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РЕФОРМУВАННЯ СИСТЕМИ ДЕРЖАВНОГО ЕКОЛОГІЧНОГО (НАГЛЯДУ) КОНТРОЛЮ

Актуальність. Враховуючи неможливість природними процесами виправдати наслідки промислового забруднення поверхневих і підземних вод, забруднення атмосфери, та засмічення великих територій різними видами відходів, враховуючи виснаження природних ресурсів, що становить реальну загрозу національній безпеці, з урахуванням наслідків військових дій, основною причиною кризового стану природного середовища в Україні є низький рівень впровадження еколого-економічної політики через неефективну систему державного управління. Система державного управління в галузі охорони навколишнього природного середовища не сприяє повноцінному доступу громадян України до інформації про стан природи. Відсутній прозорий механізм моніторингу стану навколишнього природного середовища та доступ до значної кількості екологічних даних, які мають бути доступними для громадськості.

Мета та завдання. Виходячи з того, що зараз система, яка відповідає за виконання вимог природоохоронного законодавства України, не є дієвою та досконалою, метою даного дослідження є проведення аналізу сучасного стану системи державного екологічного (нагляду) контролю, проблем існуючих в цій сфері, а також передумов її реформування.

Матеріали та методи. При проведенні дослідження були використані загальнонаукові та спеціальні методи: ретроспективний аналіз, системний аналіз, інституційний аналіз, синтез та теоретичне узагальнення. Інформаційною базою дослідження стали законодавчі акти України, звіти ключових міжнародних конференцій, спеціальна література, інформаційно-аналітичні матеріали, вітчизняні та зарубіжні періодичні наукові видання.

Результати. В роботі наведені результати аналізу стану екологічної політики в Україні, досвіду попередніх реформаторських ініціатив та законодавчого підґрунтя здійснення реформи в системі державного екологічного (нагляду) контролю. Виявлена недоліки в сфері державного екологічного (нагляду) контролю, проблем існуючих в цій сфері, а також передумов її реформування.

Висновки. Стан навколишнього природного середовища в Україні є незадовільним, а отже не задовольняє конституційні права громадян на безпечне для життя і здоров'я довкілля. Діяльність органів державної влади та органів місцевого самоврядування спрямована на виконання обов’язку держави щодо забезпечення екологічної безпеки та забезпечення екологічної рівноваги на території України, для чого запроваджено інститут державного екологічного (нагляду) контролю. Разом з тим, екологічний контроль, який має виконувати функцію збереження довкілля та попередження заподіяння йому шкоди, не робить цього і фактично є недієвим. І завдяки тому, щоб зробити такий інструмент, як державний екологічний (нагляд) контроль ефективним потрібно створити сприятливі для цього інституційні умови.

Це вимагає «реанімування» і втілення в життя Реформи системи державного екологічного (нагляду) контролю у сфері охорони навколишнього природного середовища, яка повинна передбачати цілі комплекс заходів – ішахів подолання неефективності державного екологічного (нагляду) контролю, які докладно наведено в роботі.
REFORMING THE SYSTEM OF STATE ENVIRONMENTAL (SUPERVISION) CONTROL

Topicality. Considering the inability of natural processes to rectify the consequences of industrial pollution of surface and groundwater, air pollution, and the contamination of large areas with various types of waste, along with the depletion of natural resources, posing a real threat to national security, and taking into account the consequences of military operations, the main cause of the crisis state of the environment in Ukraine is the low level of implementation of environmental policy due to an ineffective system of state governance. The system of state governance in the field of environmental protection does not facilitate full access for Ukrainian citizens to information about the state of nature. There is no transparent mechanism for monitoring the state of the environment and access to a significant amount of environmental data that should be available to the public.

Aim and tasks. Given that the current system responsible for enforcing the requirements of environmental legislation in Ukraine is ineffective and imperfect, the purpose of this study is to analyze the current state of the system of state environmental (supervision) control, the problems existing in this area, as well as the prerequisites for its reform.

Materials and methods. The study used general scientific and specialized methods: retrospective analysis, systemic analysis, institutional analysis, synthesis, and theoretical generalization. The information base of the study included legislative acts of Ukraine, reports of key international conferences, specialized literature, information-analytical materials, domestic and foreign periodicals.

Research results. The paper presents the results of an analysis of the state of environmental policy in Ukraine, the experience of previous reform initiatives, and the legislative framework for reforming the system of state environmental (supervision) control. Deficiencies in the field of state environmental (supervision) control in Ukraine have been identified, the most relevant and urgent issues for resolution have been identified. Ways and means to overcome problems have been systematized, prospects and expected results of the reform of the system of state environmental (supervision) control in Ukraine have been outlined.

Conclusion. The state of the natural environment in Ukraine is unsatisfactory, and therefore, the constitutional rights of citizens to a safe environment for life and health are not satisfied. The activities of state executive bodies and local self-government bodies are aimed at fulfilling the state's duty to ensure environmental safety and preserve environmental balance in the territory of Ukraine, for which the institute of state environmental (supervision) control has been introduced. However, environmental control, which should perform the function of environmental conservation and prevention of harm, does not fulfill this function and is practically ineffective. In order to make such a tool as state environmental (supervision) control effective, favorable institutional conditions need to be created.

This requires the "revival" and implementation of the Reform of the system of state environmental (supervision) control in the field of environmental protection, which should include a whole range of measures - ways to overcome the inefficiency of state environmental (supervision) control, which are detailed in the paper.

Keywords: public administration, environmental control, environmental protection, environmental legislation, environmental policy.
Problem statement and its connection with important scientific and practical tasks.

According to information published by the World Economic Forum, Ukraine ranks 77th out of 144 countries assessed in the Global Competitiveness Index due to issues with corruption, inefficient use of natural resources, and the absence of a financial mechanism for implementing reforms.

Terrorist attacks, loss of territories, armed conflicts, and an ecological disaster resulting from the destruction of the Kakhovka Hydroelectric Power Plant, outdated material-technical base, limited financial resources, low wages, and consequently, high levels of corruption, as well as an unclear system for decisions on violations of environmental legislation, contribute to the low professional level of state nature inspectors.

The absence of a responsibility system for economic entities violating environmental norms, lack of unified electronic registries of natural resources, and low levels of information exchange create inefficiency and ineffectiveness in the State Ecological Inspection.

The lack of real influence of civil society on processes related to important environmental decisions leads to environmental inaction and contributes to the discrediting and actual disintegration of the state supervision system in the field of environmental protection under the influence of lobbyists from large industrial and agricultural businesses.

Analysis of recent publications on the problem.

It is worth noting that the issue of state regulation of rational nature management in Ukraine has been addressed in the works (Petrushenko, et al., 2021; Shevchenko, et al., 2021; Martiienko & Khumarova, 2017). For instance, (Martiienko & Khumarova, 2017) present their vision regarding the development of ecological control in the system of rational nature management as a set of institutions, methods, measures, and tools aimed at effectively achieving the goals of the economy of nature management and the development of productive forces. In the research conducted by (Petrushenko, et al., 2021), a descriptive comparative analysis of data on planning and implementation of economic, primarily environmentally significant activities, was adopted. (Shevchenko, et al., 2021) defined the country's ability to manage changes towards the implementation of the concept of sustainable development, adjusted in accordance with the provisions of the European Green Deal. The current state of implementation of state environmental control in Ukraine has been the subject of works by (Ivanenko, et al., 2020; Komarnytskyi, 2019; Kucher, et al., 2020; Shvets, 2020; Sivak, 2022).

Allocation of previously unsolved parts of the general problem.

However, there remains a number of unresolved issues that impede and hinder the fulfillment of obligations under the Association Agreement between Ukraine and the European Union, as well as the Plan for Legislative Support of Reforms in Ukraine, approved by the Verkhovna Rada of Ukraine on June 4, 2015 No. 509-VIII, aimed at improving the system of state environmental monitoring and simplifying the system of state supervision in the field of environmental protection, rational use, restoration, and protection of natural resources. Among these issues, the following should be highlighted: low institutional capacity of state institutions in the field of environmental control in Ukraine; inconsistency and lack of systematic implementation of reform in state control in the field of environmental protection, which does not proceed according to the declared intention (action program); duplication of oversight and control functions among various central executive authorities, lack of a unified approach to their implementation.

Formulation of research objectives (problem statement).

Given that the current system responsible for enforcing the requirements of environmental legislation in Ukraine is not effective and perfect, the purpose of this study is to conduct an analysis of the current state of the state environmental (supervisory) control system, identify problems existing in this area, and explore the prerequisites for its reform.

Materials and methods.

During the research, both general scientific and specialized methods were utilized, including retrospective analysis, systemic analysis, institutional analysis, synthesis, and theoretical generalization. The information base of the study comprised legislative acts of Ukraine, reports from key international conferences, specialized literature, information-analytical materials, as well as domestic and foreign scientific periodicals.

An outline of the main results and their justification.

The anthropogenic burden on the natural environment of Ukraine has steadily increased over the past decade, surpassing the levels of pollutants in water resources, soil, and the atmosphere. The concentration of toxic substances in Ukrainian rivers exceeds permissible limits by 30-40 times.
Over the past 40 years, the number of animal species threatened with extinction has increased eightfold. In terms of air pollution, Ukraine ranks 8th in Europe and 43rd globally (World Air Quality Report, 2021).

Negative conclusions arise not only regarding the assessment of the current state of the environment but also regarding future actions to eliminate the consequences and prevent further deterioration of environmental conditions. For instance, on February 2, 2023, the European Commission published an analytical report (European Commission, 2023) on Ukraine's ability to comply with the conditions of EU membership, including all EU legislation, secondary legislation, international agreements, and case law incorporated into EU treaties and policies. Environmental protection in the report received the lowest score.

Certainly, such a situation directly affects the lives, health, and well-being of the population, leading to an increase in hazardous diseases, often resulting in fatalities, and generally impeding the sustainable development of the country. The right to a safe environment is one of the fundamental human rights. Without the proper realization of this right, dignified existence cannot be ensured. The realization of this right is inseparably linked to the protection of the environment.

Article 16 of the Constitution of Ukraine establishes that the state is obliged to ensure environmental safety. According to Article 50 of the Constitution, citizens have a guaranteed right to life and a healthy environment, while Article 66 of the Constitution defines the obligation of everyone to refrain from causing harm to nature and to compensate for the damage caused. However, the environmental situation in Ukraine is not satisfactory.

The bodies of state executive power and local self-government carry out their activities with the aim of ensuring environmental safety and maintaining ecological balance in Ukraine. These directions of management activity are interrelated since they are aimed at achieving a common goal - creating conditions in which humans and nature can coexist harmoniously.

This issue is particularly relevant both in current conditions and, of course, in the post-war period since the population needs to restore its physical and emotional health, for which clean and safe natural environments are undoubtedly necessary.

Considering the inability of natural processes to rectify the consequences of industrial pollution of surface and underground waters, air pollution, and the contamination of large territories with various types of waste, along with the depletion of natural resources, which poses a real threat to national security, the main cause of the environmental crisis in Ukraine is the low level of implementation of environmental policy due to an inefficient system of state governance. This cause is highlighted in the Law of Ukraine "Basic Principles (Strategy) of State Environmental Policy of Ukraine for the Period until 2030" (The Law of Ukraine, 2019) as one of the main reasons for such a negative environmental situation in Ukraine. Additionally, among the key problems, alongside the ineffective system of state governance, is the "unsatisfactory control over compliance with environmental legislation."

Therefore, an institution of environmental control has been established in Ukraine aimed at preserving nature and preventing harm to it, but it fails to perform these functions (Environmental Protection League, 2018).

The inadequate effectiveness of state environmental control in Ukraine is evidenced, for example, by significant differences between the sums of calculated, claimed, and recovered damages. The results of research on the effectiveness of state environmental control (Kucher, et al., 2020) indicate low productivity of inspectors and insufficient discipline in recovering damages.

There are many problems arising in the system of state environmental (supervisory) control and their causes will be discussed in detail below. However, among them, it is worth highlighting one.

Control over the state of the environment is ineffective because the Law of Ukraine "On Basic Principles of State Supervision (Control) in the Field of Economic Activity" (The Law of Ukraine, 2007) limits the possibility of effective implementation of environmental control, which is a guarantee of preserving environmental safety as defined in the Law of Ukraine "On Environmental Protection" (The Law of Ukraine, 1991).

To make such a tool as state environmental (supervisory) control effective, favorable conditions need to be created: there should be the ability not only to react to emergencies but also to prevent them; effective and efficient legal mechanisms for prevention and control should be in place; businesses should be interested in modernizing their facilities; and no violators should evade punishment.

Therefore, by implementing an effective institution of state environmental (supervisory) control that would ensure the real and prompt...
detection of violations of environmental legislation, identify violators, record the damage caused, facilitate its compensation, and prevent similar violations in the future, existing environmental risks could be eliminated. For example, it would be possible to overcome the trend that has been evident in recent years when almost a quarter of deaths in Ukraine are caused by the unsatisfactory state of the natural environment.

As of today, it can be stated that state environmental (supervisory) control in Ukraine has undergone nearly 30 years of development, stages of which have been characterized by both minor and radical reform changes that ultimately nullified the very purpose of environmental control. Despite the considerable efforts and financial resources invested in these changes and stages of development, the transition from an outdated, ineffective system to an effective, democratic, European system of state environmental (supervisory) control aimed at preserving and protecting the environment has not yet occurred.

To address the inconsistency in the state's environmental policy, in accordance with European environmental directives, a reform of the system of state environmental (supervisory) control in the field of environmental protection was initiated in Ukraine in 2017 (hereinafter referred to as the Reform), when the Government approved the corresponding Concept (Order of the Cabinet of Ministers of Ukraine, 2017). In 2018, the Action Plan for the implementation of this Concept was approved (Order of the Cabinet of Ministers of Ukraine, 2018). Subsequently, a series of draft laws aimed at reforming the system of state environmental (supervisory) control were developed by legislative initiators. However, reform actions proved to be inconsistent, and the reform is still "stuck."

However, the necessity to "revive" and implement the Reform, arising from numerous factors ranging from environmental indifference in society to the limited institutional capacity of government agencies responsible for overseeing and controlling the negative impact on nature and public health, has been actively advocated for by the environmental community for quite some time, by both government representatives and the public.

Moreover, the reform process must have a multi-vector character, requiring the involvement of various stakeholders in open dialogue—including government bodies, experts, businesses, civil society, etc. All changes planned within the Reform must be systematic, balanced, and far-sighted.

At present, it can be said that the current stage of reforming the state control in the field of environmental protection does not proceed according to the declared intention (action program). Unfortunately, the reform is being carried out inconsistently and non-sequentially, with violations of the stages outlined in government documents for its implementation (Komarnytskyi, 2019).

Therefore, despite numerous reforms in the environmental control system since Ukraine's independence, environmental oversight remains ineffective, and the goal of environmental preservation is practically unattainable, resulting in continued pollution of the environment.

However, ensuring the effectiveness of environmental control aimed at preventing environmental degradation and identifying its causes will help avoid increased morbidity rates and unexpected budget expenditures resulting from environmental deterioration.

Thus, changes in the system of state environmental (supervisory) control have the highest priority and are mandatory for further ensuring sustainable development of the country and improving the quality of life, health, and well-being of the population. Therefore, the Reform, with a fundamental change in the philosophy and procedure of environmental control, must be implemented.

The current stage of reforming the system of state (supervisory) control in the field of environmental protection is determined by the need to address shortcomings in the organization of environmental supervision. These shortcomings are associated with problems in the interaction between authorities responsible for control in this area, insufficient informational support with data on the state of the environment through the monitoring system, as well as the organization of public environmental supervision and other aspects that negatively affect the effectiveness of this control (Komarnytskyi, 2019).

To achieve the stated strategic objectives and implement the Reform, a review of legislation in the field of environmental protection is needed, bringing it into line with European Union law.

It is important to note that this process began after the entry into force of the Association Agreement between Ukraine and the EU in 2017 (The Law of Ukraine, 2014), especially through Annex XXX to Chapter 6 “Environment” of Section V “Economic and sectoral cooperation” of the Agreement. This Annex envisages the implementation of numerous European directives and regulations in the field of environmental protection within specified time frames (from 2 to
5 years after the entry into force of the Agreement).

Thus, by 2023, most of the commitments that Ukraine undertook under the Agreement were expected to be fulfilled. It is important to note that despite difficult circumstances such as economic crisis, the COVID-19 pandemic, and military actions on the territory of Ukraine, work continues on bringing the regulatory framework in the field of environmental protection into line with European Union standards. Of course, full-scale war significantly reduced the opportunities and resources for conducting effective environmental reform. Nevertheless, the Government's report for 2022 noted that progress in the direction of "Environment and Civil Protection" within the Agreement is estimated at 77%.

Considering the strategic perspectives of institutional capacity building in post-war reconstruction of the national economy, it is important to emphasize the feasibility of developing conceptual principles for reforming the system of state environmental (supervisory) control. And the beginning of this has already been laid. For example, the (Ukraine recovery plan, 2023) includes the initiation of a national program "Rebuilding a Clean and Protected Environment," which includes projects aimed at "Reforming the Environmental Control System."

Therefore, at present, legislative regulation in the environmental sphere is established, strategic objectives are defined, but there is no effective mechanism for implementing these provisions. This is due to factors of political, social, and economic nature.

It should be noted that throughout the entire history of Ukraine's independence, legislation in the field of environmental protection has been repeatedly amended, and the sphere of environmental control has been constantly reformed, with certain decisions being adopted and then revoked. Such inconsistency and inconsistency only emphasize the extraordinary relevance and necessity of the Reform, which should be aimed at implementing the provisions of a whole range of international and domestic legislative acts.

Furthermore, there are several draft legislative acts regarding the reform of the environmental control system that have been developed, some of which have been withdrawn, but they are still actively discussed and revised.

Therefore, the legal regulation of the state environmental control system is characterized by a lack of orderliness and systematicity, which significantly reduces the effectiveness of its functioning and complicates the achievement of its goals and objectives. Given this, it is evident that in improving legislation, priority should be given to a systematic approach to legal regulation of the functioning of the entire system as a whole and its individual components.

It should be noted that according to the Concept of reforming the system of state (supervisory) control (Order of the Cabinet of Ministers of Ukraine, 2017; Ministry of Ecology and Natural Resources of Ukraine, 2023), ensuring the phased alignment of Ukrainian legislation with EU directives should be carried out through the implementation of measures in the following directions:

Establishment and legislative consolidation of a system for assessing the quality of ambient air (creation of infrastructure for assessing the quality of ambient air, monitoring of air quality in accordance with the requirements of Directive 2008/50/EC, etc.);

Creation of a technical laboratory base for control and monitoring of the use of genetically modified organisms;

Introduction of an automated monitoring and violation recording system regarding air quality for zones and agglomerations where pollution levels exceed the limit/target value for compliance with Directive No. 2008/50/EC (on ambient air quality and cleaner air for Europe);

Reform of the system of state (supervisory) control in the field of environmental protection to reduce the number of inspections and increase their effectiveness, implementation of the "polluter pays" principle;

Organization of automated control over industrial and chemical pollution;

Organization of continuous monitoring and control of the state and use of natural resources;

Compensation for environmental damage caused by military actions;

Establishment of a single supervisory authority in the environmental field and transfer of all control functions to it, taking into account the requirements of Directive No. 2010/75/EC on industrial emissions (integrated prevention and control of industrial pollution).

Because as of today, no decisions have been made within the Reform to address the problems arising from the ineffectiveness of environmental control.

The current state of the system of state environmental supervision. Today, the system of organizing state supervision over compliance with environmental legislation is imperfect, as evidenced by numerous existing problems in this
area. These include: low qualifications of state environmental inspectors, outdated material-technical base, opaque decision-making system regarding violators of environmental legislation, lack of a corresponding system of responsibility for environmental law violations, absence of unified electronic registries of natural resources, as well as information exchange, the level of which leaves much to be desired, and so on.

Additionally, there is a lack of transparent mechanisms for monitoring the state of the environment, no access to a large amount of environmental data that should be publicly available. Furthermore, the control execution algorithms lack integration with the results of state environmental monitoring.

Among the financial problems, insufficient funding leads to the inability to pay court costs and file lawsuits for compensation for damage caused by violations of environmental legislation, while low salaries of environmental control staff contribute to the spread of corruption (Order of the Cabinet of Ministers of Ukraine, 2017).

In the business sphere, there is a proliferation and increase in environmentally irresponsible behavior, as well as active discrediting and effective destruction of the state environmental control system in recent years by influential representatives of large industrial and agricultural businesses.

Moreover, Ukrainian citizens currently do not have full access to information regarding the state of the environment and existing environmental risks that may affect the safety of their lives. In fact, the public has no real influence on the adoption of environmentally significant decisions, as they learn about them after the fact. The system of public environmental control has virtually completely degraded, although it is important to note that it is one of the guarantees of citizens' environmental rights, according to Article 10 of the Law of Ukraine "On Environmental Protection" (The Law of Ukraine, 1991).

The main reasons causing the listed problems are as follows:

- Low institutional capacity of state institutions entrusted with tasks related to controlling and supervising the negative impact on the environment.
- Dispersed functions of controlling and supervising the negative impact on the environment among various central executive authorities.
- Low level of environmental awareness in society, which, due to limited income and lack of employment, cannot pay proper attention to monitoring the state of the environment, including its impact on health (The Draft Law of Ukraine, 2018).

Regarding the low institutional capacity of state institutions, it can be observed that modern mechanisms for implementing state policy in the field of environmental control in Ukraine are characterized by ineffective institutional norms - institutional traps. Institutional traps are significant reasons for the absence of systemic reforms in the field of state environmental supervision in Ukraine. Indeed, no political force that has come to power has intended to change this situation.

However, it is believed that a change in the trajectory of the system can occur in a situation of "systemic vulnerability" or triple threat, when:

- Firstly, there is a likelihood of uncontrolled mass protests against the backdrop of worsening living conditions for the population.
- Secondly, there is a growing need for foreign currency and military equipment in conditions of national danger.
- Thirdly, strict budgetary constraints are in place due to insufficient sources of income.

Obviously, at present, in the conditions of military actions, loss of territories, and deep economic decline, all three conditions of "systemic vulnerability" are present in Ukraine. And the experience of other countries suggests that in such situations, systemic reforms should be immediately initiated.

Indeed, Ukraine has planned an ambitious reform program. However, the problem lies in the absence of effective institutions, which are a crucial condition for economic growth. Therefore, the country's priority task is to develop a state environmental policy aimed at overcoming institutional traps and developing effective mechanisms for ensuring sustainable development of the environment.

An example of an existing institutional trap, and a key reason for the inefficiency of state environmental supervision in Ukraine, is the dispersion and duplication of environmental control functions.

Firstly, it is important to note that duplicating powers between state control bodies is unacceptable, and state supervision over the same issue cannot be carried out by different state bodies. This is one of the key principles of state control in the field of economic activity.

Currently, a large part of environmental control functions, in addition to the State Ecological Inspectorate, are carried out by central executive authorities in the field of environmental protection (State Geological Service, State Geocadastre, State
Forestry Agency, State Water Agency, State Fisheries Agency, Shipping Administration). We have analyzed the regulations for each of the mentioned bodies, and Figure 1 shows the areas and specific points in the regulations where their functions overlap.

This dual performance of functions of state control in the field of environmental protection constitutes a negative phenomenon for the State Environmental Inspectorate as a specialized body in this sector. This is explained by the fact that central executive authorities, besides performing their functions in providing services and carrying out economic functions, not only combine the functions of state control, duplicating the functions and powers of the specialized body but also have significant advantages over the State Environmental Inspectorate in this regard. Therefore, the issue of eliminating overlapping powers between the profile ministries and the State Environmental Inspectorate, their separation, and adjusting the order of performing these functions is relevant and requires immediate resolution.

![Fig. 1. Duplication of functions of state environmental supervision control](source)

Furthermore, it should be noted that the mentioned central executive authorities are subordinated to three Ministries (Ministry of Ecology, Ministry of Agrarian Policy and Ministry of Infrastructure), their activities are regulated by the Cabinet of Ministers of Ukraine through three Ministers, which undoubtedly leads to the dispersion of functions of state environmental supervision. The system of state environmental supervision is shown in Figure 2.

Thus, it can be concluded that the existing system of state environmental supervision is ineffective. One separate issue today is the lack of economic proportionality of administrative liability for violations of environmental legislation by economic entities, effectively nullifying the "polluter pays" principle. To address this problem, a significant increase in fines for violations of environmental legislation through urgent amendments to the Code of Administrative Offenses of Ukraine is necessary. The need to amend the Code of Ukraine on Administrative Offenses is driven by the urgent intention to strengthen administrative liability for violations of environmental legislation requirements, eliminate the existing imbalance between actual environmental damage and the amounts of existing fines, and consequently, enhance the effectiveness of state control in the environmental protection sphere. Many provisions of the Code of Ukraine on Administrative Offenses related to environmental protection have become obsolete in the context of modern economic conditions. Previously introduced sanctions for violations of...
environmental legislation inadequately meet the requirements of environmental safety in the country and do not incentivize economic entities to comply with legislative requirements.

Fines are the most common form of administrative penalty, typically of a financial nature. The amount of the fine is mostly set relative to the officially established non-taxable minimum income, which currently stands at 17 hryvnias. However, this amount does not reflect the real damages suffered by the state due to violations of environmental legislation.

Most industrial facilities, which are the biggest polluters of the environment, currently lack proper environmental monitoring systems and control over emissions and discharges of pollutants, leading to significant exceedances of permissible emissions and discharges, thereby hindering the determination of the actual anthropogenic impact on the environment.

To address the aforementioned problematic issues, the reform should include a comprehensive set of measures - ways to overcome the inefficiency of state environmental supervision:

- Changing the purpose of conducting state environmental control;
- Integration of the national nature conservation system into the European legal framework;
- Changing the nature of environmental control to preventive;
- Introduction of monitoring, installation of sensors on emissions/discharges of harmful substances;
- Ensuring promptness, transparency, and competence of inspections;
- Changing the procedure for conducting environmental control;
- Expanding the circle of subjects subject to control (individuals);
- Expanding the circle of subjects entitled to appeal to the supervisory authority (legal entities);
- Creation of a new state environmental control body, consolidating in it all functions of environmental supervision that are currently dispersed among different agencies, and granting law enforcement status. This also includes the elimination of territorial and interregional bodies of the State Environmental Inspection and the transfer of their functions to interregional territorial bodies of the State Environmental Protection Service of Ukraine, which are formed based on ecological-resource and ecological-technogenic districts.

In this context, the reform of the State Environmental Inspection of Ukraine and the creation of the State Environmental Protection Service of Ukraine also involve a new approach to the content of nature conservation supervision and control, including:

- Transparent mechanism of environmental control;
- Absence of scheduled inspections for economic entities with a low environmental risk level;
- Financial provision of liability of economic entities for the state of the environment through environmental risk insurance;
- Mandatory submission of environmental declarations for types of activities and facilities that pose an increased risk to the environment;
- Regular monitoring and automated control for entities with a high risk to nature;
- System of nationwide automated monitoring of the state of the environment and registration of environmental violations;
- Continuous environmental supervision in the territories of local communities including involvement of public inspectors.

To ensure the implementation of the powers of the State Environmental Inspection of Ukraine, it is possible to create 10 interregional territorial subdivisions, which will be formed based on ecological-resource and ecological-technogenic districts, instead of the existing 18 territorial and interregional bodies. The existing and envisaged bodies under the Reform are visually presented in Figures 3, 4.
Therefore, the Reform of supervision and control will yield noticeable results only when Ukraine establishes a specialized body capable of detecting violations of environmental legislation and performing law enforcement functions. It is crucial to grant this body law enforcement status, as it not only corresponds to the global trend in environmental conservation but also protects inspectors who may sometimes be forced into conflicts with large corporations.

Any powers must be objectively balanced through oversight by the public and other
government bodies. However, any limitations on these powers should be justified and related to risks to the environment. Furthermore, there is an opportunity for a comprehensive approach to understanding environmental damage by consolidating powers from environmental control, which are currently dispersed among various government agencies. Such an entity will be easier to monitor and will formulate a unified policy.

The interaction between the business environment, civil society, and the state in environmental activities always poses challenges. Businesses seek to save costs, the public insists on preserving a clean environment, and the state has the task of filling the state budget and conserving natural resources.

But all three vectors must move in the same direction to achieve one goal – the balance between human activity and the environment. Environmental violations, corruption, and environmental extortion, unfortunately, are quite widespread today.

These principles may seem generic, but they are essential conditions for creating an effective body and a transparent system that ensures the proper enforcement of environmental legislation by the state. Without such a powerful and competent body, all other environmental reforms aimed at European integration are prone to corruption and neglect.

Given the above, there is an urgent need for the adoption of a separate law regulating environmental control and supervision in the field of the natural environment, which should operate on the principle of "State-Business-Person" taking into account the social relations arising from human activity in relation to the environment. After all, the adoption of the draft law of Ukraine "On state nature conservation/environmental control" as a special law did not allow to exit the jurisdiction defined by the law of Ukraine "On the basic principles of supervision/control of economic entities".

It is envisaged that the implementation of a complex of the specified measures provided by the Reform will lead to such main expected results as indicated in Figure 5.

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**Fig. 5. Expected outcomes of the Reform implementation**

*Source: authors' own development.*
Therefore, the efforts of the state, civil society, and business must be consolidated and directed towards a common goal - achieving and maintaining a safe state of the environment. Thanks to the Reform, in the long term, there will be a significant reduction in the negative impact on the environment, and accordingly, on the health and quality of life of all layers of the population. This will ensure the constitutional right to a safe environment for life and health, which is one of the fundamental natural rights of humanity.

Conclusions and perspectives of further research

As a result of the analysis conducted in this study on the state of the state environmental oversight system, the problems existing in this area, and the prerequisites for its reform, the following conclusions can be drawn.

The state of the natural environment in Ukraine is unsatisfactory, thus failing to meet the constitutional rights of citizens to a safe environment for life and health. The activities of state executive authorities and local self-government bodies are aimed at fulfilling the state's obligation to ensure environmental safety and preserve ecological balance in Ukraine, for which the institution of state environmental oversight control has been introduced. However, environmental control, which should serve the function of preserving the environment and preventing harm to it, does not fulfill this role and is effectively ineffective. To make such an instrument as state environmental oversight control effective, favorable institutional conditions need to be created.

To eliminate the inconsistency of the state's environmental policy, in accordance with European environmental directives, reform of the system of state environmental oversight control in the field of environmental protection was initiated in Ukraine in 2017. However, it can be said at present that the current stage of reforming state control in the field of environmental protection does not follow the declared intention (action program). The Reform is being implemented non-systematically and inconsistently, with violations of the stages of its implementation specified in government documents. This requires a "revitalization" and implementation of the Reform, with a fundamental change in the philosophy and procedure of environmental control enforcement. This issue is constantly raised in the circles of the environmental community of Ukraine, represented both by government bodies and the public, which only confirms its relevance and urgency.

Among the numerous shortcomings identified in the functioning of the system of organization of state oversight control over compliance with environmental legislation, low institutional capacity of state institutions is highlighted, that is, modern mechanisms for implementing state policy in the field of environmental control in Ukraine are characterized by ineffective institutional norms of implementation - institutional trap. An example of an existing institutional trap, and also a key, in our opinion, reason for the ineffectiveness of state environmental oversight control in Ukraine, is the dispersal and duplication of environmental control functions. Currently, as confirmed by the analysis conducted in this study of the Regulations of the relevant central executive authorities, a significant portion of control and oversight functions in the field of ecology, in addition to the State Environmental Inspectorate, is vested in the State Service of Geology and Subsoil, the State Service of Geocadastre, the State Forest Agency, the State Water Agency, the State Fishery Agency, and the Administration of Navigation. In addition, these central executive authorities are subordinate to three Ministries (Ministry of Ecology, Ministry of Agrarian Policy, and Ministry of Infrastructure), and accordingly regulated by the Cabinet of Ministers of Ukraine through three Ministers, which undoubtedly leads to the dispersal of functions of state environmental oversight control.

To overcome the existing institutional trap in the system of state environmental oversight control, there are two options: evolutionary and revolutionary. However, the situation in the system of state environmental oversight control does not tolerate delays, so the evolutionary scenario, which requires a long time for implementation, is not acceptable. Given the widespread shadow economy, corruption, non-payment, and other similar phenomena, it can be said that radical changes (reforms) are necessary in the system of state environmental oversight control in Ukraine.

Therefore, to address the problematic issues in the system of state environmental oversight control, the Reform should include a comprehensive set of measures - ways to overcome the ineffectiveness of state environmental oversight control, which are detailed in the study. And the priority directions for implementing the Reform should include the establishment of a new body of state nature conservation control, consolidating in it all functions of environmental oversight control, which are currently dispersed among various agencies, and granting it law enforcement status. This also includes the liquidation of territorial and interregional bodies of the State Environmental Inspection and the transfer of their functions to interregional territorial bodies.
of the State Nature Conservation Service of Ukraine, formed on the basis of ecological-resource and ecological-technogenic districts. At the same time, the reform of the State Environmental Inspection of Ukraine and the establishment of the State Nature Conservation Service of Ukraine also envisage a new approach to the content of nature conservation supervision and control.

Considering the above, there is an urgent need to adopt a separate law regulating environmental control and supervision in the field of the natural environment, which should work on the principle of "State-Business-People" taking into account the social relations arising against the background of human activity in relation to the environment.

It is believed that the implementation of the complex of measures envisaged by the Reform will lead to the following main expected results:

- Implementation of a system for predicting violations of environmental legislation and control based on risk assessment;
- Improvement and ensuring transparency in the process of monitoring the state of the natural environment, oversight, and publication of results;
- Minimization of the possibility of violations in the field of environmental protection with negative consequences and the imposition of damages;
- Introduction of the functioning of a unified automated state register of the permitting system for natural resources and objects posing increased environmental risk;
- Expansion of public participation in environmental control, taking into account new principles and approaches;
- High level of environmental awareness;
- Reduced pressure from state environmental oversight authorities on businesses;
- Unwavering implementation of the "polluter pays" principle.

Thanks to the Reform, in the long term, there will be a significant reduction in the negative impact on the environment, and consequently, on the health and quality of life of all segments of the population. This will allow ensuring the constitutional right to a safe environment for life and health, which is one of the fundamental human rights.

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