert consultations to Ukrainian communities on EIA procedure. The organization's experts also provided comments on 34 EIA reports...

6. ONLINE-COURSE AND ENVIRONMENTAL LAW SUMMER SCHOOL

In summer, for the fourth time in a row, EPL held the Environmental Law Summer School. The school is preceded by an online-course based on online communication, a series of control tasks, etc.

During the first half of the year 19 people (initially there were more of them, but, unfortunately, not all of them survived the marathon of knowledge) worked on 7 thematic modules or chose some of the most suitable for them:

- biodiversity protection and conservation;
- ecosystem services;
- environmental management. Part 1 (forests, nature reserve fund);
- environmental management. Part 2 (swamps, rivers, meadows and other habitats);
- creation and management of the Emerald Network areas;
- protection of wild animals taken from nature and stray animals;
- biodiversity protection in courts.

The summer school will "unvirtualize" with the best students of the course, communicate with them, conduct several final training sessions offline. Communication at this level helps establish professional contacts and significantly inspires for future work!

The event is funded by the Embassy of Sweden in Ukraine.



7. STRATEGIC LITIGATION AND EPL INTERNATIONAL PROCEDURES

a. Committees on international conventions compliance

This case involved the violation of the Aarhus Convention during the preparation and signing of agreements on the distribution of hydrocarbons in Olesko and Yuzivka areas. Violations of the convention consisted of restricting access to information, failing to conduct environmental impact assessments of planned activities and failing to ensure public participation prior to the signing of production sharing agreements and the issuance of appropriate subsoil use permits. During 2020 additional explanations were prepared and submitted to the Compliance Committee regarding the general negative tendency to change the system of coordination of planned activities in the extractive industry in Ukraine. In particular, contrary to the requirements of the EIA Directive and the Law of Ukraine "On EIA", there are amendments to the regulations in the extractive industry that allow obtaining a special subsoil use permit without EIA procedure. Such a procedure is postponed to the permit post-issuance stage, when its conclusions cannot properly influence the decision of the authorized body on the activities planned. It is expected that by providing its conclusions and recommendations the Committee will be able to respond to this situation.

b. PRTR Protocol

On February 3, 2016 the Parliament of Ukraine by its Law ratified the Protocol on Pollutants Release and Transfer Registers. The PRTR Protocol entered into force for Ukraine on May 2, 2016. According to its provisions, 2017 was the first reporting year for Ukraine, and the information for the first reporting year was to be included in the national PRTR by the end of 2019. However, this did not happen. Apart from the adoption of the Law on Ratification of the PRTR Protocol, as well as the translation of the Protocol into Ukrainian, Ukraine has not taken any other measures to fulfil its obligations under the Protocol. No legislative, regulatory or any other measures have been taken to establish a sufficient legal framework and ensure functioning of the national PRTR. As of mid-2020, there was no national PRTR in Ukraine, so EPL appealed to the PRTR Committee Compliance to draw the attention of the Government of Ukraine and the international community to Ukraine's disregard for its obligations under the PRTR Protocol. We are awaiting a decision on the admissibility of our complaint.

7. STRATEGIC LITIGATION AND EPL INTERNATIONAL PROCEDURES

c. Nature Reserve Fund (NRF)

Holosiivskyi NPP (National Nature Park) - the case is closed as a success. Bychok mountain area was protected in court, EPL participated in court hearings as the third party.

EPL continues advising activists who care about the conservation of the biodiversity of the Holosiivskyi National Park.

Protection of the Svydovets mountain group from a tourist complex that is planned there - the case is pending in the Court of Cassation.

EPL is the third party without independent claims in this lawsuit. The lawsuit was filed by local residents to appeal the decision approving a detailed plan of the territory for the future ski resort.

d. Protection of Water Bodies

This case with EPL participation challenges the Hydropower Development Program of Ukraine until 2035. It is being considered by the Supreme Court of Ukraine at the stage of cassation.



7. STRATEGIC LITIGATION AND EPL INTERNATIONAL PROCEDURES

e. MiniHPP in the village of Goloshino

We do not win every case, but we try. The case of appealing the lease agreements of the riverbed for the proposed construction of a mini-hydroelectric power plant has been heard in the courts for many years. The plaintiff is the Prosecutor's Office, EPL is the third party on the plaintiff's side. In 2020 a cassation appeal was prepared against the decision of the Court of Appeal and filed with the Supreme Court of Ukraine. The latter by its decision refused to satisfy the cassation appeal of the prosecutor's office and upheld the land lease agreements for mini hydropower plant construction.

f. Nuclear energy

EPL monitors the EIA process related to the construction of Units 3 and 4 of the Khmelnytsky Nuclear Power Plant, participated in commenting on the EIA report and its analysis. Currently, the EIA procedure is at the stage of preparing an EIA opinion. EPL prepared analytical publications and appeals to the President and the National Security and Defense Council that includes analysis of the possibility of adopting sanctions against the Czech company Skoda, which is to manufacture equipment for new Units 3 and 4 at KhNPP.

g. Air Protection

EPL has prepared a statement of claim to appeal the EIA opinion on the production activities of the plant LLC "Eko-ftor" in Fastiv, which processes polymer waste. During the EIA procedure there were violations of regulatory requirements, public comments were ignored and further air pollution with formaldehyde and other pollutants continued.

h. EIA Activities

The EIA procedure for Polissya WPP was carried out with significant violations of the legislation on environmental impact assessment by both the business entity and the Ministry of Environment, which grossly violated EIA procedure established by law and issued an opinion on the admissibility of the planned activity under conditions when, according to legislation, it was obliged to refuse the business entity to issue a permit. EPL appealed to the court to contest the EIA opinion on the Polissya WPP construction. The case is still pending in the first instance court. Due to quarantine restrictions, written proceedings in this case, the court did not resolve the case on the merits, which is a violation of procedural law.

7. STRATEGIC LITIGATION AND EPL INTERNATIONAL PROCEDURES

EPL is the third party on the plaintiff's side in the case appealing against EIA opinion on the construction of a wind farm on the Borzhava meadow. On March 18, 2020, the Transcarpathian Administrative Court ruled in the case of appealing the EIA opinion. The court found illegal and revoked the Opinion on Environmental Impact Assessment of the planned activity "Construction of a 120 MW wind power plant on the territory of Volovets village council of Volovets district and on the territory of Berezhnyaky, Dusynka, Nelipinsk and Tybava village councils (beyond the boundaries of settlements) in Svalyava district of the Transcarpathian region" from March 07, 2019 №307 / 02-02, issued by the Department of Ecology and Natural Resources of the Transcarpathian Regional State Administration – to the LLC "Atlas Volovets Energy". The latter filed an appeal, and the case is now pending before the Court of Appeal.

i. Pesticide Control

EPL filed a lawsuit to the Cabinet of Ministers of Ukraine and a number of ministries, in which the plaintiff asks to recognize illegal the inactivity of the Cabinet of Ministers of Ukraine and relevant ministries to organize and control the use of pesticides and prevent pollution and deterioration of human health, and to oblige these authorities to organize control over the use of pesticides to prevent environmental pollution and deterioration of human health.

By the decision of the District Administrative Court of Kyiv of July 9, 2019, the claim was dismissed. In October 2019 the Court of Appeals dismissed the EPL's appeal. EPL has prepared a cassation appeal and is awaiting a cassation hearing.

j. Pig farm of Danosha LLC

EPL provides legal assistance to a resident of the village Tarasivka in Ivano-Frankivsk region, who appeals in court against the decision on leasing land for farming, where the next massive piggery is to be built, as well as the land lease agreement. The case is pending in the general first instance court after going through all levels in administrative courts.



7. STRATEGIC LITIGATION AND EPL INTERNATIONAL PROCEDURES

k. Biodiversity and captive animals

Based on the analysis of the results of the case on Truskavets Dolphinarium and other facts of keeping dolphins in captivity, the Ministry of Environment has made additions to the draft action plan on research and protection of marine mammals in the Black and Azov Seas in Ukraine. In particular, we managed to include in the action plan for the protection of cetaceans measures to prevent poaching of dolphins for captivity, to monitor the facts of illegal catching of cetaceans, proposals to identify dolphins to prevent the movement of dolphins in the dolphinarium. With the help of inquiries and appeals managed to establish where the dolphins kept in captivity come from, data on import, export, facts of dolphin birth in captivity. Also, on the basis of the study on the development of permits for keeping wild animals in captivity, in particular in dolphinariums, EPL has cooperated with the Ministry of Environment to develop and adopt a procedure for issuing permits for keeping wild animals in captivity.

l. Judicial Protection of Activists

EPL represented in court the interests of a Fastiv resident, who in social media criticized the activities of the LLC “Eco-Ftor”, which pollutes the environment. A lawsuit was filed by the company to protect what it called its honor, dignity and business reputation. This kind of suit is commonly known as a Strategic Lawsuit Against Public Participation (SLAPP suit) because the public should have the right to complain about environmental harms. The first instance court satisfied the claims of the polluting enterprise. But the appeal of EPL and the resident was duly considered by the Court of Appeals, which overturned the decision of the first instance court. Thus, the right of a local woman to disseminate information about the state of the environment and threats to human health was protected.

8. INSTITUTIONAL DEVELOPMENT

It's always nice to write about yourself, especially when you feel growth and support!

In spring, in the midst of quarantine restrictions, feeling the need for more active usage of various electronic services EPL acquired access to the Zoom video conferencing platform on preferential terms. The two main areas of use are trainings and online meetings, as well as internal communication.

Since last summer EPL has been a client of Google for Nonprofits (Nonprofit Management Resources). In some cases, it significantly simplifies our internal communication.

The first strategic session to form an updated EPL strategy was held in summer. The second session took place in December 2020.

EPL Communication Strategy was updated, EPL staff was interviewed about its vision.

In October an EPL account was created on the Patreon fundraising platform, and soon we are going to develop it.

Communication Plan-2021, EPL Crowdfunding Strategy and some other internal documents are being prepared.

It should be stressed that some of the measures implemented by EPL within the framework of institutional development are possible due to the grant of the Government of Sweden (SIDA).



9. FINANCIAL REPORT

Income 9020091 UAH

Expenditures 9020091 UAH

10. CONCLUSION AND LOOKING TO THE FUTURE

Numerous challenges faced in 2020 by the humanity and in particular by us as an environmental law organization inevitably affected our work.

However, looking back on the way we have come, we are proud to report on the work done and once again thank colleagues, partners and donors for their support!

Contemplating our achievements, we once again become sure of the irreversibility of the chosen path: to work for the benefit of people, communities and the environment.

Hard work of EPL team was appreciated by the newly formed Ministry of Environmental Protection and in December the organization got an award for particularly valuable expert assistance.

We look to the future with confidence and are ready for further decisive action in all areas to protect nature and the interests of citizens! Please welcome us, the year of 2021! We are coming!



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