



**ENVIRONMENT
PEOPLE LAW**

The rule of law for the protection of the environment

ASSESSMENT OF UKRAINE'S IMPLEMENTATION OF THE EU-UKRAINE ASSOCIATION AGREEMENT IN THE AREA OF ENVIRONMENTAL PROTECTION



Assessment of Ukraine's implementation of the EU-Ukraine Association Agreement in the area of environmental protection

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

Institutional reforms

- *Environmental control*

On February 19, 2020, [Draft Law on State Environmental Control](#) was registered in the parliament under number 3091. On February 19, 2021, the draft law was submitted to the session hall, but according to the results of the voting, it was sent for a second first reading. Only on July 15, 2021, the revised draft law was adopted as a basis. By the second reading, more than a thousand amendments have been proposed to the draft law, most of which nullify most of the provisions of the proposed reform, actually consolidating the status quo, which is convenient for polluters and oligarchs.

Not completed

- *Responsibility for environmental offenses*

The issue of extending liability for environmental offenses to legal entities is partially covered by the [Draft Law on State Environmental Control](#). The majority of MPs who submitted amendments to the second reading oppose the introduction of administrative and economic fines for business entities - violators of environmental legislation.

Issues of increasing the level of penalties for violations of environmental legislation are also covered by the approved [Concept of draft Laws of Ukraine "On Amendments to the Code of Ukraine on Administrative Offenses" and "On Amendments to the Criminal Code of Ukraine"](#) to ensure the inevitability of liability for violation of the legislation on environmental protection of April 28, 2021. Instead, no draft law in this area has yet been released into the public domain.

Not completed

- *Environmental monitoring*

Unfortunately, Ukraine has not yet achieved significant results in reforming the environmental monitoring system. However, in March 2021, the decision of the National Security and Defense Council of Ukraine "On challenges and threats to Ukraine's national security in the environmental sphere and priority measures to neutralize them» confirmed the importance of environmental monitoring and authorized the government to submit a draft law on the state environmental monitoring system to the Verkhovna Rada of Ukraine within six months. Both the parliament and the public are waiting for this draft law within the deadline set by the President.

Not completed

Environmental management and integration of environmental policy into other sectoral policies

- *Access to environmental information and public participation in decision-making on environmental issues*

Ukrainian legislation in the areas of access to environmental information and public participation in environmental decision-making is still not fully in line with EU acts in the relevant areas listed in Annex XXX to the Association Agreement. Although the draft law "On Amendments to Certain Legislative Acts of Ukraine Concerning Access to Environmental Information and Public Participation in the Decision-Making Process on Environmental Issues", which eliminates the shortcomings of national legislation and ensures the implementation of obligations under the Association Agreement, was developed long ago in the framework of technical support projects, it has not been registered in the Parliament yet.

Not completed

Waste and resource management

The adoption of a package of laws in the area of waste management is progressing extremely slowly. On 21.07.2020, the draft [Law of Ukraine "On Waste Management"](#) was adopted in the first reading, but the number of amendments submitted to the second reading, in fact, blocked the further promotion of both framework and derivative draft laws in the area of waste management including the draft laws "On batteries and accumulators", "On waste electrical and electronic equipment," "On packaging and packaging waste ", etc..

As the only specific result in this area can be considered the fact that on June 1, 2021 the Law of Ukraine "[About restriction of circulation of plastic packages in the territory of Ukraine](#)" was adopted.

Not completed

Nature conservation

On December 4, 2020, the draft [Law on the Territories of the Emerald Network](#) was registered in the Parliament under number 4461. However, on 15.07.21 after consideration in the session hall it was sent for a second first reading. Business from various sectors of industry is significantly opposed to the adoption of this draft law. The amendments proposed by various lobby groups narrow the range of activities covered by the draft law, distort the procedure for impact assessment in the Emerald Network and in other ways deviate from the provisions of EU directives in this area.

Not completed

Industrial pollution and man-made threats

- *Integrated environmental permit*

On September 29, 2020, the governmental [Draft Law on Prevention, Reduction and Control of Pollution Occurring as a Result of Industrial Activity](#) was registered in the parliament under the number 4167. The adoption of the draft law as a basis failed three times in the Parliament, and in accordance with the regulations it was withdrawn. As of September, two draft laws on the implementation of an integrated environmental permit have been registered in the Parliament but none of them, unfortunately, is governmental or committee-based draft law.

Not completed

Genetically modified organisms

Ukraine still has not ratified the amendment to the Aarhus Convention on Genetically Modified Organisms. Previously developed draft law "On the state system of biosafety in the creation, testing, transportation and use of genetically modified organisms" has not been registered in the Parliament. No other legislative frameworks in the area of genetically modified organisms, including decision-making procedures for the release of products with genetically modified organisms into the environment and public consultation in this procedure, have been developed.

Not completed

Conclusions

Despite the considerable efforts of individual officials, experts from various technical support projects and the public, who have been working on the necessary draft laws in these areas for years, a strong industrial lobby blocks implementation of major environmental reforms in the country. In particular, it is exemplary that the vote on the draft law "On Prevention, Reduction and Control of Industrial Pollution", failed three times in the Parliament solely because of its inconvenience for major polluters.

In the key horizontal and sectoral areas analyzed by the International charitable organization "Environment-People-Law" (EPL), no real progress has been made, even at the level of adopting the necessary regulatory framework.

EPL calls on the President of Ukraine and the European Union to continue and intensify cooperation in carrying out institutional reforms in the area of environmental protection (environmental control, environmental monitoring), as the implementation of these reforms is the key to successful environmental governance and effective implementation of sectoral reforms (industrial pollution, bio-pollution, waste, climate change, forests, air, etc.).

EPL calls on the President of Ukraine and the European Union to make efforts to reduce the influence of oligarchs on the process of forming Ukraine's state environmental policy, and calls on the President of Ukraine to turn his words into actions and lead implementation of the long-awaited environmental reforms in the country.