



European Union Network for the Implementation
and Enforcement of Environmental Law

IMPEL REVIEW INITIATIVE (IRI) “A voluntary
scheme for reporting and
offering advice
to environmental authorities”

Report on the IRI Ukraine that took place The Hague, The Netherlands
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Executive summary:	
<p>This is the first Ukraine IRI. Due to Russia large scale military invasion in Ukraine, the IRI did not take place in Ukraine but was hosted by IMPEL at KIVI Engineering Society in The Hague, the Netherlands on 27 and 28 August 2024. The IRI pre-meeting took place online on 15 July 2024. Ukraine is moving on the path towards EU membership. On 22 February 2022 Ukraine applied for EU membership; in December 2023 the European Council decided to open accession negotiations and on 25 June 2024 the first intergovernmental conference marked the formal start of accession negotiations. Ukraine needs to align environmental legislation and implement the EU Environmental Acquis.</p> <p>Taking into account Ukraine's future EU membership ambitions and the current difficult and exceptional circumstances in Ukraine, the IRI focussed on the areas of transformation and reform of the State Environmental Inspectorate (SEI) and inspections.</p> <p>It took the form of structured presentations from the SEI of Ukraine followed by open question and answer sessions with the review team. The presentations are available in the annex.</p> <p>The report focusses on the opportunities for development. There were good practices identified. Good discussions were held during the review, some of them may not be included here.</p>	

The scope of the IRI focussed on the following areas:

- Transformation and reforming of the state environmental control system;
- Inspections;
- Risk assessment methods;
- Alignment with the EU environmental Acquis;

The IRI team made the following general observations about the SEI:

- The transformation and reform process of SEI is very ambitious;
- SEI has implemented a system of public inspector that increases public participation in inspection activities;
- The platform EcoThreat was developed and launched by the Ministry of Environmental Protection and Natural Resources. It facilitates that every citizen can send environmental violations to the SEI.

The IRI team made opportunities for development on the following areas:

- The transformation and reform process of SEI;
- The responsibilities of SEI organisation;
- Workload of the inspector, including prioritisation based on risk;
- The use of smart IT solutions to support inspection tasks;
- The role of the inspector in the permitting process;
- The use of risk assessment tools;
- Authorisation to access facilities;
- Systems to react on accidents, incidents and complaints;
- Finance of inspection costs;
- Routine inspections based on IED/EID or SEVESO III;
- Coordination between different competent authorities;
- Data driven organisation;
- Learning organisation;
- Implementation of general binding rules;
- Compliance promotion;
- International coordination.

The IRI team would like to thank the Ukraine team for their excellent cooperation and involvement in the review process. The first results of the review were presented to the Ukraine team at the end of the second and last day of the IRI.

Disclaimer:

This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium. IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years, IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 8th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation. Information on the IMPEL Network is also available through its website at: www.impel.eu.

Contents

1. Introduction.....	6
Introduction to the IRI Scheme	6
Purpose of the IRI	6
Scope of the IRI.....	6
2. Review findings.....	7
Part A. The institutional and legal framework of environmental protection.	7
A1. State Environmental Inspection Control in Ukraine	7
A2. Policy, Goals, objectives and strategic alignment.....	8
A3. External Relations – civil society participation.....	9
A4. Environmental damage	10
Part B – Inspection activities	10
C1. Strategic cycle.....	10
C2. Operational Cycle	13
3. Opportunities for Development.....	16
Part A - The institutional and Legal framework	16
Part C – Inspection activities	16

1. Introduction

Introduction to the IRI Scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement **the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI)**¹, where it states:

“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”

In the past the IRI was primarily focused on Inspections, nowadays the IRI can cover the whole regulatory cycle and focus on any regime (e.g. water or nature) or regulation (e.g. Industrial Emissions Directive or Waste Shipment Regulations)

This IRI was set in the extraordinary circumstances of war. The pre-meeting was online, and the review took place outside the host country. The review was also shortened from three+ days to two and had a smaller review team due to organisational logistics.

Purpose of the IRI

The aims of the IRI scheme are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL Member Countries for the purpose of benchmarking and continuous improvement of their organisation;
- Encourage capacity building in environmental authorities in IMPEL Member Countries;
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems.
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”)

The IRI is an informal review, carried out by colleagues from IMPEL. It is not an audit. The IRI is intended to enable the environmental authority and the Review Team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL Member Countries.

Scope of the IRI

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The **IMPEL “Doing the right things for permitting and inspections”** Guidance Book has been used to help structure the questionnaire and the review. The Guidance Book was initially developed to support authorities in implementing the Industrial Emissions Directive and describes the different steps of the **Environmental Permitting and Inspection Cycle**.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:118:0041:0046:EN:PDF>

2. Review findings

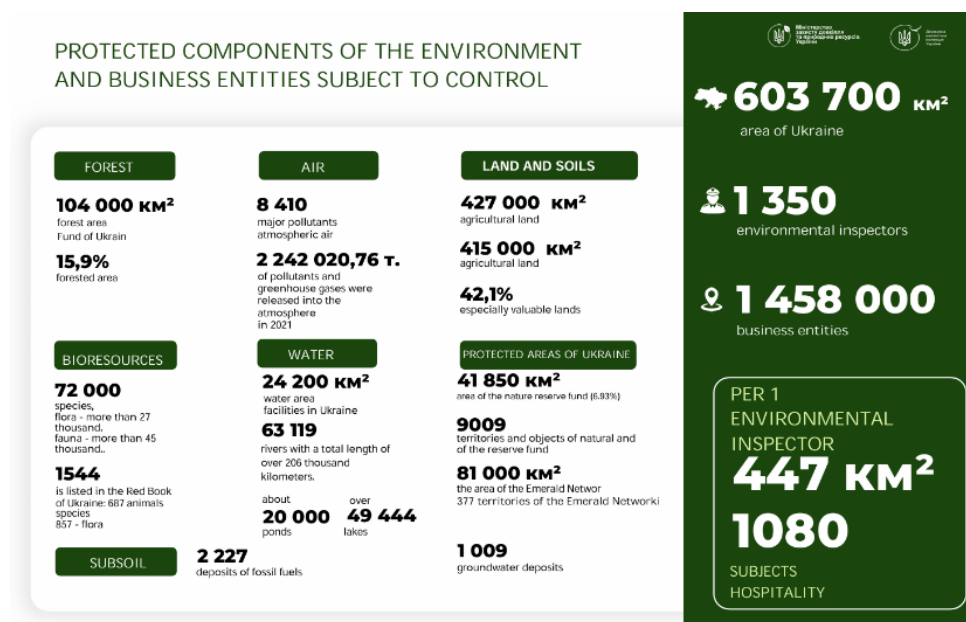
Part A. The institutional and legal framework of environmental protection.

A1. State Environmental Inspection Control in Ukraine

The State Environmental Inspectorate of Ukraine (SEI) is currently undergoing a reform. The aim of the reform is to create a single integrated body of state on environmental control.

Tasks:

The SEI is a central executive body of state for environmental controls (inspections) in Ukraine.



Areas of competences: The SEI has several areas that are subject to control. These areas are: forests (104.000 KM²); bioresources (72.000 species); air (8 410 major pollutants; water 24.200 KM²; protected areas (41.850 KM² nature reserve fund); subsoil (2 227 deposits of fossil fuel and 1 009 groundwater deposits) and 1 458 000 business entities.

Staff (in numbers):

Currently SEI employs 1350 environmental inspectors. On average, every environmental inspector covers 447 KM². The area includes hospitality objects, agriculture and natural areas. All environmental inspectors are at work. The number of environmental inspectors dropped from 2000 to 1350 because of budget cuts. Since the outbreak of the war the tasks of the environmental inspector have broadened with the registration of war crimes and the calculation of the costs of environmental damage.

After the reform of SEI it is proposed that the staff roster will increase to 7035 inspectors. On average, after the reform, each inspector will have an area of 107 KM² to inspect, about a quarter of what they have now. In addition, it is proposed that the number of employees in the central office will be 965.

Organisation:

The environmental inspectors are divided into departments and are, in general, not specialised in specific topics. Currently inspectors are perceived negatively by operators and the general public. It is recommended that a communication strategy is developed and executed to improve the image.

Tasks:

Surveillance and control, sampling, radiation safety and implementation of state supervision. Because of the war, inspectors do not currently perform planned/scheduled inspections. The focus of the inspectorate is handling complaints. Since the beginning of war actions, a new function of collecting evidence, fixation and losses calculations and assessment was added.

Personnel policy:

Within the reform of the SEI a special personnel policy has been developed to attract new employees. Demobilised military service personnel are actively recruited as they are very motivated and by working in the SEI they will stay socialized.

Training:

Currently there is a risk that performing inspections will not be carried out correctly due to a insufficient level of professional skills of inspectors. Within the reform of the SEI qualification training for inspectors is included. It is foreseen that the University of Ukraine will train and include continuously learning for the inspectors.

A2. Policy, Goals, objectives and strategic alignment

The aim of the reform of SEI is to create a single integrated body of state on environmental control that will help SEI to be more effective in their work, encourage better prevention, to be enable to better detect violations and to be more effective to end environmental damage.

There are some risks to the reform process of the SEI. The main risks and proposals to mitigate these risks are:

- There is a lack of clearly defined legislative procedures for environmental control. The draft law on the implementation of European legislation should mitigate this risk;
- An outdated system of accounting for activities and documents of state. Draft legislation to digitalize the system so it will be transparent and prevent corruption;
- Currently environmental control is organized in 7 different organizations. Aim of the new law on state environmental control is to move this to a single competent authority. Some resistance is expected from other institutions;
- Laboratories are outdated and not certified. The outputs of laboratory analysis are unreliable. International assistance is in process of attraction for the certification, ;
- There is a lack of access to the necessary information on monitoring data on the state of the environment and on registers and cadasters. A solution could be to create an integrated system to get data from other systems;
- There are potential corruption risks when an inspector meets a business operator. A potential mitigation of the risk could be to introduce a system of peopleless and paperless control so there will be no contact to supplement and provide verification of on-site controls;
- Poor professional skills of inspectors. Proposed solution is that the University of Ukraine train inspectors
- Low reputation level of inspectors: Solution: level 1: competitive selection of inspections and employ demobilized military in own regions if they pass qualification.

The reform of the SEI has 3 main focus areas:

1. Technology: each group of inspectors will be equipped with a camera, tablet, and GPS tracker, GNSS receivers;
2. Prevention: pollution will be prevented more effectively by the inspector by regular patrolling, operational response and raids;
3. Transparency: the Ministry of Environmental protection and natural resources has developed and launched the platform EcoThreat. The inspector uses EcoThreat for the registration of complaints and documenting war crimes. The platform EcoThreat can also monitor air and radiation. It facilitates a mechanism by which every citizen can send environmental violations to the SEI.

According to the current view of the Ministry of Environmental Protection and Natural Resources of Ukraine, the timeline for the approval of the draft *Law on the state environmental control* is (at the time of the review) the last quarter of 2024. While the draft Law is in process of being approved, strategies are being developed and a pilot projects carried out. The reform will be completed in 2026.

A3. External Relations – civil society participation

The SEI actively involves civil society in inspection activities by appointing public inspectors. For the public to be involved in inspection activities of SEI, the Institute of public inspection has been set up. Any citizen can potentially become a public inspector. The requirements to become a public inspector are: the person needs to be over 18 years of age; have experience in environmental work; and have Ukrainian nationality.

A public inspector is attached to a territory or assigned for the entire territory of Ukraine. The Chief State Inspector for Environmental Protection and Chief State Inspectors in the field (according to the territories) appoints the public inspector.

After training, a certificate is given to the public inspector. A public inspector is matched with a governmental (SEI) inspector according to his/her specialisation.

The public inspector has several tasks:

- conduct raids (surveillance);
- drafting inspection reports;
- drafting reports on administrative offences in case of violation of environmental legislation.

The public inspector is allowed by law to take photographs of evidence and has an important role to inform citizens' rights on environmental legislation. The public inspector can draft an inspection report, SEI issues the report. When the state inspector carries out surveillance, they can invite public inspectors to join the surveillance. But a public inspector can also go on their own to do supervision functions. The public inspectors help in areas that are closed to the public and help local communities.

The state inspector can also invite a public inspector on surveillance on a specific topic, for example hunting.

The public inspector needs to submit a report each quarter and each year detailing their activities. Public inspectors can be disqualified (deprived from the function to perform his/her functions) when the yearly and quarterly reports are not submitted, the public inspector does not perform the tasks they are allocated or has poor performance and when he or she violates environmental legislation or conducts other illegal actions.

SEI is keen to attract as many public inspectors as possible. The SEI liaised with the OSCE and a joint seminar was held. As one of the results of methodological recommendations were issued jointly with

the OSCE on training of the public inspectors (link: <https://www.osce.org/uk/support-programme-for-ukraine/556440>).

The number of public inspectors has increased from 320 in 2023 to 325 in 2024.

The public inspector is characterised as a caring citizen, willing to fulfil an unpaid position that has some risk involved (threats). Overall, the position of public inspector appeals to the younger generation, mainly people in their 30s and to those individuals that have a desire to protect the environment. Not all public inspectors have an environmental background.

At the moment the system of public inspectors works effectively with the platform EcoThreat, reports of violations are included in the system.

When the reform of SEI is implemented, SEI also wants to recruit public inspectors as state inspectors. In practice there are few downsides to the system of public inspectors. Sometimes a public inspector may not submit a needed report.

Citizens can make a complaint when their rights on the environment have been violated by for example an operator. The complaint is one of the grounds included in the Law on Supervision (article 6) for an unscheduled inspection. The requirements to make a complaint are publicly available. Environmental data and information available for the public on for example the state of air, soil and radiation can be found on the EcoThreat system.

A4. Environmental damage

The invasion of Ukraine by Russia has resulted in a very significant increase in damage to the environment and nature, due to acts of war. As of 31 August 2024 the SEI inspectors recorded 5448 cases of environmental damage caused by the armed aggression of the Russian federation that required 6593 calculations. Moreover, the SEI inspectors continue to record cases of environmental law violation and environmental damages caused by other reasons different from armed aggression.

Part B – Inspection activities

C1. Strategic cycle

C1.1. Describing the context

The SEI is currently in a reform process. For inspection the main approach of the new system will be prevention designed to stop environmental damage and eliminate negative consequences. Prior to the reform the main approach focused on catching the violator and bringing the violator to justice.

The reform requires that environmental inspectors work in two levels:

Level 1: inspectors are assigned to relevant geographical areas and are responsible for keeping the area under control. If a problem occurs, data is used to analyse what has happened.

Level 2: analytical activities and management decisions take place. There are 630 senior inspectors and 670 employees. For level 2 there will be 12 environmental control districts.

The central office will have 300 employees and 150 senior inspectors.

After the reform of SEI the staff will increase from 1350 to 7035 inspectors. On average, after the reform, each inspector will have 107 KM² to inspect. The number of employees in the central office will be 965.

In total 915 environmental control points will be installed. The environmental control points are local offices that work closely with the municipalities and are in operation 24/7. On average 6 level 1 inspectors are stationed at an environmental control point.

The total number of inspectors of the operational units will be 6405 with 31 settlements in Ukraine under control. Ukraine has 27 regions, these regions are grouped by natural resources or industrial resources. At the moment there are 18 regional divisions of the SEI and the reform provides their reduction to 11.

Pilot in the framework of the reform and transformation of State Environmental Control

Recently 3 pilots in 3 regions were initiated on the planned reform on the Environmental control points. SEI inspectors in the region monitor the work of the level 1 inspectors of the local Environmental Control Point. Entities that are involved are facilities:

- discharging wastewater; or
- active in the field of waste management; or
- have emissions to air; and/or
- land protection

Furthermore, protected areas and main forest users are also involved in the pilot. Besides the main activities, the Environmental Control Points also deal with seasonal activities such as cutting trees for Christmas. Within the team, a specialist can take samples and these can be analysed in a mobile laboratory.

The performance indicator that has been applied to the 3 pilots is the number of violations. The desire is to see that the number of violations will decrease, however, the review team, given the short period of the pilot expect the number of violations to continue to grow over that time not decrease. This will not mean that the pilots are unsuccessful just that the duration of the pilot is too short to show impact of SEI's work. The review team consider that the best targets or performance indicators would be on environmental outcome. For example, setting a target on the increase of biodiversity in a specific area over a longer period of time.

The pilots are running for 4 months. It was noted by the review team that it will be very difficult to get good feedback during this short period. It is advised that one has to be careful how the outputs/outcomes of the pilots could be used as an argument in the future. The review team ask the SEI to consider other potential metrics.

Roles and tasks

Level 1 inspectors (operational unit), stationed at the Environmental Control Points, will have the following tasks:

- Patrolling
- Raids
- Prompt response
- Entering data into the online information system
- Bringing individuals to justice

Level 2 (senior) inspectors are located in the Environmental Control Districts. The Environmental Control Districts have:

- A laboratory center (in 12 regions);
- Operational and analytical center;
- Departments of analysis and monitoring of data; and
- 8 resource departments of senior inspectors.

In the central office the following activities are located:

- Analytical work for management decision-making, methodical work, administration of

- information and communication system of state environmental control;
- Administration of the information and communication of state environmental control (Eco Threat);
- Coordination of state environmental control measures;
- Personnel work;
- Interaction with CEBs;
- International cooperation and representation;
- Raising environmental awareness

The analytical work entails the analysis of the work of inspectors. This can be a check if inspection targets have been achieved , for example how many fines have been issued.

In the operation and analytical center data will be used to prevent environmental damage. This was illustrated by a presentation for Moldova. There was an explosion in a village and pollution travelled to Moldova. Moldova was informed about the pollution entering to their country.

In the operational part of the center, not only citizens can see but also center office checks if complaints are handled in time.

Budget:

The estimation of budget for the reform of SEI is executed by the Ministry of Environmental Protection. The pilots provide information if the estimation of the total costs is correct.

Complaints and unscheduled inspections

Because of the war in Ukraine, SEI does not perform planned/scheduled inspections.

Grounds for unscheduled inspections are included in article 6 of the Law “On Basic Principles of State Supervision (Control) in the Field of Economic Activity ”Usually, registration of complaints and follow-up is collected by the system EcoThreat.

C1.2. Setting priorities

Legal framework is in place for planning of inspections. Two resolutions are in force on how to assess risks for facilities and how facilities would be controlled. A procedure for an inspection plan is in place: before 15 October of each year a list of facilities subject to planned measures of state supervision is uploaded in a system. The system automatically drafts an annual plan of state supervision activities. The plan sets when and for how long the inspections will take place. Risk criteria are set on the risks of the facility and on the environment. The risk criteria are set and can't be amended by SEI.

Risk criteria that are used include: compliance; number and type of violations; unscheduled inspections and the number of times facilities refused inspectors to enter the grounds of the facility. Each criteria receives a number of points and each facility is listed in 3 types of risk: high/medium/low. The frequency for planned inspections is set according to the risk: high risk: no more than once a year; medium risk: once every 3 years and low risk: once every 4 years.

It's advised not to fix the criteria in a regulation. Criteria on the impact on the environment that are used are too difficult to assess. IMPEL has developed risk assessment tool, IRAM. The European Commission has recently asked IMPEL to draft a guidance on this tool on their behalf for IED installations. The risk assessment SEI performs is currently not according to this methodology.

C1.3. Defining objectives and strategies

No specific objectives or strategies have been defined for certain facilities. The overall goal is handling complaints.

Strategies on compliance promotion should be considered to be included to be part of the toolbox, especially if the interaction between inspector and a facility is minimalized, as set out in the reform and transformation of SEI.

Communication with public

Information on planned and unscheduled inspection results used to be published on the website before the outbreak of the war. Currently the information is closed for the public. Information on conclusions of sanctions is available to the public.

C1.4. Inspection plan

The State Environmental Inspectorate of Ukraine draws up an annual inspection plan, but by the government's decision, scheduled inspections have not been carried out since the beginning of the war.

C2. Operational Cycle

C2.1. Inspection framework

Protocols and working instructions

Within the reform and transformation of SEI no formalised protocols or working instructions for inspectors are included.

IT tools

SEI operates a software electronic document management system (EDMS) in its activities. EDMS provides the opportunity for users to work full time at automatic workplaces. Users are authorized and identified in EDMS using Electronic digital signature (EDS), Active Directory, logins and passwords. The EDMS client workplace is universal:

- regulated only by the authority of the user
- does not require installation of additional software
- has a set of functions and modules that are used by the user

Users can work comfortably in geographically remote locations, provided that the communication channels have a minimum data transmission speed

The system solves the following set of functional tasks:

- Registration and administration
- Processing of citizens' appeals
- Delivery of documents to the structural units
- Collective processing of documents
- Control of execution of management's orders
- Sending outgoing correspondence
- Processing of structured documents
- Electronic archive of documents
- Content management in hierarchical directories
- Process management
- Preparation of reports and statistics

- Processing of documents by e-mail
- Exchange of documents with external EDMS
- Information protection
- Electronic digital signature - the electronic digital signature subsystem has built-in certified means of cryptographic protection of information
- Court cases - support of informational and analytical activities of representatives (lawyers) of the organization in courts
- Administration of workplaces, processes, reports

Currently, in cooperation with UNDP, it is planned to create an Interactive Platform of the Register of Environmental Damage as an information and analytical subsystem integrated into the existing EDMS used by the SEI, within which activities will be conducted and properly documented to calculate the amount of damage, losses and damages caused to the environment and natural resources of the state, on issues within its competence, as a result of accidents, emergencies, armed aggression, military, terrorist or other criminal acts, including from the beginning of the legal regime of martial law.

In addition, it is planned as part of the future module of the integrated information and analytical subsystem to provide state environmental inspectors with information support for their work, a mechanism for preparing, coordinating, moving documents and implementing environmental protection measures for more effective control in the field of environmental protection, rational use of natural resources and radiation safety.

The State Environmental Inspectorate uses the EcoThreat web resource in its work. EcoThreat is an official web resource of the Ministry of Ecology, developed with the support of the Ministry of Digital Transformation of Ukraine, a standardized form for automatic collection and recording of information on environmental threats in real time, with geographic reference to the area.

Equipment

Within the reform and transformation of SEI all level 1 inspectors will be equipped with a camera, tablet, and GPS tracker, GNSS receiver.

Training

Within the reform and transformation of SEI, level 1 inspectors will be trained by the University of Ukraine to improve professional inspection skills. For level 2 inspectors it is advised to have a good overview of the tasks with a training programme, especially when preparing for the implementation of the EU Industrial Emissions Directive (IED) and EU Seveso III Directive.

C2.2. Compliance assurance, inspection and enforcement

Unscheduled inspections (associated to complaints)

Unscheduled inspections take place when there is an accident at a facility or when a complaint is submitted. Complaints are submitted through the system EcoThreat, some complaints can be provided directly to the SEI. Also, if previously an inspection has been carried out, an unscheduled inspection takes place to check if action has been taken. All inspections are carried out during working hours.

Inspection

During an unscheduled inspection, the inspector only inspects the issues mentioned in the complaint. The inspector uses a uniform format and needs to fill in mainly closed questions and describe some circumstances. The inspection report is drafted at the office or at the facility. The template is on paper.

There is an overall lack of equipment and access to all databases. SEI needs considerable time for preparing inspections because not all permits are available. This slows down the process.

Access to facilities to conduct an inspection:

Not giving access to premises to conduct inspection without legal grounds for this or on formal grounds is currently an obstacle. A facility can create all kind of obstacles to prevent inspection. The facility will receive a fine of € 18 if they create obstacles for an inspection. Inspectors can call the police that the case is prevented. Afterwards, inspectors can submit the case that facility hides information. Facility can also allow inspectors to enter the premises, but not to all areas or some documents are not given or not completely. This is a bigger problem. It is advised to increase the amount of the sanction of € 18 for not giving access to the premises. The current sanction is very low.

Enforcement / sanctions

The inspectors can take administrative actions and fines. In cases where a violation has been found, the inspector makes an estimation of the damage. A facility can pay the fine voluntarily and an inspector can give an order to eliminate violation. An inspector can also go to court to stop the activities. Criminal activities are forwarded to the police. A calculation of the damage to the environment by the facility is carried out. To calculate the damage, a number of methodologies have been approved. The methodologies include sampling, procedures on estimation of damage and if some permits have been valid or invalid and for how long.

Criminal sanctions: when the danger to the environment and public health is high, criminal sanctions are taken. Also the scale of the violation is taken into account, for example if more trees are cut, it is a criminal offence, when less trees are cut an administrative fine is given.

Reporting

All information is now digitalised and stored in the cloud. Documents; e-mail exchange and core work of inspectorate is digitalised. The checklist for inspections is still, however, paper based.

3. Opportunities for Development

Part A - The institutional and Legal framework

- Reform and transformation of SEI: the reform process is necessary, but the process is also very ambitious both in scale and speed. It is recommended to do what you can now and prepare a more realistic roadmap. It is also recommended that you prioritise the activities that need to be in compliance with EU legislation. Changes and reform should be based on realistic and achievable budgets and resource plans.
- Organisational setting: there are a lot of different authorities influencing the work SEI is responsible for. The coordination between these authorities needs to be improved.
- Learning organisation: SEI can do more to become a learning organisation. Training is included in the reform and transformation of SEI, but to become a learning organisation includes a training programme for the whole organisation based on training needs assessment, train the trainer and knowledge exchange.
- General binding rules (GBR) are not used in Ukraine. Consider if implementing of GBRs in Ukraine is of added value for facilities and SEI. GBR's are a standard set of rules that apply directly to activities. Using GBR's makes issuing permits unnecessary and gives uniformity in conditions and obligations for the regulated community.
- Budget: budgets do not cover the costs of inspection. Consider how that could be changed.
- SEI doesn't have a legal status as law enforcement agency. SEI needs to look for cooperation with other bodies to do their work. Reform in this area needed.
- Regulated entities have a negative image of SEI. A communication strategy should be considered to improve the image of SEI. Consider also how you could demonstrate improvement over time such as through the use of regular surveys.
- Data: SEI is digitalising all their information but is not yet a data driven organisation. This requires careful planning to avoid overlap and waste and to ensure digitised processes are optimised before digitising.

Part C – Inspection activities

- Risk assessment: the risk assessment tool used by SEI has fixed criteria (by legal resolution). The 4 criteria are: impact, compliance, complaints, access to entity. All criteria have almost the same weight. It's difficult to get an output on new goals or alignment workload with any strategic priority. Modification of the process is required. Using risk assessment tools like IRAM should be considered.
- Defining objectives and strategies: consider setting up a strategy for compliance assurance.
- Outcome driven goals: no goals on environmental outcome are set, this is necessary to be able to prioritise the work and to use this to allocate staff.
- Sanctions: sanction of €18 for not giving access to premises is far too low. It is recommended that this should be increased to a significantly higher value.
- Operational: no 24/7 system is in place to react on accidents, incidents and complaints.
- Inspection tools: there are no modern technologies to perform inspection tasks. Decisions for inspections (scheduled/unscheduled) have no monitoring data evidences due to absence of monitoring agency in Ukraine
- Workload of the inspector: the workload is too high. Prioritise based on risk and make use of smart IT solutions to support the task of inspection.
- Role of inspector in permitting process: the role of the inspector is very limited, consider ways

to increase this e.g. review of new permits via access to permission database, feedback to permittees etc

- Access to facilities: Authorisation to access facilities or entities is not well arranged for control and monitoring functions.
- Routine inspections: Facilities/entities are not currently subject to routine inspections. this is not in line with IED or SEVESO III Directive.