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APPROXIMATION OF THE ENVIRONMENTAL LAW AND ENVIRONMENTAL POLICY OF UKRAINE WITH THE EU LEGISLATION AS A COMPONENT OF THE GLOBALIZATION PROCESS

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The focus of this article is environmental law and environmental policy in the context of the globalization process. Ukraine was chosen as the object of study as one of the most active participants in the European integration process. This study considers the approximation of Ukrainian environmental law in accordance with the regulatory framework of the European Union. The emphasis in this study is on the consideration of environmental law and environmental policy as components of the globalization process in Europe. Today, the EU is a flagship in the implementation of environmental law and environmental policy. The current article analyzes the environmental law of Ukraine in the context of harmonization with the environmental policy of the European Union as a component of globalization. The article also examines the history of the formation of the European Union and the evolution of environmental law within this political and legal system. A comparative analysis of the legislative initiatives of the European Union and Ukraine made it possible to establish that the implementation mechanisms and the sequence of implementation of many elements of these initiatives are similar. The activities of the UN are considered, and the role of this organization in the activities of the European Union and Ukraine is considered. Additionally, the legislative activity of Ukraine is demonstrated, which is focused on the formation of new environmental policy standards in the context of globalization. The established facts made it possible to conclude about the level of integration of Ukrainian environmental legislation into the legal system of the European Union in the process of globalization.

Key words: environmental law, environmental policy, globalization process, European Union, legislative initiatives, Ukraine.

Introduction. The article is considered the environmental law and the process of globalization. Ukraine is the object of study as one of the most active participants in the European integration process. This article considers the approximation of Ukrainian environmental law following the legislation of the European Union. The study emphasizes the consideration of environmental law as a component of the globalization process in Europe. The current article analyzes the environmental law of Ukraine in the context of harmonization with the environmental policy of the European Union as a component of globalization. The article also examines the history of the formation of the European Union and the evolution of environmental law within this political and legal system. A comparative analysis of the legislative initiatives of the European Union and Ukraine made it possible to establish that the implementation mechanisms and the sequence of implementation of many elements of these initiatives are similar. The activities of the United Nations and the role of this organization in the activities of the European Union and Ukraine are considered. Additionally, the legislative activities of Ukraine are demonstrated. They

are focused on the formation of new environmental policy standards in the context of globalization. The facts made it possible to conclude about the level of integration of Ukrainian environmental legislation into the legal system of the European Union in the process of globalization.

Globalization is one of the most complex socio-political processes in the modern world. The main components of the globalization process are the formation of a global market, the development of global communications, an increase in the hybridity of cultures, and an increase in migration between states [30, p. 289]. One of the main aspects of globalization influencing the strengthening of this process is technology. It is the development of technical means of production, new transport networks, and international communication that enhances the process of globalization. The famous historian Gregory Clark called the technology «the tools of globalization» [18, p. 420].

However, technological progress has not only had a positive impact on the quality of life but also created many threats to the world community. One such negative effect of technological progress is the disruption of the Earth's ecosystem. As historian Yuval Noah Harari highlights, the pursuit of profit and better living has upset the ecological balance [42, p. 29]. Based on statistical data, he convincingly proves that human activity over a long historical period has actively influenced the ecological state of the planet [42, p. 88].

The devastating effects of the used technologies, exacerbated by globalization, have stimulated the creation of restrictive mechanisms at the legislative level. It should be emphasized that legal norms are also an important part of the development of the globalization process. Back in 1993, Martin Shapiro pointed out that the development of global processes, such as market expansion, stimulates the transformation of law [38, p. 37–38]. At the state level, this principle also works. As Ralph Michaels notes, due to globalization, the interdependence of states is increasing and more legislative powers are delegated to supranational institutions [30, p. 301].

An important component of the global legal system is environmental law, which is a body of laws, rules, and principles designed to protect the ecosystem [9, p. 54]. Environmental law is transformed, because the destructive human activity, combined with the development of technology, creates new challenges for the ecosystem. As Sandra Cassotta highlights, many aspects of environmental law remain fragmented and unable to meet the demands of society. Under the pressure of factors such as climate change and environmental pollution, environmental law has modernized, but a significant part of humanity believes in the «limitless resources» of the environment, which stimulates the further development of more effective legal norms [9, p. 55].

Given the above facts, the experience of the EU legal system as one of the most successful globalization projects of a regional nature is of considerable interest. The historical, geographical, and political features of this region have stimulated the process of globalization, which is manifested not only in the formation of effective institutions but also in an intensive cultural exchange [11, p. 90]. Environmental laws occupy an important place in the EU legislative system. It is appropriate to consider the process of approximation of the environmental legislation of Ukraine, as one of the most active participants in the European integration process. Ukraine's experience in transforming its legislation to the standards of EU law is of great importance for understanding the difficulties that arise in the context of globalism when introducing new legal initiatives. The relevance of this topic is that environmental law is a dynamic area of knowledge and is constantly in the process of transformation. Studying Ukraine's experience in approximating environmental law with EU standards allows us to supplement the existing body of knowledge and consider the errors of this process, for more effective implementation of global law in the future. The current article studies the features of synchronization of Ukrainian environmental law with the EU legislation in the context of globalization.

EU as a component of globalization

Before proceeding to consider the issue of environmental law, one should analyze the phenomenon of globalization and the political and legal features of the EU as an example of a successful globalization model. It is important to note that in the modern scientific paradigm there is no single unified definition of the term globalization, which is primarily due to the complexity and versatility of this phenomenon, which in turn confirms the need for further research work in this direction. Within the framework of this study, we will use the conceptual matrix of a group of researchers led by David Held, who proposed the following definition: globalization is «a process (or set of processes) that embodies the transformation of the spatial organization of social relations and interactions – measured using such indicators, as their extent, intensity, speed, and impact, – generating intercontinental or interregional flows and structures of activity, interactions and manifestations of power» [11, p. 20]. In our opinion, this definition most capaciously and comprehensively reflects the essence of the process of globalization.

According to the approach proposed by R. Michaels, globalization should be considered in terms of three conceptual levels: reality, ideology, and theory [30, p. 301]. «Reality» means the totality of all components of globalization that manifest in the real world. Most often, this is expressed in the development of the global market, the improvement of communication technologies, the elimination of borders between societies and cultures [30, p. 302]. Globalization at the level of theories is a new social paradigm that opposes so-called «methodological nationalism». The previous theoretical model implied that such categories as economics, religion, ethnicity, culture, etc. could exist only in the paradigm of a national state with a stable nationalist ideology. However, the new globalization paradigm implies the creation of supranational institutions that weaken the power of national states [30, p. 294]. The ideological level of globalization is most widely represented in the forms of projects, most often utopian. The main ideological narrative presented in such projects is based on universal values and implies the destruction of any borders between people [30, p. 295–296].

The historical context of globalization is also highly controversial. As Ulrich Beck has convincingly demonstrated, the beginning of this process and the influenced factors were present differently by most researchers. However, most trends boil down to the development of capitalism and the discovery of new geographical locations [7, p. 42]. The beginning of the process of globalization in Europe is of great importance for our study. As noted above, the process of globalization is fundamentally political and economic nature. Given this, the main emphasis in considering the historical aspect is on the development of a unified political system.

Until the 17th century, the political space of Europe was a scattered cluster of small feudal principalities, which actively defended the principles of sovereignty. However, at the end of the 17th century, the first trends of the globalization process in the European region appeared. The formation of a new political model of the European Community was associated with the events of the Thirty Years' War, which resulted in the signing of the Peace of Westphalia (1648) and the creation of a fully effective system of international law [11, p. 43–44]. The Westphalian sovereignty is, in essence, antagonistic to the tendencies of globalism. The main idea of the new world system was the sovereignty of states and the creation of legal mechanisms to prevent conflicts. The emphasis in this model was on states as autonomous political units that do not accept the supranational form of government. But the paradox of the Westphalian sovereignty is that it has established strong diplomatic connections between states. As a result, laws were adopted to ensure the judicial integrity of diplomats and embassies, which has contributed to the interpenetrating spread of rights [11, p. 44–45].

After establishing an intergovernmental balance system, most countries have sought to expand beyond the European region. Additionally, to Spain and Portugal, which had been engaged in colonial expansion for a long time by the 18th century, Britain, France, the Netherlands, and Denmark joined the creation of «overseas empires». This aspiration of European countries outside their region was not accidental. The evolution of the state model was most often associated with the strengthening of institutions of power, the creation of a bureaucracy, and regular armies, which required more resources from states that could cover new costs. However, in the early 19th century, Europe was again faced with a large-scale military conflict on its territory. Emperor Napoleon Bonaparte decided to create a pan-European Empire, led by France. Napoleon decided to achieve this goal with the help of military power, capturing the leadership of European states. Furthermore as a consequence of a military campaign against the Russian Empire, Napoleon was defeated and lost a significant number of troops [8, p. 77].

It is noteworthy that Napoleon's aspiration, in a conceptual sense, was dictated by the idea of globalization in Europe. Furthermore the processes of changing the global system have indeed been launched but from a completely different pole. After the so-called «Napoleonic Wars», a new reformatting of the world order began. In 1820, the «Congress of Vienna» occurred and a new global system of international relations was formed, which was named «Vienna». The final result of this congress was the recognition of the British Empire as the world's hegemon [8, p. 81]. Britain was the main attractor of the globalization process in the 19th century. Describing the 19th century, Giovanni Arrigi emphasizes «Britain became the new organizing center with a world colonial empire on the outside and a world business network on the inside» [17, p. 117–133].

Eric Hobsbawm noted that Britain, in the middle of the 19th century has created a new economic world, which integrated many developing countries [20, p. 49–50]. In our opinion, the 19th century was the starting point for the intensification of globalization processes at the macrolevel, so we should dwell on this period in more detail. As mentioned above, one of the key components of globalization is technology. In the 19th century, the development of technology accelerated many processes, including globalization. Completely new technical means of communication and infrastructure have been created. Due to the invention of the telegraph (1844) and the laying of a cable between France and England (1851), the transmission of information was accelerated 100 times [18, p. 422]. The infrastructure has also changed, and the railroads have covered many territories. Additionally, transport vessels have been improved, especially with the help of steam engines [18, p. 422–424].

It should be clarified that technology has not only influenced changes in the economic model of the world but has also led to serious political transformation, especially in Europe. In addition to sustainable communications and the ability to transport goods quickly, technology has helped create new global institutions. Thus, the following table is presented in D. Held's research project:

- «1865 International Telegraph Union
- 1875 Universal Postal Union
- 1884 International Railway Association
- 1890 Central Office of International Rail Transport
- 1894 Permanent International Association of Maritime Unions
- 1905 Diplomatic Conference on International Maritime Law
- 1906 World Radiotelegraph Union
- 1909 Permanent International Association of Road Unions» [11, p. 51].

The above data confirmed that new international structures have been formed due to technological progress. The chronological dynamics indicate that every year their number increase, which confirms the intensification of the process of globalization.

The second important component that influences the activation of globalism is ideology. From the beginning of globalization, each country had a justifying paradigm, which explained the aggressive ambitions at the level of ideology. Most often, Europeans turned to religious doctrine to justify cruelty toward the natives. However, as Immanuel Wallerstein notes, beginning in the 19th century, European countries announced that they wanted to bring civilization to their colonies [41, p. 11]. Note that colonization in the 19th century had negative consequences for the dominions but stimulated progress within societies. Most often, this was expressed in the form of technologies, communications, and new public institutions. Due to the mass migration of Europeans and the active integration of the rest of the world into the economic system of Europe at the end of the 19th century, many «developing» countries were transformed into Western models of society [20, p. 29–30].

One of the main components of the worldview change of the Europeans of the era of Romanticism was the emergence of the ideology of liberalism. Thanks to liberal ideas, many cultural products became available to the general population through the opening of free libraries and museums [20, p. 30]. This approach contributed to the improvement of the intellectual level of the broad mass of the population, which was expressed in the support of progressive ideas. Therefore, the ideas of liberal democracy in the late 19th and early 20th centuries were so widespread. At the political level, this idea was expressed by creating a system of broad suffrage and mechanisms for monitoring the activities of the government [11, p. 53]. The process of liberalization of societies launched in the 19th century continued actively after the world wars and, as in the case of technology, took on a global character. In 1974, about 68% of all countries in the world introduced the mechanisms of liberal democracy, and in 1995, this figure increased to 75% [11, p. 54].

In the first half of the 20th century, the process of globalization was slowed down. The model of nation-states laid down in the Westphalian system has reached its peak. During this period, there is a sharp increase in the intensity of hostilities, the apogee of which is the two world wars. The result of these wars was the reformatting of the world's political and legal system. By about 1950, most European states, had lost their colonies and reformatted the system of international relations [8, p. 96–99]. It is in this paradigm of the new world order that the EU is being formed as one of the most progressive projects of globalization at the moment. The history of the creation of the EU and the formation of environmental law, as one of the main norms of this association, will be considered further.

Summing up the above, we can state that two important components of globalization – technological progress and the spread of liberal ideology – contributed to the further acceleration of globalization. The selection of these two aspects of globalization is because, in our opinion, they laid the foundations for the formation of the EU as a political project and the development of environmental law. As demonstrated above, technologies have brought enough benefits to humanity, but the consequences of their exploitation have led to global depletion and pollution of the Earth's ecosystem. This factor influenced the creation of restrictive environmental law mechanisms that were globalized in the EU. Simultaneously, the liberalization of society, which also began in the 19th century, made it possible to reformat both the worldviews of most Europeans and administrative institutions that seek to regulate activities by legal norms to maintain a balance of relationships both at the level of individuals and at the level of institutions.

History of the EU and the development of environmental law and environmental policy

The topic of the creation and development of the EU as an institutional system is very extensive. To outline the key stages in the development of the EU structure, in the framework

of our study, the chronological model of Pascal Fontaine was partially used. It is appropriate to consider April 18, 1951, as the start date for the process of creating the EU. It was then that an agreement was signed in Paris on the formation of the supranational «European Coal and Steel Community». The purpose of the organization was to eliminate the consequences of the Second World War and create a balance between states. The core of this association was six European countries: Belgium, Germany, France, Italy, Luxembourg, and the Netherlands. The next stage of the unification was also attended by the six above-mentioned countries, which on March 25, 1957, signed the «Treaty of Rome». Under the terms of this agreement, two more supranational institutions were created: the European Atomic Energy Community (Euratom) and the European Economic Community (EEC). The presented organizations were guided by the unification of the economic space, especially at the level of the common European market. In 1973, the expansion of the scope of the association continued and three more states joined the above-mentioned six states: Denmark, Ireland, and Great Britain. Over time, the process of evolution of political and legal relations between the participating states continued, and in 1979 the first elections to the European Parliament were held. In the period from 1981 to 1986, such countries as Greece, Spain and Portugal joined the system [36, p. 11–12].

However, cardinal changes during the unification process occurred at the turn of the decade. In 1989, the fall of the Berlin Wall happened and Germany united again. After this event and geopolitical changes because of the destruction of the USSR in 1991, a serious global transformation began. In parallel with this event, the members of the EEC concluded a new treaty that strengthened the integration of intergovernmental relations in the fields of foreign policy and security. The Treaty entered into force on November 1, 1993. It is this date that should be considered as the starting point for creating the EU. Since the mid-1990s, there has been a global expansion of the EU's borders to the east. Most of the countries that were in the Soviet bloc are actively entering the EU space. These include Bulgaria, the Czech Republic, Hungary, Poland, Romania, and Slovakia, as well as the Baltic countries that were part of the Soviet Union [36, p. 12–13]. It should be clarified that in the same period, Ukraine joined the process of European integration. In 1994, the Partnership and co-operation agreement between the European communities and their member states, and Ukraine was signed (entered into force in 1998) [35].

As the above facts demonstrate, the EU was formed very gradually, expanding its borders at the expense of members who were admitted to the union. With the expansion of the EU, new supranational institutions began to appear, which were focused on creating a single economic and political space. Despite the rationality of this association, this process was globalization. And the law, which is a key component of European integration, is considered the basis of this process [25, p. 2]. It becomes obvious that globalization has served as the main stimulus for developing environmental law. The problems of the destruction of the ecosystem of the Earth are in priority positions, along with the socio-economic factors of the destructive impact of globalization [21, p. 12]. In our opinion, the process of globalization and the active introduction of mechanisms to protect the biosphere from exploitation are directly related, and restrictive standards are essential for the effective development of globalism. However, there is also a deeper relationship between globalization and environmental law. As researcher John McCormick highlights, European integration processes, which other countries joined, stimulated the spread of environmental law. At the level of nation-states, the introduction of restrictive measures by supranational associations forced the approximation of legislation to international standards [29, p. 3].

Environmental law, like other forms of political and legal processes, has developed consistently, considering the solutions to emerging problems. Initially, environmental laws were

not updated during the EU globalization process. During the 1950s and 1960s, the focus was on economic development and the creation of a free market [29, p. 41–42]. The full-fledged beginning of the «environmental policy» of the EU should be considered in 1973, after the Conference on the Environment in Stockholm, which was held under the auspices of the UN in 1972. At this conference, the European Community committed itself to developing environmental policy programs. The presented normative documents are called Environmental Action Programs (EAP) and constitute the main strategic landmark of the EU in environmental protection. It is in them that current legislative initiatives and action plans for subsequent periods are set out. At the moment, there are 8 EAPs [24].

The evolution of the EAR indicates terms of demonstrating the development of environmental law in the EU. For example, the first EAP, which was adopted in 1973, was mainly devoted to the rational use of the environment. There was also an urgent need to assess other elements of the political system of society to avoid conflicts of interest and crisis processes in the economic sphere. The approach that was incorporated into this program was very primitive and focused on individual components of the environment, such as water, air, and soil. Minor sectoral restrictions on agriculture were also introduced. The second EAP was adopted in 1977 and differed slightly from the first version of the program. However, the scope of the environmental issues has been slightly expanded. For example, requirements for the quality of drinking water have become very stringent [19, p. 18–19].

The third version of the EAR (1982) was more focused on economic issues. It justified the risks to national markets, which pushed the community was more programmatic in these matters. Particular attention was paid to the standardization of products and considering the national specifics of states when introducing restrictive norms. Additionally, issues of emissions, air pollution, and noise disturbances were considered. The main breakthrough actions were declared in the field of reducing the damage from production to the environment [19, p. 19–20]. These trends were most intensified in 1987, when the fourth EAP came into force. This program was key in the development of environmental law within the European Community. There has been a conceptual change in the approach to environmental protection. Fragmentary attempts to protect individual components of nature did not yield tangible results and did not contribute to improving the level of health among citizens. The fourth version of the EAP was distinguished by complexity and an effective approach. Building on past programs, the issue of environmental protection has been included as a full-fledged component of community policy. This was especially evident in the economic sphere. The new approach stimulated a reduction in the level of energy and material consumption in production. Most of these initiatives were aimed at the sustainable transformation of the system of industry and agriculture, to improve environmental safety [19, p. 20–21].

From 1992 to 1999, the fifth EAR was in operation, which continued initiatives to strengthen the position of environmental law. Bold initiatives to develop environmental laws and introduce environmental taxation have met resistance from many nation-states. For example, taxes on the use of energy and penalties for exceeding CO₂ in production caused a heated discussion. Many members of the community called for a more relaxed approach to environmental taxation and rationalization of environmental law initiatives at the EU Member State level. On the territory of Germany and Britain, expert groups were created, the purpose of which was to optimize environmental initiatives to the requirements of local entrepreneurs. Subsequently, there has been a reduction in requirements for European standards and the granting of more freedom to the Member States to make environmental policy decisions [19, p. 23–24]. We want to note that this trend in environmental law is well explained by the theory of Hanspeter Kriesi and his co-authors, which deals with structural conflict. The paradox of globalization lies in the fact that

states that are oriented toward the national economy and politics resist supranational initiatives. Moreover, this process manifests itself both at the political-economic and socio-cultural levels [23, p. 923–924].

Environmental policy and environmental legislation in the 1990s constituted a disparate mosaic of various trends. To create a more efficient system of law, the concept of «sustainable development approach» has been revived. This approach was finally consolidated within the framework of the Amsterdam Treaty of 1997. A distinctive feature of the presented treaty was the integration of environmental law into most areas of state policy. The integration of the principles of «sustainable development» was implemented through the mechanisms of a complex architecture of strategic documents of sectoral committees [19, p. 25]. Between 2002 and 2012, there were 6 EAPs, which continued the trend toward the integration of environmental policy at the local level [12]. Within the boundaries of this strategy, a system of general principles was formed, which was divided into sectoral programs. It was decided to move away from controversial issues of environmental policy and, for more efficient functioning, to focus on issues that have a low discussion level. The main emphasis was placed on the so-called «permanent environmental problems» (climate change, loss of biodiversity, excessive consumption of resources). Expert committees have been established to address most of the emerging both local and global problems. Special attention in the new strategy was given to new members of the community, who, as mentioned above, began active European integration after the collapse of the USSR [19, p. 27].

The seventh EAP was implemented in 2013 and was valid until 2020. There were no significant qualitative changes in this strategy. Its basic principles were built on mechanisms that were gradually implemented in previous EAPs. One of the main features of the presented strategy was the establishment of a chronological barrier (until 2050), until which climate neutrality should be achieved. Also, the policy of «reconciliation» of environmental legislation and economic models of the Member States was continued. The new strategy is increasingly focused on «green energy» and the introduction of energy-efficient technologies. The priority methods for achieving the set goals were determined: improving the implementation of legislation and increasing the level of investment in environmental and climate policy [13]. At the moment, 8 EAPs are in force, which entered into force at the end of 2021. This strategy is practically no different, at the level of priorities and goals, from 7 EAPs. It fully reaffirms the commitment to climate neutrality by 2050, the introduction of new technologies into economic systems, and the enhancement of biodiversity [37].

In addition to the evolution of the EAR, for comprehensive coverage of our topic, it is appropriate to consider other legislative initiatives of the EU in matters of environmental law. Note that many agreements and regulations related to the environmental policy were not the exclusive prerogative of the EU, but were associated with the activities of the main supranational structure of the UN. For example, in September 2015, the 2030 Agenda for Sustainable Development was presented, in which the EU joined. It is this document that is the roadmap for sustainable development on a global scale [40]. This agenda includes a significant number of various social, political, economic, and other aspects of the life of planet Earth. However, many goals set relate to climate and environmental protection [39]. One of the most important initiatives in environmental law, implemented within the framework of the commitments made to the UN, is the strategy for the conservation of biodiversity [24]. In our opinion, this is one of the most important and ambitious projects for protecting nature within the framework of the trans-European space. The key commitments indicate that has been planned to take under legal protection at least 30% of the land and 30% of the sea within the borders of the EU [10].

From the above data, it follows that the process of formation of the EU and its components, such as law, was very complex. The states of Europe gradually joined the new community, and with the increase in the number of participants in this globalization project, the interaction paradigms became more complicated. One of the key areas was the legal system and, in particular, environmental law, which is a priori global in nature because it is directly related to natural resources. It should be noted that environmental law, as part of EU policy, has undergone significant changes. Based on the evolution of the EAR, there is a clear trend toward an increase in the influence of environmental legislation on a wide range of political, economic, and social issues. For example, one of these issues is «environmental justice» and the creation of the necessary infrastructure for discriminated categories of the population [22, p. 1–2]. Like other globalist trends, the introduction of supranational environmental initiatives met with resistance at the national level, especially in the economic sphere. However, the qualitative transformation of the EAR and other environmental policy initiatives, taking into account economic interests, has made it possible to effectively integrate the mechanisms of environmental law into a significant part of the overall political system of states.

Note that environmental laws are an important component of globalization processes. And, as was shown above, one of the main areas of cooperation between the EU and the UN, at the global level, is precisely the environmental policy. Given the pace of development of modern technologies and the exploitation of natural resources, the evolution of environmental law will continue at a rapid pace at the global level. For example, among specialists, there is now a discussion on the introduction of the so-called «rights of nature» into the EU legal system. The term «rights of nature» means changing the legal status of nature and various natural objects, such as rivers and ecosystems, to more effectively implement procedures for environmental protection. According to researchers Jaffa Epstein and Hendrik Shukens, over the past 5 years, this form of law has been introduced in many states [14, p. 206].

Ukraine and the EU Environmental Law and Environmental Law Approximation Process

After the collapse of the USSR, many countries joined the European Community. One of the first on the path of European integration was Ukraine, which has been an active participant in this process so far. An analysis of environmental legislation before the collapse of the USSR is of no interest because Ukraine was part of another globalist system. The acquisition of independence by Ukraine meant the formation of a new political and legal model. The basis of the environmental law of Ukraine should be considered in many laws adopted in the early 90s. In our opinion, it is necessary to single out three legislative acts that directly formed the environmental law of Ukraine: «On environmental protection» [26], «On protection of atmospheric air» [28], «Law on natural reserves» [27]. Note that later many sectoral legislative acts were adopted. However, initially, it was these three laws that formed the legislative framework for environmental law in independent Ukraine.

As mentioned above, Ukraine quickly joined the process of European integration, so the further development of environmental law occurred under the influence of the EU environmental policy. Given the significant attention of the EU to environmental law, already in the very first agreement concluded between Ukraine and the Community, interaction in the field of environmental policy was fixed. The main emphasis was placed on environmental protection [35, Article 61]. The agreement on «partnership and cooperation» was designed for 10 years, with the possibility of automatic renewal. In February 2005, a new document was endorsed by the EU-Ukraine Cooperation Council «EU-Ukraine Action Plan», which strengthened cooperation in the context of European integration. This extension also affected environmental law [15].

Note that environmental law, in this document, is much stronger integrated into the economic component of the plan. As in the case of the European legal system, in Ukraine, there has also been a consistent impact of environmental policies on sectors of the economy to reduce their destructive impact on the environment. For example, in section 2.2 on economic development, the issue of environmental protection is taken into account in the articles of this plan [16]. Additionally, the main emphasis in the presented document was placed on environmental protection as the main component of environmental policy.

After the implementation of the action plan, several more international treaties were adopted that are related to the European integration process, but they did not have a significant impact on the transformation of environmental law. Qualitative changes during the approximation process of law occurred after the signing of the «Association Agreement», which expanded the scope of interaction between Ukraine and the EU [3]. Issues of environmental policy are among the priorities in this agreement. General provisions on cooperation in the field of environmental policy are presented in Chapter 6 «National environment» in Section V «Economic and sectoral development» (Section V, Chapter 6, Article 362) [3]. Particular attention should be paid to many articles from this section. For example, in Article 362, the parties agree to exchange information, experience, and technologies that are focused on protecting the environment. Additionally, the article describes such areas of interaction as the joint overcoming of natural disasters and transboundary cooperation to protect the environment (Section V, Chapter 6, Article 362) [3]. Articles 361 and 363 describe in some detail the process of synchronizing Ukrainian legislation with European standards for environmental protection, rational use of resources, and the environmental safety of citizens. Particular attention was paid to interactions in the field of environmental policy at the global level (Section V, Chapter 6, Article 361, 363) [3].

However, the process of approximation of Ukrainian law with EU legislation is described in more detail in Appendix XXX, to Chapter 6 of the Association Agreement. Unfortunately, the format of our study does not allow us to cover this document in detail. However, it should be clarified that this supplement covers 29 sources of EU law (directives and regulations) that are designed to regulate activities in 8 sectors of environmental policy [2].

The presented document is most detailed on the issues of harmonization of the environmental law of Ukraine and the EU. All the regulations and directives that are included there have specific deadlines for implementation. Note that with each new document focused on cooperation between Ukraine and the EU in the field of law, there is an expansion of both industries and regulatory mechanisms.

However, one of the main documents of environmental law is the Law of Ukraine No. 2697-VIII, which determines the environmental policy of the state [32]. This law defines the strategy for the functioning of environmental policy and the phased implementation of the goals. For the first time, this legislative act was adopted in 2010 and determined the strategy of Ukraine's activities in the field of environmental policy until 2020 [33]. It is this document that describes the detailed scheme of actions of the Ukrainian state to protect nature and prevent man-made disasters. Note that cooperation with the EU in the law of 2010 is presented weakly. However, in Section 2, Ukraine undertakes to improve environmental management, in line with EU directives (Section 2) [5]. Additionally, Section 1 states that Ukraine is committed to considering the experience of the EU when developing legislation on biotechnology (Section 1) [5].

At the moment, the law of 2010 is no longer valid because, in 2019, a new strategy for the implementation of environmental policy was adopted [6]. In Section 1 of this law, considerable attention is paid to the problem of climate change and international cooperation at the global level (Section 1) [6]. For example, in 2016, Ukraine ratified the «Paris Agreement» at the legislative

level, which was initiated by the UN [34]. However, the EU remains an important reference point in the process of transforming environmental law in Ukraine, which is explicitly stated in the strategy. For example, in Section 2, it is declared that Ukraine continues the course of European integration and active interaction in the field of environmental policy. Note that in Section 2, Ukrainian law is subject to approximation with EU directives as one of the main mechanisms for European integration and improvement of environmental policy (Section 2) [6].

In our opinion, the documents described above are very similar in their conceptual basis to the EAP. As stated above, the evolution of EAR has lasted quite a long time and continues to this day. Ukraine, to improve the efficiency of its environmental policy, has introduced a strategy that is very similar to the model. This is a very significant fact of using the EU experience for Ukrainian legislation. If initially, the requirements of the EU were of a very generalized nature, then in the future, the subject matter of environmental law has greatly expanded and become more complex. This process is fully synchronized with the above processes of transformation of environmental law within the EU. Consequently, the changes in our legislation and the reformatting of the EU approach are a continuation of the globalization process that occurs at the supranational level.

For a comprehensive consideration of the topic, it is necessary to consider the legislative initiatives of Ukraine to harmonize legislation with the EU. In the context of environmental policy, one of the relevant ministries approved a «basic plan for approximating environmental legislation», which was aimed at the consistent transformation of environmental law [4]. The main goal of this plan is to consistently change Ukrainian legislation following the EU regulatory framework. But this document was not only: to effectively approximate Ukrainian legislation, plans were adopted that focused on a wider range of legislation. For example, in 2014, the Cabinet of Ministers of Ukraine adopted a resolution aimed at intensifying the process of implementing the «association agreement» [31]. The «Plan for the association agreement implementation» was adopted in the same year and was aimed at the consistent, practical implementation of the approximation of Ukrainian legislation [1].

These initiatives demonstrate the active work of Ukraine to harmonize its regulatory framework in various branches of law concerning the EU within the country. Taking EU legal norms as standards, Ukraine adapted its legislative system with the help of approximation mechanisms to accelerate the process of globalization. Additionally, various decrees and plans focused on the practical implementation of the necessary conditions are most often expressed by changing the regulatory framework and creating new institutions. In this context, laws and environmental law in particular, play an important role during the globalization process of integration.

Conclusions. The above facts allow us to conclude about the environmental law of Ukraine in the context of the European integration process. We considered various components of the topic, such as the globalization process, the creation of the EU, the development of the EU environmental policy, and the approximation of Ukrainian environmental law with EU standards. The globalization process is one of the most complex phenomena of our time, but we attempted to clarify its main characteristics and examined the role of law in this process, as well as its specifics in the context of the EU. The development of new technologies (especially communication) and the emergence of more liberal ideologies in European countries have had a significant impact on the development of environmental law as one of the most global areas of law. We singled out these two factors because the destructive influence of man in the exploitation of nature, using technical means, led to serious disturbances of the atmosphere, hydrosphere, and biosphere. It is appropriate to consider the development of environmental law as a response to this, as a set of restraining mechanisms aimed at reducing the destructive impact. The second factor – liberal

ideology – allowed many civil organizations to take part in the political and legal process, which contributed to the emergence of NGOs and political parties that influenced the political and legal systems of both individual countries and global institutions, such as the UN.

However, the central issue of this article is the experience of Ukraine as one of the most active participants in the European integration process. We could demonstrate that after gaining independence, the environmental law of Ukraine was similar to the European law in the early stages of the formation of the EU. Its peculiarity was that it did not have a complex structure and practically did not focus on innovative transformation. However, as in the case of the EU, Ukrainian environmental laws have evolved and gradually expanded. We managed to demonstrate this process in a rather meaningful way using the example of the «Environmental Protection Strategies», which the EU has been implementing since 1972. An analogue of this strategy eventually appeared in Ukraine, which, like other European states, developed an environmental policy strategy in detail.

With the help of comparative analysis, it was possible to establish that the «strategies» of the EU and Ukraine are almost identical in a conceptual sense. And even the process of development and complication of these regulatory documents proceeded in a very similar way. Also in the research materials, we emphasized that environmental law is one of the most globalist forms of legal relationships because environmental protection issues concern all humanity. Therefore, we have demonstrated that a significant number of environmental policy initiatives were initiated by the UN, which is the main supranational structure in the world. The EU actively supports cooperation with the UN in the field of environmental law, which expands the scope of globalization from the local (EU) to the global scale. The process of harmonization of Ukrainian environmental law with EU legislation is not a local phenomenon, but a continuation of more global trends. In this context, the EU acts as a mediator of the globalist trends in environmental policy, which Ukraine supports and seeks to develop within its legal framework. With the help of comparative analysis, it was possible to establish that the «strategies» of the EU and Ukraine are almost identical in a conceptual sense. And even the process of development and complication of these regulatory documents proceeded in a very similar way. Also in the research materials, we emphasized that environmental law is one of the most globalist forms of legal relationships because environmental protection issues concern all humanity. Therefore, we have demonstrated that a significant number of environmental policy initiatives were initiated by the UN, which is the main supranational structure in the world. The EU actively supports cooperation with the UN in the field of environmental law, which expands the scope of globalization from the local (EU) to the global scale. The process of harmonization of Ukrainian environmental law with EU legislation is not a local phenomenon, but a continuation of more global trends. In this context, the EU acts as a mediator of the globalist trends in environmental policy, which Ukraine supports and seeks to develop within its legal framework.

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АПРОКСИМАЦІЯ ЕКОЛОГІЧНОГО ПРАВА ТА ЕКОЛОГІЧНОЇ ПОЛІТИКИ УКРАЇНИ ДО ЗАКОНОДАВСТВА ЄС ЯК СКЛАДОВА ПРОЦЕСУ ГЛОБАЛІЗАЦІЇ

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У центрі уваги цієї статті є екологічне право та екологічна політика, які розглядаються у контексті процесів глобалізації, від історії до сучасності. Об'єктом дослідження виступає Україна як один з найактивніших учасників євроінтеграційного процесу. В рамках дослідження автор розглядає апроксимацію українського екологічного законодавства до нормативно-правової бази Європейського Союзу. Акцент у дослідженні зроблено на висвітленні екологічного права та екологічної політики як важливих складових процесу глобалізації в Європі. Посилаючись на визнання ЄС в ролі флагмана, щодо впровадження екологічного права та екологічної політики, у статті аналізується екологічне право України в контексті гармонізації з екологічною політикою Європейського Союзу як складової глобалізації. У статті також розглядається історія становлення Європейського Союзу та еволюція екологічного права в рамках цієї політико-правової системи. Автором статі запропоновано порівняльний аналіз законодавчих ініціатив Європейського Союзу та України, який надав змогу встановити, що механізми реалізації та послідовність реалізації багатьох елементів цих ініціатив є подібними. Розглянуто діяльність ООН, а також роль цієї організації в діяльності Європейського Союзу та України. Додатково продемонстровано законодавчу діяльність України, яка спрямована на формування нових стандартів екологічної політики в умовах глобалізації, зокрема, щодо питань атомної енергетики, збереження біорізноманіття та ін. Встановлені факти дали змогу зробити висновок про рівень інтегрованості українського екологічного законодавства в політико-правову систему Європейського Союзу в процесі глобалізації. Визначено, що процес апроксимації українського екологічного законодавства до нормативно-правової бази Європейського Союзу відповідає логіці процесів сучасної глобалізації та конструктивним рішенням, що наближають Україну до вступу в ЄС.

Ключові слова: екологічне право, екологічна політика, процес глобалізації, Європейський Союз, законодавчі ініціативи, Україна.