

## 15. ENVIRONMENTAL POLICY IN UKRAINE AND EU APPROACHES AMID MODERN THREATS

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The purpose of this article is to explore the legal foundations of institutional and functional support for the formation and implementation of Ukraine's environmental policy based on EU approaches. This exploration takes into consideration Ukraine's European integration trajectory. The ongoing increase in anthropogenic impact on the natural environment, coupled with escalating environmental issues at global, national, regional, and local levels, necessitates the formation and implementation of an effective environmental policy. This policy should focus on rationalising the utilisation and replenishment of natural resources, safeguarding and preserving the environment, ensuring environmental safety, and fostering the harmonious coexistence of humanity and nature as a whole. Addressing these challenges requires continuous development and enhancement of the institutional and functional framework of Ukraine's national environmental policy – a responsive system capable of addressing environmental challenges comprehensively and promptly.

The issue of providing institutional and functional support for the formation and implementation of Ukraine's domestic environmental policy is gaining significance. This is particularly evident in light of the full-scale invasion of Ukraine by the Russian Federation on February 24, 2022. This invasion resulted in extensive damage and substantial losses, impacting both the people and the state. It has had a profound effect on the country's environment as a whole and its various regions, with one region being particularly affected. Moreover, there is an urgent need for the restoration – both during and after the war – of state territories, lands, other natural resources, and the infrastructure of territorial communities that suffered due to the military actions of the aggressor country. It is crucial to establish an optimal model of institutional and functional support for shaping and implementing national environmental policies in the spirit of sustainable development, especially given Ukraine's progress towards European integration. This includes its attainment of a candidate country status and the prospects for its full EU membership.

The study primarily employs the comparative legal method, facilitating research and comparison of approaches to legally regulate institutional and

functional support for Ukraine's environmental policy under sustainable development conditions and taking into account EU law. The application of the legal norms interpretation method aids in analysing legal concepts and categories pertinent to institutional and functional support for the national environmental policy. The forecasting method identifies modern trends in the development of institutional and functional support for Ukraine's environmental policy.

## Problem statement

The Main Directions of State Policy in Ukraine's Environmental Protection, Natural Resource Utilisation, and Environmental Safety, endorsed by the Verkhovna Rada of Ukraine on 05.03.1998 (Resolution No. 188/98-BP), stipulates that the main components of the mechanism for implementing the state environmental policy include state institutional infrastructure for environmental protection policy.<sup>1</sup> Among the other key components of this mechanism, the following are highlighted: a legislative and legal framework governing the production activities of both legal entities and individuals concerning the protection and utilisation of natural resources, as well as waste management; an economic framework for the utilisation of nature and environmental protection activities; and mechanism for implementing international, national, regional, sectoral and local environmental protection programmes.<sup>2</sup>

Additionally, enhancing the institutional capacity for planning, monitoring, and evaluating the effectiveness of the environmental policy implementation is identified as one of the objectives within the strategic goal of improving and developing state environmental management system, as outlined in the *Basic principles (strategy) of the state environmental policy of the Ukraine for the period up to 2030* (hereinafter referred to as "the Strategy"). The same document also envisages reinforcing the institutional capacity of the central executive body to ensure the formation and implementation of environmental protection and safety policies. Achieving this involves administrative reform, improved state administration, and alignment of environmental legislation with EU environmental law.<sup>3</sup>

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<sup>1</sup> Основні напрями державної політики України у галузі охорони довкілля, використання природних ресурсів та забезпечення екологічної безпеки, затверджені Постановою Верховної Ради України від 05.03.1998 № 188/98-ВР [online:] <https://zakon.rada.gov.ua/laws/show/188/98-%D0%B2%D1%80#Text> [access: 15.12.2021].

<sup>2</sup> *Ibidem*.

<sup>3</sup> Про Основні засади (стратегію) державної екологічної політики України на період до 2030 року. Закон України від 28.02.2019 № 2697-VIII [online:] <https://zakon.rada.gov.ua/laws/show/2697-19#Text> [access: 15.12.2021].

In line with the Strategy, the goal is to stabilise the environmental situation by 2025 through consolidating changes in the state management system. This encompasses reforms in the state environmental management system, adherence to European environmental norms, improved environmental accounting and control systems, introducing economic mechanisms to encourage eco-friendly economic shifts, strategies for boosting energy efficiency in enterprises, implementing electronic governance, disseminating environmental knowledge, increasing societal environmental awareness, and enhancing the informatisation of environmental protection and nature utilisation across all levels.<sup>4</sup>

Different authors present varying interpretations of institutional and functional support in the studied sources. These differences often stem from the context of social relations under examination and the analysed subject composition. While some authors focus solely on the state and its bodies, others extend their analysis to include institutions such as local self-government bodies. Generally, the institutional-functional mechanism refers to relationships among institutions that facilitate democratic governance principles, coordination of societal interests, and management of collective efforts towards regional/state development goals. This mechanism undertakes, inter alia, administrative, coordination, mobilisation, and oversight functions.<sup>5</sup> N.V. Karpinska's research focuses on institutional and functional support for sanitary and phytosanitary measures within the contexts of the WTO and EU legal requirements. Her work underscores the complexity of Ukraine's international legal relations and the corresponding intricacy of institutions influencing these measures. Additionally, Karpinska identifies both international and national levels within the institutional and functional system for management and control.<sup>6</sup>

However, when determining institutional and functional support for shaping and implementing Ukraine's environmental policy, it is essential to acknowledge that the involvement in these processes extends beyond state authorities or local self-government bodies. In contemporary conditions, various institutions including enterprises, organisations, institutions, the public, and individuals exert direct or indirect influence on environmental policy formation and implementation. Both global and regional (primarily European) supranational structures significantly impact national environmental policy.

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<sup>4</sup> *Ibidem.*

<sup>5</sup> А.В. Духневич, *Правові проблеми реалізації Угоди про сільське господарство СОТ в Україні*, Lutsk 2016, p. 73.

<sup>6</sup> Н.В. Карпінська, *Застосування санітарних та фітосанітарних заходів: проблеми правового забезпечення у контексті вимог СОТ та ЄС*, Lutsk 2021, p. 179.

Thus, it is suggested to consider the concept of “institutional and functional support for Ukraine’s environmental policy formation and implementation” expansively. This encompasses a system of government, non-government, and supranational institutions (entities) that directly and/or indirectly influence the state’s environmental policy formation and implementation. These entities undertake tasks, functions, and, duties assigned to them, as well as the realisation of their rights and powers.

## Research materials

An important milestone in Ukraine’s continuous progress within the framework of its European integration goals was reached on June 23, 2022, when leaders from the twenty-seven EU Member States decided to grant our country candidate status for European Union membership.

This historical event’s significance is considerable, as experts argue that the prospect of EU membership provides a potent impetus for further reform across political, economic, social, and humanitarian spheres in Ukraine. Consequently, meticulous attention should be directed towards issues of legal support for addressing environmental challenges in Ukraine. These efforts should align with the European institutional foundation, adapt to EU norms and standards, and strategically align with the shared development objectives of European countries and the international community within an ecologically sound environment.<sup>7</sup>

While discussing numerous positive outcomes predicted for Ukraine amidst its current status and future EU membership prospects, the country still faces several challenges regarding optimising institutional and functional support for shaping and implementing national environmental policy in the context of European integration. To a large extent, these tasks emanate from the commitments undertaken by the state upon signing the political and economic components of the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community, and their Member States on 03/21/2014 and 06/27/2014, respectively (hereinafter referred to as “the Association

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<sup>7</sup> Л.М. Шевчук, Д.Л. Фелонюк, *Оптимізація інституційно-функціонального забезпечення формування та здійснення екологічної політики України в умовах євроінтеграції* [in:] Правові проблеми раціонального природокористування, охорони природи та безпечного довкілля в Україні: збірник тез наукових доповідей Всеукраїнської науково-практичної конференції, присвяченої 100-річчю від Дня народження професора Василя Лук’яновича Мунтяна (м. Київ, 21 жовтня 2022 року), В. Носік (ed.), Khmelnytskyi 2022, pp. 164–167.

Agreement”<sup>8</sup>). Notably, the Association Agreement’s provisions stipulate that the parties will develop and strengthen cooperation on environmental protection issues, thereby contributing to the long-term objective of sustainable development (Article 360).<sup>9</sup> This cooperation is aimed at preserving, protecting, improving and rehabilitating the quality of the environment, protecting public health, prudent and rational utilisation of natural resources, and promoting measures at international level to deal with regional and global environmental problems, inter alia, in the areas of environmental governance and horizontal issues, including education and training, and access to environmental information and decision-making process (Article 361).<sup>10</sup>

A benchmark for optimising institutional and functional support for shaping and implementing Ukraine’s environmental policy within the context of European integration is also clearly outlined in the *Basic principles (strategy) of the state environmental policy of Ukraine for the period up to 2030*.<sup>11</sup> This act specifies key instruments for state environmental policy implementation, including:

- 1) state regulation in environmental protection to establish scientifically grounded restrictions on the use of natural resources and pollution, alongside implementing comprehensive permits to regulate pollution in alignment with Directive 2010/75/EC on industrial pollution;
- 2) technical regulation and accounting in environmental protection, nature management, and environmental safety, aimed at implementing scientifically based and environmentally safe requirements for processes, goods, and services that meet European standards;
- 3) Ukrainian environmental legislation aligned with EU legislation, aiming to achieve national priorities and approximate relevant EU directives for multilateral environmental agreement implementation (conventions, protocols, etc.) to which Ukraine is a party;
- 4) comprehensive monitoring of environmental state and supervision in environmental protection, resource utilisation, reproduction, and protection. These efforts facilitate transitioning to a system of environmental state monitoring, reduce pressure on business environments, and actively engage the public in environmental control. This is achieved by establishing an effective supervisory system to ensure compliance with environmental legislation,

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<sup>8</sup> Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони: Угода від 27.06.2014 [online:] [https://zakon.rada.gov.ua/laws/show/984\\_011](https://zakon.rada.gov.ua/laws/show/984_011) [access: 26.11.2019].

<sup>9</sup> *Ibidem*.

<sup>10</sup> *Ibidem*.

<sup>11</sup> Про Основні засади (стратегію) державної..., *op. cit.*

drawing insights from successful practices of comparable institutions functioning within EU Member States.<sup>12</sup>

As O.T. Hyrych aptly observes, Ukraine's aspirations towards European integration must be accompanied by concrete steps in enhancing the national environmental situation. This entails implementing an effective state policy in this realm by drawing from relevant European experiences, adopting recognised standards for management quality, and establishing a permanent ecological state monitoring system within the country.<sup>13</sup>

Indeed, the global community recognises the imperative of coordinating maximum efforts towards environmental protection. This includes fostering a harmonised regulatory framework to achieve balanced development in Europe, elevating attention towards ecological states, and collaboratively addressing environmental safety. The EU plays a pivotal role in the international environmental protection landscape, taking a lead role in formulating policies to address global environmental issues.<sup>14</sup> V.S. Zahorsky's observations resonate in this context: "Environmental problems are now a crucial factor driving European countries to unite efforts in ensuring environmental safety and establishing a system of "collective responsibility" for the region's natural environment. The EU stands as the most effective international regional organisation in modern times, employing comprehensive environmental policy and international environmental management systems based on pioneering environmental protection measures. The EU's activities in the environmental sphere can serve as a model for other states and regions, grounded in governmental determination and civil society".<sup>15</sup>

Taking this into account and in view of the signing of the Association Agreement and Ukraine's attainment of candidate status for European Union membership, the need to align national legislation with EU standards has become pressing. This includes bringing Ukrainian legislation closer to European environmental standards, taking into consideration the experiences of EU Member States, and considering the unique aspects of Ukraine's development. This

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<sup>12</sup> *Ibidem.*

<sup>13</sup> О.Т. Гирич, *Екологічна політика у трансформації системи міжнародних відносин*, Миколаїв 2017, р. 18.

<sup>14</sup> А.М. Носа, *Особливості формування, розвитку та здійснення спільної екологічної політики Європейського Союзу як інструменту забезпечення екологічної безпеки світового співтовариства*, Vol. 2, issue 13, Uzhhorod 2017, pp. 56–60.

<sup>15</sup> В.С. Загорський, *Екологічна політика ЄС і проблеми формування системи екологічного управління в Україні*, "Соціально-економічні проблеми сучасного періоду України" 2014, 3(107), pp. 212–213.

alignment extends to the institutional and functional support required for the formation and implementation of national environmental policies.<sup>16</sup>

The fundamental objectives, tasks, and principles of the EU's environmental policy evolved through distinct phases which can be roughly categorised into five key stages:

- 1) from 1957 to 1971, marked by the absence of legal competence in EU environmental matters;
- 2) from 1972 to 1985, which saw the inception of initial action programmes in environmental protection and the commencement of legal regulation in the field of ecological development;
- 3) from 1986 to 1991, focusing on consolidating competence in environmental protection within EU institutions;
- 4) from 1992 to 2002, with an emphasis on institutional consolidation of environmental policy and the integration of environmental protection into all EU policy domains;
- 5) from 2003 onwards, characterised by efforts to codify numerous norms in environmental standardisation and certification.<sup>17</sup>

An analysis of the EU's environmental policy goals highlights several priority areas: the preservation, protection, and enhancement of environmental quality; protecting public health; the prudent and rational utilisation of natural resources; and promoting international measures to address regional or global environmental issues.<sup>18</sup> In this context, entrusting pan-European institutions with the responsibility of implementing EU environmental policies is a commendable practice. It helps prevent subjectivity in resolving various environmental issues in individual countries and the EU as a whole and aids in harmonising environmental legislation across the region.

Prominent institutions engaged in implementing EU environmental policy include the European Parliament, Council of the European Union, European Commission, Court of Justice of the European Union, European Ombudsman, European Investment Bank, as well as specialised entities such as the European Environment Agency, European Environment Information and Observation Network, European Union Network for the Implementation and Enforcement of Environmental Law, European Environment and Sustainable Environment Advisory Councils (EEAC), the European Consultative Forum on the Environment and

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<sup>16</sup> Д.Л. Фелонюк, *Інституційне забезпечення реалізації екологічної політики в ЄС*, Odesa 2021, pp. 284–287.

<sup>17</sup> А.М. Носа, *Особливості формування...*, *op. cit.*

<sup>18</sup> В. Бізек, *Політика та право ЄС з питань, що стосуються довкілля*, Kyiv 2013 [online:] <http://www.sbs-envir.org/images/documents/ECLLEG-Textbook-UA.pdf> [access: 14.05.2021].

Sustainable Development, etc.<sup>19</sup> At the national level, aligning environmental policy with EU requirements necessitates a robust institutional framework.<sup>20</sup>

Yu.V. Shabardina's research identifies five levels of environmental policy implementation in Ukraine.<sup>21</sup> The first level involves key state authorities, such as the President of Ukraine, National Security Council, and Cabinet of Ministers, setting strategic directions for environmental policy while coordinating executive actions.

The second level entails central executive bodies such as the Ministry of the Environment and state agencies regulating specific sectoral concerns. This level provides regulatory, methodological, and scientific support for relevant environmental activities.

The third level, local governance, coordinates cross-sectoral environmental policy at local and regional tiers. It oversees the implementation of state tasks within regional and district components of the environmental policy process. Local state administrations and territorial bodies contribute at the oblast and district levels. The fourth level includes local self-government bodies and management entities of environmentally significant activities. These bodies manage environment-focused tasks within organisations and institutions while upholding citizens' environmental rights.

Lastly, the fifth level pertains to public management, led by public organisations with an ecological focus.<sup>22</sup> According to the researcher, experts in Ukrainian environmental law emphasise that aligning citizens' environmental rights with European standards during the implementation of environmental policy relies on the institutional and functional component. An exceedingly vital contribution to safeguarding citizens' environmental rights according to these standards in the process the environmental policy implementation can stem from the collaboration of domestic institutions in this field with their counterparts in EU Member States.<sup>23</sup>

The scientific literature underscores the importance of developing and adopting forward-looking environmental policies that align with the international

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<sup>19</sup> *Конституційні акти Європейського Союзу (в редакції Лісабонського договору)*, Г. Друзенко (ed.), Kyiv 2010, p. 15.

<sup>20</sup> Т.В. Грушкевич, *Європейські стандарти забезпечення екологічних прав*, Khmelnytskyi 2013, pp. 106–115.

<sup>21</sup> Ю.В. Шабардіна, *Екологічна політика Європейського Союзу в контексті посилення інтеграційних процесів в Україні. Глобальні та національні проблеми економіки*, issue 3, Mykolaiv 2015, pp. 576–579.

<sup>22</sup> *Ibidem*, p. 578.

<sup>23</sup> *Ibidem*, pp. 577–578.



framework of global economic policies. Modern approaches and actions are essential in implementing new national environmental policies, which should harmoniously integrate within pan-European and global environmental protection processes.<sup>24</sup>

In contemporary times, cooperation between Ukraine and the EU entails a network of institutions and sectors that foster harmonious political relations, strategic partnerships, economic ties, and collaborative efforts to address shared environmental challenges. The current Ukrainian-European interstate relations are marked by the highest level of institutional engagement. The success of the European integration processes in Ukraine's environmental sphere depends significantly on institutional support, contingent upon the willingness of relevant entities to integrate environmental policy with other policies.<sup>25</sup>

Regarding the institutional and functional support for the development and implementation of environmental policy, it is worth quoting V.I. Lozo, who asserts that within a mere decade, the EU's environmental policy has evolved into one of the key objectives of European integration. The fundamental principles of environmental protection were enshrined in the EU's founding documents, serving as the foundation upon which institutions and bodies are constructed. Over time, their roles and competence have been enhanced, environmental decision-making processes refined, and considerable emphasis has been placed on legislation implementation and the mobilisation of civil society in environmental preservation efforts.<sup>26</sup>

As previously mentioned, the European Union has established several institutions tasked with forming and implementing its environmental policy. This policy, as stipulated in Article 191 of the Treaty on the Functioning of the European Union, serves to achieve the following objectives:

- 1) preserving, protecting and improving the quality of the environment;
- 2) protecting human health;
- 3) prudent and rational utilisation of natural resources;

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<sup>24</sup> В.К. Матвійчук, Ю.О. Чугаєнко, О.І. Савенков, *Екологічна політика в системі державного управління національним господарством*, Київ 2013, р. 7.

<sup>25</sup> О.В. Гулак, Л.В. Головій, Г.В. Савенко, *Забезпечення євроінтеграційних процесів в екологічній сфері України: адміністративно-правові аспекти*, Київ 2018, рр. 61–63.

<sup>26</sup> В.І. Лозо, *Входження екологічної стратегії до центральних завдань Європейського Союзу*, "Теорія і практика правознавства" 2011, No. 1(1) [online:] <http://tlaw.nlu.edu.ua/issue/view/3796> [access: 11.02.2022].

- 4) promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.<sup>27</sup>

Therefore, the principal actors responsible for initiating and implementing EU environmental policy include:

- 1) The European Commission: serving as the primary contributor to the policy formation process in environmental protection, this institution receives information on Member States' legislative and administrative intentions. It monitors the quality of Member States' implementation of EU legislation into national laws and initiates procedures against states that either fail to fully and accurately implement environmental provisions or neglect to notify national measures in this domain;
- 2) The Council of the European Union: comprising environmental ministers, this body possesses greater freedom of action at the EU level, often succeeding in adopting legal acts that might face resistance from national governments. Each Member State's government designates one minister to participate in Council meetings. When the Council convenes to discuss environmental protection, environmental ministers from all EU Member States participate, and the meeting is then designated the "Environmental Council".
- 3) The European Parliament: unlike many parliaments of the Member States European Parliament exerts significant influence over EU environmental policy. According to Article 192 of the Treaty on the Functioning of the European Union, the European Parliament and the Council acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191, which pertain to the Union's environmental policy.
- 4) The European Environmental Agency: established in May 1990 as an independent body, this agency is responsible for environmental protection and improvement. To this end, it monitors, collects, and analyses environmental information to assess environmental risks. Furthermore, it facilitates the development of legislation and the implementation of environmental protection programmes.<sup>28</sup>

Notably, the European Parliament can establish permanent and temporary committees, with the former established based on regulatory subjects. These committees handle issues assigned by founding treaties or European Parliament

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<sup>27</sup> Договір про функціонування Європейського Союзу: консолідована версія [online:] [https://zakon.rada.gov.ua/laws/show/994\\_b06#Text](https://zakon.rada.gov.ua/laws/show/994_b06#Text) [access: 3.05.2021].

<sup>28</sup> А.О. Бояр, С.В. Федонюк, *Європейський Союз*, Київ 2020, р. 318.

governing body decisions, as well as those initiated by the committees themselves. Importantly, no significant matters are discussed by the European Parliament without prior committee deliberation and reporting.

The powers, rights, and responsibilities of standing committees are outlined in Annex VI to the Rules of Procedure of the European Parliament. Specifically, the Committee on the Environment, Public Health and Food Safety holds responsibilities pertaining to environmental protection policies and measures, including:

- 1) protection of air, soil, and water;
- 2) addressing climate change;
- 3) regulations concerning dangerous substances and their classification, packaging, labelling, transportation, and usage;
- 4) setting noise level standards;
- 5) management of waste processing and storage;
- 6) engagement in international and regional initiatives and agreements aimed at protecting the environment;
- 7) preservation of fauna and natural habitats;
- 8) provisions of maritime law related to environmental concerns.<sup>29</sup>

Each year, this committee produces three reports evaluating adopted EU legislation in environmental protection and related areas, as well as issues in their implementation. Moreover, in conjunction with the Commission, the Committee regularly conducts sessions to assess the application of European environmental law. These sessions encompass numerous topics related to the enforcement of environmental protection legislation, particularly pertinent to candidate countries – an area of significant importance for Ukraine, given its current status and EU membership prospects.

One of the main administrative units of the European Commission responsible for environmental functions is the Directorate-General for Environment. Its objectives include:

- 1) ensuring a high level of environmental protection, while considering regional variations within the EU;
- 2) developing policies that contribute to environmental protection, preservation, and improvement;
- 3) fostering international engagement on regional and global environmental issues;
- 4) promoting the integration of environmental protection requirements into other EU policies and actions;

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<sup>29</sup> М.М. Микієвич, Н.І. Андрусевич, Т.О. Будякова, *Європейське право навколишнього середовища*, Lviv 2004, pp. 106–107.

- 5) collaborating with third countries and relevant international organisations to achieve environmental protection goals.

The key mission of the Directorate-General for Environment is to develop and facilitate new environmental protection legislation and ensure that the agreed-upon measures are effectively implemented by the Member States.<sup>30</sup>

Furthermore, in 2010, the Directorate-General for Climate Action was established to tackle the consequences of climate change and develop EU policies in this regard. Its primary tasks include:

- 1) participating in international climate change negotiations;
- 2) formulating policies with the potential to impact climate change;
- 3) developing and implementing an effective emissions trading system in the EU, aiming for carbon neutrality through a well-functioning carbon market;
- 4) promoting the adoption of low-carbon and similar technologies;
- 5) overseeing monitoring and providing assistance to Member States in implementing their national strategies to combat climate change.<sup>31</sup>

Another institution, the Directorate General for Energy, manages energy policy. All three aforementioned Directorates-General (Environment, Climate Action, and Energy) must closely cooperate within the framework of the European Commission's activities to achieve common objectives, particularly in the realm of environmental protection and preservation.<sup>32</sup>

In conjunction with the aforementioned points, the EU has established and operates an entire system of dedicated bodies, departments, and institutions, each empowered with specific responsibilities in particular sectors or aspects of the EU's environmental policy. Notably, the European Chemicals Agency oversees the registration, evaluation, and potential authorisation or restriction of chemicals, while the European Food Safety Agency (EFSA) focuses on food safety. Central to this system is the European Environment Agency, which is tasked with providing environmental information (including in the energy, industry and transport sectors). The Agency commenced its operations in 1994,<sup>33</sup> as stipulated by the provisions of the EEC Council Regulation No 1210/90 of 7 May 1990 on the

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<sup>30</sup> *Ibidem*, pp. 109–110.

<sup>31</sup> *Directoraat-generaal Klimaat (CLIMA)* [online:] [https://www.europa-nu.nl/id/vicun06rwsza/directoraat\\_gen/directoraat\\_generaal\\_klimaat\\_clima](https://www.europa-nu.nl/id/vicun06rwsza/directoraat_gen/directoraat_generaal_klimaat_clima) [access: 3.07.2021].

<sup>32</sup> В.В. Ладиченко, *Екологічна політика і право ЄС*, Київ 2019, pp. 9–10.

<sup>33</sup> *Правове регулювання відносин в сфері довкілля в Європейському союзі та в Україні*, В.Г. Дідик (ed.), Київ 2007, p. 42 [online:] <https://just.odessa.gov.ua/files/upload/files/36.pdf> [access: 1.04.2022].

establishment of the European Environment Agency and the European Environment Information and Observation Network.<sup>34</sup>

Article 2 of this Regulation outlines the primary tasks of the European Environment Agency as follows:

- 1) to establish in cooperation with Member States, and coordinate the network comprising the main component elements of the national information networks, national focal points, and topic centres;
- 2) to provide the EU and its Member States with the objective information necessary for framing and implementing sound and effective environmental policies; to assist the monitoring of environmental activities; advise individual Member States upon their request on the development, establishment and expansion of their systems for the monitoring of environmental measures (such advice may include peer reviews by experts);
- 3) to record, collate and assess data on the state of the environment, draw up expert reports on the quality, sensitivity, and pressures on the environment;
- 4) to help ensure that environmental data at European level are comparable;
- 5) to promote the incorporation of European environmental information into international environmental monitoring programmes such as those established by the UN and its specialized agencies;
- 6) to publish a report on the state of, trends in and prospects for the environment every five years;
- 7) to stimulate the development and application of the environmental forecasting techniques;
- 8) to stimulate the development of methods of assessing the cost of damage to the environment and the cost of environmental preventive, protection and restoration policies;
- 9) to stimulate the exchange of information on the best technologies available for preventing or reducing damage to the environment;
- 10) to ensure broad dissemination of reliable information about the environment, etc. to the general public.<sup>35</sup>

Advisory bodies also play a significant role in EU environmental protection and policy formation. Examples include:

- 1) the EU Network for the Implementation and Application of Environmental Law (IMPEL). This network's primary aim is to enhance the effective

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<sup>34</sup> Щодо заснування Європейського агентства з навколишнього середовища та Європейської мережі екологічної інформації та спостереження за навколишнім середовищем: Регламент Ради ЄС № 1210/90 від 07.05.1990 [online:] <https://regulation.gov.ua/documents/id206470> [access: 28.08.2022].

<sup>35</sup> *Ibidem*.

implementation of environmental legislation in Member States and at the EU level. IMPEL serves as a potent tool for exchanging experiences and information regarding the practical integration of EU norms into national environmental legislation. Its main objectives encompass creating incentives within the EU for more effective compliance with and application of environmental legislation, exchanging information and experiences, discussing challenges, and offering practical guidance on the implementation and application of EU environmental legislation. IMPEL also aims to promote greater consistency in the approach to implementing and applying EU environmental legislation, foster mutual understanding of shared characteristics and differences in national regulatory systems, and develop effective practices related to inspections, permitting, monitoring, reporting, and the application of EU environmental law;

- 2) the European Consultative Forum on the Environment and Sustainable Development (ECFESD) serves as an advisory body to the Commission on sustainable development and environmental matters in the EU and Europe;
- 3) the European Environmental Advisory Council (EEAC) facilitates cooperation among councils established by European governments, offering independent, science-based environmental and sustainable development advice. EEAC's key goals encompass improving advice to national and regional governments, leveraging experience from councils in other countries, addressing European-level issues, and influencing EU-level policy development based on collaborative actions.<sup>36</sup>

A notable institution deserving special attention is the European Union Forum of Judges for the Environment (EUJFE), established in February 2004 as an international non-governmental association. This forum promotes sharing experience and contributing to a better knowledge of national, European, and international environmental law among judges. It conducts annual colloquiums on pertinent subjects, disseminates legal and environmental information, etc.<sup>37</sup> and holds significant relevance for Ukraine, which currently requires additional knowledge, experience, and foreign, primarily European, countries' support in assessing environmental damage and seeking compensation.

At present, Ukraine's European integration trajectory, the scope of cooperation, and guidelines for interaction with the EU in environmental matters are

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<sup>36</sup> М.М. Микієвич, Н.І. Андрусевич, Т.О. Будякова, *Європейське право...*, *op. cit.*, pp. 119–121.

<sup>37</sup> В.Г. Дідик, *Правове регулювання відносин в сфері довкілля в Європейському союзі та в Україні*, Київ 2007, р. 44 [online:] <https://just.odessa.gov.ua/files/upload/files/36.pdf> Text [access: 1.04.2022].

outlined in current legislation concerning functions, tasks, and powers of state authorities at different levels. Article 85(1) of Ukraine's Constitution designates the Verkhovna Rada with powers to establish the principles of domestic and foreign policy, including the implementation of the state's strategic course towards full membership of Ukraine in the EU.<sup>38</sup> Article 93(1) of the Regulations of the Verkhovna Rada of Ukraine, approved by the Law of Ukraine of 10.02.2010 No. 1861-VI, specifies that any draft law or draft of another act, upon registration, is sent to the committee responsible for evaluating – within five days – the act conformity with Ukraine's international legal obligations related to European integration for the preparation of an expert opinion.<sup>39</sup>

The President of Ukraine, as the head of state, serves as the guarantor for the implementation of the state's strategic course towards attaining full EU membership for Ukraine (Article 102(3) of the Constitution of Ukraine). In addition, it is the responsibility of the government to ensure the implementation of this strategic course aimed at achieving Ukraine's full membership in the EU (Article 116(11) of the Constitution of Ukraine).<sup>40</sup> Furthermore, it is important to note that the Cabinet of Ministers of Ukraine (along with the Parliament) is designated as one of the integral components of the institutional mechanism responsible for the process of aligning the Ukraine's legislation with that the European Union. This designation is outlined in the National Program for the Adaptation of the Legislation of Ukraine to the Legislation of the European Union, approved by the Law of Ukraine of 18.03.2004 No. 1629-IV (Chapter VIII Institutional mechanism)<sup>41</sup> and others.

The organisational, expert-analytical and informational support for the activities of the Cabinet of Ministers of Ukraine in the field of European and Euro-Atlantic integration is carried out by the Government Office for the Coordination of European and Euro-Atlantic Integration. This office functions as an independent structural unit within the Secretariat of the Cabinet of Ministers of Ukraine, operating in accordance with the provisions outlined in the resolution of the Cabinet

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<sup>38</sup> Конституція України: Закон України від 28.06.1996 nr 254к/96-ВР [online:] <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> [access: 8.04.2021].

<sup>39</sup> Регламент Верховної Ради України, затверджений Законом України від 10.02.2010 nr 1861-VI [online:] <https://zakon.rada.gov.ua/laws/show/1861-17#Text> [access: 28.07.2022].

<sup>40</sup> Конституція України..., *op. cit.*

<sup>41</sup> Загальнодержавна програма адаптації законодавства України до законодавства Європейського Союзу, затверджена Законом України від 18.03.2004 nr 1629-IV [online:] <https://zakon.rada.gov.ua/laws/show/1629-15#Text> [access: 8.11.2021].

of Ministers of Ukraine dated 04.10.2017, No. 759.<sup>42</sup> As per regulations of this act, the primary responsibilities of the Government Office encompass providing organisational, expert-analytical and informational support for the activities pertaining to European and Euro-Atlantic integration led by the Cabinet of Ministers of Ukraine, the Prime Minister of Ukraine and the Deputy Prime Minister of Ukraine, in charge of the European and Euro-Atlantic integration. These activities are specifically related to:

- 1) coordinating the efforts of executive authorities in developing and executing measures aimed at implementing the Association Agreement, other international treaties related to European integration, and agreements between Ukraine and the EU;
- 2) managing the process of adapting Ukraine's legislation to the law of the European Union (EU *acquis*);
- 3) planning, monitoring, and evaluating the effectiveness of tasks related to European integration, including the implementation of the Association Agreement;
- 4) coordinating the executive authorities' work on drafting legislative and other normative acts to implement the Association Agreement, other international treaties related to European integration, and Ukraine-EU agreements;
- 5) enhancing the system and mechanism for coordinating executive authorities' activities in the areas of European and Euro-Atlantic integration.<sup>43</sup>

The European integration direction of Ukraine's development in the environmental sphere is facilitated by various state executive bodies competent in the area of national environmental policy development and implementation, including: supra-departmental environmental management bodies, state bodies responsible for environmental resource management, specialised functional management and control bodies, as well as sectoral competency bodies.

However, the implementation of European approaches to environmental policy development and implementation at the local level in Ukraine presents greater complexity. The *Law on Local Self-Government in Ukraine* addresses issues such as: 1) approving agreements on Euroregional cooperation unification, deciding on the establishment of, membership in, or withdrawal from an association of Euroregional cooperation, approving the statute of the association of Euroregional cooperation and any subsequent amendments thereof (Article

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<sup>42</sup> Положення про Урядовий офіс координації європейської та євроатлантичної інтеграції, затверджене постановою Кабінету Міністрів України від 04.10.2017 № 759 [online:] <https://zakon.rada.gov.ua/laws/show/759-2017-%D0%BF#n111> [access: 22.11.2022].

<sup>43</sup> *Ibidem*.



26(1)(21<sup>1</sup>)); 2) deciding on membership in or withdrawal from a European Union of Territorial Cooperation (Article 26(1)(21<sup>2</sup>)). These issues, with the sole distinction lying in the ability to enter into agreements for Euroregional cooperation unification, are exclusively resolved during plenary meetings of district and regional councils (Article 43(1)(15<sup>1</sup>) and (15<sup>2</sup>), respectively).<sup>44</sup>

Simultaneously, Appendix 2 to the State Regional Development Strategy for 2021–2027 outlines Strategic Goal III, labelled as *Development of effective multi-level governance*. This objective encompasses the following operational goals:

- 1) establishing efficient local self-government and state authorities within a new territorial framework based on Ukraine's redesigned administrative-territorial system. This includes the creation of capable territorial communities nationwide, alignment with European requirements and standards by developing a new system of administrative-territorial units at the sub-regional level, redistributing powers between local self-government and executive bodies through the drafting and enactment of revised laws such as *Law on Local Self-government in Ukraine* and the *Law on Local State Administrations*. Additionally, it entails fostering a system for effective collaboration among local self-government bodies across various levels, all geared towards the comprehensive development of regional territories and communities;
- 2) crafting horizontal and vertical coordination of state sectoral policies and state regional policy. This involves implementing Sustainable Development Goals at both regional and local levels, ensuring their integration into policy formation across all levels, both horizontally (in sectoral programs and strategies) and vertically (at the primary, sub-regional, regional, and macro-regional levels, as well as within inter-municipal cooperation). Furthermore, it encompasses the development and implementation of a set of agreed-upon criteria to assess the social, economic, and environmental impacts of proposed policies, determining their potential to achieve Sustainable Development Goals<sup>45</sup> at the regional level. Considering that the pursuit of Sustainable Development Goals is a top priority in the EU's environmental policy, this direction maintains its relevance in shaping and implementing national environmental policies at the local level.

It is worth noting that the acceleration of reforms in the institutional and functional support for domestic environmental policy, aligning it with EU standards

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<sup>44</sup> Про місцеве самоврядування в Україні: Закон України від 21.05.1997 nr 280/97-ВР [online:] <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text> [access: 21.10.2022].

<sup>45</sup> Державна стратегія регіонального розвитку на 2021–2027 роки, затверджена постановою Кабінету Міністрів України від 05.08.2020 nr 695 [online:] <https://zakon.rada.gov.ua/laws/show/695-2020-%D0%BF#Text> [access: 11.08.2021].

and requirements, and the corresponding legal consolidation, were significantly influenced by the signing of the Association Agreement. This agreement, notably in Article 365, established that the cooperation of the parties covers, *inter alia*, the following objectives including:

- 1) development of an overall strategy on environment, covering planned institutional reforms (with timetables) for ensuring implementation and enforcement of environmental legislation; division of competence for the environmental administration at national, regional and municipal levels; procedures for decision-making and the implementation of decisions; procedures for promotion of integration of environment into other policy areas; identification of the necessary human and financial resources and a review mechanism;
- 2) development of sector strategies on air quality; water quality and resource management, including marine environment; waste and resource management; nature protection; industrial pollution and industrial hazards and chemicals, including clearly defined timetables and milestones for implementation, administrative responsibilities, as well as financing strategies for investments in infrastructure and technology;
- 3) development and implementation of a policy on climate change, in particular, as listed in Annex XXXI to this Agreement.<sup>46</sup>

However, it is evident from the above discussion that the institutional and functional support system for the formation and implementation of Ukrainian environmental policy requires further refinement and enhancement.

In summary, the effectiveness and efficiency of national environmental policy formation and implementation, in line with the demands of modernity and European integration, directly hinge on optimising the domestic system through institutional and functional support. This optimisation should consider the decentralisation trends in the country, aiming for greater involvement of local authorities in shaping and executing environmental policy. It also calls for strengthened institutional cooperation and coordination between state authorities with general and specific responsibilities in environmental protection. Attention should be directed towards establishing a unified national information platform on environmental issues, akin to the EU's Shared Environmental Information System (SEIS), which resolved similar challenges faced by countries worldwide at the international level in the past. Additionally, there is a need to enhance the involvement

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<sup>46</sup> Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони: Угода від 27.06.2014 [online:] [https://zakon.rada.gov.ua/laws/show/984\\_011](https://zakon.rada.gov.ua/laws/show/984_011) [access: 26.11.2019].

of non-state entities in environmental conservation and protection tasks, and to promote public-private partnerships as a collaborative approach in this domain.

## References

1. Directoraat-generaal Klimaat (CLIMA) [online:] [https://www.europa-nu.nl/id/vicun-06rwsza/directoraat\\_gen/directoraat\\_generaal\\_klimaat\\_clima](https://www.europa-nu.nl/id/vicun-06rwsza/directoraat_gen/directoraat_generaal_klimaat_clima) [access: 3.07.2021].
2. Бізек В., *Політика та право ЄС з питань, що стосуються довкілля*, Київ 2013 [online:] <http://www.sbs-envir.org/images/documents/ECLEG-Textbook-UA.pdf> [access: 14.05.2021].
3. Грушкевич Т.В., *Європейські стандарти забезпечення екологічних прав*, Khmelnytskyi 2013.
4. Гулак О. В., Головій Л.В., Савенко Г.В., *Забезпечення євроінтеграційних процесів в екологічній сфері України: адміністративно-правові аспекти*, Київ 2018.
5. Державна стратегія регіонального розвитку на 2021–2027 роки, затверджена постановою Кабінету Міністрів України від 05.08.2020 nr 695 [online:] <https://zakon.rada.gov.ua/laws/show/695-2020-%D0%BF#Text> [access: 11.08.2021].
6. Договір про функціонування Європейського Союзу: консолідована версія [online:] [https://zakon.rada.gov.ua/laws/show/994\\_b06#Text](https://zakon.rada.gov.ua/laws/show/994_b06#Text) [access: 3.05.2021].
7. Духневич А.В., *Правові проблеми реалізації Угоди про сільське господарство СOT в Україні*, Lutsk 2016.
8. Бояр А.О., Федонюк С.В., *Європейський Союз*, Київ 2020.
9. Загальндержавна програма адаптації законодавства України до законодавства Європейського Союзу, затверджена Законом України від 18.03.2004 nr 1629-IV [online:] <https://zakon.rada.gov.ua/laws/show/1629-15#Text> [access: 8.11.2021].
10. Загорський В.С., *Екологічна політика ЄС і проблеми формування системи екологічного управління в Україні*, “Соціально-економічні проблеми сучасного періоду України” 2014, No. 3(107).
11. Карпінська Н.В., *Застосування санітарних та фітосанітарних заходів: проблеми правового забезпечення у контексті вимог СOT та ЄС*, Lutsk 2021.
12. *Конституційні акти Європейського Союзу (в редакції Лісабонського договору)*, Г. Друзенко (ed.), Київ 2010.
13. Конституція України: Закон України від 28.06.1996 nr 254к/96-ВР [online:] <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> [access: 8.04.2021].
14. Ладиченко В.В., *Екологічна політика і право ЄС*, Київ 2019.

15. Лозо В.І., *Входження екологічної стратегії до центральних завдань Європейського Союзу*, "Теорія і практика правознавства" 2011, No. 1(1) [online:] <http://tlaw.nlu.edu.ua/issue/view/3796> [access: 11.02.2022].
16. Матвійчук В.К., Чугаєнко Ю.О., Савенков О.І., *Екологічна політика в системі державного управління національним господарством*, Київ 2013.
17. Микієвич М.М., Андрусевич Н.І., Будякова Т.О., *Європейське право навколишнього середовища*, Lviv 2004.
18. Носа А.М., *Особливості формування, розвитку та здійснення спільної екологічної політики Європейського Союзу як інструменту забезпечення екологічної безпеки світового співтовариства*, Vol. 2, issue 13, Uzhhorod 2017.
19. Основні напрями державної політики України у галузі охорони довкілля, використання природних ресурсів та забезпечення екологічної безпеки, затверджені Постановою Верховної Ради України від 05.03.1998 nr 188/98-ВР [online:] <https://zakon.rada.gov.ua/laws/show/188/98-%D0%B2%D1%80#Text> [access: 15.12.2021].
20. Положення про Урядовий офіс координації європейської та євроатлантичної інтеграції, затверджене постановою Кабінету Міністрів України від 04.10.2017 nr 759 [online:] <https://zakon.rada.gov.ua/laws/show/759-2017-%D0%BF#n111> [access: 22.11.2022].
21. *Правове регулювання відносин в сфері довкілля в Європейському союзі та в Україні*, В.Г.Дідик (ed.), Київ 2007 [online:] <https://just.odessa.gov.ua/files/upload/files/36.pdf> [access: 1.04.2022].
22. Про місцеве самоврядування в Україні: Закон України від 21.05.1997 nr 280/97-ВР [online:] <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text> [access: 21.10.2022].
23. Про Основні засади (стратегію) державної екологічної політики України на період до 2030 року. Закон України від 28.02.2019 nr 2697-VIII [online:] <https://zakon.rada.gov.ua/laws/show/2697-19#Text> [access: 15.12.2021].
24. Регламент Верховної Ради України, затверджений Законом України від 10.02.2010 nr 1861-VI [online:] <https://zakon.rada.gov.ua/laws/show/1861-17#Text> [access: 28.07.2022].
25. Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони: Угода від 27.06.2014 [online:] [https://zakon.rada.gov.ua/laws/show/984\\_011](https://zakon.rada.gov.ua/laws/show/984_011) [access: 26.11.2019].
26. Фелонюк Д.Л., *Інституційне забезпечення реалізації екологічної політики в ЄС*, Odesa 2021.
27. Шабардіна Ю.В., *Екологічна політика Європейського Союзу в контексті посилення інтеграційних процесів в Україні. Глобальні та національні проблеми економіки*, issue 3, Mykolaiv 2015.

28. Шевчук Л.М., Фелонюк Д.Л., *Оптимізація інституційно-функціонального забезпечення формування та здійснення екологічної політики України в умовах євроінтеграції* [in:] Правові проблеми раціонального природокористування, охорони природи та безпечного довкілля в Україні: збірник тез наукових доповідей Всеукраїнської науково-практичної конференції, присвяченої 100-річчю від Дня народження професора Василя Лук'яновича Мунтяна (м. Київ, 21 жовтня 2022 року), В. Носік (ed.), Khmelnytskyi 2022.
29. Щодо заснування Європейського агентства з навколишнього середовища та Європейської мережі екологічної інформації та спостереження за навколишнім середовищем: Регламент Ради ЄЕС nr 1210/90 від 07.05.1990 [online:] <https://regulation.gov.ua/documents/id206470> [access: 28.08.2022].