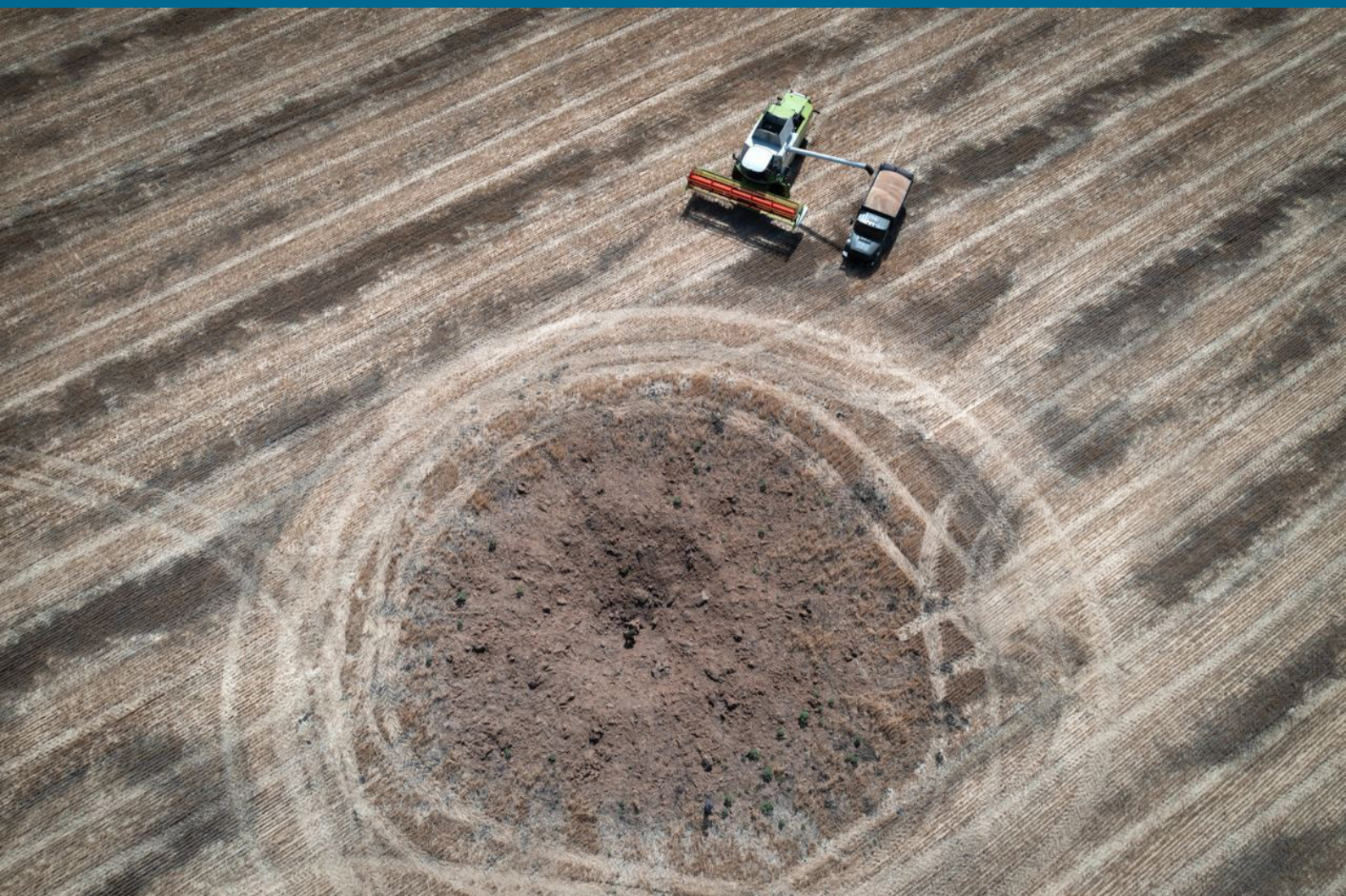


Assessment of the implementation of environmental policy in Ukraine: five systemic problems

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The analytical document was developed within the framework of the initiative “Assessment of the Implementation of Environmental Policy in Ukraine”.

The document is intended for specialists in environmental and climate policy in the Ministry of Environmental Protection and Natural Resources of Ukraine, the Committee on Environmental Policy and Nature Management of the Verkhovna Rada of Ukraine, local self-government bodies, as well as independent experts..

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The Ukrainian National Platform of the Civil Society Forum of the Eastern Partnership (<http://eap-csf.org.ua>) is a network of over 140 public organizations of Ukraine that defends Ukrainian interests within the framework of the Eastern Partnership. The platform is part of the Eastern Partnership Civil Society Forum (EaP Civil Society Forum).

The Eastern Partnership Civil Society Forum (<https://eap-csf.eu>) is a unique multi-level regional platform of civil society aimed at promoting European integration, promoting reforms and democratic transformations in six Eastern Partnership countries – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. As the public element of the EaP, the EaP CSF strives to strengthen civil society in the region, increase the level of pluralism in public discourse and politics by promoting participatory democracy and fundamental freedoms. EaP CSF is a non-party virtuous non-governmental organization.

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Abbreviations

AA	Association agreement between Ukraine and the European Union
EU	European Union
HPP	hydroelectric power station
EIA	environmental impact assessment
SEA	strategic environmental assessment
Ministry of Environment	Ministry of Environmental Protection and Natural Resources
EP	environmental protection
Strategy	Basic principles (strategy) of state environmental policy for the period up to 2030
National plan	National action plan for environmental protection for the period until 2025
DEI	State Environmental Inspection of Ukraine
GEG	good environmental governance
CBEP	central body(s) of executive power
PRTR	Register of emissions and transfer of pollutants
Aarhus Convention	UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice on Environmental Matters
CMU	Cabinet of Ministers of Ukraine
VRU	Verkhovna Rada of Ukraine (Ukrainian Parliament)
CS	civil society
CSOs	civil society organizations
EUETS	EU Emission Trading System

Summary

In the conditions of general uncertainty regarding the terms of the end of the war, there was a realization that the revival of the economy and the reconstruction of the destroyed territories must begin now, while at the same time putting the economy on the military track and reforming the country. And in such a scenario, quick and deep reforms become a guarantee and a source of support for Ukraine on the way to EU membership. Therefore, ecological reform, which is traditionally secondary in the minds of our politicians, without which it is impossible to complete the rest of the tasks, is also urgent today and requires a radical change in approaches. According to experts, the environmental reform is one of the three most difficult reforms in Ukraine, along with the rule of law and institutional reform.

The purpose of the study was to determine, based on the analysis of recent events and documents (official and other), systemic problems of environmental policy that threaten European reforms and the success of progress towards EU membership, and to propose solutions.

As a result of our assessment, we identified 5 systemic problems that worsened during the war:

1. The environment and environmental policy mostly remain secondary and weakly integrated into the development plans of the economic sectors and regional policy, despite the requirements of EU membership and the visible large-scale destruction of the environment as a result of the war.
2. The missing (or fragmented) modern methodological and technical base for measuring the state of the environment and assessing its changes makes it impossible to analyze the effectiveness of environmental policy as a whole, and also calls into question the reality of the recognition of environmental damage by the international community and correspondent compensation by the aggressor country.
3. The departmental system of the Ministry of Environment is not accountable to society, and in general demonstrates the lack of strategic reporting on the implementation of environmental policy, practically ignores the principles of GEG (transparency, public participation, accountability, efficiency and policy coherence).
4. The institutional inability to implement consistent policy in a coordinated manner in the conditions of candidacy for EU membership is deepening.
5. Environmental taxes and fees serve the budget, not the achievement of environmental policy goals, frequent cases of non-targeted use, catalyzed by non-transparent formation, signal an unpreparedness for the challenges of reconstruction in the harsh conditions of joining the EU.

The strategic goals of state policy are not in the focus of the relevant ministry, which is responsible for EP. The activity of this body is currently focused on the process of micromanagement rather than on the strategic outcome. And with such management, international technical support for a number of projects becomes ineffective and far from real help in carrying out a number of industry reforms that are part of strategic goals. The lack of leadership of the relevant ministry in the government and society on issues of mandatory crosscut of environmental and climate policy feeds the irresponsible attitude of other state and local bodies to the importance of environmental issues.

The state assessment of the impact of the war on the environment has failed. The methods generated by the Ministry of Environment are not relevant to damage assessment according to international requirements. There is still no reliable laboratory base certified according to international standards. Thus, the estimates are not supported by reliable data on the change in the state of the environment, which could become irresistible evidence at the international level.

The right of the public to access environmental information, to participate in the process of government decisions is illegally restricted under the pretext of war. The Ministry does not prioritize its main business – the formation and monitoring of the implementation of the state environmental policy, its goals and objectives, and does not report to society how these goals are achieved and how effective the state environmental policy is. There are no public results of its assessment of the achievement of planned goals and indicators.

The institutional capacity of the state system of the environmental protection to implement a consistent policy in a coordinated manner in the conditions of candidacy for EU membership is insufficient. However, the state still lacks a vision of what environmental institutions should be capable of, in accordance with the established practice of EU countries and based on common sense.

The lack of priority of environmental policy determines the weakness of the system of financing environmental reforms. Institutionally, the system of the Ministry of Environment is not ready for proper management of large funds. In addition, the state system of formation, distribution and spending of funds for the environmental protection (EP) requires radical reformation.

It is necessary to admit that systemic problems exist and require a systemic solution. This concerns the urgent need for systemic reforms, namely:

- an urgent reform of the system of state environmental control, where the new body will prepare and submit projects for donor funding for the preparation of a technically sound indictment base for international courts,
- a change in attitude towards strategic priorities, a transition to a generally recognized public policy cycle, the initiation of a transparent, inclusive, systematic and

structured process for assessing the effectiveness of state environmental policy with the participation of all interested parties, primarily CSOs,

- in consultations with the public, the development, adoption and implementation of the state environmental institutional reform plan and the state environmental finance reform plan, which will include the creation of a separate legal entity – the State Ecological Fund.

Introduction

The main tasks of this research

Ukrainian society and a significant part of politicians and government officials have realized that the war will not end quickly, but may last for several years. The same understanding is formed in partner countries that support Ukraine politically, as well as financially and with weapons. In conditions of general uncertainty regarding the terms of the end of the war, such a shift in public consciousness led to the understanding that the revival of the economy and the reconstruction of the destroyed territories must begin now, and not be postponed until “after the victory.” Simultaneously transfer the economy to military lines and reform the country. And in such a scenario, quick and deep reforms become a guarantee and a source of support for Ukraine on this path, and not some distant conditions for an even more distant accession to the EU and NATO. Therefore, environmental reform, which is traditionally secondary in the minds of our politicians, without which it is impossible to complete the rest of the tasks, is also urgent today and requires a radical change in approaches. According to experts¹, the reform of the environmental sphere is one of the three most difficult reforms in Ukraine, along with the rule of law and institutional reform. These reforms are characterized by the lack of a direct beneficiary, so they need to build coalitions.

According to the state Strategy of environmental policy, the goal of the latter is to achieve a good status of the environment by implementing an ecosystem approach to all areas of socio-economic development of Ukraine, in order to ensure the constitutional right of every citizen of Ukraine to a clean and safe environment, the introduction of balanced nature use management and the preservation and restoration of natural ecosystems. According to the state policy cycle², its development is incremental: the planned strategy goes through the stage of reporting on the effectiveness of implementation, which allows you to determine which tools and mechanisms work and which do not and why. Based on the conclusions of the report, a cyclical review of the goals and objectives of the policy is carried out.

Since the annual report on the implementation of environmental policy, which the Ministry of Environment was obliged to issue for the first time in 2021³, was not prepared and made public, it is difficult to appeal to the results of activities. However, we know that in order to be effective, environmental policy must be measurable, implemented transparently, civil society must be involved in the decision-making process, officials must be accountable to society, and the policy must be coordinated and agreed (unified)

1 <https://www.facebook.com/SocietyandEnvironment/videos/763448245554884/>

2 <https://osvita.diia.gov.ua/courses/public-policy>

3 <https://zakon.rada.gov.ua/laws/show/2697-19#Text>

throughout the territory of the country. It is also important that positive changes are visible, but not thanks to PR, but as a result of a real improvement of the situation.

The purpose of the study was to determine, based on the analysis of recent events and documents (official and other), systemic problems of environmental policy that threaten European reforms and the success of progress towards EU membership, and to propose solutions.

As a result of our assessment, we identified 5 systemic problems, the solution of which will allow us to carry out a radical environmental reform, which will become the basis for fulfilling the conditions in the fields of environment and climate change for Ukraine's accession to the EU.

Five systemic problems of ecopolitics that worsened during the war

1 The environment and environmental policy mostly remain secondary and marginally integrated into the development plans of economic sectors and regional policy, despite the requirements of EU membership and the visible large-scale destruction of the environment as a result of the war, which also allows us to skip the stages of sequential progress and immediately move to innovative development.

The post-war reconstruction of Ukraine must be green – numerous environmental organizations, experts in the field of environment and climate protection, as well as the Ukrainian national platform of the Eastern Partnership Civil Society Forum have already stated this in the analytical document “Post-war recovery of Ukraine: rebuilding for a better future”.⁴ It was determined that green recovery is the systematic development of a new model of the country’s infrastructure and economy, which is based on the principles of sustainability and minimizes existing and future risks, taking into account the environmental and climate components. The goal of the new development model is sustainable long-term functioning of the country even under crisis conditions⁵.

The cross-cutting nature of environmental and climate policy has been highlighted by public experts as one of the main principles of green recovery. Recently, certain positive expectations have been formed regarding the honest implementation of this principle. Let’s consider some examples of its implementation in the development of regional and sectoral policies of the state.

Environmental and climate experts are working on updating the State Strategy for Regional Development⁶ together with the Ministry of Communities Development, Territories and Infrastructure of Ukraine (Ministry of Infrastructure). Among the main factors of the need for this update (except, of course, the consequences of the war and

4 <https://www.dossier.org.ua/wp-content/uploads/2023/01/post-war-reconstruction-EN.pdf>

5 <https://www.dossier.org.ua/wp-content/uploads/2023/01/post-war-reconstruction-UA.pdf>

6 <https://mtu.gov.ua/news/34613.html>

the acquisition of the status of a candidate for EU membership), Ukraine's climate obligations are mentioned, in particular, to reduce greenhouse gas emissions by 65 % by 2030, to abandon the use of coal at state-owned power plants by 2035 year, reducing methane emissions by 30 % by 2030 from the 2020 level. There are also references to the requirements of the Strategy for Environmental Security and Adaptation to Climate Change for the period until 2030, the Water Strategy for the period until 2050 and the Strategy for Forest Management until 2035. The environmental component is recognized as cross-sectoral in this process, and environmental experts are involved in various thematic groups of the process to assess the progress of these groups in compliance with environmental and climate requirements.

However, it is currently unclear whether the advice of ecologists will remain in the final documents, and even more so, whether they will be followed by the Ministry of Infrastructure and the regions themselves.

It is worth emphasizing that the ecological component, although it has acquired a cross-cutting character here, remains a separate topic. Restoration of the ecological balance is listed on a par with all other restoration needs (restoration of settlements, agriculture, production and infrastructure). But the authors do not see the interdependence of all these restorations with changing natural conditions, with depleted or destroyed resources.

In the New Agrarian Policy⁷, the main tasks are the restoration of the damaged and lost (the return to economic use of all land resources, infrastructure, livestock complexes, land reclamation damaged and lost in agriculture), – the restoration of the industry to the pre-war level and financing, first of all, the restoration of the lost assets.

That is, the department has not yet thought about taking into account the lessons of the war, such as the vulnerability of intensive production and long supply chains, about global changes in food security (caused by climate change, exacerbated by the war and blocking of transport corridors). As well as the fact that the world is confidently moving towards the production of sustainable and affordable alternatives to animal meat, and therefore the vast areas plowed to grow animal feed, and conventional animal husbandry itself, may soon become unprofitable. EZK and climate neutrality are mentioned in several places in the new agrarian policy, and the agrarian department proposes to move to specific actions after 2027.

It seems that the non-core state authorities lack an understanding of the importance of environmental and climate issues in connection with the impact of the war on the environment and the future membership of Ukraine in the EU, and the core ministry needs leadership and adherence to principles in advocating the cross-cutting requirements of the environmental component.

⁷ <https://www.kmu.gov.ua/storage/app/sites/1/recoveryrada/ua/new-agrarian-policy.pdf>

Using the example of the Kakhovka disaster, we can see very concretely how government policy ignores all the principles of green recovery at once. The decision to rebuild the Kakhovskaya HPP⁸ was made by the government without consultation with the public and local residents, without an environmental assessment, without taking into account environmental standards and European environmental planning tools. Experts from various scientific institutes argue about the future of this huge region and so far cannot answer the question – what exactly to build here and whether to build at all. But despite very different views and sometimes sharp discussions, everyone agrees with a thesis about the need to carefully study the issue of the feasibility of restoring the hydroelectric power plant and reservoir, finding the best scenario, taking into account all factors, and conducting extensive discussions⁹. Unfortunately, so far all these discussions are taking place in parallel with the governmental process and do not intersect with it.

SEA is one of the main tools for integrating environmental policy and ensuring its thoroughness. The National Action Plan on Environmental Protection¹⁰ for the Implementation of the Strategy¹¹ regarding the goal (3) of ensuring the integration of environmental policy into the decision-making process regarding the socio-economic development of Ukraine and the task of ensuring the mandatory integration of the EP obligates to constantly carry out SEA of state planning documents with the effectiveness indicator “considered and provided proposals for state planning documents and strategic environmental assessment reports.” At the same time, an indicator of efficiency in carrying out SEA in the Strategy is one hundred percent passage of all planning documents that are subject to SEA according to legislation, through the SEA procedure. And the result of the Report of the Ministry of Environment on the implementation of the Plan in 2022, which concerns the implementation of SEA¹², is 448 consultations, that is, some (?) implementation of the procedure. The report does not indicate the number of state planning documents that fell under the SEA procedure. There is no link to the list. It is not known to what extent the recommendations of the CEO’s reports were taken into account. This example highlights the unsystematic nature of both the Plan and the Report on its implementation.

At the same time, the strategic environmental assessment of restoration programs, in particular, the restoration programs of regions and territories of territorial communities, was recently canceled by the adoption of the Law of Ukraine “On Amendments

8 <https://www.kmu.gov.ua/news/uriad-zatverdyyv-postanovu-pro-eksperymentalnyi-proekt-z-pochatku-vidbudovy-kakhovskoi-hes-premier-ministr>

9 <https://www.facebook.com/Oleg.Lystopad/posts/pfbid0Mn2M83hSKhC8Kd8VG45DiXnpKWarAhJ7syL5X8HwZ1ki2EPBhu8SvaiQHoRrpH3ql>

10 <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-nacionalnogo-planu-dij-z-ohoroni-navkolishnogo-prirodnogo-seredovishcha-na-period-do-2025-roku-i210421-443>

11 <https://zakon.rada.gov.ua/laws/show/2697-19#Text>

12 <https://mepr.gov.ua/wp-content/uploads/2023/05/Zvit-pro-stan-vykonannya-u-2021-2022-rokah-Natsionalnogo-planu-dij-z-ohorony-navkolyshnogo-prirodnogo-seredovishcha-na-period-do-2025-roku.pdf>

to Certain Laws of Ukraine Regarding Priority Measures to Reform the Sphere of Urban Development”¹³, due to non-fulfillment of the Law of Ukraine “On Strategic Environmental Assessment” responsibilities of the subjects of strategic environmental assessment, and most importantly, due to ignoring the need to carry out the strategic environmental assessment procedure in cases where it should be carried out. This may lead, in particular, to a worsening of the ecological situation in the long term in the settlements destroyed by Russia and deprive Ukraine of a part of the investment funds for reconstruction¹⁴.

In essence, instead of building the capacity of regional and local authorities to carry out SEA, the neglect of the main procedures for integrating environmental requirements into territorial development is encouraged.

In general, all the indicators of the implementation of the measures of the National Plan contain numerical indicators in only two cases – “the area of territories and objects of the nature reserve fund has been increased by 3 % of the area of the state” and “boundaries have been set for 50 percent of the territories and objects of the nature reserve fund”. In fact, these are quite ambitious indicators, the more so because they are difficult to implement during military operations, and the vast majority of the 30 indicators of the Strategy’s implementation, which are clearly defined for 2025, are absent from the measures of the National Plan¹⁵. And although the Report on the implementation of the National Plan in 2022 has been prepared and posted on the website of the Ministry of Environment, it is again a report on the implementation of measures, not the achievement of strategic goals. And there are no annual reports on the implementation of the state environmental policy.

Thus, the Ministry of Environment, as the main body for the formation and coordination of the implementation of the state environmental policy, does not maintain a strategic framework of goals. The leadership of the relevant ministry in the government and society on the issues of mandatory cross-cutting environmental and climate policy is absent, and this feeds the irresponsible attitude of other state and local bodies to the importance of environmental issues.

13 <https://zakon.rada.gov.ua/laws/show/2254-20#Text>

14 <http://epl.org.ua/announces/zaklykayemo-prezydenta-zelenskogo-ne-pidpysuvaty-zakonoprojekt-7282/>

15 https://necu.org.ua/wp-content/uploads/2021/12/ecr_2021_web_final.pdf

2 The missing (or fragmented) modern methodological and technical base for measuring the state of the environment and assessing its changes makes it impossible to analyze the effectiveness of environmental policy as a whole, and also calls into question the reality of the recognition of environmental damage by the international community and their compensation by the aggressor country.

The basis of the measurability of the state environmental policy is the system of environmental monitoring, on the basis of which the system of environmental accounting must function. The results of the data analysis should create a basis for assessing the environmental damage caused by military actions and, with the help of internationally recognized methods, the basis for compensation for the damage caused by the aggressor country.

The obvious and primary task of the Ministry of Environment with the beginning of full-scale Russian aggression should be *to assess its impact on the environment* for:

- a) determination of environmental damage (with the prospect of future compensation of losses),
- b) prevention of deterioration of the ecological situation (that is, additional negative impact of the ecological consequences of the war on the population and the environment).

Now we can say that the assessment of the impact of the war on the environment has failed. Accordingly, it is impossible to determine the damage caused, nor to reduce or minimize the effects of the impact.

The monetary assessment of damages, the billions of which are regularly published by the Ministry of Environment, is not accompanied by explanations about its components and approaches to calculations. Society, receiving information about yet another colossal amounts of environmental damage from Russian aggression, perceives it as appropriate against the background of the atrocities of Russian aggression. But will such approaches satisfy international bodies that can consider Ukraine's submissions regarding environmental damage?

Unfortunately, the published estimates are not supported by reliable data on the change in the state of the environment, which could be evidence at the international level. Only a proper evidence base can become an effective tool for holding Russia accountable for committed environmental crimes. The lack of systematic monitoring of the environment defined obstacles in the formation of the evidence base in terms of recording the facts of pollution, depletion or degradation of environmental components.

The methods generated by the Ministry of Environment are based on conceptually different principles compared to international ones. International ones are based on the calculation of compensatory costs for restoring the environment to its natural state, loss of ecosystem services (including unrealized benefits). National methods, based on those used in peacetime, are based on rates and coefficients that have exclusively domestic significance.

It remains an open question regarding the assessment of the damage caused by the irreversible destruction of ecosystems or biotopes, the loss of species of flora and fauna in significant areas and in significant volumes, as happened with the population of cetaceans in the Black Sea.

However, perhaps the main failure has been the lack of progress in the creation of a laboratory base, which is a key element in the formation of an evidence base for damage assessment, the methodology of which could be improved over time.

Was it even possible to assess the impact of the war on the environment? Yes, indeed. This is a difficult, painstaking work, but it was realistically feasible, given the level of support of Ukraine from foreign partners and certain internal resources. For this, it was necessary to request means for sampling, their packaging, transportation, storage, and equipment for determining the content of pollutants. It was necessary to urgently switch to international practices, train personnel (first of all, from the State Environmental Inspection, the State Water Agency, the State Geodesy and other structures responsible for environmental monitoring), provide them with the necessary equipment, establish communication with relevant services from EU countries, involve internal resources in the form of scientific institutions, universities, etc. And the most important thing is to finally take on the strengthening of the laboratory base.

The state of the laboratory base clearly emphasizes the fact that there is no at least one certified laboratory in the DEI system. There are no such in the State Geodesy, only one in the system of the State Water Agency. As a result, even polluting companies cannot be prosecuted by the DEI for environmental pollution. The Ministry of Environment and DEI were not ready to prepare international lawsuits. But the worst thing is that it was not admitted in time and the correction of the situation was not started, which also applies to other components of the damage assessment task.

Against the backdrop of a chronic lack of systematic monitoring of the environment (at the same time both at the state level and by business entities), it turned out that Ukraine cannot show the status before the military operations, nor changes under their influence, nor monitor the spread of pollution, warn the population about them, isolate or apply other precautions. The authority of the DEI, which allowed to record the impact of military actions on the environment, were defined only in the middle of 2023¹⁶.

16 <https://zakon.rada.gov.ua/laws/show/783-2023-n#n2>

Perhaps the only positive example of the activity of the DEI and the Ministry was the creation of a working group at the Operational Headquarters for the development of the methodology and procedure for calculating losses. However, the results of volunteer work of this working group were not used, not even summarized as necessary and appropriate conclusions were not drawn.

Summarizing the state of affairs with the assessment of the damage of Russian aggression on the environment of Ukraine, we note:

- an environmental monitoring system that would record the initial state of the environment has not been established;
- timely selection of samples of environmental components, which could prove in international bodies the change in the state of the environment and damage to it from military actions, is not ensured;
- the necessary methodical assistance and equipment for recording the impact of war on the environment has not been received from international partners;
- a coordination center has not been created to form a list of needs in the field of assessing the impact of war on the environment, which could be covered either by international partners or national scientific institutions, laboratory centers, etc.;
- the problem of the real state of affairs in matters of assessing the impact of the war on the environment was not raised, which led to the loss of time and the impossibility (or significant complication) for Ukraine to prove such impacts and damage from them and to receive compensation/reparations through international bodies;
- sources of pollution (for example, petrochemical pollution of groundwater) spread in the environment, which leads to increased negative effects for the environment and the population, but, in addition, removes responsibility from the aggressor country, which is confirmed by international experience.

As a result:

- lost opportunities to receive compensation or reparations for hundreds or thousands of acts of influence of Russian aggression on Ukraine's environment;
- systematic recording of the impact of military operations on the environment has not yet been introduced;
- formed pollution is not controlled, spreads, negatively affects the environment and population.

3 The departmental system of the Ministry of Environment is not accountable to society, and in general demonstrates the lack of strategic reporting on the implementation of environmental policy, practically ignores the principles of GEG (transparency, public participation, accountability, efficiency and policy coherence).

It is worth noting that the principles of GEG are directly related to the pervasiveness of environmental policy. EU legislation on public access to environmental information and public participation in the preparation of environmental policy documents, as well as EIA and SEA, belong to horizontal, i.e. cross-cutting environmental legislation. In AA, relevant directives are contained in the section “Environmental governance and integration of environmental policy into other sectoral policies.” As a candidate for EU membership, Ukraine will also have to adapt EU legislation on PRTR and liability for environmental damage, which are also an integral part of horizontal environmental legislation.

However, the effectiveness of environmental policy is not determined solely by the adoption of relevant legislation, but primarily by its implementation. There are established practices, as well as another indicator – behavior. With regard to such principles of GEG as transparency and public participation, it is easy to determine the atmosphere that prevails in the CBEP Ministry of Environment regarding the provision of all necessary information to public activists or their involvement in the decision-making process. Whether it is an “Italian strike” or, on the contrary, the belief of civil servants that they are obliged to be transparent and accountable and take into account the opinion of the public, all this depends on the policy of the top-management, which is the tuning fork for the performance of their own subordinates.

As for **transparency** – the comprehensiveness and ease of public access to public information – the unstructured nature and difficulty of searching for environmental information remain the main drawbacks. There are some types of information that are key for public participation and communication, for example, the list of working groups formed by the Ministry of Environment on various topics – it does not exist in free access, it is not known whether the ministry itself has an idea about it. Some open data sets have not been updated since 2017. It seems that digitalization has made visible progress, in particular, the electronic services Ecosystem (a national online platform of current information about the state of the environment), which has significantly developed compared to 2022, and Ecozagroza (visually informs about the state and levels of environmental pollution and leads environmental damage accounting). However, given the situation with the modern methodological and technical basis for measuring the state of the environ-

ment and assessing its changes (see p. 2 above), the completeness and reliability of this information is questionable.

As for information that provides opportunities for public influence on government decisions on environmental policy, a persistent negative trend has emerged. According to the results of a recent study¹⁷, it was established that the majority of CBEP do not disclose information about the completion of the SEA procedure either in the SEA register or on their official websites. Such results may indicate either that CBEP are not active participants in the SEA procedure, or that these CBEP ignore the requirements for publishing information. A significant number of regional military administrations (RMA) have not published and continue to not publish information on state planning documents that should undergo the strategic environmental assessment procedure¹⁸. As a result, we conclude that public access to SEA documentation is difficult, often requires special knowledge or significant efforts, in particular, due to the resource (in)capacity of the official websites of RMA and CBEP, which is a direct violation of the right to free access to information about the state of the environment.

On October 8, 2023, the Law of Ukraine “On the National Pollutant Release and Transfer Register” (PRTR) entered into force. For twenty years, the ecological community fought for the creation of such a register in Ukraine, and even had to initiate the case at the international level¹⁹. Today, we have an approved legal framework, and according to the Ministry of Environment, the registration of installations in the national PRTR has already started (it will continue for the next 6 months). However, this information was closed from the public, grossly violating the right to participate in the formation of PRTR, the right to promote openness, transparency, effective functioning and continuous improvement of the Register, as well as the development of relations in the field of PRTR²⁰. This cannot be justified by the limitations of war.

The problem of transparency of subsoil extraction also remains persistent. Thus, the decision of the Meeting of the Parties to the Aarhus Convention to open full public access to shale gas agreements has not yet been implemented²¹, as has the decision to amend the national legislation on mining to ensure openness, transparency of the process, and public participation at an earlier stage²².

17 Дослідження дотримання принципу гласності та відкритості інформації в ході процедури оцінки впливу на довкілля: обласні військові адміністрації та центральні органи виконавчої влади у фокусі. ЕПЛ – 2023. Львів.

18 Окрім того, варто відзначити, що переважна більшість офіційних сайтів ОВА не відповідають вимогам щодо створення (модернізації) офіційних веб-сайтів (веб-порталів) органів виконавчої влади, закріпленим постановою Кабінету Міністрів України від 12 червня 2019 р. № 493.

19 <http://epl.org.ua/announces/ukrayinska-sprava-v-komiteti-z-dotrymannya-protokolu-pro-rvpz/>

20 <https://www.facebook.com/photo/?fbid=728619849309965&set=a.639911261514158>

21 https://unece.org/sites/default/files/2022-01/Decision_VII.8r_eng.pdf

22 <http://epl.org.ua/announces/yevrointegratsiya-lysh-na-slovah-abo-yak-mindovkilliya-zabyvaye-na-prava-gromadskosti/>

In the study “Implementation of good environmental governance in Georgia, Moldova and Ukraine: state of affairs, key conclusions and recommendations”²³ it was noted that as of 2022, trends in the behaviour of civil servants of the Ministry of Environment regarding transparency are negative.

Public participation, at first glance, looks massive and seems to be encouraged, however, for the most part, a persistent flaw of these procedures remains – information about whether or not public suggestions are taken into account and the justification of the reasons for not taking them into account is not prepared and not made public (there is no feedback). There also remain problems with involvement at an early stage of decision preparation.

Stakeholder engagement mostly focuses on CSOs and businesses, ignoring other major groups of society such as women, youth, farmers, indigenous peoples, etc. It is worth emphasizing once again that Resolution 996 of the CMU from 2010 on ensuring public participation in the formation and implementation of state policy²⁴ significantly narrows the field for public participation compared to the Aarhus Convention, which specifically concerns environmental issues and environmental policy²⁵. Do the new civil servants of the Ministry of Environment know about this?

The development of the Ukraine Plan for financing purposes in accordance with the Ukraine Facility Regulation is also an example of inadequate public information and their involvement in the process. CSOs had to make a lot of efforts to get the opportunity to become part of the consultations held by the Ministry of Economy. Currently, the public has the opportunity to submit their suggestions to the draft plan, but it is not known how they will be taken into account or if they will be taken into account at all. According to the representatives of the CS, such environmental threats as the construction of ecologically harmful facilities (HPP and PSPP), deregulation, reduction of the role of EIA, etc., may materialize in the plan²⁶.

As for environmental policy, the Ministry of Environment has not discussed the state of its implementation with the public since the adoption of the State Environmental Policy Strategy. There is no public dialogue between the Ministry of Environment and the Civil Society regarding the implementation of the goals and objectives of the Strategy. This issue is directly related to **accountability, the state of which the public is not satisfied with.**

23 “Good Environmental Governance Implementation in Georgia, Moldova, and Ukraine: Stay of play, key conclusions, and recommendations.” Policy paper. – Resource and Analysis Center “Society and Environment” (2022). <https://www.rac.org.ua/priorytety/ekologichnyy-vymir-evropeyskoyi-integratsiyi/good-environmental-governance-implementation-in-georgia-moldova-and-ukraine-stay-of-play-key-conclusions-and-recommendations-policy-paper-2022>

24 <https://zakon.rada.gov.ua/laws/show/996-2010-n#Text>

25 https://zakon.rada.gov.ua/laws/show/994_015#Text

26 <https://www.facebook.com/Oleg.Lystopad/posts/pfbid024Mr6zMDxwBhHSc3u93kQvwyHQyNW3B1efB1YcmTtyL93mZKpevnzjfSSanQtzKTpl>

As already mentioned above (see p. 1), despite the requirements of the legislation, the annual report on the implementation of the environmental policy is not prepared, and monitoring and evaluation of the effectiveness is not conducted on an ongoing basis, as well as the analysis of the state of achieving the goals and indicators of the state environmental policy. Instead, national and state reports on the state of the natural environment are prepared and published from time to time, which, firstly, are purely formal in nature, do not correspond to the well-known and most often used DPSIR model “driving forces-pressures-states-impacts-responses”,²⁷ secondly, they do not provide answers to the question of the effectiveness of environmental policy, thirdly, the involvement of the public in their preparation, in addition to the description of some CSOs activities, remains in question.

Therefore, this also explains the situation with the fourth principle of GEG – the effectiveness of environmental policy. As for the preparation and adoption of legislation for the implementation of the AA, until the array of EU acts necessary for adaptation expanded in connection with candidacy for EU membership, moderate efficiency could be seen here. However, when it comes to implementation, things are more complicated. The scope of obligations under AA is much more narrow compared to the entire *Acquis Communautaire* in the field of environment and climate change. And while the Association Agreement remains a binding legal document that must be implemented, it is necessary to start implementing a wider range of areas and specific acts, without waiting for the opening of negotiations on Chapter 27 “Environment and Climate Change”. One of the arguments is that the practical application of many tools requires a large amount of time and resources. For example, the sphere of industrial pollution or EUETS.

In general, we mostly cannot find out whether and to what extent the state environmental policy is effective, since the results of its assessment of the achievement of planned goals and indicators are not freely available.

Some progress is being made with regard to the **vertical coherence of environmental policy**²⁸ thanks to the implementation of the regional development strategy. However, due to the fact that at the regional and local levels there is often no expertise in environmental and climate policy, local authorities for the development and control over the implementation of state policy are weak, and coordination with the relevant CBEP is optional, a stable trend can be expected not to green the regions as unnecessary. And this despite the fact that it is at the international level that the Ministry of Environment actively participates in various processes, conventions and agreements. For **horizontal consistency**, see examples of p. 1 above.

Separately, it should be emphasized the trend of transferring the duties of civil servants to CSOs, which are often more knowledgeable about strategic and specific issues

27 <https://www.eea.europa.eu/help/glossary/eea-glossary/dpsir>

28 <https://www.rac.org.ua/uploads/content/667/files/geg-in-georgia-moldova-and-ukrainepolicy-paper2022.pdf>

of environmental protection and climate change. If there is not enough knowledge and staffing capacity of the institute of the specialized CBEP, then make a plan for its improvement, reform! CSOs can and will help, but not to perform work instead of civil servants.

Hence, the partial closure of strategic planning is justified by the war. However, there is a risk that after the end of martial law, the limitation of the principles of good environmental governance may remain and become a common practice, which, in turn, will have a significant negative impact on the European Union's assessment of Ukraine's readiness for EU membership in the areas of the environment and climate change.

A regular report on the implementation of environmental policy (not on the state of the environment, not on the implementation of the Ministry's annual activity plan, and not even on the implementation of the Strategy Action Plan) **is not only an important tool for achieving the effectiveness** of environmental protection activities, but also **corresponds to the principle of accountability to civil society (GEG) and is a platform for dialogue on improving environmental policy**²⁹.

4 The institutional inability to implement a consistent policy in a coordinated manner in the conditions of applying for EU membership is deepening.

Article 365 of the Association Agreement (AA) clearly states that a comprehensive strategy in the field of environment must include "planned institutional reforms (with determined deadlines) ... distribution of powers of environmental protection authorities at the national, regional and municipal levels, procedures for decision-making and their implementation, procedures for promoting integration environmental protection policy to other spheres of state policy, determination of necessary human and financial resources and the mechanism of their review".

Goal 5 of the Strategy is formulated much more loosely: "Improvement and development of the state system of environmental protection management." Measures for the preparation of a comprehensive reform of the EP management system are not included in the National Environment Protection Action Plan for 2020–2025, approved by the CMU on 04/21/2021 for the implementation of the Ecopolicy Strategy.

In this National Plan until 2025, for 2021, to fulfil the task of the Strategy "Strengthening the institutional capacity to plan, monitor and evaluate the effectiveness of the implementation of environmental policy", measure 177 "Implementation of the system of monitoring and evaluation of the implementation of environmental policy" was planned. The

²⁹ https://necu.org.ua/wp-content/uploads/2023/04/2023_reforms_policy_paper.pdf

result, according to the report, is “the procedure for monitoring and evaluating the environmental policy has been determined.” The mentioned order is not publicly accessible.

Among the measures of the Report on the implementation of the National Plan regarding goal 5, one can see such results as ensuring the functioning of information systems in the field of digitalization of administrative services, development and provision of information infrastructure, development of requirements for hardware and software, organizational procedures, forms of document circulation, information exchange, rules provision, security/protection of information, etc. (cyber protection), as well as approval of strategies for reforming fisheries and forestry (separation of functions for environmental protection and economic activity for the use of natural resources), etc. All this, of course, is necessary, but it creates the impression of fragmentation and incoherence, despite the general framework of the Plan and Strategy.

Undoubtedly, within the framework of a huge environmental protection system there are various functional subsystems, one of the most important of which is the system of environmental supervision and control³⁰ (compliance and enforcement). Reforming the eco-inspection is one of the most important priorities for ensuring the effectiveness of environmental policy. However, 3.5 years have already passed since the preparation of the first draft of the law on eco-control 3091³¹, and 2 years since the first reading, and the bill has still not been adopted.

According to the evaluation of compliance with the EU acquis published by the European Commission³², Ukraine received the “one” for the environment and climate change, which is the lowest rating among sectors. The European Commission assessed the implementation of not only those acts that are among the obligations of the Association Agreement, but of the entire EU acquis. This means that there is a difficult and long way ahead of both the approximation of legislation and its practical implementation.

Although the Association Agreement (AA) between Ukraine and the EU remains the main political and legal instrument of European integration, the process of Ukraine’s acquisition of EU membership, in particular, the fulfilment of all environmental and climate change requirements, is gaining priority³³. The issue of the **capacity** to implement the acquis deserves special attention, especially at the beginning of the negotiation process. Understanding this path requires effort and planning. The correct approach should be to open membership negotiations as soon as possible under Chapter 27 “Environment and Climate Change” or the Green Cluster in general. This is important in the context of the post-war reconstruction and restoration of Ukraine, as the active and effective imple-

30 <https://www.eli.org/international-network-environmental-compliance-and-enforcement/international-network-environmental>

31 http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=3091&skl=10

32 <https://neighbourhood-enlargement.ec.europa.eu/system/files/202>

33 <https://www.rac.org.ua/priorytety/ekologichnyy-vymir-evropeyskoyi-integratsiyi/kartuvannya-zobov'язan-u-sferi-dovkillya-ta-zminy-klimatu-pidgotovka-do-vstupu-v-es-analitychnyy-dokument-2023>

mentation of EU acts in the field of environment and climate will contribute to the fact that the reconstruction of Ukraine takes place on green bases and principles. It will also establish the so-called “red lines” of reconstruction, which will not allow rebuilding “as it was” like restoring dirty industries or implementing outdated technologies.

Moreover, according to the European Commission’s guide “Roadmaps for strengthening administrative capacity”,³⁴ EU member states with weak institutions had significant problems with absorbing available EU funds and using them effectively. For example, Croatia was forced to develop such a map of strengthening institutional capacity for the implementation of EU policy and law.

Also, the belief that the EU will make concessions on the terms and conditions of the implementation of directives and regulations (such as the business position supported by the government) is false. As we can see from the experience of other countries that have already gone through the negotiation process and become members of the EU, if there are such concessions, they are minimal and concern only a very limited range of issues.

Therefore, in order to cope with such challenges, environmental institutional reform is needed, as well as a strong relevant minister.

Thus, we have to emphasize again that the state still lacks a vision of what should be capable of environmental institutions, in accordance with the established practice of EU countries and based on common sense. Conceptually, the ministry formulates policy, there must be an implementing body (s) – for example, an agency or several agencies (general and specific, such as water, forestry, etc.) and supervisory and control bodies (inspection). It is obvious that for such a reform it is necessary to carry out a functional survey of the institutional system of environmental protection, to determine the need for people and finances in accordance with the functions, and all this is necessary not for functioning as such, but for achieving goals and objectives, for the effective implementation of environmental policy.

We believe that the current institutional system of the Ministry of Environment will not be able to cope with the challenges of European environmental reforms on the way to EU membership.

³⁴ https://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/roadmap_toolkit.pdf

5 Environmental taxes and fees serve the budget, not the achievement of environmental policy goals, frequent cases of non-targeted use, catalyzed by non-transparent formation, signal an unpreparedness for the challenges of reconstruction in the harsh conditions of joining the EU.

Environmental protection remains the most underfunded branch of the Ukrainian budget. In 2020, the expenditures on the EP amounted to UAH 9.1 billion (0.2 %). In 2021 – UAH 10.6 billion according to the consolidated budget (0.6 %). In 2022 – 4.7 billion UAH (0.17 %), which exceeds only housing and communal services with their 0.5 billion (due to a different income structure compared to the EP sphere)³⁵. It is worth noting that although the Ministry of Finance does not publish in an accessible form the amount of income from all environmental payments of various types except the fee for the use of subsoil, only in 2022 rent payments for the use of subsoil amounted to UAH 81 billion.

The long-standing habit of financing the Environment protection on a residual basis, under the conditions of full use of environmental and rent payments for priority budget expenditures, will soon play a very bad role in Ukraine's aspirations for EU membership. The longer we delay environmental reforms, the more expensive they will be. Thus, in the 90s, the implementation of the EU's environmental acquis for the new EU members from the CEE cost about 1K Euro per capita³⁶, which for Ukraine would then amount to approximately 46 billion Euro in total³⁷. Today, this amount would reach about 76 billion due to inflation alone (without taking into account military actions). And it will continue to grow. This is primarily about investments in the proper treatment of industrial discharges into surface water bodies and drinking water, domestic sewage, air emissions, and ensuring the proper functioning of the waste management infrastructure.

Of course, the authorities hope that candidacy for EU membership will give us access to its structural funds and generally increase the amount of aid for reforms. However, we noted above (see p. 4) that the current system of the Ministry of Environment is not institutionally ready for the proper management of large funds. In addition, the state system of formation, distribution and spending of funds for the EP requires radical reformation.

Key problem areas in the environmental finance system: lack of monitoring of the effectiveness of environmental protection measures and of a holistic approach to solv-

³⁵ https://mof.gov.ua/uk/budget_2022-538

³⁶ <https://ec.europa.eu/environment/archives/enlarg/pdf/compco.pdf>

³⁷ <https://www.in2013dollars.com/europe/inflation/1996?amount=100>

ing environmental problems, non-transparency of revenues and distribution of funds³⁸, receipt of funds for the EP only at the end of the reporting financial year, which makes it impossible to implement the program-project approach. To solve these problems, a comprehensive reform is needed, which concerns both taxes and fines for violations of legislation in the field of nature use and environmental protection, and the effectiveness of funds and their intended purpose³⁹.

The reform of the procedure for receipt and targeted use of environmental funds, including the formation and support of transparent activities of a separate legal entity – the Ecological Fund – is an integral component of environmental reform to ensure the effectiveness of “green” transformations, which is also a requirement of the State Strategy for Economic Development to 2030 year.

An important element of environmental financing in the EU countries is CO₂ emissions trading within the European Emissions Trading System (EUETS), one of the main elements of which is a high price for carbon emissions. In Ukraine, the tax rate is UAH 30 (less than 1 EURO) per ton of CO₂, which is several orders of magnitude lower than in leading EU countries. Thus, in Sweden, the tax rate on carbon dioxide emissions increased gradually and reached 180.81 euros in 2020. Moreover, this tax is paid by both households and enterprises that do not belong to the EUETS.

It would be expedient to implement such an approach in Ukraine as well. However, we do not have a system similar to EUETS

The problem in Ukraine is the very strong opposition of the lobbyists of the industrial sector to the gradual increase of the carbon tax rate, which calls into question the achievement of our country's plans to become a carbon-neutral country by 2060⁴⁰.

At the same time, in order to improve environmental taxation and financing of environmental protection (EP) measures, it is necessary to develop a holistic mechanism of environmental taxation and financing at the level of territorial communities, which should contain relevant elements: environmental taxes and fees, a system of fines for various types of environmental offenses, a system of environmental incentives and benefits.

Another problem, which has already worsened against the background of preparations for the implementation of post-war reconstruction programs, is the lack of state control over the spending of local budgets on outdated, ecologically harmful and unacceptable for the EU decisions regarding urban development. So, for example, right now in the city of Rivne, the public and conscious deputies are trying **to veto the decision of the city council to obtain a loan and invest into the purchase of diesel minibuses of**

38 The Ministry of Finance of Ukraine does not include environmental taxes and greenhouse gas emissions taxes as a separate article for the structure of its regular public reports on budget revenues and consolidated budget for a month, quarter and even a year.

39 https://www.rada.gov.ua/news/news_kom/198595.html

40 <http://dspace.wunu.edu.ua/bitstream/316497/45968/1/KAPЛИН.PDF>

the model of the 90s of the last century, as one of the main measures of the approved Program for the Development of Road Transport for Public Use of the Rivne City Council of the territorial community for 2023–2027, which essentially stops the development of ecological public transport in the city of Rivne⁴¹.

The reform of the procedure for the receipt (for the beginning, making it visible in revenue of consolidated budget) and targeted use of environmental funds at the state and local levels, including the formation and support of the transparent activity of a separate legal entity – the State Environmental Fund – is an integral component of the environmental reform to ensure the effectiveness of “green” transformations on the way to membership in the EU.

41 <https://ecoclubrivne.org/petition/>

Conclusions

Quo Vadis?

The environment and environmental policy mostly remain a non-priority for the Government despite the demands of EU membership and the obvious large-scale damage caused to the environment as a result of Russian aggression.

The strategic goals of state policy are not in the focus of the relevant ministry, which is responsible for environmental protection (EP). The activity of this body is currently focused on the process of micromanagement rather than on the strategic outcome. And with such management, international technical support for a number of projects becomes ineffective and far from real help in carrying out a number of sectoral reforms that are part of strategic goals. Currently, the Ministry of Environment has forgotten about its important function – to implement the priority goals and objectives of state environmental policy and to report on their achievements to society. Instead, active international activity, which is of course important in the conditions of war and the desire to get EU membership as soon as possible, should be focused on finding and implementing tools for the green reconstruction of Ukraine, and not be based on a project-oriented approach.

Thus, the Ministry of Environment, as the main body for the formation and coordination of the implementation of the state environmental policy, does not maintain a strategic framework of goals. The lack of leadership of the relevant ministry in the government and society on the issues of mandatory cross-cutting environmental and climate policy fuels the irresponsible attitude of other state and local bodies to the importance of environmental issues.

Where will the money come from to compensate environmental losses?

The state assessment of the impact of the war on the environment has failed. Accordingly, it is neither possible to determine the damage caused, nor to reduce or minimize its impact.

Estimates of damage caused in the form of incredible sums regularly published by the Ministry are not supported by reliable data on the change in the state of the environment, which could be adequate evidence at the international level.

The methods generated by the Ministry are also not relevant to the assessment of damage according to international requirements, which should be based on spending associated with the impact on the environment, monitoring the state of pollution, designing and implementing remedial measures (i.e., restoring ecosystem services), as well

as assessing unrealized benefits by Ukraine, our individuals or legal entities due to the impact of the war on the environment. There is still no reliable laboratory base of laboratories certified according to international standards.

Can war limit the right of the public to access environmental information, participate in the process of governmental decision-making, and accountability to the society?

No! In the same way as closing the declarations of those in power, limiting access to environmental information allows to hide violations of the law and prevents civil society from identifying corruption schemes or poor hasty decisions that will bring significant damage to the environment. Demands for deregulation and manipulations with the “improvement” of legislation often justify decisions in favor of profit and damage to the environment, land, water resources, and the health of citizens. It is difficult to understand the details of numerous environmental legislation. However, it would be much easier to follow if the relevant ministry (for Environment) prioritized its main business – the formation and monitoring of the implementation of the state environmental policy, its goals and objectives. And it would report to society how these goals are achieved and how effective the state environmental policy is.

In general, we mostly cannot find out whether and to what extent the state environmental policy is effective, since there are no public results of its assessment of the achievement of planned goals and indicators.

Is the institutional capacity of the state environmental protection system sufficient to implement a consistent policy in a coordinated manner in the conditions of candidacy for EU membership?

Of course not. According to the evaluation of compliance with the EU acquis⁴² published by the European Commission, Ukraine received “one” for the environment and climate change, which is the lowest rating among sectors. The European Commission assessed the implementation of not only those acts that are among the obligations of the Association Agreement, but of the entire EU acquis. This means that there is a difficult and long way ahead of both the approximation of the legislation and its practical implementation. Also, the belief that the EU will make concessions on the terms and conditions of the implementation of directives and regulations (such as the business position supported by the government) is false.

In order to cope with such challenges, environmental institutional reform is needed, as well as a strong specialized minister who will understand the essence and importance of implementing modern European environmental and climate policy, and will not step by step hand over the powers of the Ministry of Environment to other ministries. **However, the state still lacks a vision of what environmental institutions should be**

42 https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-02/SWD_2023_30_Ukraine.pdf

capable of, in accordance with the established practice of EU countries and based on common sense. Since we have not seen any movements in this direction for three years, we can state with certainty that the actual institutional system of the Ministry of the Environment will not be capable to cope with the challenges of European environmental reforms on the way to EU membership.

The lack of priority of environmental policy determines the weakness of the system of financing environmental reforms

Numerous environmental taxes and fees serve the budget, rather than achieving the goals of environmental policy, frequent cases of non-targeted use, catalyzed by untransparent formation, signal an unpreparedness for the challenges of post-war reconstruction in the harsh conditions of joining the EU.

Environmental protection remains the most underfunded branch of the Ukrainian budget. The long-standing habit of financing the Environment protection domain on a residual basis, under the conditions of full use of environmental and rent payments for priority expenses of the general budget other than environmental, will soon play a very bad role in Ukraine's aspirations for EU membership. The longer we delay environmental reforms, the more expensive they will be. Today this amount is equal to about 76 billion and it will continue to grow. Of course, the authorities hope that candidacy for EU membership will give us access to its structural funds and generally increase the amount of aid for reforms. However, institutionally, the system of the Ministry of Environment is not ready for proper management of large funds. In addition, the state system of formation, distribution and spending of funds for the EP requires radical reformation. The reform of state procedure for receipt and targeted use of environmental revenues, including the establishment and support of the transparent activity of a separate legal entity – the State Environmental Fund – is an integral component of environmental reform to ensure the effectiveness of “green” transformations.

Recommendations

First of all, it is necessary to admit that systemic problems exist and require a systemic solution. Next, you need to turn the problems into challenges that need to be overcome. All these challenges relate to the urgent need for systemic reforms:

1. Urgent reform of the system of state environmental control, where the new body will prepare and submit projects for the financing of donors for the creation of properly certified measuring laboratories, the development of internationally recognized methods for the determination and compensation of environmental damage due to the military actions of the aggressor, and the preparation of an indictment base for international courts.

2. Change of attitude towards strategic priorities, transition to a generally recognized cycle of state policy, honest organization of formation, monitoring and evaluation of the effectiveness of state environmental policy, awareness and public recognition that this is the main function of the CBEP Ministry of Environment.

3. Initiation of a transparent, inclusive, systematic and structured process for evaluating the effectiveness of environmental policy with the participation of all interested parties, primarily CSOs. Recognition of CSOs as independent and equal partners, and not secondary executors of the duties of civil servants. The first item on the agenda of such a process should be the preparation of a report on the effectiveness of environmental policy.

4. In consultations with the public, it is necessary to develop, adopt and start implementing the plan of state environmental institutional reform.

5. In consultations with the public, it is necessary to develop, adopt and start implementing a plan for the reform of state environmental finances, which will include the formation of a separate legal entity – the State Environmental Fund.

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The Eastern Partnership Civil Society Forum (<https://eap-csf.eu>) is a unique multi-level regional platform of civil society aimed at promoting European integration, promoting reforms and democratic transformations in six Eastern Partnership countries – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. As the public element of the EaP, the EaP CSF strives to strengthen civil society in the region, increase the level of pluralism in public discourse and politics by promoting participatory democracy and fundamental freedoms. EaP CSF is a non-party virtuous non-governmental organization.

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