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Peculiarities of legal regulation of ecotourism in Poland: Prospects for Ukraine

Volodymyr M. Yermolenko*

Full Doctor in Law, Professor, Corresponding Member of the National
Academy of Legal Sciences of Ukraine
National University of Life and Environmental Sciences of Ukraine
03041, 15 Heroiv Oborony Str., Kyiv, Ukraine

Aliona V. Zhuryna

Postgraduate Student
National University of Life and Environmental Sciences of Ukraine
03041, 15 Heroiv Oborony Str., Kyiv, Ukraine

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The experience of peculiarities of legal regulation of ecotourism in Poland is being studied, since Poland is the western neighbor of Ukraine and it has passed the European integration path. Thus, the application of Poland's positive experience in the issues of legal regulation of using the natural resources for the needs of ecotourism will be really useful. In particular, special attention is paid to the issues of a clear definition of the ecotourism concept (rural green tourism), the purpose of ecotourism is determined; in addition, this scientific article directly analyzes Polish legislation; it is possible to determine the main criteria that delimit eco/rural green tourism from other types of tourism. In general, it is determined that Poland's experience regarding the legal regulation of ecotourism and the use of natural resources for the needs of ecotourism is quite progressive, since the legislation contains

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*Corresponding author

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a number of provisions that regulate various issues that are not regulated in Ukraine. Therefore, this scientific article also identifies certain aspects of the legal regulation of ecotourism (rural green tourism) in Poland, which can be useful for Ukraine. In this scientific article, there are proposals that can be tested by the domestic legislator in the process of forming legislation on the use of natural resources for the needs of ecotourism

Keywords: ecotourism, legal regulation of ecotourism, eco-touristic resources, ecotourism legislation of Ukraine, ecotourism legislation of Poland

Introduction

The European experience of functioning of the ecotourism sphere clearly demonstrates that the sphere of ecological tourism (in accordance with a rational organization) has a real opportunity to provide about 30% of the total income from the tourism industry. Nevertheless, the sphere of ecotourism in Ukraine brings even less than one percent of the profit for today. The above-mentioned fact clearly indicates the untapped potential of ecotourism [1]. The author believes that the lack of proper legal regulation of relations in the field of ecotourism is one of the problems of such a situation with ecotourism in Ukraine. In this regard, the consideration of positive experience of the European states in the legal support for the use of natural resources in ecotourism is extremely relevant, since this will potentially solve both the legal and organizational problems that hinder the development and evolution of the ecotourism industry as a whole. In connection with the afore-mentioned, it is necessary to analyze the world experience in the legal regulation of ecotourism.

The following scientists studied the experience of Poland in the legal regulation of ecotourism: E. Arazna and A. Babuchowska [1], O.A. Dudziak [2], Yu.V. Zinko and M.I. Rutynskyi [3], N.M. Stupen [4] and others.

Results and Discussion

According to the author, exploring the positive experience of European states in the legal support for the use of natural resources in ecotourism, the experience of Poland seems to be the most appropriate, since Poland has made really significant progress in the development of ecotourism. This was the result of a perfect state policy in the field of tourism, and accordingly, the legal support of relations in the tourism industry, including ecotourism. In addition, the experience of Poland will be useful for Ukraine, because Poland is the western neighbor of Ukraine, and accordingly, the natural and climatic conditions are approximately the same for the development of ecotourism.

First of all, it should be noted that ecotourism in Poland began to emerge in the

early 90s of the last century due to the active support from the state [2]. At the same time, it is worth noting that there is no special profile law on ecotourism (rural green tourism) both in Ukraine and in Poland. However, in contrast to Ukraine, the rural tourism (agro-tourism) is quite qualitatively regulated by the Law of Poland "On Tourist Services" (analogous in Ukraine to the Law of Ukraine "On Tourism").

Exploring the experience of Poland, it is worth noting that the concept of rural tourism (agro-tourism) is enshrined at the legislative level in Poland. Thus, agro-tourism (rural tourism) is a form of relaxing in conditions close to the countryside. That is, it can be the joint activities of people who provide housing, and accordingly, such activities are presented as an alternative source of income for agriculture, the rural population [3].

Thus, according to observations, the rural tourism in Poland covers all manifestations of tourism activities, which is carried out in the rural areas, and accordingly, the use of natural resources for the needs of rural areas. At the same time, the presence of this type of tourism is evidenced by the fact that the following descriptive terms are found in the various legal acts of Poland: the "rental of premises for farmers" or "other agricultural services associated with the stay of tourists". In addition, it should be noted that the Article 38 of the Law of Poland "On hotel services and services of tour leaders and tourist guides" of 29 August, 1997, states that the premises rented from

farmers or places for installation of tents on farms can be yet another amenities in which the hotel services can be provided (if these establishments meet the minimum equipment requirements) [4]. It should also be noted that according to Art. 6 of the Entrepreneurs Law of 6 March, 2018, a farmer who provides services in the field of rural tourism (that is, actually provides tourists with rooms for rent, foodstuffs, as well as provides other farm accommodation services) is exempted from the obligation to register economic activities [5].

Thus, it can be seen that the concept of ecotourism in Poland is unknown, but the term "rural tourism" (agro-tourism) is used at the legislative level. At the same time, some legislative acts detailize the specifics of this type of tourism. In the process of this research, it has been given various approaches regarding the correlation of the concepts of rural/ecological/ agro-tourism. According to the author, despite the targeted differences between them, they all have a common legal nature.

In addition, when exploring the features of legal regulation of the use of natural resources for the needs of ecotourism, it is important to pay attention to its goal. According to Polish scientists, the purpose of rural (green) tourism is to promote the tourism primarily in the rural and mountainous areas, as well as the development of local residents, increasing the incomes of population, the production of souvenirs, increasing the attractiveness of rural and mountainous regions of the state, including

an increase in the price of agricultural land, and accordingly thus increasing the cost of agricultural land, the development of rural infrastructure, the support for development of ecotourism models [6].

Thus, it can be seen that rural tourism in Poland is tied to the respective territories – villages and mountainous areas. In turn, the ecotourism in Ukraine is not tied directly to rural areas for today. However, the draft of Law “On rural and rural green tourism”. No. 5206” provides that rural tourism is primarily a type of relaxing tourism, which provides for the temporary stay of tourists in the countryside (village) [7]. Therefore, in this aspect, it is considered that introduction of such a term into the legislation on ecotourism in Ukraine clearly outlines at the legislative level an indication that ecotourism is carried out exclusively in rural areas. Thus, in this case it is possible talking about the use of the Polish experience of zoning of the rural green tourism.

According to O.A. Dudziak [2], the goal of ecotourism (rural green tourism) in Ukraine is similar to that in Poland. However, unfortunately, it is impossible to say that country people are primarily engaged in ecotourism, since they do not detailize that they are engaged in ecotourism, but register their activities as other types of entrepreneurial activity. All this due to the absence of legislation regulating relations in the field of using the natural resources for the needs of ecotourism.

Therefore, in fact, there is a real need in Ukraine to adopt a special Law that would

clearly regulate the issues of ecotourism activities.

At the same time, by analyzing the Polish legislation, it is possible to determine the main criteria that distinguish ecological/rural green tourism from other types of tourism. Thus, in Poland, ecotourism (rural green tourism) is considered as a form of generally recognized cognitive tourism, and its key goal is the desire of tourist to feel the interaction with nature, its features and phenomena. The ecotourism differs from other types of tourism according to the following criteria:

- the form of active study of territories, which are of a great natural and cultural value;
- providing income for the effective protection of cultural and natural heritage, and bringing the real economic and social income to the rural population;
- knowledge of natural ecological systems and cultural specifics of local communities [8].

Conclusions

Thus, it can be concluded that the experience of Poland can be really useful for Ukraine, since Poland clearly defines the concept of rural tourism (agro-tourism), defines the goals of this type of tourism, regulates the issues related to the activities of rural residents in the field of rural tourism and defines the criteria for distinguishing the rural green tourism from other types of tourism. The regulatory and legal framework (that will be created in the fu-

ture to regulate relations in this relatively new sphere of activity of rural owners for Ukraine) should correspond to the modern realities of the Ukrainian village and should be aimed at solving important problems,

considering the prospective development of rural settlements of the state, as well as harmoniously fit into the current Ukrainian legislation and not contradict the Law of Ukraine "On Tourism".

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Особливості правового регулювання екотуризму в Польщі: перспективи для України

Володимир Михайлович Єрмоленко

Доктор юридичних наук, професор, член-кореспондент НАПрН України
Національний університет біоресурсів і природокористування України
03041, вул. Героїв Оборони, 15, м. Київ, Україна

Альона Валеріївна Журина

Аспірант

Національний університет біоресурсів і природокористування України
03041, вул. Героїв Оборони, 15, м. Київ, Україна

Анотація

Досліджується досвід особливостей правового регулювання екотуризму в Польщі, оскільки Польща є західним сусідом України та пройшла євроінтеграційний шлях то відповідно застосування позитивного досвіду Польщі в питаннях правового регулювання використання природних ресурсів для потреб екотуризму буде дійсно корисним. Зокрема, особливу увагу приділено питанням чіткого окреслення поняття екотуризму (сільського зеленого туризму), визначається мета екотуризму, також в даній науковій статті безпосередньо аналізується польське законодавство можна визначити основні критерії, які відмежовують екологічний / сільський зелений туризм від інших видів туризму. В цілому, визначено, що досвід Польщі щодо правового регулювання екотуризму та використання природних ресурсів для потреб екотуризму є досить прогресивним, оскільки законодавство містить низку положень, які врегульовують різні питання, які не врегульовані в Україні. Саме тому, в даній науковій статті визначено також окремі аспекти правового регулювання екотуризму (сільського зеленого туризму) Польщі, які можуть відповідно бути корисними для України. В даній науковій статті в цілому наведено пропозиції, що можуть бути апробовані вітчизняним законодавцем в процесі формування законодавства про використання природних ресурсів для потреб екотуризму

Ключові слова: екотуризм, правове регулювання екотуризму, екотуристичні ресурси, екотуристичне законодавство України, екотуристичне законодавство Польщі
