



Environmental Control Reform

White Paper

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Key points

Year by year the facts of excess pollutant content in water resources, soils and air are registered in Ukraine with increasing frequency, and reports on massive fish kills in rivers, people poisoning due to drinking water contamination or illegal pesticide or toxic chemicals spraying, on illegal dump sites found, air pollution above standard and smog, etc. have become a usual, though thorny issue. Such situation has an adverse impact on life, health and welfare of people, and slows down the country's sustainable development. This has resulted from the environment improper protection, notwithstanding the fact that there operates the environmental control system in Ukraine, which should perform the function of conservation of the environment and preventing any damage thereto.

Since the independence of Ukraine was declared, the nature protection control has been reformed multiple times. However, no change in the environmental control philosophy, or establishment of an efficient European nature protection control system primarily aimed at prevention of damage to the environment, rather than at punishment of offenders only, has ever taken place.

This is exactly why the environmental control must be reformed in such a way that it becomes efficient, pro-European and facilitating protection of the environment. Should such reform not be carried out, it will lead to deterioration of the state of the environment, which will cause increase of incidence and mortality rates among people, as well as entail additional budget expenditures to eliminate consequences of destructive impact on the environment, and will further slow down the sustainable development of the state.

For the control in the field of environmental protection to start working, and the environment be actually protected, the crucial are to: change the purpose of the environmental control; change the procedure of the environmental control; restore the monitoring; establish an independent authority for environmental control so that the control become prompt, transparent, acting to prevent any damage to the environment and be not a mechanism to business intimidation. Apart from that, the environmental control reform won't produce its outcomes without implementation of supervision, environmental responsibility reform, enhancement of environmental awareness of people, public officials and polluters. The funds received from compensation for the damage caused to the environment and from environmental taxes payment must be directed expressly to nature protection activities.

Environmental control reform may take place with raising of monies from the government and local budgets, natural environment protection funds or gratuitous international financial aid.

Such reform of the nature protection control system is an unpopular decision, and it will be opposed by persons who enrich themselves due to the control inefficiency. Among them are particular representatives of business, public and, for a wonder, public officials. However, public authorities like the machinery of government in general, are designed to protect people's good, ensure their welfare and warrant the exercise of rights, in particular, the right to safe and healthy environment. So, neither people,

nor public authorities can no longer afford themselves to ignore the state of the environment and not to apply any real progressive changes to preserve public good and development of the state.

Section 1. Stages of development of the nature protection control system

The humanity has begun to realize the necessity of protection of the environment as a common good on which people's life and health depend against the use of weapon of mass destruction (chemical and nuclear) in the course of the World Wars First and Second, as well as due to economic losses conditioned by unsustainable use of natural resources.

Soviet concept of protection of the environment: unlimited wealth, unknown impact on ecosystems and people

Specifically, during 1949-1960s there were passed a number of nature protection legislative acts in Ukrainian SSR, among which the Law "On Protection of Nature of Ukrainian SSR"¹. According to that regulatory documents, the people were imposed a duty of preservation of natural wealth, and the nature protection control was exercised by executive committees of all levels, special inspectorates and protection authorities².

The environment was treated not as a public good, but as the property of the state. This conditioned strict government environmental control based on consumer-oriented principle. Environment was being protected not because any adverse impact thereon affected people's life and health, but because it was a source to get natural resources for the country and planned economy development. Natural resource production and use took place regardless of their impact on change of ecosystems. People observed the set regulations under penalty of punishment, which often could end in people's missing or forced displacement to Siberia.

Soviet machinery had widely spread the information about unlimited natural wealth of the USSR, and people did rarely ever think about depletion of such wealth. At the same time, people did not have any information about the state of the environment, about the level of air, soil and water resources pollution. One of the vivid examples of such unawareness was the accident at Chernobyl Nuclear Power Plant. Within the first days after the accident people were notified neither of its occurrence, nor of its real consequences, and a part of people learned about safety measures as well as the accident itself from foreign sources³.

Control over the environment in independent Ukraine: punishment is available, but prevention of violations and monitoring are not

With the declaration of independence there were passed new laws and new authorities in the field of environmental protection were established in Ukraine⁴. At the same time, environmental control continued its effect aimed at finding the violations and punishment of offenders, rather than at prevention of damage to the environment. No monitoring as tracking of changes and actual state of the environment components was virtually performed⁵, hence, people did not have any information about the state of the environment.

1 Shemshuchenko Yu.S. Law of UkrSSR "On Protection of Nature of Ukrainian SSR" 1960. *Encyclopedia of History of Ukraine*: Vol. 3: E-Ń / Institute of History of Ukraine. Kyiv: Naukova Dumka, 2005. 672 p. URL: <https://bit.ly/2NhgwZA>

2 Bulhakov A.O. Law "On Protection of Nature of Ukrainian SSR" of 1960 – new stage of the land sustainable use and protection issue comprehensive settlement. *Scientific Bulletin of the Kherson State University*. 2014. Edition 5. URL: <https://bit.ly/2urjWln>

3 Chernobyl disaster. *Wikipedia*. URL: <https://bit.ly/2uoacbQ>

4 In August 1993 the State Environmental Inspectorate was established, which acted at state and regional levels and as a part of local bodies of the Ministry of Environmental Safety (former name of the MENRU). Regional administrations also had departments in districts.

5 The first and only decree on the government environmental monitoring system was passed on March 30, 1998 under No. 391, which does not work in fact after significant amendments and due to the lack of material and technical resources.

Among other issues of control over the state of the environment were cases of corruption, lack of professional staff and low material and technical support.

At the same time, the inspectors for the nature protection control were entitled to respond to the site of violation or of a certain event immediately upon they become aware thereof. Scheduled control measures were implemented without prior notice to companies. The prosecutor's office supervised the observance of the nature protection laws by all individuals and legal entities, including government authorities exercising control in the field of environmental protection. Mostly, it allowed the State Environmental Inspectorate of Ukraine and its local bodies to respond to violations, identify offenders, register full information about the circumstances and reasons of violation, stop any damage to the environment and take measures to compensate for it in a prompt and quality manner.

Control reform for inefficiency, 2004-2014s

However, since early 2004-2005s the measures that destroyed the control system being imperfect by itself began to be taken at the state level. In addition to the lack of monitoring and failure to prevent damage, environmental control became imprompt and virtually completely inefficient.

Specifically, after the new inspectorate's personnel came, including those at the senior executive level, the facts of corruption became increasingly frequent⁶. There occurred repeated facts of intimidation of heads of companies in order to receive unlawful benefit⁷. During 2007–2012s the systemic changes to the procedure of control were made – introduction of the necessity to obtain prior consent to carry out an inspection, and prior notice to companies of the scheduled inspection⁸. In 2012 there were dissolved the environmental control departments in districts⁹, and the control function started to be identified as the supervision function¹⁰. And in 2014 the prosecutor's office general supervision function that, inter alia, was performed subject to environmental control, was abolished, which led to control being even more inefficient.

As a consequence of the above events of 2004–2014s, the control philosophy was formed not as prevention of damage to the environment, but more like as a pressure on business. In most cases, the control was reduced to formal check of availability of permits and licenses for certain types of activity, availability of appropriate treatment equipment, following the technological process, rather than to determination of the real impact of such activity on the state of the environment. Apart from that, no monitoring was virtually performed, environmental control became imprompt and corruptive. In their turn, companies began to conceal their actual scope of activity, impact on the environment, reducing volumes of emission, discharge, etc. by the date of the scheduled inspection. Hence, the SEI did not obtain any real information in the course of inspection, and so, they often did not find any violations where they occurred every day except for the scheduled inspection dates. Apart from that, demands for bribes from companies¹¹ distorted the purpose of the environmental control and discredited its quality and necessity. In that situation, particular representatives of business formed an impression that it was easier to pay a bribe than to meet the nature protection requirements. Such situation persists to this day.

⁶ Corruption and abuse in the field of environmental protection. *EPL*. URL: <http://epl.org.ua/about-us-posts/koruptsiya/>

⁷ Livitska O. "Cashier"-ecologist. *Volynska Hazeta*. URL: <http://volga.lutsk.ua/view/3889/2/>

⁸ On Fundamental Principles of Government Supervision (Control) in the Field of Economic Activities, Verkhovna Rada of Ukraine; Law dated 05.04.2007 No. 877-V. URL: <http://zakon3.rada.gov.ua/laws/show/877-16/ed20070405>

⁹ On Amendments to Some Legislative Acts of Ukraine Regarding Optimization of Powers of Executive Authorities [...], Verkhovna Rada of Ukraine; Law dated 16.10.2012 No. 5456-VI. URL: <http://zakon3.rada.gov.ua/laws/show/5456-17/print1452608675620040>

¹⁰ The amendments to the LU /Law of Ukraine/ "On Natural Environment Protection" were made within the framework of optimization of powers of executive authorities in the field of the environment and natural resources, including those at the local level, according to which the environmental inspectorate shall exercise control (supervision). URL: <http://zakon2.rada.gov.ua/laws/show/1264-12/ed20121118>. Before such amendments, the environmental inspectorate exercised control, and the prosecutor's office – supervision. That functions were clearly delineated.

¹¹ One of the senior executives of the regional environmental inspection was detained in Zaporizhia for taking a bribe in the amount of USD1.5 thousand. *Censor.net*. URL: <https://bit.ly/2Lag4Pf>

Low quality and virtual inefficiency of the environmental control have direct impact on the state of the environment and life and health of Ukrainians. Specifically, according to the WHO's studies, all the conditions surrounding a person are the factors affecting his/her health¹². Among such factors are, inter alia, chemical and biological pollution of air, water and soils, noise, agricultural methods, irrigation schemes, anthropogenic climate change and change of ecosystems¹³.

At the same time, rivers and lakes, other underground bodies were polluted with raw wastewater and discharges¹⁴. Specifically, an average of one fourth of all samples of drinking water taken from the water supply systems and private wells in Ukraine as of 2015, did not meet European Union quality standards¹⁵.

The soils and air were similarly polluted¹⁶. Most of companies and institutions are not equipped with necessary filters and treatment¹⁷ facilities¹⁸. In their activity the companies often use hazardous substances in violation of sanitary and epidemiological rules and regulations, waste is placed in the open air, which pollutes the environment and leads to people's taking ill with dangerous and deadly diseases¹⁹. Apart from that, there exist mining and heavy industry in Ukraine, metal smelting, agriculture and burning of fossil fuel, disposal of household, electronic and paint and varnish waste, etc., leading to soil pollution with heavy metals.

The above state of the environment has direct impact on people's life and health. For example, subject to the World Health Organization's data, as of 2012 Ukraine ranks sixth in total number of deaths (54,507 deaths) and world's first in the number of deaths per 100 thous. capita (120 deaths) due to air pollution²⁰.

Inconsistency of policy of the Government, 2014-2018s

For years the existing issue of environmental control and poor state of the environment has been announced by representatives of the government as one of the top priority. Over the recent years the Government and the MENRU have taken measures to resolve the issues in the field of environmental protection. However, most of them contradict one another and make just formal amendments, which have no quality effect on protection of the environment. A part of such solutions help to conceal wrongful adverse impact on the environment and destroy the remains of the environmental control system even more.

Specifically, everything began with the introduction of moratorium on scheduled inspections of business entities as of August 2014²¹. That moratorium was implemented within the framework of deregulation²² for the liberalization of conditions for the business development. The purpose of its introduction was temporary suspension of scheduled inspections of business entities and special procedure for carrying out of unscheduled ones until the time there is established an adequate and

12 Preventing disease through healthy environments. WHO. P. 21. URL: <https://bit.ly/1kXYCZE>

13 Ibid. P. 23. URL: <https://bit.ly/1kXYCZE>

14 Ecologists and journalists were not let to the area where the infiltrate leakage occurred. *Forpost*. URL: <https://bit.ly/2Nj5Yco>

15 Facts about Ukraine. *Food and Agriculture Organization of the United Nations (FAO)*. URL: <https://bit.ly/2Jqzxqd>

16 Information regarding the state of air pollution in Kyiv. *SESU /State Emergency Service of Ukraine/*. URL: <https://bit.ly/2zPrdjY>

17 Nikitin A. Can Kryvyi Rih be flooded with mine waters? *Informator*. URL: <https://bit.ly/2NmeCab>

18 Svystunova Arroyo as a primary polluter. *Nova Ecologia*. URL: <http://www.novaecologia.org/voecos-1910-1.html>

19 For details, please see: Green Paper on Issues of Environmental Control in Ukraine. Section 1. URL: <http://epl.org.ua/ekoanalityka/>

20 *China tops WHO list for deadly outdoor air pollution. The Guardian*. URL: <https://bit.ly/2czBnJQ>

21 Moratorium (from Lat. moratorius – slowing down, delaying) – this is a delay in obligation performance set by the government for a certain period or until the expiration of some extraordinary events. Moratorium is a transition period applied as a temporary measure for the period until the measures to resolve the issue are taken. Wikipedia. URL: <https://bit.ly/2LgyYnE>

efficient pro-European control system and until the key issues of control, which do not allow the economy and business to develop, are resolved.

The measures on the environmental control reform started to be taken since late 2016, i.e. only the second year of the moratorium being in effect, when the Minister of Environment and Natural Resources of Ukraine presented the Concept of Reforming of the Government Supervision (Control) System in the Field of Natural Environment Protection (hereinafter referred to as the "Concept") that was approved by the Government (see Pic. 1). The Concept contemplated establishment of a new authority for nature protection control to replace the SEI of Ukraine, and introduction of the monitoring function.

At the same time, concurrently with the approval of establishment of a new authority for environmental control, the CMU and the MENRU passed new provisions on the SEI of Ukraine. It was still doubtful, whether it was feasible to adopt new provisions on the activities of the authority, which according to the Concept approved was to be dissolved. Such actions were mutually exclusive and contradictory.

Apart from that, after the Concept was passed, the Government approved the Strategy setting forth general provisions of the control reform in Ukraine. That Strategy should precede the Concept as the basis for its building, and not vice versa (see Tab. 1). Such actions of public authorities could hardly be called consistent.

Since early 2018 the Government and the MENRU began to pass resolutions in pursuance of the Concept, in particular, they dissolved 12 local bodies of the SEI of Ukraine (see Tab. 1). At the same time, the Concept itself contemplated absolutely different measures, in particular:

1. The SEI of Ukraine had to be dissolved, the State Nature Protection Service with a new local bodies' structure should be established instead. What did the Government do:
 - established new local bodies instead of establishment of a new authority.
2. New local bodies should be a part of a new nature protection authority. What did the Government do:
 - established them as a part of the SEI of Ukraine.
3. Local bodies for nature control had to be established at areas' and regional levels. What did the Government do:
 - dissolved a part of regional local bodies and established only inter-areal ones instead.
4. Control reform contemplated the change of the procedure of its exercise. What did the Government do:
 - changed the system of authorities, but not the procedure of control exercise.

In fact, the implementation of the environmental control reform began, however, not by way it was proclaimed to public, and not in the manner provided by the Concept. In such conditions, it was hard to foresee what measures would be taken by the government next. Moreover, the SEI's officers were in abeyance regarding the future thereof as well.

Table 1. Inconsistency of policy of the Government

Date	Party	Actions	Sense of actions
August 2014	VRU	Resolution	Introduction of moratorium on inspections
October 13, 2016	Ostap Semerak, Minister of Environment and Natural Resources of Ukraine	Presented ²³ the draft Concept of Reforming of the Government Supervision (Control) System in the Field of Natural Environment Protection (hereinafter referred to as the "Concept") ²⁴	Purpose of the Concept – establishment of the State Nature Protection Service, introduction of monitoring, elimination of duplication of the environmental control functions, prevention of pollution of the environment ²⁵

²² Deregulation implies the cancelation of excess overregulation of certain social relations, burdening or making it virtually impossible to develop such relations. Specifically, deregulation in the field of nature protection control should imply cancelation of duplicated powers of control authorities.

²³ Ostap Semerak presented the Concept of Reforming of the Nature Protection Control System. *Government Portal*. URL: <https://bit.ly/2mn21bk>

March 2017	Cabinet of Ministers of Ukraine (CMU)	Draft Concept was at the stage of approval with subject ministries ²⁶	CMU and ministries were approving the draft Concept
April 19, 2017	CMU	Resolution	Approval of the new Provision on the State Environmental Inspectorate of Ukraine ²⁷
May 31, 2017	CMU	Resolution	Approval of the Concept contemplating the dissolution of the SEI of Ukraine and its local bodies ²⁸
August 2017	MENRU	Resolution	Approval of the provision on local bodies of the SEI of Ukraine ²⁹
December 18, 2017	CMU	Approved the Strategy of Reforming of the Government Supervision (Control) System ³⁰ .	Purpose of the Strategy – revising of control functions of the state to optimize them and appropriately reduce the number of government supervision (control) authorities and the number of their officers
February 21, 2018	CMU	Resolution	Dissolution of 12 regional subdivisions of the SEI of Ukraine and establishment of 5 inter-areal ones instead ³¹ .

Source: prepared by authors based on regulatory legal acts published. *Official Portal of the VRU*. URL: <http://rada.gov.ua/>.

Thus, over 3 years of the moratorium being in effect³² the government have not taken any efficient measures which would influence the real control reform, elimination of corruption risks and resolving of the issues of control. Apart from that, public authorities have passed resolutions which led the policy in the field of environmental control in opposite directions.

The Government has enlarged the system of local bodies of the SEI of Ukraine, which would make the control even more imprompt. Apart from that, by this day no amendments have been made to the government nature protection control procedure itself. Hence, newly established authorities will operate according to the old procedure. Neither provision, nor any other act on the competition according to which there should be selected officers for the new local subdivisions has been passed as well.

24 Ostap Semerak presented the Concept of Reforming of the Nature Protection Control System. *SEI*. URL: <https://bit.ly/2Jr7e11>

25 The Concept of Reforming of the Government Supervision (Control) System in the Field of Environmental Protection in Ukraine. *Official Portal of the MENRU*. URL: <https://bit.ly/2zIQxA0>

26 MENRU's preparing a concept of the Nature Protection Service reforming. *Government Portal*. URL: <https://bit.ly/2uBXvcE>

27 On Approval of the Provision on the State Environmental Inspectorate of Ukraine, Cabinet of Ministers of Ukraine; Decree, Provision dated 19.04.2017 No. 275. URL: <https://bit.ly/2urolzI>

28 On Approval of the Concept of Reforming of the Government Supervision (Control) System in the Field of Environmental Protection [...]Cabinet of Ministers of Ukraine; Ordinance, Concept dated 31.05.2017 No. 616-p. URL: <https://bit.ly/2NjwL8j>

29 On Approval of the Provisions on the SEI Local Bodies, MENRU; Order, Provision dated 11.08.2017 No. 312. URL: <http://zakon2.rada.gov.ua/laws/show/z1080-17>

30 On Approval of the Strategy of Reforming of the Government Supervision (Control) System, Cabinet of Ministers of Ukraine; Ordinance, Strategy dated 18.12.2017 No. 1020-p. URL: <https://bit.ly/2zIQjBg>

31 Issue of implementation of the Concept of Reforming of the Government Supervision (Control) System in the Field of Natural Environment Protection. *Government Portal*. URL: <https://bit.ly/2miOhhs>

32 During 2017 the moratorium did not expand its effect to the SEI of Ukraine and its local bodies. In 2018 the moratorium did not apply to the SEI of Ukraine in terms of exercise of powers in environmental and radiation safety.

The function of monitoring by the State Environmental Inspectorate of Ukraine and its structural subdivisions remains still not implemented. Although, the material and technical support is available in most of structural subdivisions of the State Environmental Inspectorate of Ukraine, however, the monitoring over the state of the environment is not performed due to the lack of such obligation. Accordingly, the environmental control does not work towards the prevention of pollution, and there are no data on the state and changes of the environment.

In fact, the name and number of subdivisions of the authority have changed. The System that does not work towards conservation of the environment has remained. The number of control authorities is reduced, though the approach to control exercise remains old.

Passing the resolutions having no quality effect on the environmental control change, the government only defers the resolving of environmental issues of the country, which pose a risk for life and health of people and for the country's development. With such actions the Government and the MENRU spent the funds from the government budget, which is formed by the people of Ukraine who suffer from polluted environment.

Section 2. Environmental control reform

Over the recent years we have analyzed data on the state of water, soil and air pollution, on the polluted environment's impact on life and health of Ukrainians. We also have found and studied the issues and reasons why the control over the state of the environment does not lead to conservation thereof. All the results of our studies we have reflected in the Green Paper³³. Based on the conducted analysis of the state of the environment and the policy of the state in this field, we have proposed several alternatives of actions to resolve the issues of control inefficiency. Among such alternatives are:

1. **Implementation of the planned national changes** (dissolution of the SEI and establishment of a new integrated authority for the government nature protection control; introduction of monitoring; cancelation of scheduled control of small and medium businesses; creation of civil inspectors on site).
2. **Partial change of the control system and philosophy existing** (change of the purpose of control; introduction of monitoring; extension of the range of persons and sites with respect to which the control measures would be taken; ensuring of inspection promptness).
3. **Dramatic changes of the government nature protection control system** (change of the purpose of the government nature protection control; introduction of monitoring; extension of the range of persons with respect to which the control measures would be taken; extension of the range of inspected sites, ensuring of inspection promptness; establishment of a supervisory authority; extension of the range of persons entitled to file to the controlling authority; provision of resources to exercise nature protection control).

After the Green Paper has been written, we continued to analyze those actions the public authorities take in the environmental field today, and held regular consulting with the representatives of the State Environmental Inspectorate of Ukraine and its local bodies, representatives of the MENRU, Government and working groups created within public authorities on the issues of reforming of the environmental control, particular representatives of business and public.

Taking into account the results of studies and consultations held, and considering the ambiguity and inconsistency of actions of the Government and other public authorities in the field of environmental protection³⁴ that have taken place before and after our proposed alternatives, the changes proposed

33 Ecoanalytics, EPL. URL: <http://epl.org.ua/ekoanalitika/>

34 See Sub-section "Inconsistency of policy of the Government, 2014-2018s".

hereafter are necessary and practicable for implementation in order to ensure the environmental control efficiency.

The control philosophy must be changed from Soviet one to pro-European: environmental control has to be exercised primarily not for punishment of offenders, but for protection of the environment and preventing any damage thereto. It should be exercised based on the monitoring data, and Soviet scheduled inspections have to be abolished as such. The procedure of control should be changed in such a way as to ensure independence and transparency of activities of the authority for environmental control. For the environmental control to become efficient, it is necessary to apply crucial changes without implementation of which it won't become such, as well as changes relating to control, specified in Tab. 2.

Table 2. Implementation of the environmental control changes

Change	Executive/persons responsible for implementation	Sense of the change/its form/what it should imply and appear
Crucial changes		
Change of the purpose of the environmental control	VRU	Pass of a law on environmental control. Making amendments to the LU "On Natural Environment Protection" in terms of purpose of the environmental control
	CMU	Allocation of a budget for the measures in the field of reforming of the environmental control. Establishment of a system of tax exemptions for installation of the appropriate monitoring equipment and submission of declarations by polluters
Introduction of monitoring	VRU	Making amendments to the LU "On Natural Environment Protection" in terms of monitoring
	CMU	Making amendments to corresponding acts of the CMU in terms of monitoring. Use of the monitoring data in the course of the public policy planning and making
	MENRU	Coordination of the monitoring system. Creation of a unified monitoring database. Use of the monitoring data in the course of formation and implementation of the public policy with the NEP /Natural Environment Protection/
	Authority for environmental control	Monitoring over the state of the environment, taking control measures based on the monitoring data, analysis of the dynamics of changes in components and indicators of the environment
	Any individuals and legal entities	Use of the monitoring data in the course of carrying out of own activities, conducting of appropriate SEA and EIA /Environmental Impact Assessment/ studies, expert evaluations and procedures, protection of own rights, etc.
Establishment of a new authority for environmental control	VRU	Pass of a law on the new authority for environmental control
Adoption of a new procedure of the environmental control	VRU	Pass of a law on environmental control and procedure of its exercise
	New authority for environmental control	Pass of the new by-law orders and detailed procedures, instructions for effectuation of the environmental control measures
Changes relating to environmental control		
Introduction of supervision	CMU, subject committees of the VRU	Development of projects and regulatory legal acts on an independent supervision authority, its powers and the procedure of supervision
	VRU	Pass of regulatory legal acts on an independent supervision authority, its powers and the procedure of supervision, amendments to other regulatory legal acts

Environmental responsibility reform	Subject committees of the VRU, VRU, CMU	Development and pass, making amendments to corresponding RLA in the field of environmental responsibility (regarding the offending parties, procedure and methods of calculation of damage, measure of punishment, etc.)
Management of funds received in the course of the environmental control exercise	Subject committees of the VRU, VRU, CMU	Development and pass, making amendments to corresponding RLA in the field of environmental responsibility (budget and tax laws, laws on special environment protection funds, etc.)
Enhancement of environmental awareness of people	CMU (MENRU, MESU /Ministry of Education and Science of Ukraine/)	Development and implementation of educational programs
	MENRU, new authority for environmental control, local government	Informing of people, holding of information events (conferences, round tables, etc.)

Source: prepared by authors based on the analysis and studies conducted.

Crucial changes without which the environmental control won't start work

1. Change of the purpose of the environmental control

The State Environmental Inspectorate of Ukraine or any other (newly established) authority for environmental control should not be considered as a fiscal authority operating only to make up the budget. Environmental control has to be exercised not only for the purpose of finding and registration of a violation, but primarily for the purpose of prevention of damage to the environment. Since the consequences of pollution of the environment are mostly irreversible. Apart from that, elimination of such consequences requires significant financial expenses from the budget³⁵. The Purpose of the environmental control must be changed from punishment to prevention of pollution of the environment by means of change of the procedure of monitoring over the state of the environment and of control over the state of the environment, which is provided in details hereafter.

Apart from that, prevention of damage to the environment would be considerably influenced by:

- inevitability of liability and measure of punishment for the violation committed. This is exactly why the liability for environmental offences should be reformed as well. Details of the issues and proposed solutions in the field of environmental responsibility one can find in the Green and White Papers on responsibility in the field of environmental protection³⁶;
- introduction and application of procedures of the environmental impact assessment³⁷ and strategic environmental assessment³⁸, which allow to find possible risks of the planned activities' impact³⁹ and the government planning documents' execution impact⁴⁰ on the environment prior to the time they are brought to life.

2. Introduction of the system of monitoring over the state of the environment

Although the laboratories operate with the SEI and its local subdivisions, the State Environmental Inspectorate dose not perform the monitoring function. By this day, monitoring over various environment components is performed by 12 authorities (MENRU, SSUGCC /State Service of Ukraine for Geodesy,

³⁵ Annual Report on execution of the Government Budget of Ukraine for 2017. *State Treasury Service of Ukraine*.

³⁶ Ecoanalytics. *EPL*. URL: <http://epl.org.ua/ekoanalitika/>

³⁷ *On Environmental Impact Assessment / Verkhovna Rada of Ukraine*; Law dated 23.05.2017 No. **2059-VIII**. URL: <https://bit.ly/2NTqWq9>

³⁸ *On Strategic Environmental Assessment / Verkhovna Rada of Ukraine*; Law dated 20.03.2018 No. **2354-VIII**. URL: <https://bit.ly/2mlBcnG>

³⁹ EIA procedure.

⁴⁰ SEA procedure.

Cartography and Cadaster/, SESU, SSUFSCP /State Service of Ukraine for Food Safety and Consumer Protection/, etc.)⁴¹, however, they virtually do not publish the data obtained, and keep them in hard copies. Apart from that, a part of laboratories are not accredited or have no necessary reagents, equipment, etc. to conduct appropriate studies. Consequently, there is virtually no monitoring system in Ukraine that would reflect official data on the state of air, water resources and soil pollution in different parts of Ukraine. Thereby, public authorities have no reference data to form the basis for the resolutions' pass. Apart from that, people don't know what exactly are the sources of pollution that affect their life and health, and lead to onset of cancer or other dangerous diseases. Due to the lack of such data it is impossible also to exercise civil control over the state of the environment. For these data to become open and free for everyone, as well as to be able to forecast any possible adverse changes in the environment and prevent their occurrence or mitigate any adverse impact on the environment, it is necessary to confer the monitoring function upon the new authority for environmental control.

The authority for environmental control has to monitor the state of soil, air and water resources for the corresponding substances content therein. Apart from that, the monitoring should further be performed by the authorities performing it today⁴². At the same time, all the monitoring data shall be mandatorily put into the open state monitoring database.

Monitoring would be performed through the laboratories which will operate with the regional subdivisions of the authority for environmental control. Apart from permanent regional laboratories, it is necessary to set up surveillance stations and install online sensors, determine appropriate monitoring points throughout the entire Ukraine in order to register the indicators of the soil, air and water resources' state. Installation of online sensors as well as determination of monitoring points for sampling should take place with due regard to the location of the source of pollution. The online sensors' data sampled would be automatically put into the open state monitoring database. The studies conducted based on the samples taken will be also mandatorily put into the monitoring base. Monitoring over flora and fauna should also be performed, in particular, by research subdivisions of the sites of the nature protected fund of Ukraine, as well as within the Emerald Network, nature protection areas of water bodies, animal migration routes, etc.

For example, 48 autonomous laboratory centers for air quality control⁴³, one station for analysis of the Danube river water radiation situation⁴⁴, 27 stations for noise pollution monitoring⁴⁵, 597 points of control over the state of water⁴⁶, 397 points of control over soils operate, as well as monitoring over biodiversity and mountain systems⁴⁷ is performed in Bulgaria apart from regional laboratories. There operates a monitoring system⁴⁸ in Poland which is supervised and coordinated by the Chief Inspector for Environment Protection. On-site monitoring is performed by voivodeship (regional) inspectorates for environment protection and research institutes.

The values based on which the monitoring is to be performed (list of substances, concentration standards, etc.) should be approved at the state level. The values specified in Appendix 2 to the Protocol on Pollutant Release and Transfer Registers can be taken as a basis⁴⁹. Monitoring should be performed by different indicators, depending on where exactly and what exactly sample is taken. For example, if

41 [On Approval of the Provision on the Government Environmental Monitoring System / Cabinet of Ministers of Ukraine; Decree, Provision dated 30.03.1998 No. 391](#). URL: <https://bit.ly/2LnYHHI>

42 Ibid.

43 Technical state of the National Automated System for Air Quality Control in 2017, *Executive Environment agency (ExEA)*, Bulgaria. URL: <https://bit.ly/2zLCOAS>

44 Automated System for Radiation Monitoring of Water. *Executive Environment agency (ExEA)*, Bulgaria. URL: <https://bit.ly/2Jubwyp>

45 Technical state of the National Automated System for Air Quality Control in 2017, *Executive Environment agency (ExEA)*, Bulgaria, <https://bit.ly/2zLCOAS>

46 Surface water monitoring. *Executive Environment agency (ExEA)*, Bulgaria. URL: <https://bit.ly/2Nj1FxG>

47 Land and soil monitoring. *Executive Environment agency (ExEA)*, Bulgaria. URL: <https://bit.ly/2LoGgmf>

48 National Environmental Monitoring Program for 2016-2020. *Chief Inspectorate for Environmental Protection*. URL: <https://bit.ly/2LnUsMr>

surveillance stations are situated near the places of pesticide or agrochemicals' storage, the compulsory indicators for monitoring should be the pesticide and agrochemical contents in the corresponding environment components. Methanethiol, hydrogen sulfide, ammonia, etc. contents should be studied in the environment components near hog farms. Number of indicators shall depend on the type of the source of pollution.

Monitoring in Ukraine should comprise of two concurrent processes (see Pic. 1):

1. Sampling and analysis of indicators by the state laboratory centers and other government monitoring parties, with their automatic record in the open state monitoring base being posted on the corresponding online website.
2. Putting the values of pollution by polluters (submission of declarations) into the open state monitoring database.

Registration of values of the state of the environment components should take place on a daily basis by means of online sensors. Taking samples from monitoring points and their study by the authority for environmental control should be done at least once a month. Based on the monitoring data, the monthly and quarterly values should be calculated, which will be compared with the information submitted by a company. Since not all the polluters possess special means to measure the content of contaminants today, for this purpose they would have to engage special laboratories for a fee. So, at the start of the monitoring system implementation, polluters will enter their monitoring data on a quarterly basis. Eventually, polluters will have to submit such values on a monthly basis, and in some of them (depending on the type of activity, for example, in incineration plants) there will operate online sensors, which will register the values of impact on the environment on a day-to-day-basis. For this purpose, the companies that have installed sensors to register the content of contaminants in the corresponding environment components, will be granted environmental tax exemptions. All the collected data from laboratories and polluters will make up a unified monitoring database, which reflects the real state of the environment.

Both polluters and authorized persons performing monitoring would be held liable for the failure to enter their monitoring data or entering of untrue data. Provided that, the measure of liability should be significant (for example, UAH100 thous.). High measure of liability to be actually incurred, will warrant fairness and timeliness of the data entered.

To ensure the monitoring data reliability, the National Accreditation Agency of Ukraine has to perform selective intercalibration measurements⁵⁰.

Based on the monitoring data and the information submitted by companies about the impact made on the environment, the control measures would be planned, in particular, unscheduled ones (see Pic. 1). For example, in case where any discrepancy during comparison of information submitted by a polluter with the data of the government monitoring sources is found by the environmental inspectorate, it will become a ground for the inspection to be carried out regarding whether or not any pollution takes place. Polluters, in particular, business entities submitting real values and acting within the law and nature protection regulations, won't have any grounds for prejudice as to the lack of reasonability of inspections. Apart from that, the companies would be granted an opportunity to contest corresponding control measures in case those are unreasonable. Thus, the monitoring system would also facilitate the control transparency.

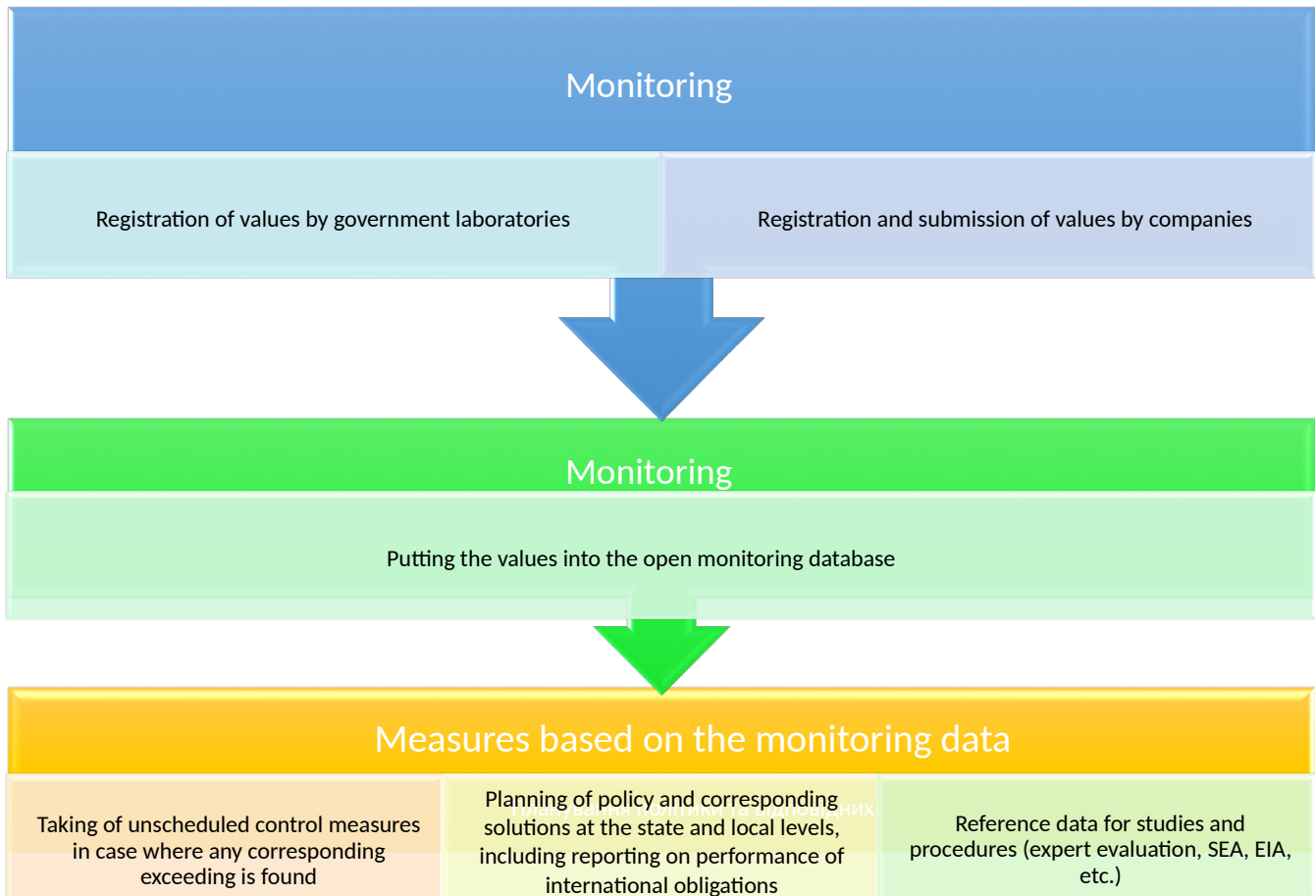
Further, when the monitoring system is fully implemented, and the studies are conducted by maximum possible number of indicators and with a minimum time interval, the scheduled control measures must be canceled (except for the inspections of activities with high level of risk). Authority for environmental control would not need to go for a scheduled inspection, since all the data on impact on the environment would be open to them. In its turn, this would relieve the environmental inspectorate and business as well from excess number of control measures.

49 [Protocol on Pollutant Release and Transfer Registers UN; Protocol, International Instrument dated 21.05.2003. URL: https://bit.ly/2mllbNB](https://bit.ly/2mllbNB)

50 Conducting of comparative studies of the same samples with different appliances to find out, whether the appliance checked provides reliable data.

The monitoring data are to be taken into account by government authorities, in particular, by the MENRU and the Government, when planning the policy and corresponding solutions in the environmental field. Apart from that, the monitoring data are to be taken into account by other public authorities in terms of ensuring of the country's sustainable development, resolving of issues on feasibility and possibility of use of the corresponding natural resources, funding of the nature protection field, etc. The monitoring data can be also used as reference data for certain studies, including for the environmental impact assessment and strategic environmental assessment procedures, corresponding expert evaluations, etc., as well as for reporting on performance of corresponding international obligations by Ukraine⁵¹.

Additionally, after a long-term performance of monitoring, public authorities, including the environmental inspectorate and the MENRU, would be able to track corresponding dynamics of changes in the state of the environment. Such changes also are to be taken into account in the course of the policy planning or corresponding decisions making.



Picture 1. Stages of monitoring and use of its data

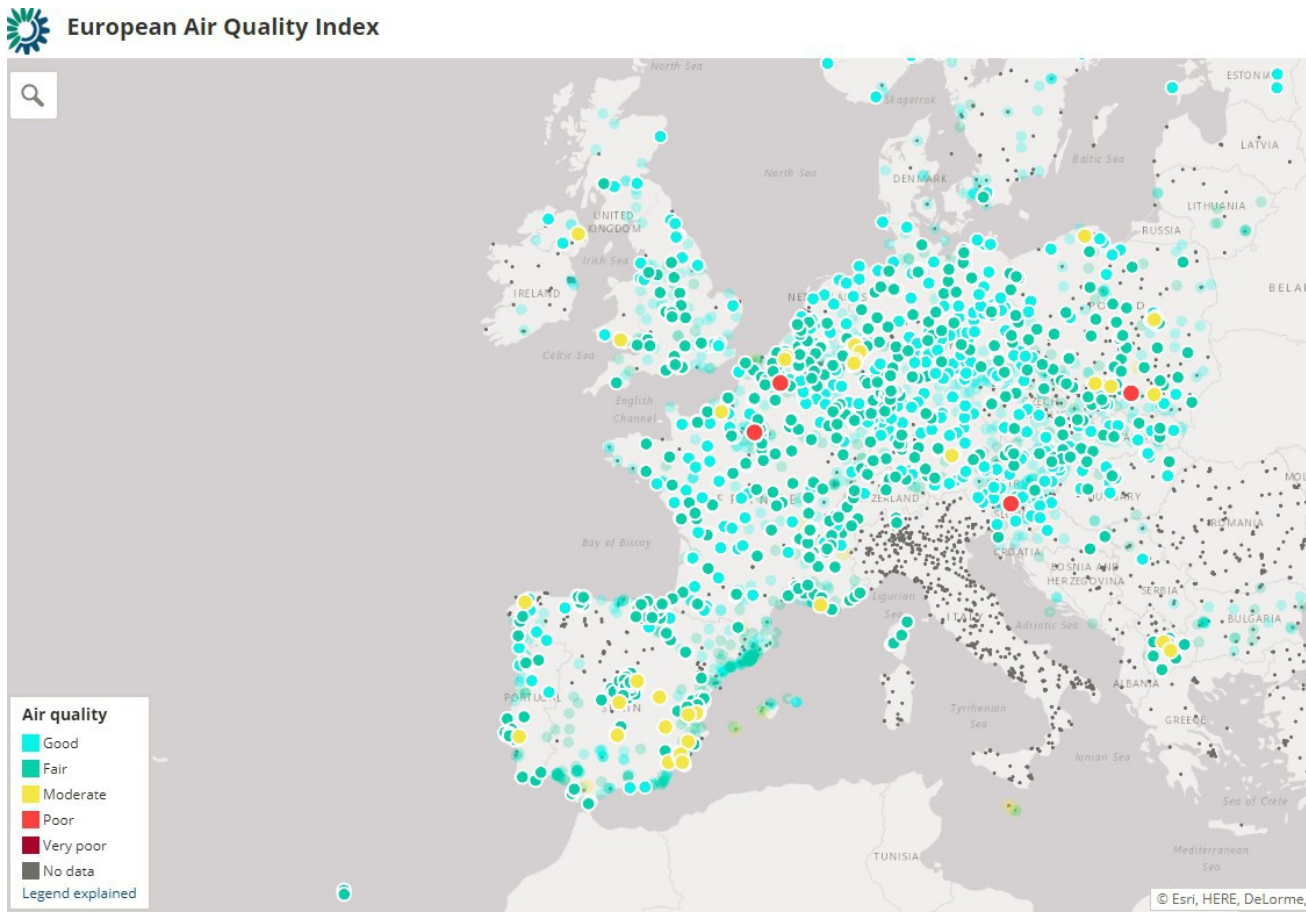
Source: prepared by authors based on the analysis and studies conducted.

The monitoring database has to be sufficiently open to warrant access to environmental information. People would be able at any time to familiarize themselves with the data on the state of the environment in their area. Data which pursuant to the requirements of the law⁵² cannot be provided for public access, must have appropriate protection. Due to the fact that the database is open, everyone would obtain full information about the state of the environment. Specifically, government authorities and local government would be able to use such information in the course of the resolutions' pass of, as well as for the analysis of the already passed resolutions' effectiveness, and to form an effective policy of the country's

⁵¹ Kyoto Protocol, Berne Convention, Association Agreement, etc.

⁵² Classified information, etc.

sustainable development, to forecast budget expenditures, etc. Apart from that, open and complete monitoring data would allow to exercise civil control over the state of the environment, as well as to protect people's rights, including those to environmental safety⁵³. The monitoring data would also form a basis for conducting of research studies and forecasting of the impact of certain decisions or activities on the state of the environment, etc. For example, there are online data on the state of air available in most European countries, which are updated every 6 hours (see Pic. 2). At the same time, there are virtually no such information in Ukraine.



Picture 2. Screenshot of the online map on the state of air in European countries

Note: data as of 12.07.2018.

Source: European Air Quality Index, online map⁵⁴.

The instrumental laboratory control departments operate in Ukraine with the SEI local bodies and the SEI of Ukraine, which could be funded to perform full-scale monitoring over the state of the environment. Apart from that, there exist the MHU /Ministry of Health of Ukraine/ laboratory centers, HydroMet /Hydrometeorological Center/ monitoring stations and stations for soil fertility monitoring. To reduce financial expenses and cover all the environment components which should be monitored, it will be feasible to provide additional funding to the existing laboratories for procurement of reagents, installation of online sensors, procurement of appropriate devices, as well as to certify them to conduct corresponding studies.

Implementation of the monitoring system, in particular, installation of appropriate online sensors, including those at the companies, may take place through raising of grant funds.

⁵³ Environmental safety contemplates prevention of deterioration of the state of the environment and emergence of threat to people's health. On Natural Environment Protection, Verkhovna Rada of the UkrSSR; Law dated 25.06.1991 No. 1264-XII. URL: <https://bit.ly/2NXFJZY>

⁵⁴ Online map on the state of air in European Countries. URL: <http://airindex.eea.europa.eu/>

3. Change of the procedure of the environmental control

The authority for environmental control should be released from the effect of legislative acts currently in force, concerning general procedure of control in the field of economic activities, including those concerning the moratorium introduction and effect.

To change the procedure of control it is necessary to pass the Law of Ukraine on environmental control which will determine clear procedure of the environmental control. Such procedure should be based on the following principles:

- control measures should be effectuated without any approval with the supreme authorities;
- control measures should be effectuated without prior notice to a person to be inspected;
- control measures should apply both to individuals and legal entities, and not only to business entities;
- control measures should be effectuated regarding the activities that have adverse impact on the environment;
- control measures should be carried out by a fact of damage to the environment or a violation committing, rather than by a business entity (today, in case where an activity having impact on the environment is found, it is necessary to specify the business entity to be inspected. However, in many cases it is unknown who have caused damage to the environment, or the damage is caused not by a business entity, or there are several business entities within the corresponding area, which could make potential impact; the fact of the impact on the environment existence must be verified first, the reason for such occurrence, and only then the offender is to be determined, and not vice versa);
- the ground for the control measures to be carried out should be requests of both individuals and legal entities;
- control authority is to be entitled to take immediate control measures in case where a certain violation is found (taking of control measures at their own discretion);
- control measures should be effectuated based on the monitoring data or upon request on the need for the control measures to be taken (monitoring data are not available yet – for example, illegal tree felling, waste found at the land lot, color of water, specific odor, etc.). With the implementation and performance of monitoring, control has to gradually shift away from the scheduled pattern. At the start of the monitoring implementation, the scheduled control should be effectuated with respect to those companies which activity pose considerable impact on the environment. Further, with the companies' provision with necessary filters, installation of online sensors to ensure daily sampling of indicators of the environment components within the affected area, and provided that the monitoring system is effectively functioning, the scheduled control measures must be canceled;
- determination of liability for intentional denial or interfering the control measures effectuating;
- elimination of controlling functions duplication between different control authorities;
- entitling the environmental inspectorate to suspend the polluter/offender's activities.

Apart from that, unified inspection statements have to be canceled, since they don't allow to register the damage caused to the environment, reflect all circumstances of the case. Mostly, the availability of any particular permit is registered in such statements, but the fact whether a party is really acting within the permit, and whether it really possesses all treatment facilities, filters, etc. is not verified. Additionally, such statements make it impossible to verify the fact of pollution or damage to the environment, rather than a business entity⁵⁵. The unified statement equalizes all the types of inspection. Apart from that, they contain a table where it should be noted, whether or not a certain permit is available. However, such form does not allow to register all the found circumstances and data that reflect the real impact on the environment in a descriptive form. Apart from that, every situation is specific, therefore, it is impossible to record special data concerning particular inspection in a unified statement.

Instead of unified statements, there should be approved such form of a statement which would allow

⁵⁵ For example, the SEI could not register the fact of the reserve devastation, since it had to inspect the business entity, rather than the state of the environment. Thereby, the environmental area with special status remained unprotected and destructed.

to record all the data and facts of the impact on the environment found in the course of the corresponding inspection in a descriptive form and to the maximum extent. Apart from that, there should be approved an instruction regulating the procedure of carrying out of an inspection in such a way that the inspectors would carry it out in full and in good faith, and register and verify all the data important for the determination of the real impact on the environment of any particular activity, etc. In particular, the instruction should contain criteria, rates, etc., which should be taken into consideration in the course of any particular inspection, and the information which should be recorded in the statement. For example, inspectors have to check not just availability of a permit or treatment facilities, but whether the emissions and discharges are really treated and an adverse impact on the environment is mitigated, and record such data in the inspection statement.

Since it is important to register the fact of impact on the environment, calculate the damage caused, register the state of the environment, reasons of occurrence, establish causal relationship with the damage incurrence. These facts will help to bring the offender, if found, to justice, or will help to make a decision that will prevent such situation occurrence in future, etc.

4. Establishment of a new authority for environmental control

Today, in order to effectuate an unscheduled control measure, the SEI of Ukraine has to obtain consent from other public authorities (State Regulatory Service, CMU, MENRU⁵⁶). Thus, whether the inspection should be carried out or not depends not on the will of the SEI, but on the will of other public authorities. Apart from that, the SEI may carry out an inspection or register a violation only in case it has been requested by other persons. If the SEI has found a certain violation independently, they are not entitled to respond to such violation or register it at their own discretion⁵⁷. Thereby, the SEI of Ukraine is not a self-contained and independent authority, and is not able to pass independent resolutions regarding the control measures effectuating.

For example, the environmental inspectorate in Poland does not wait for a consent of other authorities to take any control measures, but can pass independent resolutions based on the monitoring data.

For the environmental control to be efficient, the authority for environmental control must be self-contained and independent. Quality and reasonability of the control measures taken have to be verified by means of the supervisory authority. Apart from that, the persons inspected should, as before, be entitled to contest corresponding measures in court. In such conditions the environmental control would be independent and transparent.

Within the structure of executive authorities, the authority for environmental control should be brought to the level of the MENRU and be reporting to the Cabinet of Ministers of Ukraine.

Local environmental inspectorate bodies should act at the regional level. Environmental inspector's offices are to be introduced with the local governments (district level, level of cities, villages, townships or corresponding territorial communities). Such inspectors should be deemed to be the officers of the corresponding local inspectorate. Thanks to this, the environmental control will be prompt.

The staff for the new authority for environmental control should be selected based on the competition. In the course of competitive selection, future officers have to be checked in terms of knowledge of subject (depending on the position; skills of drawing up protocols, registering of violations, calculation of damage, sampling, etc.). The candidates for employment, especially those who have worked with the SEI earlier, should be checked in terms of involvement in corresponding offences, as well as with respect to the quality of their work as inspectors performed, etc. Future officers also have to realize the purpose of the environmental control and have high moral qualities. Amount of remuneration should be fair

⁵⁶ In terms of the powers the moratorium applies to, the SEI has to obtain consent from the State Regulatory Service of Ukraine: <https://bit.ly/2NVxspK>, and in terms of those to which the moratorium does not apply – consent of the central executive authority that ensures formation of the public policy in the corresponding field of the government supervision (control), or an appropriate public panel authority: <https://bit.ly/2zGmLE8>.

⁵⁷ On Fundamental Principles of Government Supervision (Control) in the Field of Economic Activities, Verkhovna Rada of Ukraine; Law dated 05.04.2007 No. 877-V.URL: <https://bit.ly/2zGmLE8>

and raised to the level which would prevent any cases of corruption occurrence.

At the same time, establishment of a new authority itself, change of the name and structure, won't have any quality and dramatic impact on the state of the environment without change of the procedure of control. This is exactly why the new authority should be established either with the concurrent change of the procedure of control, or the change of key points of control exercise should precede the authority establishment as a base for its operation quality. In other words, we can establish a new authority, but if the procedure of control itself is not changed, the quality of the environmental control and the state of the environment will remain the same as before.

Except that the new authority would operate according to the new procedure of the environmental control, the performance of monitoring would be its inherent obligation. Control measures would be taken based on the monitoring data. At the start of the monitoring system implementation, control would still be of a scheduled nature. At the same time, further, control wouldn't be scheduled any more, but would be exercised in case where any corresponding values' exceeding is found, being obtained during the monitoring (for details, please see Cl. 3 on the procedure of control).

Changes relating to environmental control

Crucial changes for the control in the field of environmental protection to start working, and the environment be actually protected, are:

- change of the purpose of the environmental control;
- change of the procedure of the environmental control;
- restoration of monitoring;
- establishment of an independent authority for environmental control.

At the same time, despite the fact that the above proposed changes would have a quality effect on the state of control in the field of natural environment protection, the system wouldn't operate at full scale without implementation of changes relating thereto, which relate to the environmental control, on one hand, and have their independent importance and a particular scope of issues for study, on the other hand.

In particular, among such changes are:

1. Introduction of supervision

As of today, there is no independent supervision institution in Ukraine as a function designed to review how have public authorities exercised their powers, and whether such exercise is in compliance with the purpose of conferring of such powers upon the authorities in question, and whether the corresponding authority achieves any purposes or objectives set for it. In the field of environmental protection such criteria are conservation of the environment and change of quality values of its state. Also, supervision prevents occurrence of corresponding corruption risks and makes control exercise more transparent.

By 2014 the general supervision function in Ukraine was performed by the prosecutor's office. As of today, the control and supervision functions are equated by the legislator, and there is no supervision authority.

Supervision relates not only to the environmental control, but performance of administrative functions by public authorities and local government in all areas of life. This is exactly why such change should be introduced comprehensively at the state level, rather than in the field of environmental protection only.

2. Environmental responsibility reform

The ultimate outcome of effectuation of the environmental control measures in case where a certain violation or any damage to the environment is found, shall be bringing of offenders to justice in order to compensate for the damage caused, correction of the offender's conduct, prevention of similar violations occurrence in future.

The liability has to be inevitable and adequate to the violation committed. However, effective liability in the field of environmental protection is not such, and does not prevent damage to the environment.

Apart from that, the procedure of calculation of the damage caused to the environment should be revised. Specifically, most of methods of calculation of the damage caused to the environment are either obsolete, or imperfect. For example, calculation of the damage caused by pollution of land resources is calculated subject to the area of contamination, regardless of what contaminants and in what concentration have polluted the soil. Specifically, pursuant to the method of calculation⁵⁸, amount of damage shall be equal, whether maximum permissible concentration of contaminants in soil is exceeded 2 times or 1,000 times. Due to the methods' flaws, the polluters are charged for damage, which is inadequate to real scopes and consequences of pollution.

Details of what the environmental responsibility reform should be, as well as the procedure of calculation of damage one can find in the Green and White Papers on environmental responsibility⁵⁹.

3. Management of funds received in the course of the environmental control exercise

The funds charged for the damage caused to the environment, penalties for corresponding environmental violations and environmental taxes make up local and government budgets, and special funds in a different way. At the same time, not all these funds are assigned to resolve the environmental protection issues, to eliminate the damage caused to the environment, to prevent occurrence of natural disasters (floods, landslides and so on), etc.

At the same time, the funds making up the budget from the sources concerning protection of the environment should be used expressly for the environmental field. In such a case, the state would have funds both to resolve the issues in the field of environmental protection, and to establish new laboratories, to carry out educational events, to prevent damage to the environment, etc.

4. Enhancement of environmental awareness of people and business entities

Apart from reforming of the system and the procedure of control, the government has to work at enhancement of environmental awareness of people. In particular, the Government represented by corresponding ministries (MESU, MENRU, etc.) should develop and implement appropriate educational measures, starting with the level of preschool education. Moreover, enhancement of environmental awareness should take place through notification of public of the indicators of the environment, of their meaning and their impact on life, health and welfare of people.

Similar activities should be effectuated with the engagement of representatives of business, in order the latter to understand why their activities are to be carried out with minimum damage to the environment, how it influences the country's economy, and what are the terms of carrying out of economic activities in Ukraine.

Section 3. Potential sources of funding of the environmental control reform

Potential sources of funding for the proposed changes implementation

The changes proposed in the field of control over the state of the environment would require funding, in particular, to dissolve the old one and establish a new authority for environmental control, dismiss the staff and hold a competition to recruit new officers, to develop and pass corresponding regulatory legal acts, to certify the laboratories and procure appropriate chemical reagents, etc. To carry out the nature protection control reform, it should be possible to raise monies from the budget, special

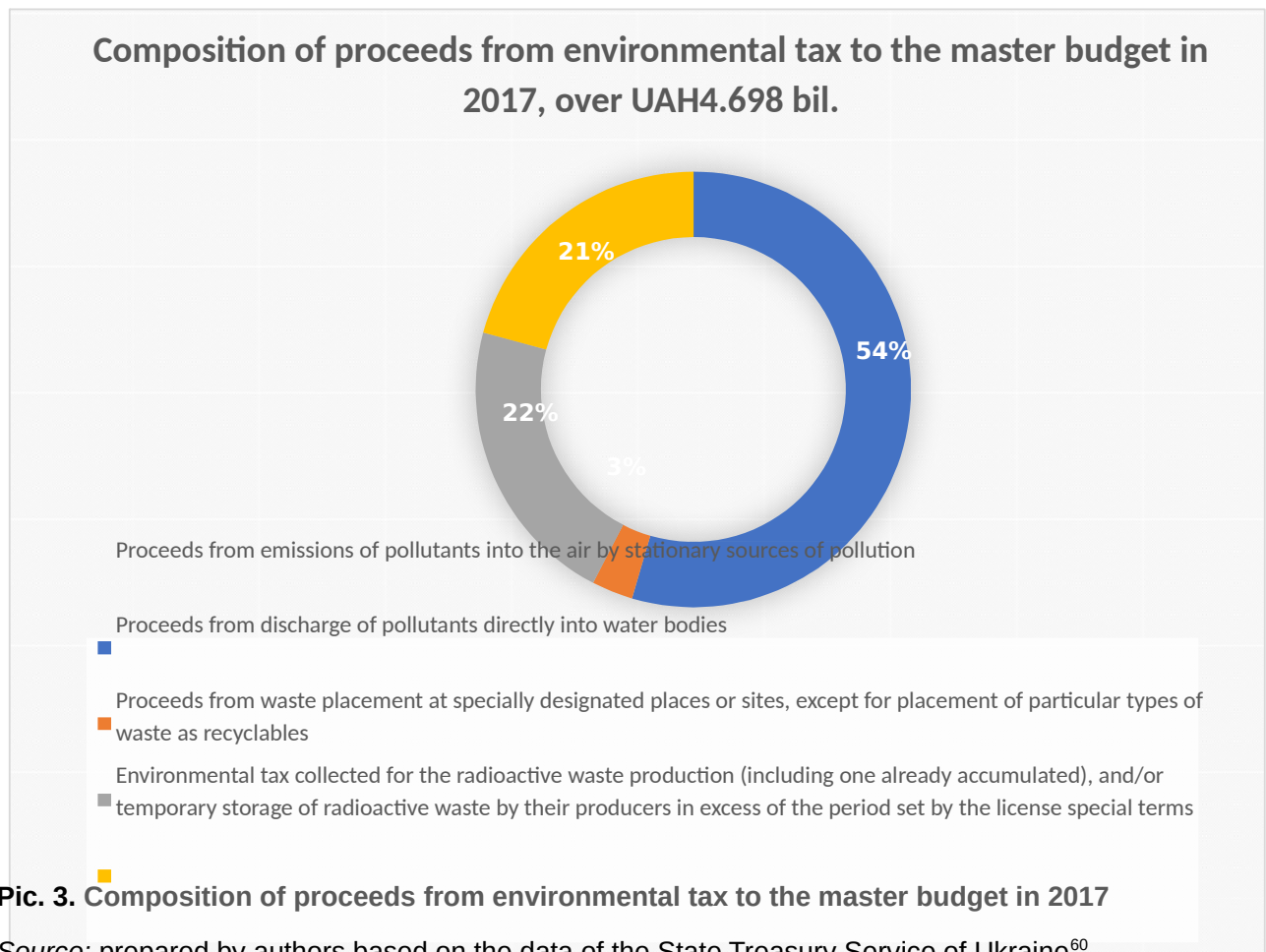
⁵⁸ [On Approval of the Methods of Determination of Amounts of Damage conditioned by pollution and contamination of land \[...\]](#), Ministry of Environmental safety of Ukraine; Order, Methods dated 27.10.1997 No. 171. URL: <https://bit.ly/2ziSW5U>

⁵⁹ Green Paper on Legal Liability in the Field of the Environment. Ecoanalytics, EPL. URL: <https://bit.ly/2LIsbG1>

funds, grants and international financial aid, as provided in details hereafter.

Budget revenues

In 2017 the master budget revenues in the amount exceeding UAH4.698 bil. were made up out of the environmental tax. This amount includes proceeds from emission of pollutants into the air by stationary sources of pollution (over UAH2.562 bil.), proceeds from discharge of pollutants directly into water bodies (over UAH144 mln.), and others (see Pic. 3).



Apart from that, the master budget of Ukraine is made up out of the fee for the natural environment pollution (over UAH1.949 mln.) and fines for the damage caused by violation of laws on natural

⁶⁰ Annual Report on execution of the Government Budget of Ukraine for 2017. State Treasury Service of Ukraine. URL: <https://bit.ly/2IFkQWD>

environment protection due to economic and other activities (over UAH11.401 mln.)⁶¹.

On one hand, amounts of the above revenues are less than the amount of expenses from the master budget for protection of the environment, which were over UAH7.349 bil. in 2017. Hence, such revenues might be not enough for the environmental control reform. At the same time, they are often used ineffectively and not for protection of the environment, which is emphasized by the Minister of Environment and Natural Resources as well⁶².

For example, during 2017 over UAH831 thous. for overhaul of Vokzalna Street in Zhydachiv, over UAH1.545 mln. for road repair and street light installation in Drohobych District, and over UAH1.968 mln. for street and sidewalk repair in Stryi were allocated out of subventions from the city budget of Lviv within the framework of the Program of Activities for Arrangement of the System of Solid Municipal Waste Management in Lviv for 2017-2019s funding⁶³. Similar activities were funded in other localities of Lviv Region as well. However, repair of roads, sidewalks, buildings and roofs, for which millions of hryvnias were spent, in no way affects the resolving of issues of waste management and has no relation to waste issues.

Funding of activities regarding natural environment protection are effectuated in Ukraine through the Government and local NEP funds⁶⁴. Monies from such funds can be assigned only to fund nature protection activities, in particular, to introduce and maintain functioning of the government monitoring system⁶⁵. Anyway, the money from such funds are often spent ineffectively and not for nature protection activities⁶⁶. For example, in 2013-2016s the monies in the amount of UAH1.24 mln. were allocated from Poltava Regional NEP Fund for Kremenchuk, Hadiach, Dykanka, Novi Sanzhary and Poltava forestries to carry out forest protection activities or biological and chemical extermination activities at the pine sawfly foci⁶⁷. However, such activities are not of the nature protection kind, and so, it should be prohibited to spend the monies from the regional NEP fund thereto. And this is only a piece of examples of misuse of funds⁶⁸. It would be quite practicable to assign such considerable amounts for implementation of the reform of control over the state of the environment, in particular, to renovation of laboratories, procurement and installation of online sensors, certification of particular laboratories with respect to further monitoring over the state of the environment, as well as to creation of the online monitoring database.

Thus, the funds received from environmental taxes and fees could be spent more effectively, in particular, directly to the issues in the field of environmental protection (including the environmental control reform), rather than to eliminate consequences of such issues, nor to activities that have no relation to protection of the environment at all.

Additionally, in the course of implementation of reforms in the field of nature protection, in general, environmental taxes could be potentially raised for the “polluter pays” principle to be exercised, and for polluters to be encouraged to implement nature protection measures⁶⁹, as supported by the MENRU⁷⁰. In

61 Ibid.

62 Semerak: Environmental tax in Ukraine is used extremely ineffectively. *Ekonomichna Pravda*. URL: <https://bit.ly/2NTYZI4>

63 Data from the reply to the EPL's request, ref. No. 385 dated 06.03.2018.

64 Art. 47 of the LU “On Natural Environment Protection”. URL: <https://bit.ly/2mkE2cx>

65 [On Approval of the List of Types of Activities Pertaining to Nature Protection Activities](#), Cabinet of Ministers of Ukraine; Decree, List dated 17.09.1996 No. 1147ю URL: <https://bit.ly/2KXC9RQ>

66 Why billions of hryvnias from environmental funds “don't work” for protection of the environment? *EPL*. URL: <https://bit.ly/2LmON9i>

67 Poltava Regional Council “launders” environmental funds. *EPL*. URL: <https://bit.ly/2mrQkJH>

68 Why billions of hryvnias from environmental funds “don't work” for protection of the environment? *EPL*. URL: <https://bit.ly/2LmON9i>

69 These measures may be directed either to reduce the volume and improve quality values of emissions and discharges, or to eliminate or prevent any adverse impact on the environment from the polluter's activities (planting of trees, etc.).

70 Environmental tax should be considerably raised – Semerak. *Ekonomichna Pravda*. URL: <https://bit.ly/2NS9yv8>

its turn, this would provide additional amounts of revenues, which might be applied for implementation of all measures of the environmental control reform in future.

Apart from that, the funds to reform the nature protection control reform could be raised from other master budget revenues. Specifically, in 2017 the master budget of Ukraine was made up out of the rent for mineral resource management in the amount exceeding UAH44.979 bil., and out of the fee for issuing of special permits to mineral resource management and the monies from sale of such permits in the amount exceeding UAH2.020 bil. The mineral resource management is impossible without damage to the environment. And so, a part of the revenues received from the above proceeds could be assigned expressly for the environmental control reform.

Among the world's developed countries there is a common practice to assign funds received from compensation for the damage caused to the environment and environmental tax payment for the natural environment protection. So, a part of the above budget revenues could be assigned expressly for implementation of the environmental control reform, which ultimate purpose is to ensure environmental safety and protect the environment.

International financial aid

Under the conditions of difficult economic situation in the country, the environmental control reform cannot take place with only raising the funds from the government budget. Thereby, a part of reforms in Ukraine, especially the activities which take place within the framework of Euro-integration, are carried out with the calling for international financial aid.

Specifically, within the framework of the Sector Budget Support Program of the European Union, Ukraine received over UAH243.5 mln. during 2017, and over UAH1.637 bil. in 2016⁷¹. Within the framework of this program, additional budget funding in the amount of UAH1.083 bil. is planned for 2018⁷². These funds have been assigned for implementation of various reforms and activities.

The projects in the field of the environment are also implemented by means of the gratuitous international financial aid. Specifically, during 2010-2012s the MENRU received financial aid from the European Union in the amount of EUR1,050 mln. to implement the Law of Ukraine "On Environmental Audit", including to improve legal and methodological background for the environmental audit performance, refinement of the environmental auditors' certification and accreditation system⁷³. During 2010-2014s the EU also assigned funds to the MENRU in the amount of UAH6.935 mln. to implement measures in the field of air quality management⁷⁴. Apart from that, the EU assigned financial aid to Ukraine in the amount exceeding UAH2.670 mln. for 2015-2018s to approximate the laws of the EU in the field of the environment⁷⁵. Another example, creation of the Unified Registry for Environmental Impact Assessment and hearings of the EIA cases were effectuated with the international technical assistance – EU Project "Support to Ukraine in approximation of the EU environmental acquis" (APENA) and the UN Development Programme in Ukraine⁷⁶. Over 5 recent years the EU have funded about 50 similar projects in the field of environmental protection⁷⁷.

71 Annual Report on execution of the Government Budget of Ukraine for 2017. *State Treasury Service of Ukraine*. URL: <https://bit.ly/2IFkQWD>

72 Quarterly Report on execution of the Government Budget of Ukraine for I quarter 2018. *State Treasury Service of Ukraine*. URL: <https://bit.ly/2uqESJm>

73 Official data on the EU financial aid. URL: <http://openaid.gov.ua/uk/projects/150>

74 Official data on the EU financial aid. URL: <http://openaid.gov.ua/uk/projects/158>

75 Official data on the EU financial aid. URL: <http://openaid.gov.ua/uk/projects/7090>

76 Ostap Semerak: "More than 30 business entities have made use of the Unified Registry for EIA during the first month". *MENRU*. URL: <https://bit.ly/2uCxLg3>

77 Support to the Ministry of Environment and Natural Resources of Ukraine in implementation of the Law of Ukraine "On Environmental Audit". *Ministry of Economic Development and Trade of Ukraine*. URL: <http://openaid.gov.ua/uk/projects/150>

Thus, it is quite practicable to raise funds from the budget and call for international financial aid, including gratuitous one, for the environmental control reform that contemplates establishment of pro-European and efficient system of control over the state of the environment.

Section 4. Stakeholders' stance

How do CEAs act today?

Representatives of the central executive authorities (CEAs) declare their interest in introduction of changes. However, they pass resolutions which are inconsistent and have no quality effect on the control change, nor justify the purpose of introduction of the moratorium⁷⁸ on control measures in the field of environmental protection (for details, please see Tab. 1. Inconsistency of policy of the Government)⁷⁹. Actions of public authorities are uncoordinated, and protection of the environment is not deemed to be one of the highest priority sectors of public policy.

The resolutions being passed are often justified by the liberalization of conditions for the business activities and the Euro-integration process. Specifically, in order to create comfortable climate for the business activities, the moratorium on measures of control⁸⁰ and special procedure of its exercise have been introduced, therefore, the control measures are virtually not applied or are imprompt⁸¹. We do not stand against the elimination of excess overregulation which interferes the business development and activities. However, virtual failure to exercise control over that how does the business meet the environmental protection requirements, has nothing in common with the deregulation and Euro-integration. In EU countries, despite the elimination of excessive permitting procedures for the business inspection, the latter are not released from the requirements regarding compliance with the laws in the field of environmental protection, and control in this field is exercised in a quality and prompt manner.

Apart from that, there are virtually no leaders in the Government and the MENRU ready to implement unpopular solutions. Specifically, the SEI of Ukraine structure is changed today, and a new authority establishment is declared. However, transparency and efficiency of control depend not on the authority's name or structure thereof, but on what principles and procedure of control are approved at the state level. At the same time, the CEAs leave such procedure and principles unchanged. On one hand, the reason for this can be a fear of loss of office, support of public or professional incompetence. On the other hand, a business lobby and personal business interests of the representatives of governing public authorities in the control to have no effect exist both in the Government and in Parliament.

What is the CEAs' attitude towards the changes proposed?

In the course of meetings on discussion of the changes proposed by us, the representatives of the MENRU agree with the necessity of implementation thereof. Particular discussions could emerge with respect to how exactly certain changes are to be implemented. At the same time, although the MENRU voice support to the necessity of the system's drastic change and take into account proposals of the public as to the Concept of reforming of the nature protection control, concurrently the Ministry together with the Government develop and pass other resolutions. Specifically, the Concept of reforming of the government nature protection control contemplates dissolution of the SEI and establishment of a new authority with the new local bodies' system. However, in pursuance of its execution a resolution has been passed, which contradicts the Concept – the SEI local bodies' system has been change instead of establishment of a new authority⁸².

⁷⁸ Elimination of overregulation, corruption risks and excessive measures in such a way as to create a business climate for the latter to carry out its activities within legal framework.

⁷⁹ For details, please see Sub-section on inconsistency of actions of the Government.

⁸⁰ At first, the moratorium applied to any and all types of inspections, and further – only to unscheduled ones.

⁸¹ For details, please see Section 1.

Apart from that, although the Concept officially stipulates the resolution on concentration of control functions within a single authority for nature protection control, in fact, those authorities exercising environmental control today refuse to give up their controlling functions, and don't endorse the idea of the duplicated control functions elimination.

Consequences of the proposed changes' implementation for the CEAs

Through the implementation of the changes proposed, the ultimate purpose of the CEAs activities will be partially achieved – development of the state and protection of people's rights and interests. Specifically, the control reform will lead to prevention of pollution of the environment. In its turn this will influence both the reduction of the budget expenditures to eliminate consequences of the damage caused to the environment, and the sustainable development of the state in general, as well as the people's life quality and health.

Apart from that, due to introduction of changes the CEAs could benefit in terms of resolving of other relating issues they work at: elimination of overregulation of the business activities, performance of international obligations on conservation of various environment components, and in the long run, – improvement of welfare, health and lifespan of people, etc. This will also affect the image of public authorities and the restoration of people's trust.

Due to the monitoring performance, the CEAs will obtain reference data to plan the policy and pass strategic resolutions at the state level, redistribute the budget expenditures, etc., on the other hand, the monitoring data could point the flaws of activities of particular public authorities, therefore, the latter may oppose the monitoring performance and publication of data thereof.

Establishment of a new authority, elimination of duplicated control functions, change of the procedure of control in general should have an effective reflection on the operation of the government authorities' system and on resolving of issues in the field of environmental protection for the country's benefit. At the same time, particular representatives of the CEAs may oppose such changes due to reluctance to redistribute the leverages. Apart from that, the public authorities which benefit from the control having no effect, in particular, due to personal business interests, will resist the implementation of changes. Additionally, particular representatives of the CEAs may resist the implementation of changes referring to the lack of funds and the fact that the changes proposed are not of the top priority.

SEI of Ukraine

How does the SEI of Ukraine act today?

Effective control is imprompt. This is because the SEI of Ukraine prior to take any control measures shall obtain consent thereto from a competent authority, which often takes at least 2 weeks of time⁸³. Apart from that, due to the moratorium on scheduled control measures, the SEI are not entitled to effectuate a part of them⁸⁴. Of those scheduled inspections the SEI is permitted to perform, the latter shall notify a business entity in advance. With the knowledge of when the inspection will come, the corresponding companies reduce the volume of emissions for the period of inspection, therefore, the SEI is not able to register unbiased data on impact on the environment. Apart from that, in case where a certain violation is found, the SEI inspectors shall not be entitled to take any control measures at their own discretion. A part of the SEI inspectors note that such procedure of control does not allow them to work and effectively perform their functions.

As an authority designed to protect the environment, the SEI does not have knowledge of the current state of the environment. This is because no monitoring over the state of the environment is

⁸² For details, please see Tab. 1.

⁸³ See Section 1 on the moratorium on inspections.

⁸⁴ The moratorium shall not apply to the SEI in terms of effectuation of control measures within the scope of powers prescribed by the law, government supervision (control) over meeting of requirements of the law regarding environmental and radiation safety); [On Approval of the List of the Government Supervision \(Control\) Authorities to which the Law shall not apply \[...\]](#), Cabinet of Ministers of Ukraine; Decree, List dated 18.12.2017 No. 1104. URL: <https://bit.ly/2NSpv4F>

virtually performed. Apart from that, a part of the SEI laboratories don't possess necessary means to conduct laboratory studies, which, again, affects the quality of the control exercised and determination of the real state of the environment and impact on certain components thereof.

At the same time, a part of inspectors is interested in the control to be non-transparent, since it will allow them to intimidate the companies or make agreements with them, find "violations" to receive unlawful benefit. Apart from that, for a part of inspectors the control inefficiency is beneficial also in that they receive salary even when the moratorium is in effect and the control measures are not taken.

The SEI of Ukraine representatives' attitude towards the changes proposed

In the course of the meetings held, representatives of the SEI of Ukraine and its local bodies, including senior executive staff, have voiced full support to the implementation of the changes proposed, in particular, in terms of change of the procedure of control and release of the SEI from the effect of regulatory legal acts concerning general procedure of control, moratorium, etc.

At the same time, due to establishment of a new authority, the SEI's officers will lose their offices, therefore, there is a weak support in this respect. Apart from that, those inspectors working with the SEI in order to receive unlawful benefit, will oppose the establishment of a transparent control system, since they will lose the opportunity to receive any illegal income.

Consequences of the proposed changes' implementation for the SEI of Ukraine

Implementation of changes will, on one hand, make control independent, prompt and such that its effect is preventive. There also will be created prerequisites for the control authority to be able to actually perform their functions. Thus, although the SEI of Ukraine would be dissolved, the new authority for environmental control would be able to effectively protect and secure the environment.

On the other hand, relieve of inspectors from scheduled inspections, carrying out of control measures based on the monitoring data, as well as establishment of supervision over that how do inspectors act, will virtually not leave a chance for the latter ones to illegally enrich themselves due to inspections.

Apart from that, implementation of changes means that all the officers of the SEI of Ukraine and its local bodies will be dismissed, and a considerable part of them won't pass the competition to the new authority. Thereby, the officers of the SEI of Ukraine will resist, including senior executive staff.

Business

How does the business act today?

Today, a part of the business carry out their activities in violation of environmental regulations. Installation of filters, treatment facilities, etc. are costly activities. So, for a part of the business it is more beneficial to pay a penalty or a bribe than to install corresponding technologies. Apart from that, there is a business operating quasi-legally, partially using natural resources produced illegally, etc.

The minority of the business carry out their activities observing the environmental regulations. At the same time, there are cases when a pressure by means of inspections and penalties for a corresponding benefit to be received by inspectors, intimidation and interfering in carrying out of activities by competitors, etc. is exerted on the business which meets all the requirements of the law.

The activity of all business entities has been considerably influenced by scheduled inspections. Thereby, the moratorium on scheduled control measures has been adopted, and a special procedure for effectuation of unscheduled ones has been established. At the same time, a part of the companies don't let inspectors to the site for the inspections to be carried out. Further, the inspections are understood as the interferences in carrying out of activities, rather than as unbiased measures to find out what impact is made on the environment.

Attitude of the business towards the changes proposed

A part of the business is interested in the control to be transparent and be exercised by the rules,

since often, in practice, the controlling authorities unreasonably carry out inspections in order to receive unlawful benefit. This is exactly why a part of business would stand for the change of philosophy and the procedure of control. Apart from that, they would support the monitoring performance as well, as a prerequisite for the gradual cancelation of scheduled inspections.

Therewith, unfair business will oppose the implementation of changes and carrying out of activities by the rules. Since the latter will be obliged to comply with the writs, pay penalties, install appropriate filters, etc., and coordinate their activities with the environmental regulations.

Consequences of the proposed changes' implementation for the business

On one hand, due to the control efficiency particular companies will incur financial expenses for payment of penalties, compliance with the writs, installation of special sensors, treatment facilities, etc. Apart from that, the income of the unfair companies can considerably decrease. At the same time, gradual reduction and cancelation of scheduled inspections will become a benefit for any business entity. Because the control will become transparent, particular issues of unfair competition will be resolved. Apart from that, the state of the environment will have a positive impact on the sustainable development of the state, and hence, on economic conditions of the business activities.

People

How do people act today?

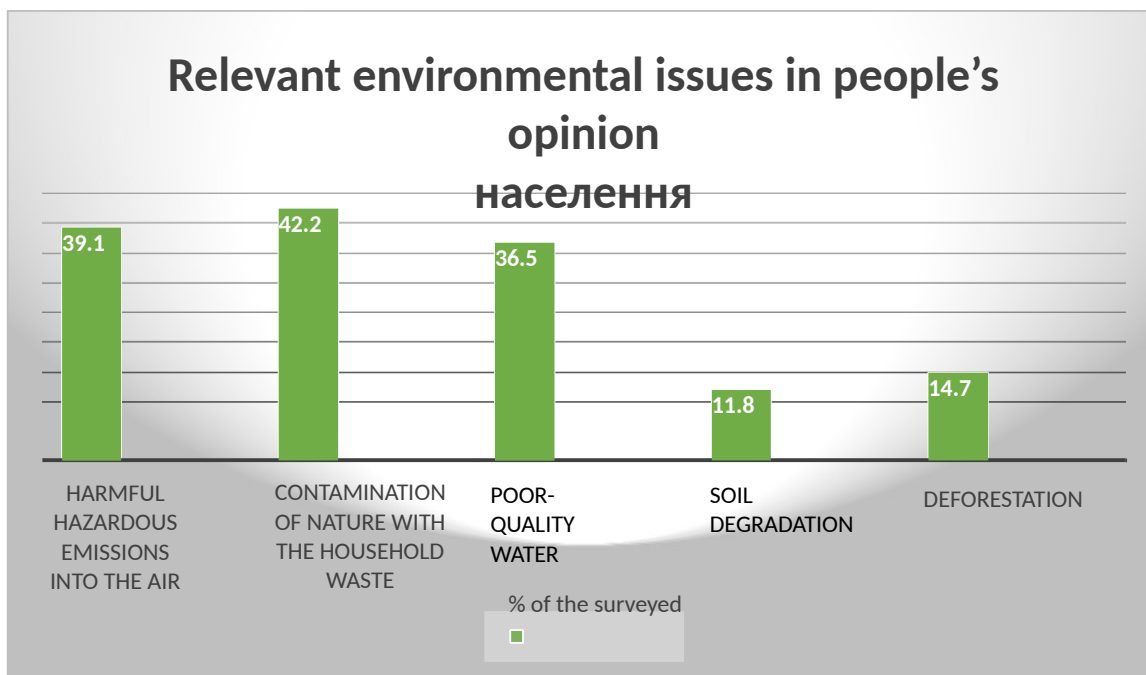
Today Ukrainian people are divided into several groups: for one the environmental issues are not obvious, another are more active in this field, the third do understand that the environmental protection issues are important, but take no actions for different reasons. At the same time, in general, people remain passive in resolving of environmental issues. This can be evidenced by results of surveys conducted during 2015-2016s (see Pic. 3).

Specifically, despite the fact that 76%⁸⁵ of the surveyed believe that the state of the environment affects the life and health of people, only 2% of all surveyed are active members of the environmental movement. As a rule of thumb, in most cases, the issues of the state of the environment are of interest of those people who personally become the victims of violation of environmental rights and have private interest in protection thereof. However, the persons affected are interested in a particular issue, rather than the state of the environment as a whole. Moreover, in case of violation of their environmental rights 30.7% of the surveyed admitted that they wouldn't file to any public authorities or non-governmental organizations to protect the rights violated⁸⁶.

People admit that one of the major environmental issues are pollution of air, water resources and the environment in general, deforestation (see Pic. 4)., and, as mentioned afore, most of the surveyed agreed that pollution of the environment directly affects the life and health of people. However, on the other hand, more than 43% respondents within the scope of the survey admitted that they burn dry vegetation, fallen leaves and household waste near their house (in the kitchen garden or at garden plots), whereby they correspondingly pollute the air. Thus, although people realize that the environment is polluted and that the consequences thereof are adverse, a part of them pollute it and destruct natural resources by themselves.

⁸⁵ 24% of the surveyed believe that the state of the environment has substantial impact on health, 52.1% - that the state of the environment has a certain impact on life and health. See: People's attitude towards the environmental protection issues. URL: <https://bit.ly/2NV4R3z>

⁸⁶ Ibid.



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Picture 4. Relevant environmental issues

Source: prepared by authors based on the data of surveys conducted⁸⁸.

This is the evidence of that most of people continue living on soviet principles of attitude towards the environment where the latter is considered as a resource which is to be used, rather than as a public good which needs to be protected for the common welfare, life and health of people, and the country's sustainable development.

And those who attempt to resolve particular environmental issues or protect environmental rights, face the inaction of the control system and despair of the possibility to protect their rights. Specifically, 54% of the surveyed believe that it is not worth participating in any environmental movements, initiatives, etc., since it won't lead to any expected outcomes⁸⁹.

On one hand, people are obliged to observe certain regulations to prevent pollution of the environment, and resolving of more comprehensive nationwide environmental issues should be done by central executive authorities (President, Parliament, Government, subject ministries). However, if the state of the environment is unsatisfactory, and public authorities are not able to manage with their tasks, people cannot remain passive, since it directly affects both life and health of people and the country's development.

⁸⁷ 2016 respondents aged above 18 were surveyed in all areas of Ukraine, except for the AR of Crimea and occupied territories of Donetsk and Luhansk Regions, between May 11 and 16, 2016. Theoretical sampling error shall not exceed 2.3%. URL: <https://bit.ly/2NV4R3z>

⁸⁸ People's attitude towards the environmental protection issues, survey results.

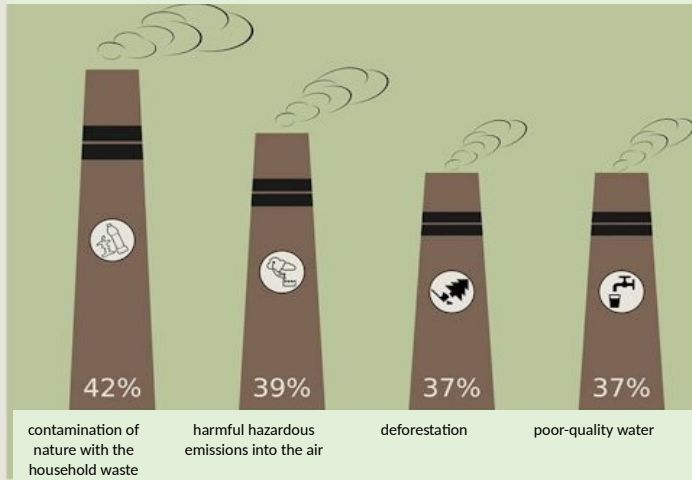
⁸⁹ Ibid.



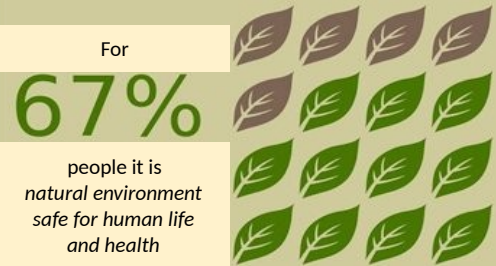
PEOPLE'S ATTITUDE TOWARDS THE ENVIRONMENTAL PROTECTION ISSUES



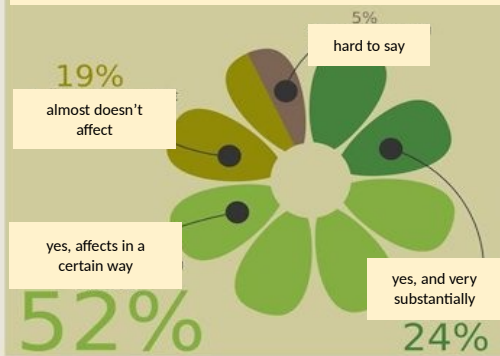
What environmental issues worry Ukrainians the most?



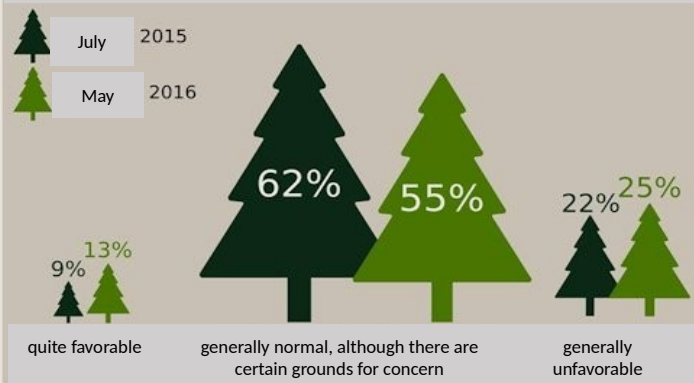
What does the "environmental rights" notion imply, in your opinion?



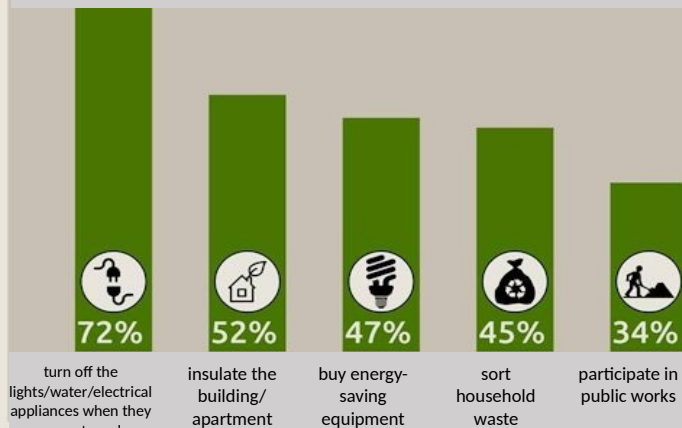
Do you believe that environmental situation in your city/village/country affects your life and health?



How would you define the environmental situation in your city/village?



What are people ready to do to improve the environmental situation?



Number of people asserting that they clean themselves up after their outdoor recreation increased by more than 10% over the year



Інструментальне дослідження проведено 11 по 16 травня 2016 року. Було опитано 2016 респондентів ганської області. Теоретична похибка вибірки не перевищує 2,3%.

The survey was conducted between May 11 and 16, 2016 by Ilko Kucheriv Democratic Initiatives Foundation and Razumkov Centre Sociological Service. 2016 respondents aged above 18 were interviewed all over Ukraine, apart from AR of Crimea and occupied territories of Donetsk and Luhansk regions. Theoretical error does not exceed 2.3%.

Picture 5. People's attitude towards the environmental issues

Source: prepared by the EPL in cooperation with the Ilko Kucheriv Democratic Initiatives Foundation and

People's attitude towards the changes proposed

We had no opportunity to take into account the interests of all the people regarding their attitude towards particular changes of the nature protection control. At the same time, considering the above illustrated results of the preliminarily conducted surveys, the passive part of people remains indifferent to the changes proposed, and won't take any active part in the implementation thereof.

As to the category of people who burn waste or dry vegetation, pollute the nature at their outdoor recreation, illegally use natural resources, etc., they will oppose the environmental control reform. Since the changes proposed would help to promptly find and prevent the facts of poaching, burning of waste, pollution of the environment, etc., and bring the offenders to justice.

The category of people suffering from negative attitude towards the environment, as well as those who have directly filed to the SEI of Ukraine or its local bodies and faced the control inefficiency, would support the implementation of changes. Similarly, the non-governmental organizations, civil activists and volunteers who face the issues of the control system in various fields of environmental protection, stand for the change of the procedure of control.

Consequences of the proposed changes' implementation for people

On one hand, for the category of people who violate the nature protection regulations, the implementation of changes will turn out to be the latter ones bringing to justice. Apart from that, those who use natural resources without authorization, would lose the source of income or incur additional costs of legal logging or other resources' procurement.

At the same time, both law abiding citizens, and those who have abused the inefficient control system and won't be able to do this anymore will ultimately benefit from the control reform. Since the implementation of changes will affect not only that people will be able to actually protect their environmental rights, familiarize themselves with the data on the state of various environment components, etc. In the long run, a much less adverse impact on the environment will be made due to the control reform. Since the state of the environment affects everyone through the air, water consumption, etc., prevention of damage to the environment will directly affect the condition of life and health of people.

Conclusions

The nature protection control in Ukraine has undergone over 25-year period of development, which stages differ between each other both in minor and dramatic changes that have leveled the purpose of the nature protection control existence. Billions of hryvnias have been spent for all these changes and stages of development. However, no transition from post-Soviet to efficient, democratic, European environmental control system to operate in pursuance of protection and conservation of the environment has ever taken place.

Such situation has direct reflection on the state of the environment which, in practice, the government does not further actually protect, nor values it as a common good on which the people's life and health condition, welfare and the country's sustainable development depend. As a result, the air, water resources and soil are polluted, which affects the increase of incidence of dangerous diseases for people, which quite often may end fatally. Apart from that, such situation burdens the government budget from which millions are allocated annually for elimination of consequences of pollution of the environment.

Change of the control system to an efficient and pro-European one is an unpopular decision. It will arouse an opposition in a part of people, business, as well as particular representatives of public

⁹⁰ People's attitude towards environmental protection issues, survey results.

authorities who receive income from the damage caused to the environment, and who are interested in the control to have no effect. However, it should not stop us. Ensuring of efficiency of the environmental control aimed at prevention of deterioration of the state of the environment and determining its reasons, allows to avoid the increase of incidence rate and unforeseen budget expenditures conditioned by poor state of the environment. We are on the path of an active democratic and sustainable development of the country, and nothing should slow down those changes that affect not just the state transformation, but the health and welfare of people as well. Apart from that, in case of change of the control system to an efficient and transparent one, aimed at prevention of damage to the environment, everyone will benefit, including those standing against the changes.

Thus, changes of the nature protection control system are of top priority and are necessary for further prosperous development of the state and improvement of the condition of life, health and welfare of people, and so, dramatic change of the philosophy and the procedure of the nature protection control must be brought to life.