
ЕКОНОМІКА ТА ЕКОЛОГІЯ ЗЕМЛЕКОРИСТУВАННЯ

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ECONOMIC INCENTIVES OF APPLICATION OF ENVIRONMENTAL MEASURES BY AGRICULTURAL LAND USERS

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Abstract. During the analysis of legislation, regulations and their practical implementation we identified problems of maintaining the required level of environmental safety of agricultural land use. In this regard, the incentive of environmental measures implemented by economic entities in the agricultural sector is essential both by the state and through the intensification of private initiative. It is substantiated that due to the competent combination of parameters and tools of the regulator, landowners and land users will honestly comply with the requirements of environmental safety in land use. It is proposed to introduce changes to the legislation with a clear definition of the sources, grounds, procedure for compensation payments for implementation of environmental protection measures by agricultural land use entities. It is expedient to intensify the system of joint funds for restoration, reproduction and protection of agricultural lands.

Key words: economic incentive for rational use and protection of lands, nature protection measures, agrarian land use, landowners and land users.

Introduction.

The fate of any nation depends primarily on the quality of food consumed by its inhabitants, because in its absence, other material values have no sense. The ecological component should become the basis of agricultural land use, primarily through the introduction of technologies that provide the implementation of environmental measures. Accordingly, a compensation system adapted to all businesses, regardless of their solvency, should work. After all, only large agricultural producers are able to modernize the production process at their own expense, which is not the case with small and medium-sized agricultural enterprises.

Given that in the agricultural sector of Ukraine is dominated by farming conducted on leased lands, economic levers of influence on the activities of economic entities become significant. On the one hand, they force (taxation, application of penalties), and on the other – encourage (the provision of tax and credit benefits, grants, subsidies, government investment programs, etc.) land users in the practice of economic activities to comply with environmental safety requirements [1, p. 14-15, 20]. And if the right combination of land protection regulation tools is in place, it will encourage businesses to implement resource-saving measures and allow them to use not only public investment in land use.

In this regard, the effectiveness of the compensation mechanism should be ensured on the terms of both private initiatives and a clearly defined system of regulation and control by public authorities. This mechanism should provide equal economic conditions to the entities of agricultural land use on a competitive basis and cooperation for the implementation of environmental programs.

Economic incentives for rational use and protection of land as an important compensation mechanism is justified by current land legislation, considered in the works of scientists, but measures to implement it “have no legal form as a specific mechanism” [3, p. 59], which requires scientific substantiation.

Analysis of recent research and publications.

Problems related to the compensatory mechanism of ecological safety in agricultural land use are covered in the scientific literature, in particular by economists and land managers, including A.M. Tretiak, Z.S. Khapitska, L.E. Kupinets, O.V. Zhavnerchyk, O.S. Dorosh and others. In particular, A.M. Tretiak and Z.S. Khapitska presents proposals for economic incentives for agricultural land users to improve the natural properties of soils [2]. O.S. Dorosh proposed systems of direct and indirect incentives for land users and landowners for implementation of land protection measures [3, p. 60-61]. L.E. Kupinets, O.V. Zhavnerchyk revealed the compensation mechanism for preventing threats to the environmental safety of agricultural land use and the conditions of its introduction [4]. At the same time, the legislation does not clearly define the sources and values of compensation payments for landowners and land users in the practice of economic activities of environmental protection measures, which requires more thorough research.

The purpose of the study is to offer effective incentives for business entities for implementation of environmental protection measures based on the analysis of current problems related to ensuring the required level of environmental safety in agricultural land use.

Main material.

Land reform has been going on for three decades, during which the government declares a balanced use of nature, but in the practice of economic activity, the interests of only certain economic entities are protected to obtain economic benefits, neglecting the environmental component. This contributed to the exacerbation of the ecological crisis. The level of pollution and environmental degradation reached 35-40%, and the one of land resources – more than 50% [5, p. 13].

In this situation, public authorities should work ahead - to direct social policy in line with the prevention of threats to land use. To address the existing disparities, a universal compensatory tool should be introduced to influence the subjects of land relations for the gradual transfer of land use to the model of sustainable development. After all, the economic crisis in which Ukrainian society finds itself, the introduction of environmental and land protection measures is seen by landowners and land users as an additional burden that requires significant resources. In this regard, the mechanism of economic incentives for environmental safety in land use should be a good solution.

The system of incentives that motivate the introduction of effective land protection tools differs somewhat in Ukraine and abroad. In the western countries it is a desire of agricultural producer to improve own reputation and become one of the market leaders, which gives additional chances to get a bank loan, and in Ukraine – the desire of the business entity to obtain a legislative system of benefits (taxation, lending, social programs, etc.).

Studying any issue, we must know its legal basis, which concerns the economic

incentives for rational use and protection of land, which is regulated by: Land [6] and Tax [7] codes of Ukraine, the Law of Ukraine “On Land Protection” [8], Resolution of the Cabinet of Ministers of Ukraine of September 17, 1996 № 1147 “On approval of the list of activities related to environmental measures” (current version of 15.02.2019) [9], Orders of the Ministry of Agrarian Policy “On approval of the State Budget of Ukraine for payment works on radical land improvement” dated 27.02.2002 № 58/136 [10] and “On approval of the Regulations on the terms of the tender for the provision of funds from the State Budget of Ukraine for payment for works on radical land improvement” dated 31.07.2002 № 216 [11].

The content of economic incentives for the rational use and protection of land is explained by Article 205 of the Land Code of Ukraine, which provides for measures to ensure economic entities rational land use, namely [6]:

- a) providing tax and credit benefits to citizens and legal entities that carry out at their own expense the measures of national and regional land use and protection programs;
- b) allocation of state or local budget funds to citizens and legal entities to restore the previous condition of lands degraded not because of their activity;
- c) exemption from tax payment for land plots that are in the stage of restoration or improvement of their condition in accordance with state and regional programs;
- d) compensation from the budget funds for the reduction of income of landowners and land users due to the temporary conservation of degraded and unproductive lands degraded not because of their activity.

A detailed study of the components of economic incentives for the rational

use and protection of land in the direction of their practical application, revealed significant problems associated with their implementation. We describe each in particular.

1. Providing tax and credit benefits to citizens and legal entities that carry out at their own expense the measures of national and regional land use and protection programs. An important condition for its implementation is, first of all, the existence of such programs, which provide for the introduction of environmentally friendly management technologies and measures for the rational use and protection of land. With regard to tax benefits, the tax legislation of Ukraine provides for the provision of minor benefits for the payment of corporate income tax and land tax benefits that under certain conditions can be used by persons carrying out land protection measures (Articles 9, 10 of the Tax Code of Ukraine (hereinafter - TCU)). In particular, the land tax is not paid for agricultural lands under temporary conservation or are of restoration (paragraph 1.2 of Article 283 of the TCU) [7].

In this regard, there is a need to amend the legislation regarding the more efficient functioning of tax benefits: 1) when granting benefits, tax rates should be differentiated; 2) when exempting an economic entity from paying tax, there is a need to determine the term of validity of the benefit provided; 3) the benefit must be environmentally and socially oriented.

Nevertheless, in addition to tax exemption, it would be worthwhile to provide a "tax credit" for land protection activities, which means a deferral of the tax paid by the enterprise to the budget in a calendar year. It is a mechanism of tax incentives that will give the business entity the opportunity to receive

additional funds by reducing taxes by a percentage of the cost of environmental measures. Thanks to this approach, over time, the funds provided will be returned in a much larger amount.

With regard to credit benefits, currently the legislation does not provide a mechanism for preferential lending to citizens and legal entities that carry out at their own expense measures of national and regional programs of land use and protection. There is a need to develop such a mechanism. It should be based on the provision of state budget funds on a reverse free or partially paid basis to the relevant economic entities for the implementation of measures in accordance with land use and protection programs.

Considering lending as a tool to stimulate rational land use, we should develop a mechanism by which soft loans similar to tax benefits will be provided at reduced rates for implementation of environmental measures (for example, for the use of biological methods of plant protection, tillage, improvement of agricultural lands, etc.).

Resolution of the Cabinet of Ministers of Ukraine of 24.05.2004 № 666 "On the establishment of the State Fund for Incentives and Financing of Environmental Protection Measures" approved the Regulations on the State Fund for Incentives and Financing of Environmental Protection Measures. This fund should allocate funds for environmental protection activities, for research in this area and activities related to the introduction of an economic mechanism to ensure environmental protection at the expense of the State Fund for Environmental Protection within the state budget and other funds, defined by the budget for the relevant purposes [12].

According to the Resolution of the Cabinet of Ministers of Ukraine dated

09.12.2020 № 1541-р “On the allocation of funds to the Ministry of Environmental Protection and Natural Resources” the government allocated 89177.1 thousand hryvnias (including 40.0 thousand hryvnias – for the State Ecological Inspectorate), of which consumption expenditures are UAH 645.84 thousand and development expenditures are UAH 88531.26 thousand. It was made within the framework of the program 2701270 “Implementation of environmental measures, in particular to improve the environment” to strengthen the material and technical base and implement other environmental measures at the expense of the balance of the State Fund environmental protection, which was formed on January 1, 2020 [13].

It would be appropriate to create a Fund to attract investment in agriculture, which would reduce the cost of loans from commercial banks while ensuring compliance with certain conditions, namely: 1) monetary compensation for projects that fully meet the requirements of the program; 2) one-time support for project implementation; 3) financial support may not be provided to those entities that have unsettled obligations to the state. In this regard, the loan repayment of up to 50% of the loan must be guaranteed – in case of repayment in two years; up to 70% – the loan is a subject to repayment within five years and up to 85% if the maturity reaches more than five years. The Fund pays a specified part of the interest for the borrower.

2. Allocation of state or local budget funds to citizens and legal entities to restore the previous condition of lands degraded not because of their activity. This is the most effective type of economic incentives for the rational use and protection of land.

It is a question of providing funds on the fact of land degradation not due to the fault of economic entities that make improvements (paragraph “b” of Part 1 of Article 205 of the Land Code), but it is determined to allocate funds only for land restoration. It would be more expedient to take into account the lands which condition was not degraded and to indicate the possibility of stimulating any kind of improvement.

Based on the Resolution of the Ministry of Agrarian Policy of Ukraine and the Ministry of Finance of Ukraine (now – the Ministry of Economy, Trade and Agriculture of Ukraine) “On approval of the Procedure for using the State Budget of Ukraine to pay for radical land improvement” from 27.02.2002 № 58/136 determines the procedure of state budget funds use. It stipulates that the distribution of funds between enterprises is based on the decision of the tender commissions (paragraph 2.1). The main administrator of funds allocated from the state budget is currently the Ministry of Economic Development, Trade and Agriculture of Ukraine [10].

Budget funds for the payment of land improvement works in accordance with the Procedure are used exclusively for chemical reclamation of soils, which includes work on the preparation of project documentation and liming and plastering of soils, which include the cost of reclamation and transportation costs. The substantiation for determining the lands on which it is necessary to carry out chemical land reclamation is the materials of continuous agrochemical certification of lands of the last round of the survey. If necessary, an additional examination may be performed.

Agrarians have been provided with 4.5 billion hryvnias of support in the state budget for 2021, but there is no clearly defined

Table 1. Economic influence instruments on the environmental measures' implementation by the agricultural land use subjects

№	Environmental measures	Application of economic instruments of influence
1	Introduction of soil protection system of agriculture with meliorative organization of the territory	Compensation of payments in the appropriate amounts, taking into account the degree of erosion (from 30 to 100%) at the expense of state and local budgets and funds received in order to compensate the losses of agricultural and forestry production; subject to the participation of landowners or land users in the national (regional, local) program for protection of soils from erosion for the implementation of works provided by the land management project and performed at their own expenses
2	Construction, expansion and reconstruction of anti-erosion, hydrotechnical, anti-karst, shore protection, landslide, avalanche and anti-mud structures, as well as measures to protect against flooding, aimed at preventing the development of dangerous geological processes, eliminating or reducing their negative impact on the territory and objects	Reimbursement of construction costs in full; annual compensation of unearned income from the area occupied by buildings; financing of expensive soil protection measures of long-term action is made by a targeted subsidy for a certain amount of work. All works are performed in accordance with the land management project at own expenses
3	Chemical land reclamation	Reimbursement of costs for the preparation of project documentation. Reimbursement of costs for the purchase of lime and gypsum containing materials and transportation costs at the expense of the state on the basis of continuous agrochemical certification of the last round of survey, and if necessary additional survey
4	Arable land arrangement by removing water protection zones, erosion-hazardous and other unsuitable for plowing lands from agricultural production zones	Compensation of the costs of removed arable land. Annual reimbursement of part of the unearned income by the administrator of public funds on the basis of an agreement with the business entity in coordination with the State Geocadastre or its territorial body in case of the implementation of works on arable land within land use in accordance with the land management project at own expenses
5	Reclamation of solid waste landfills	Reimbursement of expenses under the condition of land use arrangements by landowners or land users in accordance with the land management project for reclamation of degraded lands at the expense of the state
6	Reclamation of degraded lands and use of fertile soil layer during works related to land reclamation	Reimbursement of costs for the participation of landowners or land users in the national (regional, local) program of land use and protection in case of the implementation of works foreseen in the project of land management at own expenses
7	Reforestation, creation of new and reconstruction of existing protective forest belts and other protective plantations on degraded and unproductive lands and along water bodies	Compensation of the costs of replaced arable land and compensation of the costs for creating and maintaining protective forest belts. Full reimbursement of costs (annual reimbursement of unearned income from areas occupied by plantations) if out regular care of protective forest belts is carried out. From 30 to 100 percent of the cost of these works is paid. These works have to be foreseen by forest management materials, land management project and performed at own expenses

8	Backfilling and laying of ravines with their simultaneous drainage	Reimbursement of costs in case of the participation of landowners or land users in the national (regional, local) program of land use and protection and for the implementation of measures foreseen by the land management project and performed at own expenses
9	Terracing of steep slopes	Reimbursement of costs in case of the participation of landowners or land users in the national (regional, local) program of land use and protection and for the implementation of measures foreseen by the land management project and performed at own expenses
10	Conservation of degraded, unproductive and contaminated lands	Annual reimbursement of part of the unearned income on the basis of concluded agreements with landowners. Annual rent payments for conservation of degraded lands at the expense of the state budget. Compensation of the cost of cleaning contaminated land and the cost of finding alternative plant protection products. The compensations are paid in case of the participation of landowners or land users in the national (regional, local) program of land use and protection and for the implementation of measures foreseen by the land management project and performed at own expenses
11	Improvement of unproductive lands	Full compensation from the state budget of the cost of the lands in the amount of fair monetary valuation of land (average between regulatory and expert) and is a subject of participation of landowners or land users in the national (regional, local) program of land use and protection and for the implementation of measures foreseen by the land management project and performed at own expenses
12	Soil survey	Reimbursement of costs at the expense of the state budget and local budgets according to national programs on land use and protection, soil protection and preservation of their fertility and due to the materials of continuous agrochemical certification of lands of the last round of survey, and if necessary additional survey
13	Development of technologies, equipment and implementation of measures for cleaning, restoration of contaminated lands, as well as lands littered with industrial, household and other waste	Payment of subsidies for production of environmentally friendly products. Compensation for losses due to a decrease in the volume of production. Costs of finding alternative plant protection products. Reduction of the environmental tax rate or fixed annual amount of compensation (tax refund)
14	Restoration of steppe, meadow, wetland and other anthropogenically altered natural landscapes, creation and restoration of hayfields and pastures	With proper improvement of hayfields and pastures located on eroded lands, landowners or land users should be paid from 30 to 100 percent of the cost of these measures, carried out at own expenses

Developed by authors using sources [1-4, 6-8]

amount of funds for citizens and legal entities to restore the condition of lands that have been degraded their fault [14]. The mechanism of using the funds received as a compensation of the losses of agricultural and forestry production can work here.

The allocation of local budget funds can be regulated at the regional and local levels. The vast majority of local budget expenditures on government subventions and subsidies should be covered by local budgets' own revenues [15].

3. Exemption from tax payment for land plots that are in the stage of restoration or improvement of their condition in accordance with state and regional programs.

The Law of Ukraine "On Land Protection", in particular Article 27, stipulates that the state should provide economic incentives for landowners and land users for implementation of measures of land use protection and increase of soil fertility by exempting them from land fees. These are land plots on which reclamation works are carried out, works related to land reclamation, land conservation and other works related to land protection for the period of temporary conservation, construction and agricultural development of lands in accordance with the approved land management documentation. The law also provides compensations of the unearned share of income due to the conservation of degraded, unproductive or contaminated land for agricultural producers.

Funds spent by landowners and land users to improve the ecological condition of land or increase soil fertility should be reimbursed from the State Budget of Ukraine or local budgets in accordance with national and regional land protection programs.

However, it is not possible to implement this component, because the

exemption from land fees for land plots that are in the process of improving their condition in accordance with state and regional programs (paragraph "c" of Part 1 of Article 205 of the LCU [6]; Article 27 of the Law Ukraine "On Land Protection" [8]) is not provided for in the Tax Code of Ukraine [7].

4. Compensation from the budget funds for the reduction of income of landowners and land users due to the temporary conservation of degraded and unproductive lands degraded not because of their activity.

Agricultural producers must be compensated for the share of income not received as a result of land conservation, as provided in Art. 27 of the Law of Ukraine "On Land Protection" [8]. This is rental income that could be received by the land user under normal circumstances.

Compensation for the unearned share of income due to the conservation of degraded, unproductive or contaminated lands can be carried out at the expense of funds provided for these purposes by state and local budgets.

Such compensatory actions should be carried out for land plots or their parts provided for the conduct of peasant farming and other agricultural production.

Compensation of unearned income is carried out by the budget manager, in agreement with the State Service for Geodesy, Cartography and Cadastre or its territorial bodies enters into an agreement with agricultural producers on compensation for the allocation of budget funds to compensate the unearned share of income due to land conservation.

Each of the listed components of economic stimulation of rational use and protection of lands can be realized on the basis of implementation of nature protection measures by landowners and land users. Thus, economic entities

should be economically stimulated for specific activities, understandable to them and society, activities carried out at their expense, which include [9]:

- introduction of soil protection system of agriculture with meliorative organization of the territory;
- construction, expansion and reconstruction of anti-erosion, hydrotechnical, anti-karst, shore protection, landslide, avalanche and anti-mud structures, as well as measures to protect against flooding, aimed at preventing the development of dangerous geological processes, eliminating or reducing their negative impact on the territory and objects;
- carrying out measures for chemical land reclamation;
- implementation of measures to arrange arable land by removing water protection zones, erosion-hazardous and other unsuitable for plowing lands from agricultural production zones;
- reclamation of solid waste landfills;
- reclamation of degraded lands and use of fertile soil layer during works related to land reclamation;
- measures related to reforestation, creation of new and reconstruction of existing protective forest belts and other protective plantations on degraded and unproductive lands and along water bodies;
- backfilling and laying of ravines with their simultaneous drainage;
- terracing of steep slopes;
- conservation of degraded, unproductive and contaminated lands;
- improvement of unproductive lands;
- soil survey;
- development of technologies, equipment and implementation of measures for cleaning, restoration of contaminated lands, as well as lands littered with industrial, household and other waste;

- restoration of steppe, meadow, wetland and other anthropogenically altered natural landscapes, creation and restoration of hayfields and pastures.

The above measures were included in the list of activities related to environmental measures, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 17.09.1996 № 1147 “On approval of the list of activities related to environmental measures” with the current version of 15.02.2019 [9].

Economic instruments of influence on the implementation of environmental measures by landowners and land users are shown in Table 1.

Conclusions and prospects.

The use of economic incentives for environmental owners and land users to implement environmental protection measures should be regulated primarily at the state level. The legislation should clearly define the sources and procedure for compensation payments for the implementation of these measures in each case. By properly combining the parameters and tools of the regulator, economic entities will faithfully comply with the requirements of environmental safety in land use. The system of joint funds for restoration, reproduction and protection of agricultural lands should also start working. Only under such conditions it is possible to implement the compensation mechanism in full.

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- Дорош О.С., Фоменко В.А.,
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- ЕКОНОМІЧНЕ СТИМУЛЮВАННЯ ЗАСТО-
СУВАННЯ ПРИРОДООХОРОННИХ ЗАХОДІВ
СУБ'ЕКТАМИ АГРАРНОГО ЗЕМЛЕКОРИСТУ-
ВАННЯ**

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Анотація. Для підтримки необхідного рівня екологічної безпеки аграрного землекористування в ході проведеного аналізу законодавчих актів, нормативних документів та практичної їх реалізації виявлено проблеми, які перешкоджають його досягненню. У цій відповідності стимулювання здійснення природоохоронних заходів господарюючими суб'єктами в аграрній сфері набуває суттєвого значення як із боку держави, так і завдяки активізації приватної ініціативи. Обґрунтовано, що завдяки грамотному поєднанню параметрів та інструментів регулятора власники землі та землекористувачі сумлінно дотримуватимуться вимог екологічної безпеки у землекористуванні. Запропоновано ввести зміни до законодавства із чітким визначенням джерел, підстав, порядку виплати компенсаційних виплат та їх розміру при запровадженні суб'єктами аграрного землекористування природоохоронних заходів. Доцільно активізувати й систему спільних фондів із відновлення, відтворення та охорони земель сільськогосподарського призначення.

Ключові слова: економічне стимулювання раціонального використання та охорони земель, природоохоронні заходи, аграрне землекористування, власники землі та землекористувачі

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ПРИМЕНЕНИЕ ЭКОНОМИЧЕСКИХ СТИМУЛОВ ВОЗДЕЙСТВИЯ ЗА ОСУЩЕСТВЛЕНИЕ

НИЕ ПРИРОДООХРАННЫХ МЕРОПРИЯТИЙ СУБЪЕКТАМИ АГРАРНОГО ЗЕМЛЕПОЛЬЗОВАНИЯ

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Аннотация. Для поддержания необходимого уровня экологической безопасности аграрного землепользования в ходе проведенного анализа законодательных актов, нормативных документов и практической их реализации выявлены проблемы, которые препятствуют его достижению. В этой связи стимулирование воздействия за осуществление природоохранных мероприятий хозяйствующими субъектами в аграрной сфере приобретают существенное значение как со стороны государства, так и благодаря активизации частной инициативы. Обосновано, что благодаря грамотному сочетанию параметров и инструментов регулятора собственники земли и землепользователи добросовестно будут соблюдать требования экологической безопасности в землепользовании. Предложено ввести изменения в законодательство с четким определением источников, оснований, порядка выплаты компенсационных выплат и их размера за осуществление субъектами аграрного землепользования природоохранных мероприятий каждого в отдельности. Целесообразно активизировать и систему совместных фондов по восстановлению, воспроизводству и охране земель сельскохозяйственного назначения.

Ключевые слова: экономическое стимулирование рационального использования и охраны земель, природоохранные мероприятия, аграрное землепользование, собственники земли и землепользователи