

LEGAL FRAMEWORK FOR THE IMPLEMENTATION OF THE “GREEN” ECONOMY POLICY IN UKRAINE¹

Horobets Nadiia, Reznik Oleg

DOI: <https://doi.org/10.61345/1339-7915.2025.1.7>

Annotation. The article is devoted to the study of the regulatory framework for the implementation of the “green” economy policy in Ukraine in view of the current state of legal regulation of this area. The methodological basis of the research is the formal-logical and formal-dogmatic methods. It is determined that the development of the “green” economy in Ukraine is a strategically important task for ensuring sustainable development, preserving natural resources and improving the quality of life in the country. This task is especially relevant in the context of the post-war reconstruction of Ukraine, which must comply with the European green and digital agenda. The concept of the “green” economy and its relationship with the concept of “green” growth are studied. It is noted that the basis of the “green” economy is green technologies aimed at eliminating the causes of environmental problems. It is established that Ukraine’s international obligations to comply with global environmental standards are a crucial element in forming the principles of the “green” economy policy, which are enshrined in acts of national legislation. The main legislative acts covering various aspects of the “economy” policy, in particular environmental protection, energy efficiency, waste management and other areas, are considered. It is concluded that the above-mentioned acts adopted by 2022 emphasize the need to reduce the negative impact on the environment. Attention is drawn to the updating of legislation in the field of the “green” economy during martial law in Ukraine. It is noted that an important role in consolidating the legal foundations of the implementation of the “green” economy policy belongs to strategic documents. In particular, attention is focused on the Sustainable Development Goals of Ukraine by 2030, the adoption of which was an important step in the transformation of the institutional mechanism of the “green” economy of the state. A conclusion is made about the further transformation of the legal foundations of the implementation of the “green” economy policy.

Key words: natural resources, “green” economy, sustainable development, legal framework, environmental policy.

1. Introduction.

According to UN data, from 1970 to 2023, the world’s population has increased 2.5 times, while the growth rate of the global economy has surged 15 times. This rapid growth has had a destructive impact on ensuring the sustainable development of economic systems in the global market. For instance, 43 % of animal and plant species are at risk of complete extinction, the productivity of the Earth’s surface has declined by 38 %, and the number of natural ecosystems worldwide has decreased by 64 % [1]. This environmental degradation significantly affects economic growth and societal well-being, as the environment polluted by emissions and waste remains one of the primary sources of the economy [2]. The modern concept of the “green” economy is aimed at addressing environmental problems to preserve environmental quality, ensure the rational use of natural resources, and achieve

¹ Implemented within the framework of the research project 0125U000418, «Ensuring Post-War Recovery of Green Economic Growth in the National Economy: Cognitive-Behavioral Technologies and Legal Mechanisms of International Aid.»

sustainable development goals [3, p. 101]. It is one of the key driving forces behind economic growth, a guarantee of preserving natural capital, and an efficient use of resources [4, p. 39].

For Ukraine, the formation of a green economy is a strategically important task for ensuring sustainable development, preserving natural resources, and improving the quality of life. This is evidenced by the complex transformational processes in the country's economy, characterized by aligning domestic legal frameworks with European standards, indicating active economic integration and rapprochement with EU policies [5, pp. 205-206]. Post-war recovery in Ukraine is not just about achieving pre-war economic development indicators but also about full integration into the European community based on sustainable development principles and taking into account the European Green Deal [6, p. 37].

In the Communiqué adopted by the European Commission on May 18, 2022, it is stated that post-war reconstruction must align with the European "green" and digital agendas, with a support mechanism that will have a specific governance structure, simultaneously ensuring Ukraine's full ownership and guaranteeing that investments comply with the EU's climate and environmental policies and standards [7]. At the same time, achieving such ambitious goals requires proper legal regulation, which indicates the relevance of scientific development of this topic.

2. Analysis of scientific publications.

The analysis of recent research and publications indicates that the issue of "green" economy policy, including the legal framework for its implementation, has been examined by representatives of legal, economic, environmental, and other sciences. Among them are S.H. Batazhok, Yu.T. Borovyk, B.V. Dykyi, Yu.V. Yehahin, I.A. Kolodiichuk, M.B. Kurtiak, M.M. Mazuryk, Yu.V. Orlovskaya, H.V. Razumova, M.V. Ruda, Yu.A. Sahaidak, A.O. Samoilenko, T.V. Kharchenko, P.I. Yukhymenko, N.V. Yanovych, and others. However, the intensification of the development processes of the "green" economy in Ukraine highlights the relevance of further developing the legal framework for implementing "green" economy policy within the scientific doctrine.

3. The aim of the work.

The aim of this article is to clarify the legal framework for the implementation of the "green" economy policy in Ukraine, considering the current state of legal regulation in this field.

4. Review and discussion.

Before defining the legal framework for implementing "green" economy policy in Ukraine, it is essential to clarify the concept of the "green" economy, which is also related to the concept of "green" growth. In particular, the OECD published the Green Growth Strategy in 2011, according to which green growth is viewed as a catalyst for investment and innovation, forming the foundation for sustainable development and creating new economic opportunities [8]. The United Nations Environment Programme (UNEP) defines the "green" economy as one that results in improved human well-being and social equity while significantly reducing environmental risks and ecological scarcity.

The foundation of the "green" economy lies in "green" technologies, which address the root causes rather than the consequences of environmental problems, fundamentally changing approaches, products, and, importantly, consumer behavior. This includes energy efficiency and alternative energy, electricity management systems, eco-friendly transportation, waste management, and control of air and water emissions [9, p. 79].

The implementation of these "green" technologies depends on the development and execution of appropriate policies, institutional coordination, and resource allocation. Through legislative frameworks, regulatory measures, interagency cooperation, stakeholder engagement, budget

allocation, and state investments, the government can significantly influence the trajectory of sustainable and environmentally responsible economic development [10, pp. 272-273]. According to the analysis presented in the Ukraine Facility Plan, the level of fulfillment of obligations regarding the implementation and harmonization of Ukrainian legislation with European legislation has increased by another 3 % compared to other years [11].

An essential element in forming the legal framework of the “green” economy is participation in international agreements and adherence to global environmental standards. This facilitates integration into the global system of green initiatives and ensures compliance with international norms. Ukraine is a party to various international agreements and conventions that promote the development of a “green” economy, including the Paris Agreement – an international climate change treaty aimed at reducing greenhouse gas emissions, and the UN Convention on Biological Diversity – which supports biodiversity conservation and the sustainable use of natural resources [12, pp. 69–70]. The provisions of these and other international agreements to which Ukraine is a party have been incorporated into national legislation.

According to Article 16 of the Constitution of Ukraine, “ensuring environmental safety and maintaining ecological balance on the territory of Ukraine is the duty of the state” [13]. In addition to the Constitution, national legislation in this area covers various aspects, including environmental protection, energy efficiency, waste management, and other sectors [12, pp. 69-70]. Specifically, the Law of Ukraine “On Environmental Protection” dated June 25, 1991, defines the foundations of environmental policy, including the rights and obligations of citizens, enterprises, and the state in the field of environmental protection [14]. The provisions of this legislative act are supplemented by other laws of Ukraine, such as “On the Nature Reserve Fund of Ukraine,” “On the Protection of Atmospheric Air,” “On the Animal World,” “On the Plant World.”

A crucial tool for ensuring environmental safety and sustainable development is the Law of Ukraine “On Environmental Impact Assessment” dated May 23, 2017, which provides for a detailed assessment of potential negative consequences from the implementation of projects and initiatives. This law contributes to increasing environmental awareness and responsibility in the realization of projects that impact the environment [15].

A separate subgroup of national legislative acts that establish the legal framework for implementing the “green” economy policy in Ukraine comprises laws in the energy sector. The Law of Ukraine “On Alternative Energy Sources,” adopted back in 2003, supports the development of renewable energy and provides incentives for investments in solar, wind, and other types of renewable energy. It also sets the rules for integrating these sources into the country’s energy system [16]. The state further encourages the production of alternative fuels, as evidenced by the Law of Ukraine “On Alternative Types of Fuel” dated January 14, 2000, and the Law of Ukraine “On Heat Supply” dated June 2, 2005, which particularly supports entrepreneurship in the alternative fuel sector through state protection of entrepreneurs’ interests [17].

The Law of Ukraine “On Energy Efficiency,” adopted on October 21, 2021, replaced the previous Law “On Energy Saving” of 1994. It regulates relations in the field of energy efficiency and aims to enhance energy security, reduce energy poverty, promote sustainable economic development, conserve primary energy, and reduce greenhouse gas emissions [18]. Certain aspects of energy efficiency are also regulated by the Law of Ukraine “On Energy Lands and the Legal Regime of Special Zones of Energy Facilities” dated July 9, 2010, and the Law of Ukraine “On the Electricity Market” dated April 13, 2017. The former legislative act establishes the important principle of balancing state energy security interests with environmental protection [19]. Meanwhile, the Law of Ukraine “On the Electricity Market” regulates relations related to electricity production, transmission, distribution, purchase, and supply, including minimizing the negative impact on the environment [20]. The priority of human and environmental safety is also enshrined in the Law of Ukraine “On the Use of Nuclear Energy and Radiation Safety” dated February 8, 1995 [21].

The above list of regulations is not exhaustive, but it is obvious that they all emphasize the need to minimize the negative impact on the environment. Legislative reforms in the field of the “green” economy do not lose their relevance even in the face of military challenges: firstly, war causes

significant damage to the environment and creates new environmental risks, which indicates the need for Ukraine to strengthen efforts to integrate EU environmental standards in response to them; secondly, updating the legislation aimed at implementing European environmental standards creates conditions for the “green” recovery of the country after the war. In particular, in June 2022, the Law of Ukraine “On Waste Management” was adopted, which established the foundations for systematic and effective waste management in Ukraine. The specified law covers the entire life cycle of waste, from its generation to final disposal, and aims to reduce the negative impact of waste on the environment and human health. It obliges business entities to comply with environmental standards and mandates state control and supervision to ensure the efficiency of waste management [22].

It should be noted that during martial law, the Law of Ukraine “On the Basic Principles of State Climate Policy” was also adopted, which establishes the legal and organizational principles of state climate policy aimed at low-carbon and sustainable development, environmental, food and energy security, climate neutrality, adaptation to climate change and the implementation of Ukraine’s international obligations. It also improves the greenhouse gas inventory system, monitoring, assessment and forecasting in this area [23]. Another legislative initiative presented during a difficult period for the country is the draft Law No. 6004-d “On Ensuring the Constitutional Rights of Citizens to a Safe Environment for Life and Health”. Although the draft law has not yet been adopted, but has only been taken as a basis by the parliament, it is aimed at preventing, reducing and controlling industrial pollution by enacting legislation on the prevention, reduction and control of industrial pollution, as well as protecting the agricultural sector and rural areas from its consequences. Accordingly, its adoption will introduce comprehensive approaches to permits and control of industrial pollution based on the application of the best available technologies and management methods [24]. At the same time, it is also necessary to note the challenges of practical implementation of some provisions of the “green” economy policy in conditions of martial law in the territory of Ukraine. In particular, in March 2022, the Law of Ukraine “On Protection of the Interests of Persons Submitting Reports and Other Documents During Martial Law or Martial Law” was adopted. According to Article 1 of the specified regulatory act, business entities are exempted from reporting on greenhouse gas emissions for the period of martial law [25], that is, currently the competent authority does not have the ability to track and establish the average volume of greenhouse gas emissions of an individual business entity and in general [26, p. 3].

In addition to the aforementioned legislative initiatives, it is worth noting a group of regulatory legal acts that establish the legal foundations of the “green” economy in the country – national strategies, programs, and plans. As highlighted by I. A. Kolodiychuk and M. B. Kurtyak, the Law of Ukraine “On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030,” the Environmental Security and Climate Change Adaptation Strategy for the Period until 2030, and the Energy Strategy of Ukraine for the Period until 2050 are key legislative acts that demonstrate Ukraine’s commitment to transitioning to an environmentally oriented economy. These documents shape the trajectory of Ukraine’s development in accordance with the guiding principles of the EU’s environmental policy [27, p. 67].

An important step in transforming the institutional mechanism of the state’s “green” economy was the adoption of the Sustainable Development Goals of Ukraine until 2030. In Ukraine’s Sustainable Development Strategy until 2030, key cross-cutting areas of national development include digitalization, the “green” course, business development, and balanced regional development. This strategy emphasizes the need to transition to sustainable consumption and production models [28].

Considering Ukraine’s climate commitments, including the overall reduction of greenhouse gas emissions by 65% by 2030 compared to 1990 levels, the phasing out of coal use at state-owned power plants by 2035, and a 30% reduction in methane emissions, the State Regional Development Strategy for 2021–2027 was also approved on August 5, 2020, by Resolution No. 695 [29].

These strategic acts for implementing the “green” economy in Ukraine serve as the legal, organizational, and institutional foundation for the implementation of environmental principles in the economy, the creation of a favorable environment for “green” investments, and the provision of economic growth in the country, taking into account environmental constraints.

5. Conclusions.

Thus, the legal framework for implementing the “green” economy policy in Ukraine is the basis for ensuring the sustainable development of the country. The basis for legal regulation of the “green” economy in Ukraine is: Ukraine’s international obligations, national legislation, including strategic regulatory legal acts that define the principles and mechanisms for implementing the “green” economy. Ukraine began to implement European standards in the field of the “green” economy by 2022. In particular, generalization of legislative acts gives grounds to assert that all of them focus on the need to reduce the negative impact on the environment. However, with the beginning of Russia’s full-scale military aggression against Ukraine, this issue has become particularly relevant given the significant environmental damage caused by military actions and the need to create conditions for the country’s “green” recovery after the war. Taking into account the above, Ukraine, even under martial law, is updating national legislation in order to create a favorable legislative framework and encourage the implementation of “green” technologies. At the same time, the strategic documents adopted by the state and the reforms envisaged by them confirm that the legal framework for implementing the “green” economy policy will continue to transform in the future.

References:

1. Zhironkin, S., & Cehlár, M. (2022) Green Economy and Sustainable Development: The Outlook. *Energies*, 15(3), 1167. DOI: <https://doi.org/10.3390/en15031167>.
2. Merino-Saum A., Baldi M. G., Gunderson I., Oberle B. (2018) Articulating natural resources and sustainable development goals through green economy indicators: A systematic analysis. *Resources, Conservation and Recycling*, 139, 90–103.
3. Samoilenko A.O. Teoretyko-metodolohichni aspekty «zelenoi» ekonomiky v konteksti staloho rozvytku. *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu. Seriya: Mizhnarodni ekonomichni vidnosyny ta svitove hospodarstvo*. 2022. Vyp. 41. S. 99–102. DOI: <https://doi.org/10.32782/2413-9971/2022-41-18> [in Ukrainian].
4. Yukhymenko P. I., Batazhok S. H., Yanovych N. V. Perekhid do «zelenoi» ekonomiky: svitovyi dosvid ta ukraïnski realii. *Ekonomika ta upravlinnia APK*. 2023. № 2. S. 29–44 [in Ukrainian].
5. Ruda M.V., Mazuryk M.M. Spivpratsia Ukrainy ta YeS u sferi staloho rozvytku: ohliad perspektyv. *Menedzhment ta pidpriemnytstvo v Ukraini: etapy stanovlennia i problemy rozvytku*. 2021. № 3. S. 204–211 [in Ukrainian].
6. Sahaidak Yu.A., Kharchenko T.B. Formuvannia «zelenoi» modeli pisliavoiennoho vidnovlennia ekonomiky Ukrainy. *Visnyk Sumskoho natsionalnoho ahrarnoho universytetu*. 2022. Vyp. 1 (91). S. 33–38 [in Ukrainian].
7. Communication from the Commission to the European parliament, the European council, the Council, the European economic and social committee and the committee of the regional Ukraine relief and reconstruction European commission. Brussels, 18.5.2022. URL: https://commission.europa.eu/system/files/2022-05/ukraine-relief-reconstruction_en.pdf (date to access: 25.03.2025).
8. What is green growth and how can it help deliver sustainable development? OECD. 2020. URL: <https://www.oecd.org/greengrowth/whatisgreengrowthandhowcanithelpdeliversustainabledevelopment.htm> (date to access: 25.03.2025).
9. Borovyk Yu.T., Yelahin Yu.V., Poliakova O.M. «Zelena ekonomika»: sutnist, pryntsypy, perspektyvy dlia Ukrainy. *Visnyk ekonomiky transportu i promyslovosti*. 2020. № 69. S. 75–83 [in Ukrainian].

10. Kruhlov V. Derzhavna polityka rozvytku «zelenoi» ekonomiky v Ukraini: tendentsii ta problemy. *Naukovyivisnyk: Derzhavne upravlinnia*. 2023. № 2(14). S. 259–278. DOI: [https://doi.org/10.33269/2618-0065-2023-2\(14\)-259-278](https://doi.org/10.33269/2618-0065-2023-2(14)-259-278) [in Ukrainian].
11. Ukraine Facility: Financial Support Program for Ukraine from the European Union. URL: <https://www.ukrainefacility.me.gov.ua/en> (date to access: 25.03.2025).
12. Orlovska Yu.V., Razumova H.V., Dykyi B.V. Spetsyfika stvorennia ekonomiko-pravovoho mekhanizmu formuvannia zelenoi ekonomiky. *Ekonomichnyi prostir*. 2024. № 192. S. 68–72 [in Ukrainian].
13. Konstytutsiia Ukrainy: Zakon Ukrainy vid 28.06.1996 r. Vidomosti Verkhovnoi Rady Ukrainy. 1996. № 51. St. 141 [in Ukrainian].
14. Pro okhoronu navkolyshnoho pryrodnoho seredovyscha: Zakon Ukrainy vid 25.06.1991 r. Vidomosti Verkhovnoi Rady Ukrainy. 1991. № 41. St. 546 [in Ukrainian].
15. Pro otsinku vplyvu na dovkillia: Zakon Ukrainy vid 23.05.2017 r. Vidomosti Verkhovnoi Rady Ukrainy. 2017. № 29. St. 315 [in Ukrainian].
16. Pro alternatyvni dzherela enerhii: Zakon Ukrainy vid 20.02.2003 r. Vidomosti Verkhovnoi Rady Ukrainy. 2003. № 24. St. 155 [in Ukrainian].
17. Pro alternatyvni vyly palyva: Zakon Ukrainy vid 14.01.2000 r. Vidomosti Verkhovnoi Rady Ukrainy. 2000. № 12. St. 94 [in Ukrainian].
18. Pro enerhetychnu efektyvnist Zakon Ukrainy vid 21.10.2021 r. Vidomosti Verkhovnoi Rady Ukrainy. 2022. № 2. St. 28 [in Ukrainian].
19. Pro zemli enerhetyky ta pravovyi rezhym spetsialnykh zon enerhetychnykh ob'ektiv: Zakon Ukrainy vid 09.07.2010 r. Vidomosti Verkhovnoi Rady Ukrainy. 2011. № 1. St. 1 [in Ukrainian].
20. Pro rynek elektrychnoi enerhii: Zakon Ukrainy vid 13.04.2017 r. Vidomosti Verkhovnoi Rady Ukrainy. 2017. № 27–28. St. 312 [in Ukrainian].
21. Pro vykorystannia yadernoi enerhii ta radiatsiinu bezpeku: Zakon Ukrainy vid 08.02.1995 r. Vidomosti Verkhovnoi Rady Ukrainy. 1995. № 12. St. 81 [in Ukrainian].
22. Pro upravlinnia vidkhodamy: Zakon Ukrainy vid 22.06.2022 r. Vidomosti Verkhovnoi Rady Ukrainy. 2023. № 17. St. 75 [in Ukrainian].
23. Pro osnovni zasady derzhavnoi klimatychnoi polityky: Zakon Ukrainy vid 08.10.2024 r. Holos Ukrainy. 2024. № 155 [in Ukrainian].
24. Pro pryiniattia za osnovu proektu Zakonu Ukrainy pro zabezpechennia konstytutsiinykh prav hromadian na bezpechne dlia zhyttia i zdorovia dovkillia: Postanova Verkhovnoi Rady Ukrainy vid 29.05.2023 r. Ofitsiinyi visnyk Ukrainy. 2023. № 57. S. 22. St. 3171 [in Ukrainian].
25. Pro zakhyst interesiv sub'ektiv podannia zvitnosti ta inshykh dokumentiv u period dii voiennoho stanu abo stanu viiny: Zakon Ukrainy vid 03.03.2022 r. Ofitsiinyi visnyk Ukrainy. 2022. № 32. S. 31. St. 1690 [in Ukrainian].
26. Sopilko I., Zhmur N., Masseno M. (2024) On the implementation of the green deal policy in Ukraine: (For the Agricultural Sector during wartimes). *ESG Studies Review*, Vol. 7, pp. 1–13. DOI: <https://doi.org/10.37497/esg.v7iesg.1617>.
27. Kolodiichuk I.A., Kurtiak M.B. Sotsialno-ekonomichni peredumovy perekhodu do zelenoi ekonomiky v rehionakh Ukrainy. *Rehionalna ekonomika*. 2024. № 2. S. 67–75. DOI: <https://doi.org/10.36818/1562-0905-2024-2-6> [in Ukrainian].

28. Pro Tsili staloho rozvytku Ukrainy na period do 2030 roku: Ukaz Prezidenta Ukrainy vid 30.09.2019 r. № 722/2019. URL: <https://zakon.rada.gov.ua/laws/show/722/2019#Text> (date to access: 25.03.2025) [in Ukrainian].
29. Pro zatverdzhennia Derzhavnoi stratehii rehionalnoho rozvytku na 2021–2027 roky: Postanova Kabinetu Ministriv Ukrainy vid 05.08.2020 r. № 695. URL: <https://zakon.rada.gov.ua/laws/show/722/2019#Text> (date to access: 25.03.2025) [in Ukrainian].

Nadiia Horobets,

PhD in Law

Senior Lecturer of the Department of Administrative, Commercial Law,

Financial and Economic Security

Academic and Research Institute of Law,

Sumy State University

E-mail: ns.andriychenko@yur.sumdu.edu.ua

ORCID: 0000-0002-0282-2775

Oleg Reznik,

military serviceman, Doctor of Law,

professor, Honored Lawyer of Ukraine,

Leading Researcher of the Marketing Center of the Scientific and Experimental Part

Department of Marketing,

Sumy State University

E-mail: reznikoleg07@gmail.com

ORCID: 0000-0003-4569-8863