



**ENVIRONMENT
PEOPLE LAW**

The rule of law for the protection of the environment

Policy brief ON THE ENVIRONMENTAL CONTROL IN UKRAINE



Since the proclamation of Ukraine's independence, environmental control has been repeatedly reformed but effectiveness of environmental control is still far from being sufficient, particularly because of the war in Ukraine. The system of environmental reform fails to fulfill its key tasks: to preserve the environment and document environmental damage caused by the aggressor.

1. Challenges of the sector since 2014

In 2014, the reform of environmental control had the following tasks: to change the goal (control of compliance with environmental norms and preventing damage to the environment rather than control over the activities of economic entities) and the procedure of environmental control, to create an independent environmental control body and ensure the necessary material and technical base for it. The reform needed changes in the areas that are adjacent to environmental control: expanding the monitoring of the state of the environment, separating supervisory and control functions, creating an effective system of environmental liability, managing funds received in the course of implementation of environmental control measures, raising environmental awareness of population.

2. Successes of the reform since 2014

In 2014, a moratorium on scheduled inspections of business entities was introduced as a transitional period during which environmental control issues, including corruption risks and excessive pressures on business, should have been solved. During 2016-2017, the [Concept of reforming the system of state supervision \(control\) in the field of environmental protection](#) was developed and adopted (envisages liquidation of the State Environmental Inspectorate of Ukraine (DEI of Ukraine)). Alongside with the approval of the Concept, the government adopted a [new provision on the DEI of Ukraine](#).

Since the beginning of 2018, the government has adopted decisions on implementation of the Concept, which, however, contradict its provisions regarding territorial subordination and territorial coverage of new territorial bodies and do not provide for a change of environmental control procedure.

In the period from 2014 to 2018, no decisions were made to solve problems related to environmental control. The [draft law No. 3091](#) is intended to implement this reform, but after its adoption in the first reading in the summer of 2021, it has not been brought to the Parliament for voting.

3. Next steps in reformation of the sector

The next steps in the reform of eco-control should be: [creation of an independent environmental control body with simultaneous changing the procedure of implementing environmental control](#), ensuring the necessary material and technical base for the reform. Reformation is also needed in the areas of environmental monitoring system, environmental liability, the use of funds received as compensation for environmental impacts, environmental awareness raising of the population.

During implementation of the reform it is necessary to take into account the influence of key stakeholders including relevant authorities, the population, business entities.

4. The cost of non-doing (non-implementation of the reform)

According to the 2016 WHO data, Ukraine [is rated the fourth in Europe](#) by the number of deaths per 100 thousand persons (137 deaths) as a result of air pollution, while economic assessment of social value of premature deaths from diseases caused by air pollution in Ukraine [amounts to USD 94201 million](#). In 2022, 10,742 cases of breast cancer among women were recorded in Ukraine. Professor Carole Mathelin, a Hospital Practitioner specialising in breast cancer surgery, who has developed a research project to establish the link between the environment and breast cancer, [stated that the environment clearly has an impact on the development of breast cancer](#).

The inefficiency of the state environmental control bodies is a direct consequence of the lack of proper and operational documentation of damage to the Ukrainian environment caused by the war. Thus, Ukraine will be deprived of a whole layer of evidence base in hundreds of legal proceedings at the national and international levels regarding compensation for damage to the environment. As a result, our [state will lose billions of US dollars](#), which should be collected from the Russian Federation and used to fund green recovery of the country.

Under existing circumstances, environmental protection will be carried out after irreparable damage has already been done, which will lead to catastrophic consequences for the population and the state as a whole.

5. Impact of the proposed changes on each citizen as a “final consumer”

The changes will contribute to the fight against corruption, increased enforcement of environmental laws, support of competition among producers and their integration in European markets. Proper documentation of war-driven environmental damage and prompt recovery of the damaged environment and will be possible thanks to the effective work of environmental control bodies, which will help collect compensation for the damage caused from the aggressor.

In the long term perspective, due to the control reform, there will be significantly less negative impact on the environment, and, accordingly, on the state of health and life of all categories of the population.