

CLIMATE POLICY OF UKRAINE IN THE CONTEXT OF THE EUROPEAN GREEN COURSE: THEORETICAL AND LEGAL ASPECT

Svitlichnyy Oleksandr

DOI: <https://doi.org/10.61345/1339-7915.2023.5.14>

Annotation. The article examines the climate policy of Ukraine in the context of the European Green Course and the specified problems of legal regulation and public administration in the specified area. It is noted that climate change has become one of the global problems of today. It was found that in order to reduce greenhouse gas emissions, the EU states are implementing the use of renewable energy sources aimed at carbon neutrality. It has been studied that the European Green Deal defines the climate policy of the EU and is a set of measures aimed at transforming Europe into a climate-neutral continent. Overcoming the consequences of climate change by reducing greenhouse gas emissions and improving regulatory and legal regulation on reducing carbon emissions are among the main directions of the implementation of the EEC. It has been analyzed that Ukraine has significant problems in the field of atmospheric air pollution and climate change, which have significantly worsened in connection with the war started by the Russian Federation. It has been investigated that the climate policy of Ukraine is carried out in accordance with the provisions of the European Green Course. It has been proven that the European Green Course creates new opportunities for Ukraine, which will ensure the development and competitiveness of the national economy and contribute to the improvement of the climate. It was emphasized that the improvement of the climate policy of Ukraine in the context of the implementation of the provisions of the European Green Course will be facilitated by the improvement of legal regulation and public administration in the field of climate change. The necessity of supplementing the norms of the current legislation of Ukraine with provisions on improving the climate and its protection has been established. It was noted that one of the essential directions of Ukraine's climate policy is the improvement of public administration in the field of combating climate change. Conclusions were made regarding the need to implement the provisions of the European Green Course into the climate policy of Ukraine. It is noted that the improvement of the legal regulation of the prevention of change of Klamath and public administration in the specified area will contribute to the improvement of the climate in Ukraine and approximation to European standards.

Key words: climate, climate change, climate policy of Ukraine, European Green Course, legal regulation in the field of climate change, public administration in the field of climate change.

1. Introduction.

Climate change today has become one of the global problems of modern times, the consequences of which have been climatic anomalies, floods, droughts, which lead to environmental disasters and economic problems all over the world. According to the report of the Intergovernmental Panel on Climate Change, climate change as a result of anthropogenic influence since the end of the 19th century is due to human activity, which has led to an increase in the concentration of greenhouse gases in the atmosphere [1, p. 4]. The imbalance of the climate system has led to frequent changes in synoptic situations, which is manifested in sharp fluctuations in atmospheric pressure, temperature, precipitation and other meteorological parameters. Another consequence of climate change is an increase in the frequency and intensity of natural hydrometeorological phenomena – catastrophic floods, storms, droughts, snowstorms, tornadoes, etc. According to the provisions of the Paris



Agreement, the main measures in the field of climate change prevention should be: reducing greenhouse gas emissions and increasing their absorption; assessment of the state of the climate system, adaptation to climate changes, strengthening of resistance and reduction of vulnerability of socio-economic and natural ecosystems [2, p. 81].

Thus, one of the primary tasks facing Ukraine is adaptation to climate change, which is a complex of issues consisting in solving socio-economic and legal problems related to the study of climate risks, minimization of climate risks, and the impact of climate change on people's health and air quality control.

2. Analysis of scientific publications.

The works of such scientists were devoted to the study of problems in the field of climate change prevention, namely: O. Bardina, S. Ivanyuta, O. Ivasechko, O. Kolomiets, V. Kurylo, E. Kopitsy, V. Machusky, B. Melnyk, M. Prykhodko, V. Polich, M. Ognienko, V. Osadchyi, O. Shevchenko, L. Yakushenko. Issues of the impact of the European Green Course on the climate policy of the EU states were the subject of research by such foreign scientists as: H. Kleis, S. Tagliapetra, G. Zachmann, M. Leonard, J. Pisani-Ferry, J. Shapiro.

3. The purpose of the work is a study of the climate policy of Ukraine, in the context of the implementation of the European Green Course and improvement of the legal regulation of climate relations and public administration in the field of climate change prevention.

4. Presenting main material.

The impact of human industrial activity on the environment caused a significant increase in the average temperature by 2-5 °C, which directly affected climate change. So, according to the United Nations, instead of limiting global warming to 1.5°C as part of the 2015 Paris Agreement, today the world is on track to warming at 3.2°C by 2100. [3]. Thus, without adaptation measures, climate change can reduce the global growth of agriculture by 30% by 2050 [4].

In order to reduce greenhouse gas emissions by 55% by 2030, EU countries are gradually reducing the use of natural resources as energy sources and introducing the use of renewable energy sources. [5]. To date, 121 countries have committed to becoming carbon neutral by 2050. [1, p. 4]. The European Green Deal (European Green Deal) – hereafter (EGK), presented by the European Commission to the European Parliament on December 11, 2019, defines the EU's climate policy and is a set of measures aimed at turning Europe into a climate-neutral continent by 2050. The ECG provides reduction of greenhouse gas emissions in the EU by 55% by 2030 compared to the level of 1990. Overcoming the consequences of climate change by reducing greenhouse gas emissions and improving regulatory and legal regulation on reducing carbon emissions are among the main directions of the implementation of the EEC [6].

The EU recognizes that the success of the EWC depends not only on the ability of the organization to introduce the necessary changes, but also on the extent to which the goals, norms and standards defined by it will be accepted and implemented both by neighboring states and at the global level. [7] Ukraine supports the EU's climate policy goals. Thus, Ukraine was one of the first in Europe to ratify the Paris Climate Agreement (2016). In August 2020, the government of Ukraine informed the governing bodies of the EU about Ukraine's participation in the EWC. Also, in November 2021, the President of Ukraine took part in the UN Climate Change Conference COP 26 in Glasgow, during which it was emphasized that Ukraine is fully integrated into the process of combating global warming. Thus, our state undertook to reduce investments in the coal industry by 2040, to reduce methane emissions by 30%, which is one of the main factors of global warming. The key goal of the state's climate policy is to reduce greenhouse gas emissions by 65% by 2030 and achieve climate neutrality by 2060.

The EEC sets at least two global goals for Ukraine: 1. To ensure coordination of efforts with the EU and neighboring countries in the process of the domestic «green» transition in order to minimize economic and financial losses. 2. To transform the security policy, based on the reassessment of possible risks and threats, primarily from Russia, which is already actively interacting with the EU in the context of climate policy, trying to circumvent and level existing sanctions [7]. Ukraine has significant problems in the field of atmospheric air pollution and climate change, which have significantly worsened in connection with the war unleashed by the Russian Federation. Thus, in Ukraine, according to the Ministry of Environmental Protection and Natural Resources of Ukraine, the average annual temperature has increased by more than 2°C since the beginning of the 20th century [8].

The construction of the Ukrainian green economy is now the main link of the Association Agreement with the EU, which includes a list of directives that facilitate the difficult transition to a green economy [9]. The climate policy of Ukraine is directed to the EEC for adaptation to climate change in Ukraine. In order to integrate climate policy priorities into the state's socio-economic development programs, on November 5, 2021, the Verkhovna Rada of Ukraine adopted the Resolution «On the appeal of the Verkhovna Rada of Ukraine to the United Nations Conference on Climate Change, which will include the holding of the 26th session of the Conference of the Parties of the United Nations Framework Convention on Climate Change» [10].

Involvement of Ukraine in the implementation of the EWC can take place through updating the annexes to the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand (hereinafter – the Association Agreement), rapprochement with politicians EU in the fields of environment, energy, industry and trade. In July 2020, Ukraine supported the EWC at the political level and recognized that it is an integral part of the implementation of the EWC goals. In March 2021, the Cabinet of Ministers of Ukraine approved the National Economic Strategy for the period until 2030, which provides for innovative, proactive economic growth taking into account the Sustainable Development Goals and achieving climate neutrality no later than 2060 [11]

The EPC creates new opportunities for Ukraine, which will allow and ensure the development and competitiveness of the national economy [12]. In this context, the improvement of legal regulation in the field of climate change and public administration in this field is of particular importance. Despite the presence of normative legal acts in the field of environmental protection, namely: Laws of Ukraine «On environmental protection», «On atmospheric air protection», «On principles of monitoring, reporting and verification of greenhouse gas emissions» dated December 12, 2019 No. 377-IX, «On the basic principles (strategy) of the state environmental policy of Ukraine for the period until 2030», nevertheless, the absence of norms regarding the protection and prevention of climate change is felt in the current legislation.

It is appropriate to note that the Law of Ukraine «On the basic principles (strategy) of the state environmental policy of Ukraine for the period until 2030» – hereinafter (Strategy) does not consider climate change as a separate area of environmental policy, summarizing it as a component of legal protection of atmospheric air and mainly in the context of the fulfillment of international obligations. These provisions lead to an underestimation of climate change issues at the national level, inhibit the development and adoption of framework legislation in the field of climate change [13, p. 113].

Thus, the issue of preventing climate change is not considered as a priority at the national level, which leads to problems of legal regulation in this area.

In this context, it is appropriate to agree with the opinion of E. Kopitsa and M. Ognienko in the fact that non-interference in the process of climate change and procrastination with taking measures can have serious consequences for the national and world security [14, p. 296]. The absence of norms in the current legislation of Ukraine regarding the protection and prevention of climate change requires the introduction of amendments to the laws of Ukraine «On environmental protection» and «On protection atmospheric air» as the first stage of formation of legal regulation in the field of prevention and fight against negative environmental changes environment caused by climate change at the national level [14, p. 297].

The regulatory and legal framework of the EEC provides for the introduction of appropriate restrictions in international trade, such as the mechanism of carbon adjustment of imports [1, p. 49]. Also, one of the essential directions of Ukraine's climate policy is the improvement of public administration in the field of combating climate change. In accordance with the provisions of the Law of Ukraine «On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period Until 2030» dated February 28, 2019 No. 2697-VIII, the basic principles of the state environmental policy in the field of combating climate change are: preservation of such a state of the climate system, which will make it impossible to increase risks for the health and well-being of people and the natural environment [15].

Based on the above provisions, it can be concluded that public administration in the field of combating climate change will make it possible to establish scientifically based limits on emissions of pollutants into the environment, which will contribute to climate improvement [16].

5. Conclusions.

Considering the above, it is appropriate to draw the following conclusions. Climate change is a large-scale problem, the effects of which may become irreversible and lead to environmental degradation and affect human health in every region of the world. The priorities of the climate policy of Ukraine should take into account the possibilities of the EWC for adaptation to climate change in Ukraine, the integration of the priorities of the climate policy into the socio-economic development programs of the state. Prevention of climate change at the national level should be considered as a priority. The national climate policy will require improvement in the following directions: updating legislation in the field of waste management and reducing greenhouse gas emissions; reduction of consumption of coal and other fossil fuels, green transformation of industry; creation of a national system for trading emissions quotas in accordance with EU rules; formation of the Ukrainian Climate Fund; reforming the environmental control system and adopting relevant legislation; reform of the field of forestry in the direction of increasing the area of forests, implementation of measures to protect steppe ecosystems; development of measures to combat land degradation, increase the natural absorption of greenhouse gases.

In order to improve the climate policy of Ukraine in the context of the implementation of the provisions of the European Green Course, it seems appropriate to improve the legal regulation in the field of climate change and public administration in this field.

References:

1. Ivanyuta S.P., Kolomiets O.O. (2020). Zmlna klmatu: naslIdki ta zahodi adaptatsiYi: anallt. dopovld. za red. S.P. Ivanyuti. K.: NISD. 110. [in Ukrainian].
2. Osadchiy V.I. Klmatichna programa UkraYini yak osnova tsllsnoYi ekologlchnoYi polltiki derzhavi v umovah zmlni klmatu. URL: <http://dspace.nbuv.gov.ua/bitstream/handle/123456789/180327/15Osadchyi.pdf?sequence=1> [in Ukrainian].
3. United Nations Environment Programme (2019). «Emissions Gap Report 2019». 20 November. URL: <https://www.unenvironment.org/resources/emissions-gap-report-2019> [in English].
4. Munich Security Report (2020). URL: www.securityconference.org/en/publications/munich-security-report/ [in English].
5. State of the Energy Union 2021: Renewables overtake fossil fuels as the EU's main power source. URL: https://ec.europa.eu/commission/presscorner/detail/en/IP_21_5554_36 [in English].
6. The European Green Deal. (COM) 640 final (2019). URL: https://ec.europa.eu/info/sites/info/files/european-green-deal-communication_en.pdf [in English].
7. Chublk A., Yaroshevich M. Evropeyskiy zeleniy kurs ta potentslynl naslIdki dlya UkraYini yogo vprovadzhennya susldnlmi derzhavami. URL: http://prismua.org/green_deal_1/ [in Ukrainian].

8. Yak zmlnyuetsya kllmat v UkraYinl. URL:<https://menr.gov.ua/news/35246.html> SektsIya. [in Ukrainian].
9. Ivasechko O.Ya., Melnik B.P. (2021). StrategIya kllmatichnoYi polItiki «Green deal»: osoblivIst ImplementatsIYi u ES ta v UkraYinl. Regionalnl studIYi. №26. 43–48. [in Ukrainian].
10. Pro zvernennya VerhovnoYi Radi UkraYini do KonferentsIYi OrganIzatsIYi Ob'Ednanih Natsly zl zmlni kllmatu: Postanova VerhovnoYi Radi UkraYini (2021). 5 November. URL: <https://zakon.rada.gov.ua/laws/show/1870-20#n14> [in Ukrainian].
11. Pro zatverdzhennya NatslionalnoYi ekonomIchnoYi strategIYi na perIod do 2030 roku (2021). Postanova Kabinetu MInIstrIv UkraYini 3 March № 179. URL: <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-nacionalnoyi-eko-a179> [in Ukrainian].
12. Ivanyuta S.P., Yakushenko L.M. (2022). Evropeyskiy zeleniy kurs I kllmatichna polItika UkraYini: analIt. dop. KiYiv: NISD. 95. [in Ukrainian].
13. Kopytsia I.M. The legal regulation of climate change in Ukraine: issues and prospects (2021). Grassroots journals. Monreal, Canada. № 5. 105–125. URL: <https://grassrootsjournals.org/jelp/jelp001-kopytsia-m00211.pdf> [in Canada].
14. Kopitsl E.M., OgnIenko M.O. (2021). Aktualnl pitannya pravovogo reguluvannya zmlni kllmatu v UkraYinl. SCIENTIFIC COLLECTION «INTERCONF». № 87. 294–306. [in Ukrainian].
15. Pro Osnovnl zasadi (strategIyu) derzhavnoYi ekologIchnoYi polItiki UkraYini na perIod do 2030 roku (2019). Zakon UkraYini 28 Iyutogo № 2697-VIII. Vidomostl VerhovnoYi Radi UkraYini. № 16. St. 70. [in Ukrainian].
16. Kopitsya E.M. (2020). EkologIchne normuvannya u sferl zmlni kllmatu v kontekstl ImplementatsIYi Evropeyskogo zelenogo kursu v UkraYinl. Zblrnik naukovih prats [in Ukrainian].

Oleksandr Svitlichnyy,

Doctor of Law, Professor,

National University of Bioresources and nature management of Ukraine

E-mail: jurist.slp@gmail.com

ORCID: <https://orcid.org/0000-0003-0485-3804>