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**Bezpieczeństwo państw
Europy Środkowo-Wschodniej
w kontekście zagrożeń ekologicznych**

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SPECIFIC LEGAL STATE REGULATION OF ENVIRONMENTAL SAFETY IN THE EUROPEAN UNION

СПЕЦИФІКА ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ЕКОЛОГІЧНОЇ БЕЗПЕКИ В КРАЇНАХ ЄВРОПЕЙСЬКОГО СОЮЗУ

Environmental problems at the beginning of the 21st century became one of the sharpest ones in the world. The fact that humanity considerably improved conditions of civilization development by more and more intensively consuming natural resources is indisputable. Intervention of humanity in all spheres of the nature causes sharp deterioration in a condition of ecological systems, causes deterioration, even death of unique natural complexes, reducing and disappearance of populations of separate plants and animals, danger of irreversible changes in structures of geographical spheres, which can lead to unpredictable negative consequences. Time of spontaneous and reckless use of natural resources already passed¹. Environmental management should be performed only on a scientific basis, taking into account all difficult processes happening.

Presently the ecological safety is put in the forefront. Consequences of insufficient attention to this problem can be catastrophic. The fact that degradation of the environment can be irreversible is especially disturbing.

The problem of ecological safety can reduce success of development in the majority of the countries, and funds for change of the situation are absent. In the most developed countries the existing system of consumption conducts to complete use of resources and not only own ones, but also resources of other countries that create threat to future development of the world. It demonstrates that ecological safety concerns all aspects of society development and is vital for all countries, independently of their development level. Therefore such protection should become an element of state policy of any country. As national parts of the environment form single global system, its protection should become one of

¹ Boichuk L.D., Solomenko Ye.M., Buhai O.V. *Ecology and environmental protection: Textbook* – Sumy: “Universytetska Knyha” – 2003. – 284 p

the main goals of international cooperation and also a component of international security concept.

Agreements are the important source of international environmental law. The whole complexes of universal conventions in this area, which give a conception of a subject of this part of international law, were accepted during recent years.

Ecological rationing is one of the main actions for providing an ecological safety. It supposes the organization and implementation of regulation in the field of environmental protection.

Ecological rationing is an establishment of standard rates of admissible emissions, dumping of pollutants into the environment, standard rates of formation and limits on placement of waste, and also standard rates of admissible physical impacts on the surrounding environment and other standard rates in the field of its protection.

Ecological rationing has to be carried out for prevention of considerable impact of the human activity on the environment, ensuring keeping standards of environment quality and steady functioning of natural ecological systems².

At the same time in the form of standard rates of admissible emissions and dumping of chemicals, including radioactive ones, other materials and microorganisms it is necessary to understand standard rates, which are established for subjects of business and other activities according to indicators of chemicals' mass, including radioactive and other materials and microorganisms, admissible for receipt to environment from stationary, portable and other sources in the set mode and taking into account established for a certain equipment and mechanisms of technological (technical) standard rates, which observance are provided with standard rates of environment quality.

The European community has wide competence in ecological safety. At the same time competence of the EU within this industry is joint with state members. The environmental law of the EU is based, on the one hand, on various regulations of the Agreement on Community, and on the other hand, there are a huge number of resolutions and directives concerning ecological subject.

It is possible to allocate the following kinds of agreements signed by the EU in the sphere of ecological safety:

- agreements, which are completely oriented on regulation of environmental protection;
- agreements containing separate regulations on environmental protection;
- agreements indirectly connected with environmental protection³.

It is accepted to allocate the following four stages in activities of the European community in the field of environmental protection: 1957–1972, 1972–1986, 1986–1992, 1992–nowadays.

The first stage (1957–1972) begins with formation of Community. However the agreement on its formation didn't contain standards about environmental protection. Actions

² Melnyk L.H., Shapochka M.K. *Fundamentals of ecology. Ecological economics and nature management control: Textbook* / Edited by prof. L.H. Melnyk and prof. Shapochka M.K. – Sumy: "Universytetska Knyha", 2006. – p. 516–550

³ Barrnet L. *Economy and ecology – problems of the past and present* / Barrnet L., I. Levy and others // *Natural resource statements.* – 1990. – № 4. – p. 14–19

of Community were directed on achievement of others economically and the socially important purposes and only indirectly affected the ecological sphere; nature protection activities were performed facultatively.

European Coal and Steel Community (ECSC) and European Atomic Energy Community (EAEC) also did not have competence in environmental protection and ecological safety.

The second stage (1972–1986) begins with decision making about development of organization activity in the sphere of environment protection. It was connected with development of bills in member countries with environmental disasters (industrial accident in Sevezo (Italy, 1976)) and also with activization of international ecological cooperation. However provisions of the foundation agreement were not reviewed, competence in environmental protection was absent, as well as earlier. Activities of Community on environmental protection began to be performed by implementation of additional competence. In 1973 the First state community action program concerning environment, which determined the purposes, tasks, principles and priority directions of ecological organization activity, was adopted. Holding specific nature protection actions for the next years was separately provided. The program exerted considerable impact on the further similar programs adopted in 1977 and 1983.

The third stage (1986–1992) was connected with completion of forming of environmental policy of Community and also with fixing of appropriate authority in the foundation agreement. The purposes and principles of environmental policy, i.e. power on international cooperation, were established in the agreement.

The principle of subsidiarity, which was extended to all joint competence of Community and state members after the Maastricht Treaty of 1992, was established in the relations between Community and state members in the sphere of environmental protection.

During the second period a number of the major acts, which determined assessment procedure of impact on the environment and also standards of environmental pollution was accepted.

During the third period mechanisms of environment monitoring, ecological certification, collection and handling of ecological information were established, the first events for creation of the funding mechanism and establishing laws for environmental protection were held.

The fourth stage (1992 – till present) began with adoption of the Maastricht Treaty about the European Union in 1992. The agreement on the EU was added with the ecological purposes of organization activity, environment protection was recognized to one of the EU activities. Besides, the purposes and principles of environmental policy were supplemented.

The main objectives in the sphere of environmental protection requiring coordination of efforts of all European countries were the following:

- climatic changes;
- destruction of Earth ozone layer;
- loss of a biodiversity;
- increase in number of technical accidents;
- management of fresh water sources;

- degradation of forest resources;
- coastal territories management;
- production and waste recycling;
- urban ecology.

At the present stage of the countries of the European space constantly enhance the legal base in the sphere of ecological safety. So, acts concerning monitoring of the surrounding environment, ecological certification, evaluating impact on the environment, funding mechanism for ecological actions were updated. Numerous regulations in the field of ecological standardization are at the same time codified⁴.

Germany the leader among EU countries in the field of environmental protection is considered. Legal regulation in the field of an ecological safety in Germany is concentrated at the regional level and on regional authorities. The sphere of powers of authorities concerning ecological safety is limited to the following tasks:

- development and implementation of regional environmental policy;
- lawmaking;
- standard and legal management;
- coordination of nature protection activities;
- environmental monitoring;
- international cooperation, including cooperation in the sphere of ecological safety with the European Union;
- regulation of production and use of all types of radioactive materials and atomic energy.

Today the regulatory base in the sphere of ecological safety in Germany includes numerous legal acts and statuses. Special attention in Germany is paid to ecological training of factory personnel. Annually the number of entities, which are engaged in development of eco-friendly and resource-saving technologies, grows in Germany or offer services in the field of environmental protection. A number of entities attract buyers with signs of environmentally friendly products. The German ecological sign "Blue Angel" got large-scale success in process of ecological products designation. Ecological criteria of award of this sign are determined by the commission consisting of representatives of governing bodies and public associations. Criteria of obtaining are created so that only especially environmentally friendly products acquire the right to enter this sign and to advertise the ecological purity of products. As the important tool for creation of ecological transparency of the market in this country the obligation of designation of ecologically relevant product qualities serves.

Rather soft legal regulation works in the sphere of ecological safety in Great Britain. The ecological legislation of Great Britain consists of a large number of the laws and by-laws devoted to regulation of certain types of anthropogenous impact on environment and ecological safety. There was a system of state bodies led by the Ministry of the environment, which carry out the function generally coordinating in this sphere. Entering of the payment system for special water use and dumping of industrial sewage, the taxation for material use (a tax on fossil fuel) allowed Great Britain to reduce the public financial

⁴ Boychuk L.D., Solomenno E.M., Bugay O.V. *Ekologiya i receptionists: Navch. posib.* – C: University book. – 2003. – 284 p.

expenses considerably and also to reorient funds for programs in the sphere of ecological safety⁵.

A large number of laws and bylaws concerning providing of ecological safety and environmental protection work in France nowadays. The main of them are the following: "About Environmental Protection", "About Waste" and "About the Registered Buildings". The concept of ecological terrorism is stated in the Criminal code of France of 1994. France became one of the first countries, which applied a payment system for drains or emissions.

Considerable part of the work connected with providing of ecological safety is carried out by gendarmerie. The special department for coordination of actions works in the sphere of an ecological safety in national command of gendarmerie since 1992 in case. Among all divisions of gendarmerie the memorandum of the nature and the environment is distributed. However indistinct legal status of activities of police and gendarmerie concerning providing of ecological safety and insufficient material equipment slow down work of these structures.

The efficiency of environmental policy of Switzerland, where the Confederation and cantons jointly are responsible for environmental protection, is caused by the developed legislation and its accurate implementation with attraction of security forces and considerable finance costs.

The legal base of environmental protection in Switzerland is the law "About Conservation and Landscapes", which demands from the authorities preserving natural and historical monuments during solving of the tasks. More effectively the Swiss fund for protection of the national nature works.

Active environmental policy is pursued by the Netherlands. Its history originates from 60th. Later "Memorandum of Understanding of Environmental Cooperation" and "Plan of National Policy in the Field of the Environment" was accepted. The country proceeds from a possibility of coexistence of economic growth and improvement of environment quality.

The ecological policy realization is enabled at the central and municipal levels. The Ministry of Housing, Spatial Planning and Environment, which is responsible for development and implementation of plans of national policy in the field of environment and annual National ecological programs, is engaged in general coordination of environmental issues. It is promoted by the following ministries: economy; agricultural industry; management of natural resources; transport; management of water resources.

In Norway ones in two years the government provides to parliament status reports on environment in the country and about the done environmental policy. The special part in implementation of ecological policy is assigned to municipal authorities. The legislation on protection of the surrounding environment is directed on the source of dumping, and amounts of dumping are regulated for permission to them. The industry bears responsibility for observance of standard rates on environmental protection in Norway. The system of the state control is based on inspection and system audit. The Norwegian government ecological fund, which supports environmentally friendly technologies, works actively.

⁵ Novoselska L.I. *The analysis of the economical instruments in the field of ecology* / L.I. Novoselska: [Electronic resource]. – Access: http://archive.nbuu.gov.ua/portal/aturnal/lglpdp/2003_28/171_Novoselska_LG_28.pdf.

The National department of investigation and suppression of economic and ecological crime works in Norway since 80th. The managements on environment pollution abatement and against cultural values crimes are prepared under its control. The most heavy fine imposed in Norway constituted \$300 000, the same amount was constituted by the largest confiscation.

Safety issues, technical solutions in the sphere of the external environment in case of exploration and production of oil are coordinated by Norwegian Petroleum Directorate (NPD). There is a practice of issue of licenses through tender rounds.

Therefore, problems of ecological safety touch the activities practically of each of institutes of EU countries (the European Council, the European Commission, the European Parliament, the European Court of Justice, the Audit Chamber). A conductor of environmental policy in Europe is the Committee on Environmental Policy of the Economic Commission for Europe of the United Nations (UNECE)⁶.

At the moment there are numerous methods of regulation of ecological safety of the countries of the world. Much attention is paid to environment protection. In the field of ecological safety regulation various international protocols, conventions, agreements, which contain various means concerning reducing of high rates of environmental pollution, are signed. One of the main measures in the field of ecological safety is establishment of standard rates of admissible emissions of pollutants in the environment. It will allow regulating a problem of ecological safety more indicative. Other method of ecological safety regulation is an international standard on creation of ecological management system, by means of which active participation in environment protection of both the state and private enterprises is provided.

Having analyzed several countries of the European space, it is possible to come to conclusion that ecological safety along with economic integration belongs to one of priorities of the European Union functioning. Moreover, ecological policy is considered as an integral part of the European integration process. For the last 20 years the European countries adopted more than 200 laws and resolutions concerning ecological safety.

⁶ Melnyk L.H., Shapochka M.K. *Fundamentals of ecology. Ecological economics and nature management control: Textbook* / Edited by prof. L.H. Melnyk and prof. Shapochka M.K. – Sumy: "Universytetska Knyha", 2006. – p. 516–550