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GERMAN ENVIRONMENTAL LAW AND ITS HARMONIZATION WITH EU ENVIRONMENTAL LAW

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Abstract. The article reveals the essence and stages of development of European Union (EU) environmental law, with a focus on the influence of the German legal system. It outlines the historical stages of the formation of environmental law in Germany, starting from the adoption of the Nature Protection Act in 1951 and other significant environmental acts. The main principles of German environmental law, such as the "polluter pays" principle, the precautionary principle, and the guarantee of citizens' rights to environmental participation, are analyzed, as they formed the basis for the development of European environmental standards. Furthermore, the article discusses aspects of the harmonization of German environmental law with EU law and the prospects for the development of environmental legislation, particularly through the integration of new technologies, strengthening climate policies, and the development of the circular economy.

Key words: environmental law, German law, environmental protection, precautionary principle, citizens' rights, EU environmental directives, legislative harmonization, climate policy.

Introduction. The environmental law of the European Union (EU) has developed under the influence of various national legal systems. However, the German legal system has played a particularly significant role in its formation. Numerous scholarly studies are dedicated to the issues of the development and integration of German environmental law with EU law.

Consideration of this Issue in Scientific Research. When addressing this issue, it is appropriate to refer to the scientific research of Opyrshko, O. V., Tkachenko, V. M., Melnyk, O. M., Kopyyka, V. V., Shamborovsky, H. O., Shumilo, I. O., Börzel, T. A., Buzogány, A., Rűf, S., and Henn, R. However, despite numerous studies, unresolved issues remain regarding the harmonization of national norms with EU law. This issue is crucial for the further legal integration and ensuring sustainable development at the European level. This scientific article is dedicated to these questions, exploring the main problems and prospects for the further development of German environmental law in the context of its legal integration with EU law.

Objective of the Study. The goal of the study is to analyze the development of environmental law in Germany in the context of its integration with European Union law, with particular attention to how national norms have influenced the formation of European environmental standards. This study emphasizes the interaction between the federal and regional legislative systems in Germany, as well as the significance of public participation in environmental governance processes. The study also aims to assess the achievements and challenges of sustainable development in Germany, particularly in the context of energy policy and the EU's climate goals, and to identify the prospects for legal integration to achieve effective environmental governance in Europe.

Main part. The development of environmental law in Germany is the result of a gradual evolution of the legal system, particularly influenced by the growing public awareness of environmental issues. The first significant step was the adoption of the Federal Nature Protection Act (*Bundesnaturschutzgesetz*) in 1951, which laid the foundations for the systematic protection of natural objects and the creation of nature reserves. In the context of post-war Germany, this law became an important legal and social tool for addressing the ecological consequences of industrialization, which had led to the depletion

of natural resources and environmental degradation. The law provided measures for the preservation of biodiversity, landscape protection, and the establishment of reserves, which formed the basis for long-term environmental policy (Tkachenko, 2020: 12-22).

The adoption of this law reflected the growing awareness of the importance of nature for the quality of life in society. The German government recognized environmental protection as a priority area, requiring a comprehensive approach to regulate human activities that could harm nature. The law contributed to the formation of effective administrative structures dedicated to environmental protection and created a legal framework for the further improvement of environmental legislation.

Moreover, the Bundesnaturschutzgesetz of 1951 established the tradition of integrating environmental aspects into land use planning and development processes, setting the first ecological standards for land utilization. This marked the starting point for subsequent legislative initiatives that expanded the scope of environmental regulation, particularly in areas such as water protection, air quality, and pollution control (Tkachenko, 2020: 12-22).

Another important milestone in the development of Germany's environmental legislation was the Environmental Protection Act (Umweltschutzgesetz, 1974). This law introduced comprehensive regulation of air and water pollution, laying the groundwork for the implementation of preventive measures and mandatory environmental standards. The legal foundations for this law were based on international obligations, such as the Stockholm Conference Declaration of 1972, which called for global actions in environmental protection. The act became a key instrument for integrating environmental principles into national policy and the economy.

Simultaneously, the Water Resources Act (Wasserhaushaltsgesetz, 1976) provided the legal framework for the rational use of water resources. It introduced strict regulations for water quality control and measures for wastewater treatment, contributing to the preservation of aquatic ecosystems. An essential aspect of the law was the establishment of national water quality monitoring programs, which enabled effective prevention of water pollution (Hofmann, A., 2019: 342-364).

These legislative developments laid a strong foundation for the evolution of environmental law in Germany, progressively shaping the country's ecological governance framework and aligning it with both national and international environmental objectives.

The Air Pollution Control Act (Bundes-Immissionsschutzgesetz, 1974) set standards for the emissions of pollutants such as sulfur and nitrogen oxides, which caused acid rain and negatively impacted public health. The law was based on the principles of environmental justice, guiding industrial enterprises to implement modern emission-reducing technologies. This document initiated a systematic approach to monitoring and regulating air quality.

An important achievement of these legislative acts was the establishment of the foundation for corporate environmental responsibility, including the introduction of sanctions for exceeding established norms. All these measures contributed to the shift from a reactive approach to environmental protection to a preventive one, ensuring sustainable management of natural resources. They became the basis for further development of environmental legislation and cemented Germany's position as one of the world leaders in environmental protection.

The adoption of the Climate Protection Act (Klimaschutzgesetz) and the subsequent implementation of the Energiewende program are part of Germany's integrated environmental regulation strategy, which is setting new standards in international legal practice. These initiatives reflect the country's ambition not only to meet international agreements but also to become a global leader in the fight against climate change and in ensuring sustainable development.

The Climate Protection Act set annual emission quotas for key sectors of the economy, such as energy, industry, transportation, and the residential sector. To monitor effectiveness, an independent body – the Climate Expert Council – was established, conducting regular assessments of goal

achievement. Importantly, the law enshrines the "polluter pays" principle, encouraging companies to invest in environmentally friendly technologies (Shumilo, I. O., 2017: 45-58).

Energiewende became not only an environmental but also an economic revolution. Investments in infrastructure, including the development of wind farms in the north and solar parks in the south, created thousands of jobs. The government supported the program with subsidies for households transitioning to energy-efficient technologies. Additionally, co-financing schemes were developed for small and medium-sized enterprises modernizing their production facilities in line with environmental standards.

These measures by Germany became a catalyst for the adoption of similar initiatives in other European Union countries. In particular, Germany actively influenced the formation of the European Green Deal, which aims to achieve climate neutrality in the EU by 2050. At the global level, the country uses diplomatic platforms to promote the conclusion of multilateral agreements on reducing greenhouse gas emissions and financing "green" technologies in developing countries.

In light of new challenges, such as increasing energy demands and the implementation of hydrogen technologies, Germany continues to adapt its legislation. It is expected that future initiatives will focus on the creation of carbon-neutral production chains, stimulating the circular economy, and integrating artificial intelligence into resource management.

Thus, Germany's comprehensive approach to environmental legislation demonstrates not only legal excellence but also a strategic vision aimed at harmonizing economic growth with environmental protection.

German law has gained a reputation for high quality due to a number of fundamental factors that ensure its effectiveness and stability. The German legal system is based on carefully developed codes that guarantee consistency and predictability of norms. Key codes such as the Civil Code (Bürgerliches Gesetzbuch, BGB) and the Criminal Code (Strafgesetzbuch, StGB) create a stable legal foundation for regulating a wide range of social relations. Codification allows for the avoidance of legal gaps and redundancy of norms, making the legal system understandable for both lawyers and citizens (Melnyk, O. M., 2019: 101-115).

One of the key features of German law is its unwavering commitment to the principle of rule of law (Rechtsstaat). This ensures the protection of human rights, equality before the law, and judicial independence. The Federal Constitutional Court (Bundesverfassungsgericht) plays a crucial role in overseeing the adherence to the Basic Law (Grundgesetz), which adds stability to the system.

German law retains the ability to adapt, responding to new challenges such as digitalization, climate change, and the development of international law. Through amendments to codes and the adoption of new laws, the system quickly integrates modern realities while maintaining its relevance.

Lawyers in Germany undergo a multi-level training process, which includes theoretical education at universities and practical legal training (Referendariat). This approach ensures a high professional level among legal practitioners, contributing to the effective application of the law.

German law has had a significant influence on the development of legal systems in other countries, particularly in Europe, Latin America, and Asia. For example, many provisions of the German Civil Code became the foundation for the legal systems of Japan and China. This influence is due to the systematic nature, detailed approach, and practical orientation of the German legal model.

Although Germany belongs to the continental legal family, judicial practice plays a significant role in interpreting norms. Decisions of higher courts, such as the Federal Court of Justice (Bundesgerichtshof), carry substantial authority and help clarify and develop the legislation.

German law is actively focused on the protection of individual rights, particularly in areas such as labor law, social security, and consumer protection. This reflects the social orientation of the system and contributes to maintaining public trust in legal institutions. Thus, German law is considered

exemplary due to its systematization, stability, and ability to innovate, allowing it to effectively regulate social relations and respond to contemporary challenges (Melnyk, O. M., 2019: 101-115).

One of the features of the German legal system is its close connection with legal science. German legal scholars play a key role in developing legislative acts, providing scientific justification for legal norms. This makes the law more adaptable to modern challenges such as digitalization, climate change, and globalization.

Scientific discussions conducted at leading universities and research institutions contribute to the production of theoretically sound and practically justified solutions. For example, the concepts developed in the works of renowned German legal scholars, such as Rudolf von Jhering and Hans Kelsen, continue to have a significant influence on the development of law not only in Germany but also on an international scale.

Moreover, the involvement of scholars in parliamentary committees helps integrate modern research into the legislative process, ensuring a harmonious combination of theory and practice. This is particularly important in complex legal areas such as antitrust regulation, data protection, and environmental protection, where an interdisciplinary approach is needed.

The scientific approach is also reflected in the legal education system, where students are actively engaged in analyzing real-life cases, participating in mock trials, and conducting their own research. Such integration of science and education contributes to the preparation of highly qualified specialists who are capable of working effectively in the modern legal environment.

The Basic Law of Germany (Grundgesetz), which serves as the country's constitution, acts as a guarantee of human rights and fundamental freedoms, providing a stable and reliable foundation for the legal order (Hofmann, A., 2019: 342-364). Adopted after World War II, it enshrines fundamental rights such as freedom of speech, the right to privacy, freedom of religion, and equality before the law. This approach to human rights is a key element that makes German law one of the most protected in the world.

The Basic Law laid the foundation for creating a legal system in which the protection of individual rights is a priority. According to it, any restrictions on citizens' rights must be strictly justified and regulated by law. Violations of these rights can be challenged in the Constitutional Court, ensuring a high level of human rights protection in Germany.

The German judicial system is known for its efficiency and independence, ensuring fair and swift access to justice for all citizens. The country has a variety of court instances, including federal, state, and specialized courts, which allow for the rapid resolution of various legal disputes. Notably, the independence of judges is a cornerstone of ensuring objectivity and impartiality in decision-making.

Germany actively integrates international standards and legal norms, such as the rulings of the European Court of Human Rights and European Union regulations, into its national legal system. This improves the quality of national legislation and ensures its compliance with international obligations. The combination of domestic legislation and international standards allows Germany to maintain a high legal reputation on the international stage (Shumilo, I.O., 2017: 45-58).

In this context, Germany is also actively developing international cooperation in the field of human rights, becoming one of the leaders in global legal protection.

A high level of civic participation in the German legislative process is an important factor contributing to the country's democratic development and ensuring the consideration of the interests of various social groups. Citizens have the opportunity to actively participate in the development of laws through various channels, such as petitions, public hearings, and consultations. This ensures balance and fairness in legal regulation, as legislators take into account the opinions and needs of broad segments of the population.

A characteristic of the German system is that civil society actively interacts with state authorities through consultations with non-governmental organizations, trade unions, and participation in par-

liamentary debates. This interactivity enhances the quality of legislation and ensures its support from citizens.

The German legal system is renowned for its stability and predictability, which is an important factor in ensuring trust from both citizens and businesses. Legislative changes are generally not radical but occur gradually, allowing all participants in the legal system to adapt to new conditions. Changes in the law typically go through a thorough process of discussion and analysis, which ensures their stability and consistency.

This also contributes to the creation of a favorable business environment, where entrepreneurs can clearly predict the legal consequences of their actions. Legal stability is an important element for attracting investment and supporting the country's economic development, as companies are confident in the predictability of laws, which reduces legal risks.

The aforementioned factors – stability, the involvement of civil society, and the integration of international standards – together create the high quality of the German legal system. It is able to effectively respond to new challenges, take into account changes in society and the economy, which ensures its capacity for adaptation and development. This system continues to uphold a high level of legal culture, protects citizens' interests, and contributes to the country's economic prosperity, creating a favorable environment for the development of a democratic society.

Germany was one of the first countries to develop a comprehensive environmental policy and legislation, starting in the 1970s. German environmental law laid the foundations for the principles that were later integrated into the EU's environmental policy. The key aspects that influenced European environmental legislation include the "polluter pays" principle: This principle, enshrined in German law, became the basis for the development of European norms that require polluters to bear financial responsibility for the damage caused to the environment (Opryshko, O.V., 2001: 28).

This approach reflects the desire to ensure economic responsibility for environmental consequences. The precautionary principle: German legislation introduced this principle, which allows for taking measures to protect the environment even in cases where scientific data on potential harm is incomplete. This has become an important component of the EU's environmental policy, where preventive actions are prioritized. Protection of citizens' rights: German environmental law also emphasizes citizens' right to a clean environment and their participation in decision-making processes related to environmental protection. These principles have found their reflection in EU legislation, particularly in the Aarhus Convention (Henn, R. 2020: 300-315).

The integration of German environmental law into European legislation was an important stage in the development of the European Union's environmental policy. This process took place through several main channels, such as directives, regulations, and judicial practice, which facilitated the adaptation of German environmental standards to the broader context of European norms.

Germany actively participated in the development of EU environmental directives and regulations. For example, Directive 2008/50/EC on air quality and Directive 2006/118/EC on the protection of groundwater were developed with consideration of German environmental standards. This allowed for the harmonization of national norms with European requirements, enabling better solutions to transnational environmental issues, such as air pollution or water resource degradation. In its environmental policy, Germany has been one of the leaders in the EU, actively promoting the adoption of high environmental protection standards (Börzel, T.A., Buzogány, A. 2019: 315-341).

The Court of Justice of the European Union (CJEU) plays a crucial role in shaping the EU's environmental policy, frequently referencing principles enshrined in German environmental law when making decisions in cases related to environmental protection. The Court actively interprets and applies principles that reflect national approaches to environmental standards, thereby ensuring the development of a unified policy at the European Union level. This process helps create a cohesive legal framework for environmental protection within the EU, where national

characteristics, particularly German ones, serve as the foundation for formulating pan-European solutions.

Thanks to the influence of German environmental law on European legal practice, the EU has developed a unified environmental policy that covers a broad range of issues, from air pollution to water resource management. Germany has played a significant role in advancing this policy by participating in the development of legislative initiatives and supporting their implementation at the national level. As a result, the EU has established clear and effective legal mechanisms to ensure sustainable development and environmental protection.

Thus, the process of integrating German environmental law into European legislation has become a key milestone in the development of a unified EU environmental policy, which contributes to the effective resolution of environmental issues on an international level.

Germany is actively responding to environmental challenges, leading to the development of new legal norms.

The Renewable Energy Sources Act (*Erneuerbare-Energien-Gesetz*, EEG) is one of Germany's key initiatives in the field of energy policy, aimed at supporting and developing renewable energy sources, particularly solar and wind power. This law was adopted to ensure a smooth transition to sustainable and environmentally friendly energy, reducing dependence on fossil fuels and helping to lower greenhouse gas emissions.

Under the EEG, the support for renewable energy development is implemented through mechanisms such as financial support, fixed-rate electricity purchases (Feed-in Tariffs), and favorable conditions for investors. These measures stimulate the production of clean energy and make it economically competitive (Börzel, T.A., Buzogány, A., 2019: 315-341).

The integration of smart technologies into energy systems is a critical step for the further development and efficient use of renewable energy sources. Technologies like smart grids and energy storage systems are capable of optimizing the use of renewable energy, ensuring the stability of the energy system despite fluctuating production from solar and wind energy. This helps reduce reliance on traditional energy sources and makes energy networks more adaptable to changing demands.

Norms for integrating such technologies into legislation may include standards for smart energy grids, regulations for energy storage systems, and incentives for investments in innovative energy solutions. These measures will further enhance the effective use of solar and wind energy. The law can also account for new strategies to reduce the costs of these technologies and ensure their accessibility for a wide range of consumers and businesses. Ultimately, this will foster the transition to cleaner energy and improve the country's energy independence.

The Federal Climate Protection Act (*Bundes-Klimaschutzgesetz*), adopted in Germany in 2019, forms the foundation of the national climate policy aimed at combating climate change. The law sets specific targets for reducing greenhouse gas emissions by 2030, including a 55% reduction by 2030 compared to 1990 levels. The goal is to achieve carbon neutrality by 2050, meaning the complete reduction or neutralization of greenhouse gas emissions.

This law requires the development and implementation of detailed plans and measures to meet these ambitious goals, including sectoral targets for individual industries such as energy, transport, industry, and construction (Rüf, S., 2015: 209-230).

For example, in the energy sector, there are plans to significantly increase the use of renewable energy sources and gradually phase out coal. Energy efficiency improvements, especially in the construction and industrial sectors, are also prioritized. Financial mechanisms and environmental taxes will be introduced to encourage the reduction of greenhouse gas emissions and support innovations in green technologies.

Furthermore, Germany is committed to adapting its legislation in line with new international obligations and internal needs to achieve carbon neutrality by 2050. This will involve changes to existing

laws and the addition of new provisions that support the transition to renewable energy sources, the reduction of emissions across all sectors of the economy, and the implementation of CO₂ absorption technologies (Shumilo, I.O., 2017: 45-58).

To achieve this goal, coordination with other EU countries will be crucial, as much of the effort to combat climate change is part of a broader European and global strategy for climate protection.

The Environmental Information Access Act (Gesetz über den Zugang zu umweltbezogenen Informationen, UZG) is an essential element of Germany's national environmental policy, ensuring citizens' right to access information about the state of the environment, pollution, and the use of natural resources (Henn, R., 2020: 300-315).

However, to enhance transparency and encourage active public participation in environmental decision-making, this law may be expanded. Specifically, amendments could include broadening the list of information available to the public, such as environmental assessments and permits for activities that impact the environment, as well as facilitating participation in consultations regarding new environmental projects and permits. Additionally, digital platforms could be introduced to ensure convenient access to this information. Changes may also include strengthening the legal protection of citizens in case of denial of access to information and ensuring access to data on climate change and adaptation strategies. This would foster greater public involvement in environmental processes and contribute to the development of more transparent and effective environmental policy at the national level.

The Circular Economy Act (Kreislaufwirtschaftsgesetz) is a key element of Germany's environmental policy aimed at ensuring effective waste management and promoting the development of a circular economy. In response to new ecological challenges and in support of sustainable development principles, this law is undergoing changes. One of the key changes involves introducing new rules to encourage recycling and the reuse of materials, which will significantly reduce the amount of waste sent to landfills (Melnyk, O.M., 2019: 101-115).

Specifically, new requirements for businesses and consumers may be introduced to increase the volume of recycled materials, as well as new standards to improve recycling processes. This includes requirements for products to be designed in a way that makes them easier to recycle and encouraging the use of renewable materials instead of new ones. The law may also include the expanded implementation of take-back systems, support for innovative recycling technologies, and raising public awareness of the importance of waste reduction and material reuse.

Thus, changes to this law not only contribute to reducing the negative impact on the environment but also create new opportunities for businesses and investors in the fields of sustainable development and the circular economy.

Germany actively participates in international agreements, such as the Paris Agreement. At the national legislative level, this is reflected in the adaptation of the Federal Climate Protection Act, aligning it with international commitments.

The Environmental Data Act (Umweltdaten-Gesetz) provides for the creation of systems for monitoring the state of the environment, utilizing the latest technologies for data collection and analysis (Melnyk, O.M., 2019: 101-115).

Germany successfully implements a number of practical solutions to overcome the challenges of harmonizing its environmental legislation with EU law. These solutions include the harmonization of legislation, cooperation between different levels of government, financial support, adaptation of judicial practices, raising public awareness, and effective monitoring. This comprehensive approach enables Germany not only to meet the EU's requirements but also to be a leader in environmental law.

The harmonization of German environmental law with EU law involves several key strategies and approaches that have already been implemented. To adapt national norms to EU requirements,

Germany is actively updating its legislation and implementing new laws. One important step was the implementation of Directive 2008/50/EC on air quality through the update of the Federal Immission Control Act (*Bundes-Immissionsschutzgesetz*). These changes included setting new air quality standards and improving monitoring mechanisms, which aligned national norms with EU requirements. This not only improved air quality in Germany but also ensured compliance with EU standards on public health and ecology.

A distinctive feature of Germany's system is the distribution of powers between the federal and state levels (Radaelli, C., Salter, J.P., 2019: 36-53). To successfully implement European norms, close cooperation between Germany's federal states is necessary. In this context, the creation of platforms for exchanging information and best practices has become an important tool for ensuring the effective implementation of EU regulations. For example, the annual Environmental Policy Conferences, where representatives from various states gather, provide an opportunity to discuss successful practices and ensure a unified strategy for meeting EU requirements.

To implement new norms and technologies, Germany has developed financing programs. These programs support businesses in adapting to new environmental requirements set by EU directives. They help reduce the financial burden on businesses and promote faster implementation of technologies that contribute to environmental conservation.

Raising environmental awareness among the population and businesses is also an important aspect of Germany's environmental policy. Various programs, particularly in education, aim to increase environmental awareness in schools, businesses, and among citizens, ensuring better understanding of ecological norms and their importance for sustainable development. This helps individuals and companies better comprehend and implement environmental requirements, contributing to the successful execution of European directives.

The future development of German environmental law includes the integration of new technologies, strengthening climate policy, improving environmental legal protection, promoting the circular economy, enhancing environmental education, international cooperation, and the use of digital technologies.

Key areas shaping the future of environmental law include integrating innovations in clean technologies and renewable energy, which require the creation of corresponding legal frameworks to support such technologies. Strengthening climate policy and achieving carbon neutrality by 2050 will necessitate improvements in legislation to reduce greenhouse gas emissions and promote sustainable development. Improving environmental legal protection involves new regulations to preserve natural resources and reduce pollution. The development of the circular economy requires stronger regulation in the areas of recycling and material reuse.

Enhancing environmental education will become a crucial factor in shaping an environmentally conscious society. International cooperation with other countries and international organizations to address global environmental issues requires the integration of international standards into national legislation. The use of digital technologies will improve environmental monitoring and increase the effectiveness of environmental policies by providing faster access to information and promoting sustainable development.

These areas require active changes in legislation and open new opportunities for effectively managing environmental challenges and achieving climate goals.

Conclusion. German environmental law has become a significant source for the development of EU environmental law. Its principles and regulations have not only influenced the formation of pan-European environmental standards but also contributed to the development of a legal framework that ensures effective environmental protection within the EU. The interaction between national legal systems, particularly the German system, and European legislation demonstrates how legal integration can lead to the creation of a comprehensive and effective environmental policy.

The development of environmental law in Germany is the result of a long evolutionary process, reflecting the growth of society, increasing environmental awareness, and the commitment to meet international standards. Starting with the adoption of the Nature Protection Act in 1951, Germany gradually formed a comprehensive system of environmental legislation that takes into account national needs, international obligations, and innovative approaches to environmental protection.

National laws, such as the Climate Protection Act, the Renewable Energy Act, and the Waste Management Act, not only address local environmental challenges but also set standards for other European Union countries. Germany actively implements sustainable development principles, including the "polluter pays" principle, the precautionary principle, and the guarantee of citizens' rights to a clean environment.

The process of harmonizing Germany's environmental law with EU legislation is based on the implementation of directives, effective cooperation between federal and regional authorities, financial support for environmental initiatives, and the enhancement of environmental awareness among the population. These measures have allowed Germany to achieve a high level of integration with European standards while maintaining leadership in shaping environmental policy.

The consistency of legal norms, the scientific approach to the development of legislation, and the stability and effectiveness of the legal system provide a foundation for further improvements in environmental law. Germany remains an example for other countries in the field of environmental regulation, demonstrating how legal tools can effectively support sustainable development and the protection of environmental resources.

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