



EUROPEAN NEIGHBORHOOD  
AND PARTNERSHIP INSTRUMENT  
EAST COUNTRIES FOREST LAW  
ENFORCEMENT AND GOVERNANCE  
II PROGRAM



The Program is funded by the European Union and implemented  
by the World Bank in partnership with WWF and IUCN

[www.enpi-fleg.org](http://www.enpi-fleg.org)

**Summary (Oleg Storchous):**

**Analytical report:**

**“Improvements in Organizational and Legal Support of the State Control in the Forestry Sector”**

Despite the leading role of control mechanisms in the forest sector, their efficiency and effectiveness have been hardly studied by national experts. This necessitated a comprehensive study and evaluation of control mechanisms in the forestry sector, which aimed to identify current problems in this area and to find ways to address them in the near future.

State control formation and development in Ukraine’s forest sector is quite slow, overcoming a number of obstacles. According to the author of the report, one of the main reasons for the rise of negative phenomena in the sector is critical reduction in the efficiency and effectiveness of control mechanisms that occurs against a background of poor quality of regulation.

The report consists of three sections. Section I is devoted to organizational problems of exercising control in forest relations, Section II concerns the study of legal support of forest management activities in the implementation of control measures, Section III determines the aspects of improving administrative responsibility for forest offences.

One of the key lines of work is to evaluate efficiency of the State Ecological Inspection operation in the implementation of the state control in the forest sector. Exploring themes, the author concluded that the ecological inspection authorities actually carry out fragmentary sampling of conducted logging, designated cutting areas and other forestry operations. This purely periodic “on occasion” control does not provide objectively a complete picture of the overall state of legality in forest enterprises’ operations, making it impossible to ensure complete timely detection, and even more so to prevent violations and take measures on their elimination. Hence, the conclusion: although the ecological control is an important means of influence, but due to objective reasons it

cannot be completely effective, and even more so – it cannot be a perfect tool of forest protection. It is suggested that the approach should be changed - from routine inspections to a comprehensive audit of forest operations.

Other theme of the report is the overburdening of forestry enterprises with inspections undertaken by regulatory, law enforcement and highest authorities. To partially resolve this problem, a number of amendments to the legislation was proposed to reduce the frequency of inspections, review their bases, create an interagency automated system of inspections registration by law enforcement authorities, introduce joint monitoring audits, etc.

It is noted that today there is overlapping of state control responsibilities for compliance with forest legislation by the State Forest Resources Agency, which are practically performed by the State Inspection units. But in this part, the forest authority exercises purely formal powers, since territorial authorities of the State Forestry Resources Agency do not conduct scheduled or unscheduled inspections in the framework of the state control. This legal status requires relevant amendments made to the legislation.

Assessment of the internal control system at the level of forest entities can be considered as one of the main areas of work. It is noted that a significant disadvantage of the national forestry system is a conflict of interest between licensing, economic and inspection functions of permanent forest users. In fact, officials of forestry enterprises are planning forestry management activities, carry out these activities and exercise simultaneous control of their implementation. This leads to an objective weakening of internal control. The author notes that this is an extremely complex problem in the national forest management system and it will not be enough to take a few laws or regulations, grant additional powers to individual state authorities, and make a series of personnel changes for its resolution. This is an ongoing work, but the main result should be a complete or partial sector reform. At this stage, along with radical improvement of the personnel policy, the researcher suggests engaging wide circles of practitioners and experts in other areas to develop an internal control system at the level of the state forest enterprise.

Section “Areas of Forest Operations Legal Support in the Implementation of Control Measures” addresses some important issues of forest operations legal support, which due to their systemic nature affect activities of almost all forest enterprises. In particular, the author analyzes the status of forest legislation through the lens of control measures implementation. According to the researcher, the legal basis of control is characterized by a number of shortcomings in the sectoral legislation, the main ones among them are incorrect building of the whole legislative block, its fragmented and outdated nature and inadequate legal status of certain standards and inconsistency with certain provisions of research, etc. To resolve these complex problems, amendments to sectoral legislation are proposed, which, in particular, have to eliminate significant gaps and weaknesses that are used by controlling bodies in imposing legal liability sanctions.

Section III of the paper considers ways of improving administrative responsibility for forest offences. According to the author, analysis of the legal framework and practices of applying administrative measures to ecological inspectors for forest offences strongly suggest availability of significant problems in the implementation of administrative responsibility measures in the forest sector by the ecological inspection authorities. In this regard, an urgent need to improve legislation on administrative offenses related to forest relations is justified, and its main drawbacks are briefly analyzed. At the end of the section, specific proposals are suggested to amend the relevant section of the Code of Ukraine on Administrative Offences.

The author's conclusions contain 12 proposals. Each item provides for specific measures to address the problems described, indicating the state bodies authorized for their consideration and implementation.

It is expected that these analytical conclusions will be taken into account by the relevant public authorities in lawmaking activities and used by the specialized forest agency in the implementation of organizational and administrative measures.