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**ВЕСТНИК**

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**ENVIRONMENTAL PROTECTION  
UNDER THE LEGISLATION  
OF UKRAINE AND THE REPUBLIC OF POLAND:  
A COMPARATIVE ANALYSIS OF THE MAIN FEATURES**

**Abstract.** Environmental protection plays an important role in the activities of each citizen individually and in the community as a whole.

The article provides a comparative analysis of some aspects of environmental protection under the legislation of Ukraine and the Republic of Poland. The concept of environmental objects in the two countries studied is investigated. The main normative legal acts concerning the protection of the environment of Ukraine and the Republic of Poland are characterized. The main areas of focus on environmental protection are explored. The similarities between such spheres in Ukraine and the Republic of Poland are reflected. The necessity of the existence of bilateral agreements for both states to ensure co-operation and exchange of experience between the states has been proved.

In the course of the study, it was found out that there is a close understanding of the main priorities of environmental protection activities in Ukraine and the Republic of Poland. The example of the Republic of Poland, as one of the Member States of the European Union, reflects the need to involve the experience of environmental law of the European Union. The necessity of the existence of three levels of institutional mechanism in the field of environmental protection: general, special and functional has been investigated.

The main environmental protection measures that Ukraine will be able to implement in the coming years are identified, the main ones being: exchange of information and technologies, environmental monitoring, creation of a system of rational use of nature, exchange of experience in the field of improvement of management and legal regulation in the field of environmental protection improving the environmentally friendly waste storage and use system and others.

**Key words:** environment, environmental protection, bilateral agreements in the field of environmental protection, World Environment Day.

**Relevance.** Not so long ago, Ukraine traditionally celebrated with the whole world - World Environment Day (June 5). Such a day is a world-class event celebrated in more than 100 countries. Environmental protection is a basic priority of everyone without exception of the state. After all, the level of environmental protection will certainly be linked to its impact on the whole world.

Environmental protection is a new form of interaction between people and nature. Such interaction is manifested primarily in the system of certain state or social measures, which may include: international, educational, administrative, economic, or technological. Such activities are aimed at the full interaction of nature and society as a whole, the reproduction and conservation of natural resources or existing environmental societies for future generations. Today, environmental problems are one of the most important or even of the highest priority, determining the level of well-being for the whole world civilization, including for Ukraine.

Quite often, Ukraine learns certain skills and competences from the European countries of the world, because in comparison it is possible to find ways to solve problems that not only Ukraine faces. Investigating international environmental experience should pay attention to countries that have similar climatic

conditions, natural resources and other environmental indicators. One of these countries, on the European continent, is the Republic of Poland, which will be the subject of our comparative study.

The comparative analysis of certain aspects of environmental protection became the subject of consideration of the following Ukrainian scientists and became a reflection in their works: V.I. Andreytseva, M.M. Brinchuk, M.I. Vasilyeva, A.L. Dubovik, B.V. Erofeeva, V.V. Kostitsky, M.V. Krasnova, V.V. Antonyuk, V.I. Lozo, N.R. Malysheva, Y.S. Shemshenko and others.

**Main points.** As early as 1972 (December 15), the UN General Assembly proclaimed June 5, every year, as World Environment Day. The motive for proclaiming such a day was the request sent on 11 May 1971 to the Secretary-General of the United Nations. The petition was signed by 2200 figures of science and culture, representing about 23 countries. Figures warned that humanity was in real danger of being polluted by the environment.

Considering environmental protection in the Republic of Poland, one should first of all have an idea of what the objects of protection will be. The first law of the Republic of Poland concerning environmental protection "is the Law of the Republic of Poland" On Nature Conservation "of March 10, 1934, which recognized as objects only those that can be used by humans and wildlife objects, respectively, are not subject to such legal protection [1, p. 94].

The current Law of the Republic of Poland "On Environmental Protection" of April 16, 2004 attributes the following objects to the objects of protection: 1. "Ecosystems; 2. Natural resources; 3. Natural objects; 4. Ozone layer of the earth, microorganisms, genetic fund; 5. Life and health of people [2].

Considering the priorities of Polish environmental policy, it is worth its focus on sustainable development ideas presented in the environmental strategy of both the European Union and Poland. Poland has enshrined the principle of sustainable environmental development and adheres to a key environmental policy priority that is universally recognized and binding on all EU countries, namely the prevention of environmental pollution through environmental predictability and prudence through the use of "The Best Available" technologies, which is Best Available Technology - the application of those production methods that at the present level of scientific and technical knowledge make it possible to guarantee the highest environmental safety.

The Republic of Poland, being a member of the European Union, adheres to the fundamental environmental principles that are established for all EU Member States. The strategic goal of modern EU environmental policy is to preserve natural ecosystems, improve public health and demographics, ensure the EU's environmental security and improve the standard of living and health of Europeans. The EU's modern environmental policy is inextricably linked to other policies, such as social, economic, scientific and technological ones, and therefore focuses on anthropogenic and man-made environmental activities in the EU Member States, resulting in the so-called boomerang effect. The partnership model itself is one of the most effective ways of increasing the weight of the EU's environmental policy internationally [3, 117].

Speaking of the Republic of Poland, it should be noted that they created the National Fund for the Environment and Water Management (NFONSIVG), which was established as a separate legal entity in 1989 and became a truly necessary revolutionary transformation. The Fund started its operations in July 1989 in accordance with the Law of the Republic of Poland "On Environmental Protection and Formation". In addition, the Voivodship Funds for Environmental Protection and Water Management (VFONSIVG) were established, but the status of certain legal entities was only possible in 1993 [4].

Polish scientists note that the field of environmental protection in the Republic of Poland covers three areas:

1. The sphere of protection and rational use of natural resources (this includes land, soil, water, forests, plants and animals);
2. Protection of specific and valuable components of the environment, valuable elements of nature (which include national parks, nature reserves and monuments, certain especially valuable species of animals and plants), landscaping in settlements, development of green tourism and recreation, protection and protection of parks, resorts, and green areas in cities and villages;
3. The sphere of protection of life and health of people in the process of negative (harmful) impact on the environment of the human environment (this area includes processing and safe disposal of waste, vibration, utilization, radiation, protective methods against noise) [5, 203].

At the same time comparing the environmental protection of the Republic Poland with environmental protection in Ukraine, it should be noted that in Ukraine, the field of environmental protection is defined at the level of the Verkhovna Rada of Ukraine "On the main directions of state policy of Ukraine in the field of environmental protection, use of natural resources", which was adopted on March 5, 1998 years and changes have not been made for more than 20 years. According to this Ordinance, the main priorities of environmental protection and rational use of natural resources are: 1. "guaranteeing the ecological safety of nuclear facilities and radiation protection of the population and the environment; 2. minimizing the adverse effects of the Chernobyl accident; 3. improving the environmental status of Ukraine's swimming pools and drinking water quality; 4. stabilization and improvement of ecological status in cities and industrial centers of Donetsk -Prydniprovsky region 5. construction of new and reconstruction of existing facilities of municipal sewage treatment facilities; 6. prevention of pollution of the Black and Azov seas and improvement of their ecological status; 7. formation of a balanced system of nature management and adequate structural restructuring of the production potential of the economy, 8. greening of technologies in industry, energy, construction, agriculture, transport; 9. conservation of biological and landscape diversity, 10. conservation case" [6].

It can be said that despite the fact that the Resolution is outdated, the main directions (areas) of environmental protection of the Republic of Poland and Ukraine are relevant. This is confirmed by the fact that they include the protection and use of the environment as a whole and its individual elements. Such elements include the protection of territories and objects of the ecological network of Ukraine, in addition environmental protection and protection of human life.

The main specificity in the protection and environmental protection of the Republic of Poland is that, apart from its own system of protection and protection of the environment, the Republic of Poland, as a member of the European Union, relies on decisions taken at the level of the European Union.

The novelty concerning the methods of environmental protection was adopted on July 20, 2018 by the Law of the Republic of Poland "On the total prohibition of importation into the territory of the country of any kind of waste for the purpose of their disposal into the territory of the Republic of Poland" [7].

An important project of the Republic of Poland, which it implements together with the European Union and which is directly aimed at the development of environmental education and environmental protection is the project "Road to a clean environment", implemented within the framework of the Program "Infrastructure and Environment 2014-2020".

Considerable attention is also paid to the development of conservation activities and issues related to the conservation of biodiversity of flora and fauna. Comparing Ukraine and the Republic of Poland, it can be seen that 34.2% in the territory of the Republic of Poland are nature conservation areas, as well as objects without taking into account the area of Natura 2000 objects. For comparison, in Ukraine the area of objects and territories of the nature conservation fund is only 5.5% [8].

In Ukraine, in fact, a considerable number of laws and by-laws are devoted to environmental protection. Most of them also have a strategic purpose. For example, the Law of Ukraine "On the Fundamental Principles (Strategy) of the State Environmental Policy of Ukraine for the Period up to 2030", which enters into force on January 1, 2020, determines that the main objective of the state environmental policy will be "achievement of good environmental status through the introduction of ecosystems. approach to all areas of socio-economic development of Ukraine in order to ensure the constitutional right of every citizen of Ukraine to a clean and safe environment, to introduce a balanced use of nature and to conserve and restore nature of ecosystems" [9].

It is this legislation that is based on the priority of environmental protection and contains norms that reflect the experience of foreign countries.

The law also sets out basic tools for environmental protection. From the whole range of tools you can distinguish the following: 1. "intersectoral partnerships and stakeholder engagement; 2. information and communication; 3. state regulation in the field of environmental protection; 4. strategic environmental and environmental impact assessment; 5. environmental management systems, environmental audit, environmental certification and product labeling; 6. environmental accounting; 7. technical regulation and accounting in the field of environmental protection, environmental management and environmental security; 8. the legislation of Ukraine in the field of environmental protection, which is adapted to the legislation of



the European Union, 9. education in the interests of balanced (sustainable) development; 10. economic and financial mechanisms, including the environmental modernization of industrial enterprises by reducing the environmental tax rate or in the form of a fixed annual amount of compensation (tax refund); 11. comprehensive monitoring of the state of the environment and supervision (control) in the field of environmental protection, rational use, reproduction and protection of the natural environment; 12. international cooperation in the field of environmental protection and environmental protection" [8].

Ukraine, like the Republic of Poland, is also actively implementing bilateral agreements on cooperation in the field of environmental protection (environment), which facilitates the exchange of experience of the states concluding such agreements.

The best example of cooperation is the Agreement between the Governments of Ukraine, the Republic of Poland and the Republic of Belarus on the creation of a transboundary biosphere reserve "Western Polesie". This transboundary biosphere reserve "Western Polesie" consists of three national biosphere reserves of each of the signatory states: 1. Shatsky (Ukraine); 2. Pribuzhsky Polesie (Belarus); 3. Western Polesie (Poland) [10].

The result of such cooperation was that in 2012 this tripartite reserve was included in the UNESCO World Network of Biosphere Reserves of the Human and Biosphere Program.

Since the environmental audit is considered as an effect auditor, the performance of the public audit object should be evaluated and analyzed efficiently, economically, efficiently and effectively [12].

If we consider only cooperation between Ukraine and the Republic of Poland, it is also worth mentioning the two-party agreement on cooperation in the field of environmental protection, signed in 1994. The subject of this agreement are the following main tasks: - «exchange of experience in the field of improvement of management and legal regulation in the field of environmental protection; - protection of the atmosphere; - protection of surface and groundwater from pollution; - protection of wildlife, and in particular the organization of protected natural areas, the protection of rare and endangered species of fauna and flora; - creation of a system of rational environmental management, including at the regional level; - interaction and exchange of experience of environmental control services; - environmental monitoring, especially in the border areas; - Improvement of environmentally safe storage and use of waste; - control over the transboundary movement of hazardous waste, as well as the prevention and counteraction to the illicit circulation of this waste; - exchange of information and technologies in the field of accident prevention and elimination of their consequences »[11]

**Conclusions.** Therefore, we can draw some logical conclusions about the recommendation for environmental protection in Ukraine, based on the experience of a neighboring country - the Republic of Poland.

The main measures aimed at protecting the environment for Ukraine may be: 1. Limitation of emissions into the atmosphere and hydrosphere in order to improve the overall environmental situation; 2. Gradual increase of reserves, reserves and national parks in order to preserve natural complexes; 3. Substantial restriction of fishing and hunting of animals for the conservation of certain species; 4. Reduction of unauthorized waste disposal; 5. Use of methods of significant environmental logistics for the purpose of total clearance from unauthorized contamination of certain territories. 6. Use of environmental payments to give businesses the freedom to choose alternative solutions for payment for pollution; 7. Introducing voluntary agreements between nature users and environmental inspectors; 8. System of penalties for administrative violations of environmental legislation; 9. Granting of licenses for carrying out complex enterprise surveys and individual approaches to regulatory environmental impact assessment.

This is only a small list of the main activities Ukraine can has implement in the next few years to improve the environment.

Summarizing the above, it is possible to ascertain the only purpose that unites Ukraine and the Republic of Poland is to find alternative ways and means of preserving the environment. One such tool (perhaps even a mechanism) that is common to both countries under investigation is cooperation at the level of governments, which is manifested in the conclusion of bilateral agreements. Such agreements are aimed specifically at the necessary experience and exchange of useful methods that can avoid problems arising in the field of environmental protection.

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**УКРАИНА ЖӘНЕ ПОЛЬША РЕСПУБЛИКАСЫНЫҢ  
ЗАҢНАМАЛАРЫНДА ҚОРШАҒАН ОРТАНЫ ҚОРҒАУ:  
НЕГІЗГІ ЕРЕКШЕЛІКТЕРДІ САЛЫСТЫРМАЛЫ ТАЛДАУ**

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**ОХРАНА ОКРУЖАЮЩЕЙ СРЕДЫ  
В ЗАКОНОДАТЕЛЬСТВАХ УКРАИНЫ И РЕСПУБЛИКИ ПОЛЬША:  
СРАВНИТЕЛЬНЫЙ АНАЛИЗ ОСНОВНЫХ ОСОБЕННОСТЕЙ**

**Аннотация.** Охрана окружающей среды занимает важное место в деятельности как каждого гражданина в отдельности, так и всего общества вместе.

В статье осуществлен сравнительный анализ некоторых аспектов охраны окружающей среды по законодательству Украины и Республике Польша. Исследовано понятие объектов охраны окружающей среды в двух исследуемых государствах. Охарактеризованы ключевые нормативно-правовые акты, касающиеся охраны окружающей среды Украины и Республики Польша. Исследованы основные сферы на которые направлено действия по охране окружающей среды. Отражено сходство между такими сферами в Украине и Республике Польша. Доказана необходимость существования двусторонних соглашений для обоих государств для обеспечения сотрудничества то обмена опытом между государствами.

В процессе исследования была выяснена, близость понимание основных приоритетов деятельности в сфере охраны окружающей среды Украины и Республики Польша. На примере Республики Польша, как одного из государств-членов Европейского Союза, отражена необходимость привлечения опыта экологического права Европейского Союза. Исследована необходимость существования трех уровней институционального механизма в сфере охраны окружающей среды: общего, специального и функционального.

Определены основные меры по охране окружающей среды, которые Украина сможет реализовать в ближайшие годы, основными из которых являются: обмен информацией и технологиями, мониторинг окружающей среды, создание системы рационального природопользования, обмен опытом в области совершенствования управления и правового регулирования в области охраны окружающей среды, совершенствование безопасной для окружающей среды системы складирования и использования отходов и другие.

**Ключевые слова:** окружающая среда, охрана окружающей среды, двусторонние соглашения в области охраны окружающей среды, Всемирный день охраны окружающей среды.

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