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Legal support for environmental protection in Ukraine and EU countries

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Abstract

The purpose of this study was to characterise and compare the legal mechanisms for regulating environmental protection in Ukraine and the European Union. The study examined in detail the key regulations that ensure environmental safety and assessed their effectiveness in the context of current environmental challenges. A comparative analysis of the national environmental legislation of Ukraine and the EU countries revealed key differences and similarities in approaches to legal regulation of environmental protection. Particular attention was paid to the harmonisation of Ukrainian legislation with European standards within the framework of European integration processes. The study analysed environmental standards in Ukraine and other EU countries, such as France, Sweden, Italy, where environmental law is codified in environmental codes, as well as in Germany, where it is based on environmental principles. The study examined

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the legal regulation of environmental safety in the EU, and its specific features were identified based on the regulatory documents of European environmental protection programmes. The study emphasised the role of environmental safety in the EU environmental policy and concluded on the necessity of harmonising it with European requirements, since national legislation does not have a unified approach to this complex legal category. In Ukraine, environmental safety issues are regulated at both the constitutional and regulatory levels, while in the EU these issues are addressed mainly at the legislative level. The study concluded on the need to develop a comprehensive approach that accounts for both European standards and specific national conditions. Harmonisation of legislation will ensure more effective legal regulation, improve the implementation of environmental provisions and standards, and promote international cooperation in the field of environmental protection. The practical significance of this study lies in the possibility of using the findings obtained to harmonise national legislation with European requirements, which can stimulate innovation and the introduction of the latest technologies to reduce the adverse environmental impact

Keywords: environmental protection; international cooperation; environmental legislation; regulatory framework; implementation

Introduction

Ensuring environmental safety is one of the key priorities of modern states, as not only public health but also the sustainable development of society as a whole depend on the state of the environment. In 2024, environmental challenges such as climate change, pollution of natural resources, loss of biodiversity, sea level rise, and desertification have become global in scope. In this regard, there is a growing need to analyse and improve legal mechanisms for regulating environmental protection. The relevance of this study is especially evident in Ukraine, where environmental policy is a significant part of state security, and the challenges it faces, particularly during war, require a comprehensive solution. For its part, the European Union is a global leader in the development and implementation of environmental safety standards, which makes the experience of EU countries valuable for the integration of best practices into Ukrainian legislation. The current state of scientific research in this area reflects the desire of both the scientific community and practitioners to find ways to effectively address

environmental problems but also highlights certain gaps in legal regulation.

In the field of environmental policy, a major contribution has been made by various researchers who have addressed various aspects of the problem. A.M. Nosa (2017) explored the specific features of the formation and development of the EU's common environmental policy, focusing on the significance of ensuring joint environmental security in the community. Nosa noted that such integration efforts contribute to raising environmental standards among the member states, while creating the basis for cooperation in the field of environmental protection. O.M. Semernia *et al.* (2022) focused on environmental security under martial law, emphasising the need to strengthen environmental protection measures during hostilities and rehabilitate ecosystems after they end. O.V. Bespalova (2020) examined the legal aspects of the EU environmental policy, focusing on the regulation of social relations in the field of environmental safety, which becomes a prominent example for the development of

environmental policy in other countries. S.M. Danyliuk (2022) analysed the evolution of Ukraine's environmental legislation in comparison with European standards, pointing to the need to harmonise national provisions with EU directives.

L. Squintani (2021) examines the legal barriers to sustainable development in the European Union, emphasising the necessity of improving the legal framework for implementing environmental initiatives. This study is valuable in the context of comparison with Ukrainian legislation, which faces analogous challenges in adapting to the requirements of sustainable development. A. Nagy (2019) examined the criminal legal protection of water resources, addressing the need for stricter sanctions for violators of environmental legislation to prevent environmental crimes. C. Bibi *et al.* (2024) examined the challenges faced by international environmental law, specifically in terms of biodiversity protection, emphasising the significance of international cooperation in the face of global environmental threats.

Despite the valuable contributions to the study of various aspects of environmental law, there is still a need for a detailed comparison of Ukrainian and European legal mechanisms to identify gaps and potential areas for improvement. Many studies, such as those by Semerni and Bespalova, focused on specific aspects of environmental security, but did not cover the integrative approach to building a single environmental space that is possible through synchronisation of legislation.

The purpose of this study was to compare the legal mechanisms for regulating environmental protection in Ukraine and the European Union. This helped not only to assess the effectiveness of environmental policy in each system, but also to determine the ability of these legal mechanisms to adapt to the current environmental challenges facing modern society. Considering the purpose, the following key objectives were identified: to identify the key shortcomings and advantages of

the current laws of both legal systems, to assess their compliance with the latest environmental requirements and challenges, and to compare the effectiveness of legal provisions and mechanisms within both systems.

Materials and Methods

The research process was divided into several stages, including data collection, analysis, and interpretation. The findings of the study were obtained through a comprehensive analysis of legal acts, regulatory documents, and scientific sources regulating environmental protection in Ukraine and EU countries. The sample consisted of regulations adopted in the field of environmental protection in Ukraine and key EU countries.

The study included an analysis of Ukrainian legislation governing environmental protection, as well as environmental codes of EU countries, specifically the Environmental Code of France (2000), the Environmental Code of Sweden (1998), and the Legislative Decree of Italy No. 152 "Environmental Regulations" (2006). The study analysed the key laws and regulations governing environmental protection in Ukraine (Law of Ukraine No. 1264-XII, 1991; Law of Ukraine No. 964-IV, 2003; Law of Ukraine No. 2697-VIII, 2019) to assess their structure and effectiveness. The study of the environmental codes of France, Sweden, and Italy provided an opportunity to understand the approaches of the EU countries to the implementation of environmental policy, their focus on biodiversity conservation and minimisation of the environmental impact of industry. Furthermore, the study collected and analysed the key laws, regulations, international agreements, and EU directives that directly or indirectly affect the environmental legislation.

Official reports of the European Commission (2008; 2011; 2022) and other international organisations on environmental policy and legislation (IUCN *et al.*, 1980; European Environment

Agency, 2020, 2022a, 2022b; European Union, 2022) provided valuable data for assessing the performance of environmental obligations by European countries and identifying gaps in the implementation of environmental strategies. These documents revealed both positive outcomes and shortcomings in the implementation of commitments, which confirmed the significance of further coordination of efforts in the field of environmental security. Recommendations of international environmental organisations and agencies contain key provisions that are binding for Ukraine and EU countries (UNEP, 2022; 2023). Being aimed at environmental protection and sustainable development, these documents provide vital recommendations and set international standards for performing environmental obligations.

The study focused on the analysis of laws governing waste management, pollution prevention, water and land protection, and biodiversity conservation. The assessment of the effectiveness of legislation in both systems also included an investigation of existing mechanisms for monitoring compliance with environmental regulations and sanctions for violators, which is an essential element of ensuring sustainable development. The study also examined the adaptability of laws and regulatory mechanisms in response to climate change, soil degradation, water pollution, and other global environmental threats.

Results

Environmental safety is one of the key elements of the overall security of the state and society, which is crucial for the preservation of the environment, public health, and sustainable development. In the modern world, amidst the rapid growth of industrialisation, urbanisation, and climate change, environmental security issues are becoming global. They cover a wide range of issues, such as air pollution, water pollution, land degradation, deforestation, loss of biodiversity, etc.

Ensuring environmental and technical safety is one of the fundamental principles of Ukraine's internal and external policy. This includes the rational use of natural resources and protection of the environment from excessive pollution. The country's environmental policy is aimed at solving existing environmental problems and preventing them, which is vital to avoid negative environmental, social, and economic consequences. The key environmental issues are air pollution, water resources, climate change, land degradation and pollution, waste generation and storage, overexploitation of land, and biodiversity protection (European Environment Agency, 2020).

The term "environmental safety" was introduced into Ukrainian legislation after the adoption of the Declaration of State Sovereignty of Ukraine in 1990. Subsequently, this concept was set out in the Constitution of Ukraine (1996), where ensuring and protecting environmental safety should become part of the principal duties and functions of the state, as well as recognised as a matter of concern for the entire Ukrainian people. Environmental security includes the rational use of natural resources, environmental protection, and management of hazardous areas and facilities.

The Constitution of Ukraine (1996) defines human life and health, honour, dignity, inviolability, and security as the highest social values. These provisions create the constitutional basis for environmental safety and protection. They were used as the basis for the development of the principal areas of the state policy of Ukraine in the field of environmental protection, use of natural resources and ensuring environmental safety: the Law of Ukraine No. 1264-XII "On Environmental Protection" (1991), the Law of Ukraine No. 964-IV "On the Fundamentals of National Security of Ukraine" (2003). As stated in the article of the Law of Ukraine No. 1264-XII (1991), environmental safety is the state of the environment, the

environment that prevents the deterioration of the ecological situation and the emergence of threats to human health.

This definition emphasises that environmental safety is aimed at protecting human health and the environment from possible harmful effects of natural, anthropogenic, military, or other origin. Furthermore, environmental safety involves limiting the level of threats. The Law of Ukraine No. 1264-XII (1991) emphasises the significance of preventing environmental degradation and protecting public health. The Law establishes a series of requirements aimed at reducing environmental risks and ensuring environmental safety in various sectors. The requirements cover measures to limit pollution of the air, water bodies, and soil, as well as waste and hazardous substances. For instance, the law obliges companies to take measures to minimise pollutant emissions and the impact of waste on the environment, which to some extent can counteract the problems associated with plastic and other chemical pollutants. However, considering the current challenges such as rapid sea level rise, the proliferation of microplastics, pesticide pollution in agriculture, and the need for renewable energy, Ukraine's legislation is not yet sufficiently detailed to provide comprehensive protection (Korneev, 2021).

For example, the issue of waste growth and the necessity of transitioning to sustainable waste management requires further clarification and additional provisions to effectively address it. Article 42 of the Law of Ukraine No. 1264-XII (1991) refers to the obligation of enterprises to dispose of waste, but there are no concrete requirements for microplastic management or measures to minimise plastic generation. Analogously, while the law prescribes wastewater treatment requirements (Article 48), concrete provisions to prevent chemicals from entering water bodies must be updated, especially considering the current research on water pollution by

microplastics and chemicals. In terms of the introduction of renewable energy sources, the Law contains general provisions on energy security, but no detailed requirements to promote green energy or set targets for its use. This is essential considering the global climate change and the gradual change of climate zones. In summary, despite the basic provisions of the law, current challenges such as climate change, growing plastic pollution, and the need for sustainable energy sources require more concrete regulations and additional legislative measures to effectively address them.

According to Article 16 of the Constitution of Ukraine (1996), ensuring environmental safety, maintaining ecological balance, overcoming the consequences of the Chernobyl disaster, and preserving the genetic heritage of the Ukrainian nation is the duty of the state. In Ukraine, scientists are actively discussing the content and structure of the codification act, as well as the scope of codification; there are theoretical developments and concrete proposals for a draft law on environmental protection (Semernia *et al.*, 2022; Danyliuk, 2022).

For comparison, the practices of France, Sweden, and Italy in implementing environmental codes may be useful for Ukraine in developing its own Environmental Code. The Environmental Code of France (2000) brings together the principal environmental laws and regulations, providing a legal framework for the management of natural resources, control of industrial pollution, and conservation of biodiversity. It includes provisions on chemicals control, water protection, and waste management, which has substantially contributed to reducing pollution and promoting sustainable development. Such a code not only systemises laws but also allows for more effective integration of international environmental standards, which is a valuable experience for Ukraine.

The Environmental Code of Sweden (1998) focuses on environmental management and sustainable use of natural resources. The Code prescribes the principles of prevention, responsibility, and protection of the environment, particularly regarding water and air quality. Furthermore, the Act of Sweden No. 822 “On Nature Conservation” (1964) promotes the integration of environmental policy with other areas, making it adaptable to modern challenges such as climate change and plastic pollution. This ensures the sustainability that Ukrainian legislation requires, especially in the face of current environmental challenges.

The Legislative Decree of Italy No. 152 (2006) includes basic regulations on waste management, air, water, and soil protection. This legislation promotes the implementation of air quality standards, emission control, and the remediation of contaminated areas. It also regulates the management of waste and hazardous substances, which is particularly relevant in the context of increasing waste generation and the growing

significance of the circular economy. The Italian experience demonstrates the significance of integrated approaches to create an effective environmental risk management system.

Thus, the above countries demonstrate how comprehensive environmental codes can contribute to solving modern environmental problems. The Environmental Code of Ukraine could benefit from the practices of France, Sweden, and Italy to implement national regulations that meet international standards and current challenges, such as climate change, waste management, and biodiversity protection. Measuring the state of the environment is vital for assessing its quality and effects on human health and the ecosystem. According to qualitative indicators, the state of the environment is divided into three main levels, which differ in the degree of pollution and environmental impact. Each level is characterised by different conditions and parameters that affect the environmental situation in a particular region (Fig. 1).

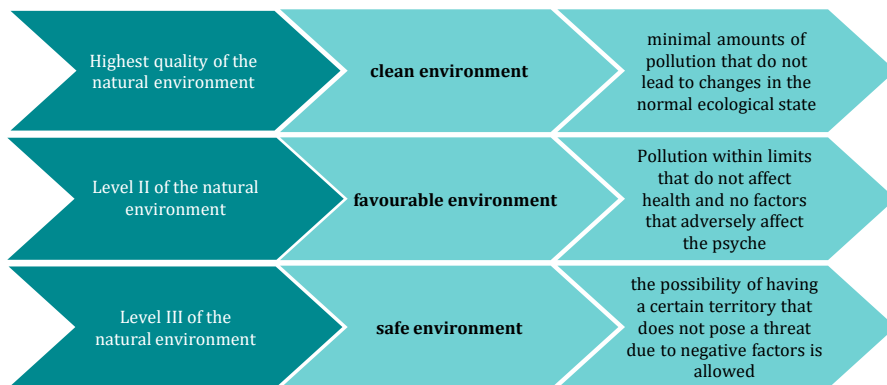


Figure 1. Levels of environmental quality indicators

Source: developed by the author of this study based on Y.V. Korneev (2021) and European Commission (2008; 2011; 2022)

The continuation of hostilities in Ukraine puts forward new requirements for national legislation, methods, and practices of regulating land and environmental relations, as the existing

mechanisms are not yet fully developed to address the complex environmental issues related to military operations. A clearer definition of the term “contaminated territory” is significant,

as the current definition often does not cover specific cases where the territory is contaminated with hazardous materials of military origin, which complicates the relevant assessments and compensation for damages. For instance, the current legislation may not include precise criteria for identifying contamination, such as the presence of heavy metals, ammunition, or other toxic substances left behind by hostilities. This creates serious difficulties in developing ecosystem restoration plans, as not all types of contamination are accounted for. The assessment of the damage caused, and potential damage carried out by environmental experts and the Ministry of Environmental Protection and Natural Resources of Ukraine requires detailed data to account for military pollution. This assessment includes an analysis of existing contamination, soil and water damage, but is still insufficiently detailed due to the lack of relevant standards and procedures for military facilities. The introduction of latest information and accounting systems could improve the visualisation of the state of land in combat zones, enable a more detailed assessment of the extent of damage and the development of a reliable system of compensation. For instance, Germany has implemented an analogous system for assessing and accounting for environmental damage, according to the Federal Environmental Protection Act of Germany (1983), which requires “precise” assessment of damage from diverse types of pollution, including military facilities.

To achieve these objectives, legislative changes to the current Law of Ukraine No. 1264-XII (1991) and amendments to the Code of Ukraine on Administrative Offences (1996) are needed to define environmental liability for military pollution. The practices of European countries, specifically Sweden, which has a comprehensive approach to compensation based on the Environmental Code of Sweden (1998), confirms that adding clear requirements for the

assessment and compensation of environmental damage can be beneficial. Consideration should also be given to adopting a separate law, analogous to the Environmental Code of France (2000), which would include provisions on military facilities and define procedures for assessing damage from them. Considering the impact of military operations, additional measures are needed to protect the land, its facilities and ecosystems located in the affected areas.

To ensure sustainable development and maintain environmental safety, Ukraine should also consider introducing new forms of legal liability for military-related offences and improving compensation procedures. To ensure sustainable development and maintain environmental safety in the context of hostilities, Ukraine may consider introducing new forms of legal liability that would factor in the specifics of war crimes. For example, in the context of armed conflict, there is a need not only for administrative but also for special criminal liability for environmental damage caused by military operations. It is vital to consider the responsibility of both individuals and organisations, especially in matters of deliberate pollution or the use of environmentally hazardous materials (UNEP, 2022; 2023).

In France and Germany, analogous mechanisms are implemented by imposing not only criminal sanctions but also large-scale fines that are used to restore ecosystems. Furthermore, it is advisable to improve the procedures for compensation for environmental damage in Ukrainian legislation, which could include special environmental funds for the affected areas, where funds are used exclusively for environmental restoration and rehabilitation. This approach has been successfully applied in Sweden, where the environmental fund is used to compensate for damages paid by companies that violate environmental standards (Ordinance of Sweden No. 660, 2004). In France, such funds exist, financed by fines and

mandatory compensation payments from perpetrators of environmental violations (Law of France No. 2011-835, 2011). The development of clear procedures for compensating for environmental damage caused by military actions could be based on principles borrowed from international practices, such as the use of compensation mechanisms to ensure the rapid restoration of affected ecosystems and the involvement of perpetrators in covering rehabilitation costs (Boyer, 2017). For this, Ukrainian legislation could include provisions on both administrative and financial measures to influence the perpetrators of environmental offences related to the armed conflict.

A vital aspect of the development of modern national administrative (environmental) legislation is its adaptation to international standards, specifically to the legislation of the European Union, other European non-governmental organisations, international environmental agreements, as well as the legislation of individual European countries and joint agreements between member states. Ukraine is a party to 20 environmental conventions and protocols and actively cooperates with international organisations that provide financial support for the implementation of environmental projects in the country. A significant regional agreement supported by the Council of Europe is the Association Agreement of the Carpathian Euroregion, concluded at the initiative of Ukraine together with Poland, Slovakia, Hungary, and Romania. The role of this agreement for environmental protection is substantial, as it has contributed to the creation of a unified approach to environmental management and planning in the region. The countries' cooperation under the agreement has improved the state of water resources, reduced pollution, and intensified monitoring of natural areas. This has contributed to the stabilisation of the Carpathian ecosystems, where implemented projects on environmental monitoring of water and biodiversity have improved

the state of the environment (Lublin Voivodeship Marshal's Office in Lublin, 2014).

Each country selects environmental protection mechanisms and instruments based on the specifics of its economy, industry, and national characteristics. For instance, France, Sweden, and Italy have introduced codification of environmental legislation in line with the historical development of their legal systems. Some European countries, such as Germany, Norway, and Spain, have adopted special laws governing the key aspects of human impact on the environment. Overall, the legislation of European countries is aimed at ensuring environmental safety.

According to the Decision of the European Parliament and of the Council No. 1386/2013/EU (2013), the uniform implementation of environmental standards across the European Union is a valuable contribution to improving the environment, public health, and the economy. At the current stage of development of the EU environmental policy, the legal basis for this activity is the Treaty Establishing the European Economic Community (1957) and the Treaty on European Union (1992). The Treaty of Amsterdam amending the Treaty on European Union (1997) included provisions on the integration of environmental objectives into all areas of the European Union's activities, adding this to Article 11 of the Lisbon Treaty (2006). This article states that environmental requirements should be integrated into the definition and implementation of all Community policies and actions to promote sustainable development. This means that the environmental component should be considered at all stages of policy development, from agriculture to industry and transport (UNEP, 2023), allowing the EU to consider environmental issues as a key element in its decision-making process.

The creation of a common environmental policy for EU member states is based on a series of basic principles set out in the Treaty of

Amsterdam amending the Treaty on European Union (1997). These include:

1. The principle of subsidiarity, which involves joint action in areas where countries are unable to handle by themselves or where an EU-level solution is more effective (Article 5).

2. The precautionary principle (Article 191(2)).

3. Precautionary principle, which aims to prevent pollution before it occurs (Article 191(2)).

4. The “polluter pays” principle, which requires that the costs of cleaning pollution be borne by those who caused it (Article 191(2)).

5. The principle of environmental orientation, i.e., considering environmental needs in all activities (Article 11).

6. The principle of mainstreaming environmental issues into the design and implementation of all other EU policies, including agriculture, development, entrepreneurship, energy, internal market, fisheries, research, structural funds, transport, economy, finance, trade, and external relations (Article 11).

The major sources of international environmental law are the decisions of the United Nations conference on the human environment (Stockholm conference) (1972), the Global Strategy for Nature Conservation (IUCN, UNEP, & WWF, 1980), and the Rio Declaration on Environment and Development (1992). These sources continue to have some relevance but are of limited effectiveness in the context of current challenges. The Stockholm Declaration of 1972 defined general principles for environmental protection, such as responsibility for pollution and cooperation between states. However, this document does not prescribe sufficient detail to address specific issues such as plastic pollution of water resources or the impact of climate change on sea levels. Considering the global changes, these provisions need to be updated to consider current threats. For instance, the Stockholm Declaration contains

principles for avoiding transboundary pollution but does not detail mechanisms for controlling newer phenomena such as microplastics in water.

The 1980 Global Strategy for the Conservation of Nature (IUCN, UNEP, & WWF, 1980) promoted biodiversity conservation and the sustainable use of natural resources, but its provisions on soil and water pollution are outdated. For example, the strategy does not prescribe restrictions on plastic pollutants or detailed regulation of pesticides and microplastics in agriculture. To counteract these threats, it is necessary to include provisions for intensive monitoring and reduction of such pollution, which are already part of current EU directives. The Rio Declaration on Environment and Development (1992) includes the precautionary principle, which is crucial in the current context of climate change and environmental degradation. It encourages preventive measures and sustainable development. However, despite its fundamental nature, this document does not set out binding standards for emission reductions or concrete protection of ecosystems from plastic pollution, wastewater, or agricultural pollutants, as is the case with current European renewable energy directives. Overall, these sources must be substantially modernised to effectively address the present-day challenges. They lay the foundations but do not contain the necessary provisions to control new types of pollution or climate change (European Commission, 2022).

In many developed countries, the legal regulation of natural resource use and environmental protection is provided through a set of laws that cover specific aspects such as waste management, pollution control, and biodiversity protection. However, the experience of countries that apply codified law, such as Germany, shows that having a single environmental code simplifies the regulatory system by providing a coherent legal framework where environmental regulations are integrated into all areas of government. This ensures

consistency in regulation, effective control, and better alignment with international standards.

Legislative approaches to environmental protection in Europe and Ukraine differ in both structure and level of detail, which affects their effectiveness in addressing current environmental challenges. In countries such as Germany, France, Italy, and Sweden, environmental legislation is based on integrated approaches, where various aspects of environmental protection are combined into codified regulations or comprehensive legislative frameworks. This ensures regulatory coherence and coherent policy implementation at all levels, which is particularly important for rapid adaptation to the requirements of sustainable development. In Germany and Sweden, for instance, codified environmental codes provide the basis for a unified regulatory system that covers pollution, biodiversity protection, waste management, and the integration of environmental requirements into industry and transport. Such approaches facilitate monitoring of compliance and allow standards to be quickly updated to meet new environmental challenges, such as climate change and plastic pollution. In France, the system is based on the Environmental Code of France (2000), which brings together separate laws but also ensures the integration of environmental policy into all areas of activity, from agriculture to urban planning. Italy, on the other hand, uses a less centralised system, with separate laws regulating concrete aspects such as water protection and waste management (Law of Italy No. 157, 1992; Law of Italy No. 179, 2002). However, the absence of a unified environmental code, as in Germany, can make coordination between distinct levels of government difficult.

In Ukraine, the legislation is fragmented and does not contain a single environmental code, which creates difficulties with the coordination and effective application of environmental regulations. For instance, environmental requirements

are distributed among laws on environmental protection, waste management, and water protection, but the lack of a comprehensive document complicates the coordination and integration of new standards. Compared to European countries, where centralised regulation facilitates the introduction of modern technologies and approaches, such as environmental impact assessment for all activities, Ukrainian regulations are less adaptive to rapid change. The advantage of European models is a clearer structure of legislation, which ensures better control over compliance with environmental standards at all levels and the ability to quickly adapt legislation to new challenges. At the same time, such systems require considerable resources for management, which may be a challenge for Ukraine.

In the criminal policy, the priority is to protect the environment, which prevails over the interest in applying specific sanctions. The legal framework for environmental protection in Hungary is set out in Articles 191-193 of the Law of Hungary No. LIII "On the General Rules of Environmental Protection" (1995). According to Article 191, Section 2, environmental policy should aim at a strong level of protection, accounting for the various situations in different regions. It should be based on the precautionary principle, as well as on the principles of preventive measures, elimination of damage where it occurs and the "polluter pays" principle.

Compliance with environmental regulations in Hungary involves parallel control, which is ensured by both the Law of Hungary No. LIII "On the General Rules of Environmental Protection" (1995) and the Law of Hungary No. LIII "On Nature Conservation in Hungary" (1996). This means that administrative sanctions do not exempt the violator from criminal, administrative, or civil liability, and the relevant authorities may impose prohibitions or require performance of obligations. The gravest violations of

environmental regulations are classified as crimes. According to the Judgment of the Constitutional Court of Hungary in Case No. 28/1994 (1994), the right to a healthy environment also includes the state's obligation not to reduce the level of protection established by environmental laws if such reduction is necessary to ensure other fundamental rights or constitutional values.

The approach to control and supervision of compliance with environmental regulations in Hungary includes not only the imposition of sanctions but also measures to prevent violations. This includes environmental monitoring, public education programmes, as well as technical and financial support for businesses seeking to meet environmental standards. Environmental legislation in Hungary is a dynamic system that includes control, enforcement, and preventive measures aimed at ensuring sustainable development and protecting natural resources at all levels.

The criminal protection of the environment in Hungary is also influenced by EU law. In this context, it is vital to mention the European Commission Directive No. 2003/80/EC (2003). According to Article 2 of this Directive, each Member State shall take the necessary measures to ensure that certain activities causing damage to the environment are criminalised under national legislation. Such activities include a) emissions of hazardous substances or ionising radiation causing death or serious bodily injury; b) illegal treatment or storage of waste; c) illegal production of nuclear materials; d) illegal possession, capture, destruction, or killing of wild animals and plants, especially those endangered under national legislation.

The criminalisation of acts such as illegal waste management or violations of wildlife protection rules underlines the significance of environmental protection not only from an administrative but also from a criminal perspective. The harmonisation of environmental legislation in the European Union ensures a level playing field for all

member states, reducing the possibility of evasion of rules due to differences in national legal systems.

Considering the global environmental issues such as climate change, biodiversity loss, and pollution, legal protection of the environment is gaining in relevance both at the national and international levels. In Ukraine and the EU, the legal systems in the field of environmental protection demonstrate different levels of development and have their specific features, which are reflected in the legal acts, enforcement mechanisms, institutional structure, as well as key problems and challenges.

The table provides a comparative analysis of the environmental legislation of Ukraine and the EU countries, which allows assessing the strengths and weaknesses of each system. It covers key aspects such as key legislation, enforcement mechanisms, institutional frameworks, and the problems and challenges faced by both sides. A comparison of the legal frameworks for environmental regulation in Ukraine and the European Union reveals both commonalities and major differences.

In the European Union, the legal regulation of environmental protection is comprehensive and combines multiple levels and areas of environmental policy. The EU's legal framework consists of regulations, directives, and decisions that set binding standards for all Member States. The EU is actively implementing long-term strategies, such as the European Green Deal (2019), which aims to achieve climate neutrality by 2050, and other initiatives aimed at combating climate change, protecting biodiversity, and promoting sustainable development. One of the key differences is the level of integration of environmental standards into national legislation. Although Ukraine also has a developed system of environmental regulations, there are problems with their implementation and compliance due to imperfect enforcement mechanisms, corruption, and weak law enforcement.

To achieve effective environmental regulation, Ukraine should focus on reforming the law

enforcement system, increasing transparency, fighting corruption, and improving monitoring and control mechanisms (Korneev, 2021; Kobets, 2022). Adapting to European standards and integrating with European practices can be crucial steps to improve the environmental situation in the country and ensure sustainable development.

The Law of Ukraine No. 2697-VIII “On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period up to 2030” (2019), at first glance, contains detailed goals to reduce environmental impact, adapt to climate change, improve waste management, and implement environmental management. However, an analysis of this document reveals a series of shortcomings that affect its effectiveness. Firstly, the lack of coordination with other legislation is a severe problem. Although the strategy proclaims ambitious environmental goals, it is not always consistent with other pieces of Ukrainian legislation. For instance, industrial development or energy laws often do not include sufficient environmental restrictions, which may contradict the environmental reduction targets. This inconsistency can create legal confusion and complicate the implementation of environmental policies in practice. Secondly, the lack of detailed implementation pathways is another major shortcoming of the strategy. The strategy sets goals, such as improving waste management or adapting to climate change but does not contain detailed mechanisms for achieving them. For instance, in terms of improving waste management, the strategy does not prescribe clear guidelines or a roadmap for introducing innovative recycling technologies or creating infrastructure for waste collection and disposal. This leaves implementation to local authorities, which do not always have the resources or expertise to develop effective plans. Furthermore, the lack of sufficient funding and investment mechanisms also poses challenges. While the strategy sets goals, it does not contain

concrete provisions for financing the necessary measures. The absence of financial guarantees or instruments to attract investment can be a major obstacle to achieving the goals. This differs from European strategies, such as the European Green Deal, which spells out in detail the sources of funding and investment for environmental initiatives. Overall, the Law of Ukraine No. 2697-VIII “On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period up to 2030” (2019) proclaims vital goals and vectors of development, but for its effective implementation, it is necessary to eliminate inconsistencies with other laws, develop clear implementation mechanisms, and ensure adequate funding for the implementation of the declared measures.

The EU sets ambitious environmental goals in strategic documents such as the European Green Deal (2019), which aims to achieve climate neutrality by 2050. The European Union is implementing the principles of sustainable development, green and circular economy through numerous programmes, measures, and initiatives. The European Green Deal has introduced initiatives such as the Clean Transportation Programme (n.d.), which promotes the development of electric vehicles and public electric transport, and the Just Transition Fund, which helps fossil fuel-dependent regions adapt to the demands of a green economy by supporting local communities and creating new jobs in environmental sectors. Furthermore, conditions have been created to engage citizens and organisations in measures to reduce greenhouse gas emissions (What is the European..., n.d.). Directive of the European Parliament and of the Council No. 2008/50/EC “On Ambient Air Quality and Cleaner Air for Europe” (2008) for the circular economy, aimed at reducing waste and increasing the share of recycled materials, plays a vital role in supporting the principles of the circular economy. This plan includes initiatives to eliminate single-use plastic

products and increase the reuse and recycling of materials in the construction and textile industries. To protect biodiversity, the EU has adopted the Biodiversity Strategy for 2030 (n.d.), which aims to restore degraded ecosystems, expand the coverage of protected areas and improve water resources. The strategy also includes measures to restore forests and protect marine resources, including the creation of protected marine areas to preserve marine life.

Particular attention is paid to the protection of ecosystems and biodiversity, specifically through the creation and support of protected areas, such as the Natura 2000 network, which helps to preserve rare and endangered species of flora and fauna. The EU also introduces regulations to improve air and water quality, supports environmental projects at the local level, and provides funding for research and implementation of new environmental solutions (European Environment Agency, 2022a; 2022b).

In the second quarter of the 21st century, the EU faces the challenge of not only implementing these goals at the level of all member states but also providing global leadership in the fight against climate change. This includes active participation in international climate agreements, sharing knowledge, and technology with other countries, and supporting global initiatives that promote environmental sustainability.

However, achieving these goals will require a comprehensive approach, including close cooperation between governments, business, and civil society, as well as the adaptation of national policies to European and global standards. It is essential that these initiatives are supported at all levels to ensure the sustainability and effectiveness of EU environmental policy in the long term.

Summarising the analysis, several key shortcomings can be identified in Ukraine's environmental legislation. Specifically, inconsistencies between multiple regulations were found, which

creates difficulties in law enforcement and complicates the implementation of strategic environmental goals. The effectiveness of the implementation of the laws is limited by underdeveloped enforcement mechanisms and the lack of clear financial instruments, which is particularly critical for waste management, water pollution, and climate change measures. To improve the legislation, attention should be paid to the creation of a unified environmental code to promote consistency of regulations, as well as the development of financial and investment mechanisms for environmental projects. Laws should be adapted to new challenges, such as changing climate zones, the proliferation of microplastics, and increased transport emissions, which will require modern environmental standards and integrated strategies at all levels of government.

Discussion

The study on environmental safety and legal regulation of environmental protection in Ukraine and the European Union highlighted topical issues related to ensuring environmental safety in the context of current global challenges. The examination of various approaches to environmental protection offered a better assessment of the specifics of Ukrainian legislation and its comparison with international practices.

Y.V. Korneev (2021) focused on the basic principles of environmental safety in Ukraine, noting that constitutional provisions create the necessary framework for its provision, but the lack of a comprehensive environmental code limits the consistency of legal regulation. These conclusions confirm the findings of the current study, which also emphasised the fragmentation of Ukrainian legislation and its insufficient integration with EU environmental standards. However, unlike Y.V. Korneev (2021), the present study emphasised the need for legislative changes in the context of modern environmental challenges,

such as climate change and plastic pollution, which is not addressed in Korneev's study. S.M. Danyliuk (2022) provided a comparative analysis of environmental legislation in Ukraine and the EU, with a note on the greater structure of the European legal framework and its adaptability to new challenges. S.M. Danyliuk (2022) pointed to the EU's comprehensive approach to environmental protection and the inclusion of environmental standards in all areas of legislation, which is in line with the current study's assessment of the European practices as more holistic. Although the current study assessed this approach positively, it further emphasised the need to implement analogous principles in Ukrainian legislation.

Y.A. Krasnova (2020) addressed the fact that the EU is developing legal mechanisms to ensure sustainable development, supporting this process with Directives and Regulations that are binding on all members of the Community. The current study agreed with these findings, but also added that for Ukraine, adopting this approach could increase the coherence of legal provisions and ensure a greater level of environmental security. The difference in interpretation may be related to the fact that the current study focuses on the integration of new standards on waste and microplastics, which was not addressed by Y.A. Krasnova (2020). Y. Leheza *et al.* (2023) focused on the protection of human rights to a safe environment, specifically the legal aspects of ensuring environmental safety. The researchers emphasised the need to consider modern threats such as water pollution and air quality. The current findings confirmed the significance of these issues but also extend the discussion to include the need for concrete countermeasures, for instance, in the area of waste management and renewable energy. The reasons for the discrepancy may lie in the focus of the present study on the practical aspects of policy implementation, while Y. Leheza *et al.* (2023) focused on common rights.

L. Squintani (2021) discussed barriers to sustainable development in the EU, including legal obstacles to the integration of environmental standards. L. Squintani (2021) emphasised the significance of removing such barriers through modifying the legal framework and improving the institutional structure. The current study addressed analogous challenges for Ukrainian legislation, proposing a more adaptive approach to reduce legal inconsistencies between different pieces of legislation in Ukraine. At the same time, the current study adds the need for financial incentives, which was not addressed by L. Squintani (2021). In the international context, it is vital to address the study by C. Bibi *et al.* (2024), which highlighted global challenges in biodiversity protection and the role of international environmental law in ensuring its conservation. The difference with the present study lies in the focus of C. Bibi *et al.* (2024) on the global level of regulation, while the current study analysed Ukraine's national mechanisms and the integration of European standards. The current study supported the opinion of C. Bibi *et al.* (2024) on the role of international cooperation but added that the adaptation of global standards to the specifics of national legislation is particularly significant for transition economies such as Ukraine.

Y. Kobets (2022) analysed environmental security as a component of national security, addressing its significance in martial law. The current study expanded on this idea, adding that Ukraine's current environmental legislation must be adapted to the challenges posed by military operations. Kobets's study paid less attention to issues related to the environmental rehabilitation of territories, while the current study emphasised the value of developing clear procedures for the restoration of damaged ecosystems.

The present study on the legal regulation of environmental safety in Ukraine reflected a series of issues related to the fragmentation of legislation and insufficient integration of

international environmental standards. In comparison, O.M. Semernia *et al.* (2022), which analysed Ukraine's environmental security during martial law, highlighted the need to improve legislative mechanisms in response to specific military challenges. Their conclusions highlighted that national legislation should include additional protective measures, especially in relation to contaminated areas, which is consistent with current study highlighting the role of clear legal regulation in crisis. O.V. Bepalova's (2020) analysis of EU environmental policy pointed to a more coherent system of legal provisions that ensures uniform environmental safety standards for all member states. This contrasts with Ukrainian legislation, which, as noted in the present study, continues to be fragmented and does not always meet modern requirements. Differences in legislative approaches point to the need for deeper integration of Ukraine's environmental regulations with European standards, which could increase the effectiveness of environmental policy.

A.M. Nosa's (2017) study on EU environmental policy focused on common international approaches and efforts to ensure effective environmental safety. These findings support the current study, which pointed to the role of international cooperation in improving national environmental regulations, especially in the face of global challenges such as climate change and ecosystem degradation. Comparison with the findings of A. Nagy (2019), who examined the criminal law protection of water resources in the context of European legislation, demonstrated that Ukraine can improve criminal liability for environmental offences. The current study also pointed to the need to increase liability for environmental crimes, which would ensure more effective protection of natural resources.

Thus, the findings of previous studies confirmed the value of environmental protection in the context of global environmental challenges

and war but also indicated differences in approaches to their solution. To summarise, international practices highlight the need for a coherent system of environmental standards regulation, while the present findings highlighted the necessity of adapting the existing regulations in Ukraine to address emerging challenges, including waste management, biodiversity protection, and ecosystem resilience.

Conclusions

This study was aimed at analysing the legislative acts regulating environmental safety in Ukraine and the European Union, with a focus on identifying the key shortcomings and the effectiveness of their implementation. The purpose of the study was to determine the relevance of Ukrainian and international provisions for addressing current environmental challenges and assess their potential improvement. The study reviewed key legislative acts of Ukraine and the EU, as well as international agreements and directives affecting the environmental safety sector.

It was found that there are a series of shortcomings in Ukrainian legislation, including a fragmented regulatory framework and weak integration of international environmental standards. The Law of Ukraine "On Environmental Protection" includes basic provisions, but they need to be further developed to adapt to modern challenges such as climate change, plastic pollution, and waste management. Furthermore, the State Strategy of Environmental Policy until 2030 defines general goals but lacks clear implementation mechanisms, which complicates its effective practical implementation. Compared to Ukraine, environmental policy in the EU is more centralised and integrated through directives that set common standards for all member states. However, despite the integrity and comprehensiveness of the legal framework, some issues, such as liability for transboundary pollution and the

implementation of renewable energy standards, require greater detail.

Conceptualising the findings, it can be concluded that the improvement of Ukrainian environmental legislation can be achieved by aligning it with European directives and codes. For instance, the adaptation of the “polluter pays” and pollution prevention principles prescribes in EU Directives would facilitate more effective implementation of environmental measures. Codification of environmental legislation, following the example of Germany or France, is a vital prospect, which would avoid legal fragmentation and facilitate effective monitoring.

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The study could serve as a basis for further investigation aimed at developing a unified Environmental Code of Ukraine that would cover all aspects of environmental regulation. Further research could focus on the integration of environmental policy into the energy and transport sectors, as well as the development of a system of liability for transboundary pollution.

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Conflict of Interest

None.

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Правове забезпечення охорони навколишнього природного середовища в Україні та країнах ЄС

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Анотація

Метою дослідження була характеристика і порівняння правових механізмів регулювання охорони навколишнього середовища в Україні та Європейському Союзі. У дослідженні було детально розглянуто основні нормативно-правові акти, що забезпечують екологічну безпеку, і оцінюється їх ефективність у контексті сучасних екологічних викликів. Проведений порівняльний аналіз національного екологічного законодавства України і країн ЄС дозволив виявити ключові відмінності та схожості в підходах до правового регулювання охорони навколишнього середовища. Особливу увагу приділено гармонізації українського законодавства з європейськими стандартами в рамках євроінтеграційних процесів. Проаналізовані екологічні стандарти в Україні та інших країнах ЄС, таких як Франція, Швеція, Італія, де екологічне право кодифіковане в екологічних кодексах, а також у Німеччині, де воно ґрунтується на принципах, орієнтованих на захист довкілля. Розглянуто правове регулювання екологічної безпеки в ЄС, його особливості визначено на основі нормативних документів європейських програм охорони довкілля. Підкреслено роль екологічної безпеки в екологічній політиці ЄС і зроблено висновок про необхідність гармонізації з європейськими вимогами, оскільки в національному законодавстві немає єдиного підходу до цієї складної правової категорії. В Україні питання екологічної безпеки врегульовані як на конституційному, так і на нормативному рівнях, в той час як в ЄС ці питання вирішуються переважно на законодавчому рівні. Зроблено висновок, про необхідність розробки комплексного підходу, що враховує як загальноєвропейські стандарти, так і специфічні національні умови. Гармонізація законодавства забезпечить ефективніше правове регулювання, поліпшить імплементацію екологічних норм і стандартів і сприятиме розвитку міжнародного співробітництва в сфері охорони навколишнього середовища. Практичне значення дослідження полягає у можливості використання отриманих результатів для узгодження національного законодавства з європейськими вимогами, що може стимулювати інновації та впровадження нових технологій для зменшення негативного впливу на довкілля

Ключові слова: захист довкілля; міжнародне співробітництво; екологічне законодавство; нормативно-правове регулювання; імплементація