

Professor Svitlana Romanko

Law Institute of Prykarpatsky National University after Vasyl Stefanyk, **Ukraine**

Efficient Nature Usage in Ukraine: ecosystems protection and economic and legal factors of impact on environment

Global ecosystems suffer from the heavy load caused by the inefficient nature usage. A conflict of public and private interests typical for nature usage in general and for ecological law in particular creates controversy between law making and law implementing.

Having brought in chargeable nature usage, Ukraine moved ahead towards improving economic and legal procedure of environmental protection as well as efficient nature usage and ecological preservation. However, such integral elements as ecological insurance, ecological audit, and ecological incentives for nature users introducing nature conservation activities are not in operation; procedure of environmental impact assessment is warped and technical and fails to prevent inefficient nature usage, natural resources consumptive usage and destructive impact on Ukrainian ecosystems. Current Law "On Ecological Net of Ukraine", describing ecosystem elements and legal order, leaves without determining eco-net preservation procedure able to function under modern circumstances.

Legislation bottlenecks are most evident when introducing new forms and approaches to nature usage, e.g. the present situation with shale gas. At present the Government has signed the Production Sharing Agreement with Shell company under which the investor is entirely exempt from paying ecological taxes, special water usage charge, a number of other taxes, funds from which could be used for nature conservation. At the same time the damage inflicted on ecosystems will be awarded post factum which destroys the basic environmental protection principle – preventative environmental protection measures have an advantage over the liquidation ones.

At the moment Ukraine is actively reforming the subsoil legislation which remained next to invariable for the last 20 years. Specifically, early January 2013 saw the new draft Ukraine Code on Subsoil develop which simplifies considerably the right for subsoil usage acquisition, including the oil and gas bearing areas together with the opposite meaning bill on the temporary moratorium on alternative techniques for hydrocarbon exploration, prospecting and mining.

The economic and legal nature users environmental protection motivation procedure and relating legislation should be changed to avoid the inevitable deleterious consequences for Ukrainian ecosystems.