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**PROSPECTS OF LEGAL REGULATION  
OF ENVIRONMENTAL DETERMINANTS OF HEALTH  
IN UKRAINE**

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**INTRODUCTION**

The unwavering commitment to implementing the «One Health Approach» was confirmed in a joint statement by world leaders of the quadripartite cooperation in the field of human, animal, plant, and ecosystem health, published at the Third Annual Quadripartite Executive Meeting on March 25–27, 2025. It includes the World Health Organization, the World Organization for Animal Health, the Food and Agriculture Organization of the United Nations, and the United Nations Environment Programme (UNEP). This comprehensive approach summarizes a century-old concept that reflects the widely recognized interconnection between human, animal, and plant health and the state of the environment.

The European Commission (EC) launched the European Climate and Health Observatory in February 2021. It applied a «One Health Approach». This partnership between the EC, the European Environment Agency, the European Centre for Disease Prevention and Control, the European Food Safety Authority, and other organizations. Its goal is to enable decision-makers to visualize the health risks associated with climate change and help them act and respond to these risks.

Public health is classified as one of the socio-economic sectors vulnerable to the effects of climate change in the Strategy for Environmental Security and Adaptation to Climate Change for the period up to 2030<sup>1</sup>. Climate change, rising air temperatures, sharp fluctuations in atmospheric pressure, and pollution of water sources, atmospheric air, and soil are identified as factors that negatively impact public health. They can cause the emergence of non-communicable diseases, the spread of infectious diseases, and the exacerbation of chronic diseases.

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<sup>1</sup> Стратегія екологічної безпеки та адаптації до зміни клімату на період до 2030 року, схвалена розпорядженням Кабінету Міністрів України від 20 жовтня 2021 р. № 1363-р. URL: <https://zakon.rada.gov.ua/laws/show/1363-2021-p>

Global climate change and its negative consequences for a number of economic sectors and areas of human activity, changes in consumption and production, the introduction of innovations in industry, agriculture, and energy, as well as socio-economic factors are leading to a significant transformation of environmental factors, which requires a rethinking of approaches to public health.

The war waged by the aggressor state against Ukraine has a devastating impact on the environment in Ukraine, creating long-term risks for the population. Hostilities cause massive fires, destruction of ecosystems, loss of biodiversity, damage to communications, contamination of territories with mines and explosive objects, destruction of industrial facilities and infrastructure, leading to toxic emissions, as well as significant environmental pollution, making access to natural resources impossible, and disrupting natural processes and climate stability. This directly affects human health, increasing the risk of respiratory and oncological diseases.

Research into the prospects for legal regulation of environmental determinants of health in Ukraine is important. It can help in the search for mechanisms for shaping state policy based on sustainable development, taking into account the environmental determinants of public health, as well as in the creation of an effective, comprehensive, and sustainable system for protecting public health from environmental threats.

## **1. Environmental determinants of health in the concept of a “one-size-fits-all approach to health”**

The understanding of human health as a multifaceted category is shaped by a complex set of interrelated factors. It is crucial for the integration of the One Health approach into national policy.

The One Health integrated approach involves shared principles at the local, regional, national, and global levels. It is important for ensuring a sustainable balance and optimizing the health of people, animals, plants, and ecosystems, as well as for managing health risks in human-animal-plant-environment interactions.

The development of the healthcare system by increasing its resilience and readiness to respond to challenges and threats based on the «One Health» principle is the goal of the Healthcare System Development Strategy for the period up to 2030<sup>2</sup>.

The Law of Ukraine «On the Public Health System» lists measures to protect health and ensure sanitary and epidemiological well-being of the

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<sup>2</sup> Стратегія розвитку системи охорони здоров'я на період до 2030 року та затвердження операційного плану заходів з її реалізації у 2025-2027 роках, схв. розпорядженням Кабінету Міністрів України від 17 січня 2025 р. № 34-р. URL: <https://zakon.rada.gov.ua/laws/show/2573-20>

population in the public health system, including «prevention of infectious and non-infectious diseases in accordance with the epidemic situation and forecast of its changes based on a comprehensive approach – one health». The definition of the concept of «one health» contained in Article 1 is crucial to understanding this. One health is a cross-sectoral approach to the development and implementation of programs, state policy, legislation, and scientific research, in which several sectors interact, such as medicine, occupational medicine, veterinary medicine, food safety, and environmental protection, with the aim of ensuring the protection of health and sanitary and epidemiological well-being of the population and achieving better results in the field of public health.

The issue of developing a consolidated public health policy has been widely researched in scientific sources. Its implementation requires both direct health care and measures to protect the environment, improve working conditions, living conditions, food and water, etc., as well as prioritizing public health issues in the country's national policy, based on public health and human rights values.<sup>3</sup>

Identifying health determinants, such as root causes and influencing factors that shape the health of humans, animals, and ecosystems, is important for researching the One Health approach.

Scientific literature identifies five areas in which empirical research on health determinants can be valuable for strengthening health, preventing disease, and reducing premature mortality. These include, in particular, community participation; identifying the most important health determinants for widespread dissemination by educational and medical institutions to the population; further research into determinants that are theoretically identified as crucial to public health but whose impact on public health has not been sufficiently studied for objective or subjective reasons, especially for certain social or ethnic groups; systematic research and analysis of the impact of determinants on health, which is due to their high level of variability caused by scientific and technological progress, changes in social relations, the social environment, armed and socio-political conflicts, natural or man-made disasters; the existence of territorial differences in the determinants of population health, which are related to historical, cultural, and other factors<sup>4/</sup>

The development, approval, and implementation of procedures and policies that positively influence health determinants is an important goal of the

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<sup>3</sup> Лехан В. М., Онул Н. М., Крячкова Л. В. Засади міжнародної та національної політики і стратегій у сфері громадського здоров'я/ Система охорони здоров'я в Україні та країнах СС: реалії, трансформація, вектори розвитку, перспективи : наукова монографія. Рига, Латвія: «Baltija Publishing», 2023. С.61-98. DOI <https://doi.org/10.30525/978-9934-26-330-9-3>

<sup>4</sup> Шушпанов Д.Г. Дтермінанти здоров'я населення: суть та особливості систематизації. *Демографія та соціальна економіка*. 2015. № 2 (24). С. 141–153. DOI: <http://dx.doi.org/10.15407/dse2015.02.141>

operational functions of the public health system. It is defined in Article 4 of the Law «On the Public Health System». That is, the ultimate goal of implementing these functions is health determinants.

Initial discussions about the role of external factors in health began as early as the 19th century. For a long time, until the 1950s, experts considered biological and physical factors to be the most important among these factors. However, scientists gradually shifted their focus to studying health determinants as factors with a more specific impact on the subject of research—public health.

A common interpretation of health determinants is a set of personal, social, economic, and environmental factors that influence the health status of the population and a person's current well-being.

D.G. Shushpanov defines the concept of «health determinants» as conditions that determine differences in the health of individuals, population groups, or the population of a country as a whole<sup>5</sup>.

In Article 1 of the Law of Ukraine «On the Public Health System», the concept of «health determinants» is defined as a set of individual, social, economic, and environmental factors that determine the health status of individuals, contingents, or population groups<sup>6</sup>.

As can be seen from Article 1 of the law, environmental factors are given prominence alongside individual, social, and economic factors. However, further on in the law, the legislator, in providing definitions of individual, social, and economic factors, did not pay attention to the understanding of environmental determinants of health.

The draft law «On the Public Health System» contained a definition of the concept of «environmental determinants of health» as natural climatic, geochemical, geophysical, and biocenotic conditions that affect health. This definition could be used as a basis, but it is absent from the current version of the relevant law. However, certain shortcomings of this wording should be pointed out, given that, firstly, the definition focuses only on natural conditions, completely excluding or downplaying the influence of human activity, secondly, the definition only states that conditions «affect health» but does not reflect dynamic interactions or mutual influence (interdependence).

The concept of a «unified approach to health» demonstrates the significant role of environmental determinants in the public health system. In the public health system, they occupy an important place alongside individual,

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<sup>5</sup> Шушпанов Д.Г. Детермінанти здоров'я населення: суть та особливості систематизації. *Демографія та соціальна економіка*. 2015. № 2 (24). С. 141–153. С. 144. DOI: <http://dx.doi.org/10.15407/dse2015.02.141>

<sup>6</sup> Про систему громадського здоров'я: Закон України від 06 вересня 2022 р. № 2573-IX. URL: <https://zakon.rada.gov.ua/laws/show/2573-20>

economic, and social determinants, as they are fundamental external factors that directly and indirectly affect the health of the population. They shape the environment in which people live and work and can be both a source of risk and a factor contributing to public well-being. The direct impact of environmental determinants occurs when air, water, and soil are polluted by industry, transport, or agriculture. At the same time, they are a direct risk factor for health, as they can lead to respiratory diseases, cancer, and other health problems.

The consequences of ecosystem degradation, climate change, and biodiversity loss create long-term risks, demonstrating the indirect impact of environmental determinants. They affect access to clean water, safe food, and stable weather conditions, which in turn worsens the health of the population. It should also be noted that the quality of environmental health depends on a person's socioeconomic status.

Research by scientists at the University of Wisconsin's Institute for Population Health distributes the importance of different groups of determinants for health as follows (2010): social and economic – 40%, lifestyle – 20%, medical care – 20%, environment – 10%<sup>7</sup> =.

Contemporary scientific research shows a clear trend toward an increase in the share of environmental determinants in their totality. This proves the importance of environmental determinants in shaping the health of the population, its dependence not only on socio-economic and behavioral factors, but also on the external conditions in which a person lives, and, accordingly, the need to study the structural elements of environmental determinants, their mechanism of action in specific conditions, and forecasting for the future.

Agreeing with D.G. Shushpanov, the strategy of state management in the field of health care should be based on a fundamentally new interpretation of the cause-and-effect relationships between the environment (social and physical) and the health of the population, ensuring the formation of qualitatively new approaches to health preservation at the individual and population (global, national, regional) levels.<sup>8</sup>

The vectors through which causal relationships operate—demographic, environmental, social, and organizational—are analyzed in scientific sources. The environmental vector is considered through elements of the environment that include all potentially harmful substances and particles that may be present in macro- and micro-environments, such as dust, lead, asbestos, and other substances associated with industrial, agricultural, transport, or construction

<sup>7</sup> Booske, B. Different perspectives for assigning weights to determinants of health / B. Booske, J. Athens, D. Kindig, H. Park, P. Remington. – Retrieved. URL: <https://uwphi.pophealth.wisc.edu/publications/other/different-perspectives-for-assigning-weights-to-determinants-of-health.pdf>.

<sup>8</sup> Шушпанов Д.Г. Детермінанти здоров'я населення: суть та особливості систематизації. *Демографія та соціальна економіка*. 2015. № 2 (24). С. 141–153. С. 143.

activities. The environmental vector also covers meteorological, tidal, and geophysical hazards, such as radiation, floods, and droughts, as well as long-term climate threats and hazards. It includes microbiological agents, microbes, viruses, bacteria, prions, and other biological stressors. It includes some psychological stressors and mediators, such as noise, working conditions, etc. It also includes transportation systems, buildings, homes, and the structural organization of workplaces and schools. It includes sanitation and clean water systems<sup>9</sup>.

According to the Environmental Performance Index (EPI), calculated in 2024 by Yale University in partnership with the World Economic Forum and the European Commission's Joint Research Centre under the supervision of the United Nations, 180 countries were ranked according to 58 performance indicators grouped into 11 categories of issues, including air quality, air pollution, waste, wastewater, sanitation and drinking water, heavy metals, agriculture, fisheries, biodiversity and habitat, and climate change mitigation<sup>10</sup>. Through these performance indicators, the ERI seeks to show the level of sustainable development in the world, designed to determine both the assessment of the global environmental system and the individual level of achievement of environmental goals by states. Environmental goals are divided into three groups: natural resource management (ecosystem vitality); climate change prevention; environmental health. The EPI serves as an indicator of the effectiveness of national environmental policy, measuring the degree to which a country is approaching its goals, while at the same time ensuring that the country's environmental development level provides healthy living conditions for every person. To achieve this goal, the harmonization and balancing of the state's environmental policy should be aimed at identifying environmental problems, setting development goals that take into account the environmental component, tracking trends in environmental indicators, and justifying and using best practices to improve environmental policy<sup>11</sup>. These factors are key to the functioning of the public health system in Ukraine and ensure the strengthening of public health, disease prevention, and improved quality and longevity of life. The goal outlined by the EPI, namely environmental health (ecological health), aims to assess the impact of the environment on human health.

<sup>9</sup> Харченко Н. В., Зюзін В. О., Коршенко В. О., Костріков А. В. Громадське здоров'я та його детермінанти. *Вісник соціальної гігієни та організації охорони здоров'я України*. 2022. № 2 (92). С. 4–10. С. 7.

<sup>10</sup> Блок С., Емерсон, Дж. В. Есті, округ Колумбія, де Шербінін, А., Вендлінг З. А. та ін. (2024). Індекс екологічної ефективності за 2024 рік . Нью-Хейвен, Коннектикут: Єльський центр екологічного права та політики. URL: <https://epi.yale.edu>

<sup>11</sup> Федуллова І. В., П'ятницька Г. Т., Жуковська В. М., Кандагура К.С., Григоренко О. М., Шумська С.С. Екологічні детермінанти сталого розвитку країни. *Укр. геогр. журн.* 2023. № 2. С. 48–59. DOI: <https://doi.org/10.15407/ugz2023.02.048>

D.G. Shushpanov points to the diversity of health determinants and systematizes them according to their scale of influence on public health. He proposes three levels of determinants:

- contextual as the highest, which is a prerequisite for the formation of determinants of other levels (this includes health determinants that are most distant from an individual but have an impact on them). They are associated with the complex phenomenon of globalization – the worldwide integration of technological, economic, social, cultural, institutional, environmental, and other processes. The relationship between globalization and health is multifaceted; globalization can affect health in countless ways. Its effects can be direct – at the level of the population as a whole or of individuals – or indirect, through the economy and other determinants such as education, culture, etc.

- structural (most determinants at the structural level affect the health of the population directly, but do not determine its individual characteristics. Determinants that determine population health at the structural level can be grouped into social, economic, cultural, medical, and environmental factors);

- proximal as the lowest level, at which the health of an individual is actually determined by the action of determinants at all levels, which should be grouped into social, economic, cultural, and environmental factors<sup>12</sup>.

The author concluded that despite the hierarchical nature of these levels, the essence of determinants at different levels does not change, and only their form can change. Some of them affect health indirectly, while others affect it directly.

Thus, it can be argued that environmental determinants focus on different levels, changing their form. This necessitates scientific research to answer questions about the concept and content of environmental determinants of health at different levels.

Although scientists are conducting research on the principles of environmental policy formation, it should be noted that their research is fragmentary. Thus, S. Luthra, D. Garg, and A. Khalim, researching the priorities in the formation and regulation of environmental policy within the framework of sustainable development strategy from the perspective of government, industry, and society, do not pay attention to the aspects of determining the environmental determinants of sustainable development components<sup>13</sup>.

In N. Bobrovskaya's thorough study devoted to the consideration of priorities in the formation of environmental policy in a number of countries

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<sup>12</sup> Шушпанов Д.Г. Детермінанти здоров'я населення: суть та особливості систематизації. *Демографія та соціальна економіка*. 2015. № 2 (24). С. 141–153. С. 143.

<sup>13</sup> Luthra, S., Garg, D., & Haleem, A. (2016). The Impacts of Critical Success Factors for Implementing Green Supply Chain Management towards Sustainability: An Empirical Investigation of Indian Automobile Industry. *Journal of Cleaner Production*, 121, 142–158. DOI: <https://doi.org/10.1016/j.jclepro.2016.01.095>

with the establishment of the consequences of ecosystem destruction, there is no definition of best practices for the formation of environmental policy<sup>14</sup>.

The consequences of implementing environmental policy tasks are overlooked. For example, O. Beshpalova, analyzing the environmental legislation of EU countries and their environmental policy, focusing on the environmental performance index, characterized certain aspects of the formation of the environmental policy of the European Union countries, but the consequences of implementing this policy to support the environmental security of states were left out of consideration<sup>15</sup>.

D.G. Shushpanov focused on the environmental aspects of public health, researching the impact of location and living conditions on health. He identified patterns between the state of the environment (living conditions, area of residence, working conditions) and health status<sup>16</sup>.

To address the issue of public health preservation, G.V. Oganezova proposed the concept of a health-oriented economy, which aims to reduce health risk factors and maintain a high level of health at all levels of human capital formation and accumulation. She rightly points out the relevance of identifying and analyzing environmental threats to public health and searching for tools to form a health-oriented economy that takes environmental factors into account. The author supports her conclusion with disappointing statistics, according to which every sixth death in the world is caused by poor ecology, as well as poor living and working conditions; the mortality rate due to environmental pollution is three times higher than the mortality rate from AIDS, tuberculosis, and malaria combined.

In her search for mechanisms to form a health-oriented economy in Ukraine, G.V. Oganezova uses the concept of «nvironmental determinant/factor» in an expanded interpretation as a system of interrelated natural and anthropogenic objective phenomena in which people work, study, live, and relax. This system consists of the environment, the quality of the working environment, and living conditions<sup>17</sup>.

The scientific position on the need to identify environmental determinants, taking into account the structure of the «green» economy, which provides

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<sup>14</sup> Бобровська Н. В. Пріоритети глобальної екологічної політики. International Scientific Conference Innovative Economy: Processes, Strategies, Technologies: Conference Proceedings, Kielce, Poland, January 27, 2017. Part II. P. 61–64.

<sup>15</sup> Беспалова О. Екологічна політика країн ЄС щодо регулювання суспільних відносин у сфері підтримання екологічної безпеки. *Вісник Харківського національного університету імені В.Н. Каразіна*. Серія «Право». 2020. Вип. 30. С. 147–155.

<sup>16</sup> Шушпанов Д.Г. Соціально-економічні детермінанти здоров'я населення : монографія. Тернопіль : Економічна думка, 2017. 878 с. С. 612–653.

<sup>17</sup> Оганезова Г.В. Екологічний фактор у формуванні здоров'яорієнтованої економіки. *Економіка і регіон*.2022. № 4 (87). С. 268–274. DOI: 10.26906/EiR.2022.4(87).2808

for a harmonious combination of the economy, the ecosystem, and human well-being, is reasonable<sup>18</sup>. This is in line with the goals of sustainable development, which call for integrating environmental issues with the social and economic development of countries by setting and coordinating a bunch of economic, social, and environmental goals.

The UN General Assembly Resolution «Transforming our world: The 2030 Agenda for Sustainable Development» of September 25, 2015, health and well-being in relation to environmental factors and human labor activities are presented as the end results, determinants, and systemic factors that contribute to sustainable development. The Sustainable Development Goals are integrated and indivisible, covering the economic, environmental, and social dimensions of sustainable development, and emphasizing the importance of ensuring equity<sup>19</sup>.

A scientific study by researchers at Kyiv National University of Trade and Economics and the Institute for Economics and Forecasting of the National Academy of Sciences of Ukraine is devoted to analyzing the environmental determinants of sustainable development in countries, taking into account the structure of the «green» economy, which provides for a harmonious combination of the economy, the ecosystem, and human well-being. The authors identified a specific determinant of development for each component of the «green» economy and studied its impact on the country's Environmental Performance Index (EPI). In particular, to analyze the «human well-being» component, they analyzed the relationship between the expected healthy life expectancy of the country's population and the EPI. They concluded that environmental safety measures in a country affect people's life expectancy. The effectiveness of these measures is determined by the quality of water, air, sanitation, and the effectiveness of public health policy, the level of greenhouse gas emissions, the decarbonization of energy, and other factors..

The countries in the first group, where the expected healthy life expectancy ranges from 66.6 to 72.1 years, have environmental policies aimed at supporting human life. The priority aspects of such policies are an emphasis on the impact of the environment on human life and health, analysis of air and water quality, biodiversity and habitats, fisheries, ecosystem services, and climate change. In these countries, most environmental mechanisms are already in place, including waste disposal, state environmental programs regulating

<sup>18</sup> Федулова І. В., П'ятицька Г. Т., Жуковська В. М., Кандагура К.С., Григоренко О. М., Шумська С. С. Екологічні детермінанти сталого розвитку країни. *Укр. геогр. журн.* 2023. № 2. С. 48–59. DOI: <https://doi.org/10.15407/ugz2023.02.048>

<sup>19</sup> Ермішев О.В., Бацилева О.В., Шумігай І.В., Кученко Т.А. Людський потенціал регіону: проблеми відтворення, збереження та використання в контексті сталого розвитку. *Наукові доповіді НУБіП України*. 2020. № 6 (88). URL: <https://www.researchgate.net/profile/Oleh-Yermishev/publication/348611895>

the use of natural resources, and energy conservation. These mechanisms need to be further developed in response to new market challenges and threats to the environment.

Countries with an expected healthy life expectancy of 61 to 66.5 years have environmental policies that strike a balance between ensuring an acceptable living environment for people and the damage that intensive economic development can cause to the ecosystem.

The literature proposes combining the environmental determinants of sustainable development into four groups:

- environmental protection (climate change, land and water conditions); renewable energy (share and trends); resource availability (new energy, water, sanitation);

- structural restructuring of the economy (planning and regulation of land use, balanced spatial development; green investments (in sustainable goods and services); fiscal reform; training in green skills; employment in the green economy);

- resource efficiency and biodiversity (resource efficiency; regional mechanisms for efficient use and restoration of natural resources; landscape fragmentation; waste generation; waste and chemical management; waste recycling; responsible consumption);

- public welfare and health (level of harmful chemicals in water and air (content and emissions); creation of environmentally safe living conditions for the region's population; production of toxic and environmentally harmful chemicals; ensuring the quality of food and water)<sup>20</sup>.

This classification of environmental determinants is made in the context of sustainable development, which involves setting and coordinating a number of economic, social, and environmental goals on the path to building a “green” economy. Their specification indicates that, given the multifaceted nature of environmental problems, the following items from this list are acceptable for defining public health: environmental protection, efficient use of resources and biodiversity, and the well-being and health of the population.

Taking into account the research conducted and the legislative definitions of «health determinants» and «environmental factors», we will classify the state of the natural environment, any natural climatic, biological (viral, prion, bacterial, parasitic, genetically modified organisms, biotechnology products, etc.), chemical (organic and inorganic, natural (including climatic) and synthetic), physical (noise, vibration, ultrasound, infrasound, thermal, ionizing,

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<sup>20</sup> Федулова І. В., П'ятницька Г. Т., Жуковська В. М., Кандагура К. С., Григоренко О. М., Шумська С.С. Екологічні детермінанти сталого розвитку країни. *Укр. геогр. журн.* 2023. № 2. С. 48–59. DOI: <https://doi.org/10.15407/ugz2023.02.048>

non-ionizing, and other types of radiation), and other factors that affect or may affect human health or the health of future generations.

Environmental determinants of health can be classified into the following main groups according to their origin and nature of impact: natural and climatic factors, anthropogenic sources of pollution, and socio-ecological aspects related to the organization of living space.

Thus, environmental determinants are an integral part of the public health system, covering the entire spectrum of natural, technogenic, and anthropogenically altered conditions that determine physical and mental well-being, and their impact requires a comprehensive approach and intersectoral cooperation to address related issues.

## **2. Legal mechanisms of public policy as environmental determinants of health**

Effective public health policy requires a comprehensive approach that includes technological, infrastructural, and managerial measures. The key task of the state in making policy decisions to overcome barriers between different sectors of the economy is to implement the WHO strategy «Health in All Policies».<sup>21</sup> This approach requires cross-sectoral cooperation and consideration of potential health impacts when formulating public policy in various areas. Its goal is to ensure synergy and prevent harmful effects, which will protect the health and sanitary-epidemiological well-being of the population and achieve better results in the field of public health.

The Strategy for the Development of the Health Care System for the Period until 2030 and the approval of the operational plan of measures for its implementation in 2025–2027, approved by the Order of the Cabinet of Ministers of Ukraine No. 34-r of January 17, 2025, laid the foundation for supporting the initiative to implement the principle of «health in all policies» in Ukraine, taking into account the health implications of decision-making across different sectors, seeking synergies and avoiding harmful health impacts in the implementation of policies in other sectors with the aim of improving both the health of the population and health equity.

Specific tasks include the introduction of an inter-sectoral coordination mechanism and platform for priority public health issues and a clear mechanism for interconnection and interaction between them at the national, regional, and local levels; ensuring cross-sectoral cooperation based on the principle of “health in all policies” and the joint formation of priorities that are common to all health policies and those that have an impact on health.

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<sup>21</sup> The 8th Global Conference on Health Promotion, Helsinki, Finland, 10–14 June 2013. URL: [https://www.who.int/healthpromotion/conferences/8gchp/statement\\_2013/en/](https://www.who.int/healthpromotion/conferences/8gchp/statement_2013/en/)

To achieve the strategic goal at the current stage of Ukrainian statehood, it is important to implement health policies that take into account EU law and the global agenda. However, narrowing the prospects for achieving this operational goal solely to the integration of the country's health care system and the introduction of international standards for the functioning of the country's national health care system raises concerns. This should be implemented according to the principle of «health in all policies», taking into account the interconnection between public health and areas such as social policy, economics, ecology, and education.

M. Deikun cites the example of implementing «health in all policies» in the field of ecology. This involves the development and implementation of environmental standards that take into account the impact of the environment on the demographic situation and public health, control of air, water, and soil pollution, and their continuous monitoring<sup>22</sup>. While acknowledging that this example is quite ambitious, describing a comprehensive approach to implementing this principle in the field of ecology, it does have certain gaps that will become apparent in its practical implementation. Taking into account the impact of the environment on the demographic situation is an extremely complex task due to its multifactorial nature. It is also important to focus on cooperation mechanisms, i.e., joint efforts in the process of implementing this policy.

This statement can be supported by the principles of state climate policy enshrined in the Law of Ukraine «On the Basic Principles of State Climate Policy», such as «integration of state climate policy into all sectors of the economy and all areas of state policy, as well as in state and/or local planning documents regulating the restoration of Ukraine to overcome the consequences of the Russian Federation's armed aggression against Ukraine», «scientific validity – decisions made within the framework of state climate policy, policies and measures to mitigate the effects of climate change and adapt to it, are based on current scientific research, modeling and analysis of climate change and data on the state of public health» and «preventiveness – taking preventive measures and making decisions based on scientific data and forecasts of possible negative impacts on the climate, environment and public health» (Art. 3).

Achieving climate neutrality is now seen as a key strategic direction that is inextricably linked to public health objectives, rather than just a traditional environmental goal. Given this fundamental cross-sectoral approach, there is an urgent need for in-depth research and adaptation of legal mechanisms to ensure the effective integration of climate goals, particularly in the field of public health protection and promotion.

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<sup>22</sup> Дейкун М. Підходи до формування національної системи громадського здоров'я через стратегію «здоров'я у всіх політиках». *Вісник Національного університету Чернігівського колегіуму імені Т.Г.Шевченка*. 2025. №31. С. 356-363. С.360. DOI: 10.58407/visnik.253158

The Strategy for the Formation and Implementation of State Policy in the Field of Climate Change for the Period until 2035, one of the tasks for achieving the strategic goal of «mitigating climate change and ensuring a socially just and economically efficient transition to low-carbon development of the state» is to develop and implement legislative and other regulatory acts to ensure the functioning of the national greenhouse gas emissions trading system (hereinafter referred to as ETS) in accordance with the provisions of Directive 2003/87/EC of the European Parliament and of the Council of October 13, 2003, establishing an ETS within the Union and amending Council Directive 96/61/EC, and the indicator of its achievement should be the implementation of a national ETS.

The Directive includes two stages: I – setting up a system for monitoring, reporting, and verifying greenhouse gas emissions (hereinafter referred to as MRV), which is an important prerequisite for the introduction and functioning of the greenhouse gas emissions trading scheme; II – creating an ETS.

According to the principles of the EU ETS, the system allows member states to independently choose how to implement European legislation at the national level and form the relevant bodies.<sup>23</sup>

It should be noted that these legal measures have already been implemented in national legislation, in particular, provided for by Law No. 377-IX «On the Principles of Monitoring, Reporting, and Verification of Greenhouse Gas Emissions» regarding the creation of a legal framework for the functioning of a greenhouse gas emissions trading system<sup>24</sup>.

A necessary prerequisite for launching the ETS is the existence of an ETS system in Ukraine, since it is on the basis of this data that the volumes of greenhouse gas emissions that entities will have to cover with purchased quotas can be determined.

The creation of the ETS system is designed to collect reliable data on greenhouse gas emissions and can be used both to improve state environmental policy and to introduce economic instruments to regulate these emissions.

Law No. 377-IX established a number of obligations for participants in the ETS system: 1) operators must register in the Unified ETS Register in accordance with the requirements and criteria for including installations in the ETS system, set out in the List of Activities, the greenhouse gas emissions from which are subject to monitoring, reporting, and verification, approved by Resolution of the Cabinet of Ministers of Ukraine No. 880 of

<sup>23</sup> Бойко О. Ринок торгівлі квотами на викиди CO<sub>2</sub> в повосенній Україні: погляд бізнесу. *Економічна правда*, 2023, 12 грудня. <https://pravda.com.ua/columns/2023/12/12/707587/>

<sup>24</sup> Про засади моніторингу, звітності та верифікації викидів парникових газів : Закон України від 12 грудня 2019 р. № 377-IX. URL: <https://zakon.rada.gov.ua/laws/show/377-20>

September 23, 2020; 2) operators must carry out monitoring and reporting in accordance with the requirements set out in the Procedure for Monitoring and Reporting Greenhouse Gas Emissions, approved by Resolution of the Cabinet of Ministers of Ukraine No. 960 of September 23, 2020; 3) verifiers must carry out verification in accordance with the procedures and requirements for verifying the operator's report, established in the Procedure for Verifying the Operator's Report on Greenhouse Gas Emissions, approved by Resolution of the Cabinet of Ministers of Ukraine No. 959 of September 23, 2020.

According to the law, entities must keep records of the amount of emissions generated during their activities, and in 2022 they were required to submit an annual report on the amount of emissions, but the Russian invasion limited the data collection process. As a result of the introduction of martial law, enterprises were allowed to temporarily not submit reports or to submit them at their discretion. The current situation is complicated by the security situation at industrial sites, which in turn complicates the work of verifiers, equipment downtime, leading to the suspension of technological processes, as well as a shortage of verifiers (according to the register of the National Accreditation Agency in Ukraine, there are only four verification bodies authorized to verify monitoring reports). These events have significantly slowed down the process of introducing the ETS.

The situation with voluntary reporting changed with the adoption on January 8, 2025, of Law No. 4187-IX «On Amendments to Certain Laws of Ukraine Regarding the Resumption of Monitoring, Reporting, and Verification of Greenhouse Gas Emissions»<sup>25</sup>. The law reinstates the mandatory nature of MZV, establishing the obligation for operators to submit documents such as a monitoring plan, an operator's report that has been verified as satisfactory, a verification report, and an improvement report. The mandatory period for which the operator must submit a report is 2024 (by the end of the year), for the 2021, 2022, and 2023 reporting years – at the operator's discretion. The law establishes special provisions in a number of cases related to the location of an installation in a territory where hostilities are taking place or in a temporarily occupied territory.

The restoration of the MZV is an important element and prerequisite for the introduction of market and/or non-market mechanisms to promote the reduction of greenhouse gas emissions. The restoration of the MZV contributes to the further development of climate policy, as it will be possible to obtain data on emissions. It will also ensure Ukraine's compliance with the condition of approximating the implementation of Directive 2003/87/EC.

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<sup>25</sup> Про внесення змін до деяких законів України щодо відновлення моніторингу, звітності та верифікації викидів парникових газів : Закон України від 8 січня 2025 р. № 4187-IX. URL: <https://zakon.rada.gov.ua/laws/show/4187-20>

The issue of access to information on quantitative and qualitative indicators of greenhouse gas emissions is of particular importance. The main principles of monitoring, reporting, and verification include transparency of monitoring and reporting (Article 4 of Law No. 377-IX), and Article 16 of the law further specifies that it must be open and that access to it cannot be restricted. The rights of public associations, their members or authorized representatives, as well as individuals, legal entities, their associations, and organizations in the field of monitoring, reporting, and verification, as enshrined in Article 17, should be considered as guarantees. However, in practice, access to such public data is significantly limited. Current official information resources containing information on activities in the field of environmental monitoring are limited to information on the list of facilities (enterprises), but do not contain open data on their actual emissions. Therefore, it is necessary to improve information systems to enhance access to environmental data and ensure more effective interaction between polluters and the competent authority.

The introduction of the National Pollutant Release and Transfer Register (hereinafter referred to as the NPRTR) is also important for the implementation of the ETS. Under the Kyiv Protocol on Pollutant Release and Transfer Registers of the Aarhus Convention, ratified in 2016, Ukraine committed to conducting its environmental policy openly, interacting with citizens, and involving them in solving environmental issues. The creation of the NRETP was the fulfillment of one of the conditions put forward.

The legal and organizational basis for the creation and functioning of the NRPE is defined in the Law of Ukraine «On the National Register of Emissions and Transfer of Pollutants»<sup>26</sup> and the procedure for its maintenance, approved by Resolution of the Cabinet of Ministers of Ukraine No. 560 of June 2, 2023. The NRPE is available on the Ecosystem platform. Its functions are: 1) register of RVPZ (peopleless) facilities – the operator provides the authorized body with data on emissions and transfers of pollutants and waste for each facility it operates; 2) register of RVPZ operator reports. The report is generated in such a way as to provide information on total pollutant emissions, emission sources, as well as emissions broken down by pollutant type and environmental component into which emissions are released, including emissions resulting from accidents or natural disasters. The requirements for the preparation and publication of the report of the authorized body on emissions and transfers of pollutants and waste from facilities and diffuse sources located in Ukraine are set out in the Procedure approved by Resolution of the Cabinet of Ministers of Ukraine No. 352 of April 18, 2023.

<sup>26</sup> Про Національний реєстр викидів та перенесення забруднювачів : Закон України від 20 вересня 2022 р. № 2614-IX. URL: <https://zakon.rada.gov.ua/laws/show/2614-20>

Although the preamble to the law announces the introduction of the NRPZ as a service for citizens, who will be able to obtain information and participate in the formation of state environmental policy in the field of emissions registration, it should be noted that its implementation will also have a social impact, as it will allow the state to track emissions and the transfer of pollutants in time and space; analyze emission reductions and set priorities for reducing and eliminating potentially harmful emissions; make effective decisions on preventing and reducing industrial pollution.<sup>27</sup>

However, a review of the NRPZ data indicates that only a small number of objects have been registered, despite the fact that the law sets deadlines for this stage of filling the register.

The next stage should be reporting. Article 25 of the Law of Ukraine «On the NRPZ» establishes economic, civil, administrative, and criminal liability for violations of the provisions of this Law (part 1) and the possibility of the controlling authority imposing administrative and economic sanctions on the operator in the form of a fine for violating the requirements of the law in the field of registration of emissions and transfer of pollutants and waste (part 2). Given the conditions of martial law, entities delayed the submission of reports, which, in turn, directly affects the pace of STK launch, citing the legislative postponement provided for in subparagraph 1 of paragraph 1 of the Law of Ukraine «On the Protection of the Interests of Entities Submitting Reports and Other Documents during Martial Law or a State of War» dated March 3, 2022. Law No. 4187-IX is intended to change this situation, as it clearly states that this provision does not apply to relationships covered by Law No. 377-IX.

The shortcomings in these acts require separate study in order to be eliminated. First, this concerns the provisions of the Procedure for Maintaining the NRPZ, which provides for unlimited and unauthorized public access to the data contained in the register. This contradicts the section of the Procedure entitled «Requirements for the creation and submission of data (information) to the Register» in terms of the creation of an electronic user account, which includes individuals. In other words, the Resolution should clearly specify that the users of the system who are required to authorize and create an electronic account are exclusively legal entities (except for civil society institutions) or individual entrepreneurs. Secondly, paragraphs 22-39 of the Procedure specify the procedures for entering and changing information in the Registry by various users of the EcoSystem, but the Procedure does not specify at which stage this Registry data becomes available to the public. Thirdly, a shortcoming is the

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<sup>27</sup> Ільків Н.В. Діджиталізація правового механізму запобігання зміні клімату. *Аналітично-порівняльне правознавство*. 2024. № 4. С. 265–270. URL: [https://app-journal.in.ua/wp-content/uploads/2024/07/APP\\_04\\_2024.pdf](https://app-journal.in.ua/wp-content/uploads/2024/07/APP_04_2024.pdf)

absence in the Procedure of a provision regarding the obligation to publish processed data on emissions and transfers of pollutants and waste on the Unified State Web Portal of Open Data in the form of open data<sup>28</sup>.

The implementation of all measures is a prerequisite for maintaining competitiveness and retaining market share in the future. The gradual introduction of quota fees should be based on considerations of balance, so that the amount of the fee does not become an additional tax on production, which would reduce the competitiveness of enterprises and slow down the development of technologies and their implementation in production.

Given that there is no alternative to the green energy transition and reducing greenhouse gas emissions, there is an urgent need to integrate with the European emissions trading market and take measures to adapt the state economy and participants on the part of emission issuers.

The implementation of these measures is urgent and crucial for the implementation of the EU Border Carbon Adjustment Mechanism (CBAM). Its introduction is provided for in the EU resolution adopted in March 2021. The essence of the CBAM is to prohibit the purchase of goods in the EU whose production involves large amounts of carbon dioxide emissions, and products of such production may be banned from sale on the EU market. It obliges importers in the EU to pay an additional levy on the import of goods with a carbon footprint.

The analytical report «The European Green Deal and Ukraine's Climate Policy» indicates that the EU could become a global leader in setting standards for the energy transition, as the EU's requirements for compliance with strict environmental standards for access to the EU market could be a powerful incentive for exporting countries to green their production processes. In addition, setting standards for the hydrogen market, which is currently developing rapidly in the EU, could lay the foundation for a corresponding international market. However, it is noted that since the costs associated with carbon border adjustment will be felt far beyond supply chains, this will affect companies in every sector, regardless of their location—whether in the EU or outside it. Given the size of the EU market, this tax is also likely to increase pressure on companies and governments around the world to take more stringent measures to limit emissions<sup>29</sup>.

Unfortunately for Ukraine, the outlook in this situation is bleak. It is predicted that Ukraine will face significant risks of economic decline, as according to CBAM, importers will be obliged to compensate for the difference

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<sup>28</sup> Скок А., Загоруйчик А. Реєстр викидів та перенесення забруднювачів: чи буде зроблено крок до екологічної прозорості в Україні? URL: <https://sensor.net/ru/b3466253>

<sup>29</sup> Європейський зелений курс і кліматична політика України : аналіт. доп. / за заг. ред. А. Ю. Сменковського. Київ : НІСД, 2022. 95 с. С. 30.

in the price of domestic greenhouse gas emissions of imported goods if the price per ton of emissions in the country of origin of the goods is lower than the price in the European Emissions Trading System<sup>30</sup>.

However, given the importance of the EU market for Ukrainian exports and the need to prevent the creation of new trade barriers for Ukrainian goods, CBA should become one of the priorities of Ukraine's state policy. The strategic state task is to introduce at the corporate level the best international practices for assessing the carbon footprint of products manufactured in Ukraine, to introduce green financing mechanisms within supply chains, and other progressive measures.

The Strategy for Environmental Security and Adaptation to Climate Change for the period up to 2030, approved by the CMU Resolution No. 1363-r of October 20, 2021, which aims to improve environmental safety and reduce the impacts and consequences of climate change in Ukraine, the following tasks are set to improve environmental safety and reduce the impacts and consequences of climate change in Ukraine: introduction of a system of licensing procedures for industry in accordance with European standards (integrated permit).

Integrated environmental permitting is one of the key legal and regulatory instruments that ensures the implementation of the environmental component of the «Health in All Policies» approach. It provides for the application of the highest standards of environmental protection, which directly translates into the protection and improvement of public health.

The need for integrated pollution prevention and control at EU level is reflected in the 1993 EU Council Resolution, which stated that such an approach would achieve a more sustainable balance between human activity and socio-economic development on the one hand, and natural resources and the regenerative capacity of nature on the other (point 2 of the preamble to EU Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control).<sup>31</sup> Throughout this period, the Directives on integrated pollution prevention and control have been revised several times.

The updated Directive 2010/75/EU on industrial emissions entered into force on August 4, 2024. In addition to significantly expanding the scope of the Directive, it is significant that it introduces provisions on the human right to compensation by natural or legal persons for damage caused to human health in the course of the operation of installations as a result of non-compliance with national measures adopted in accordance with the Directive.

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<sup>30</sup> Механізм прикордонного вуглецевого коригування (carbon border adjustment mechanism (CBAM) UNDP. URL: [https://www.undp.org/sites/g/files/zskgke326/files/2022-08/1%20FINAL%20Tree%20cbam\\_297x210mm\\_4%20B4\\_web\\_180822.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2022-08/1%20FINAL%20Tree%20cbam_297x210mm_4%20B4_web_180822.pdf)

<sup>31</sup> Популярний коментар до Закону України «Про інтегроване запобігання та контроль промислового забруднення» / за заг. ред. О. Кравченко, Є. Алексєєвої. Львів : Компанія «Манускрипт», 2025. 76 с. С. 11.

Directive 2010/75/EU on industrial emissions (integrated approach to pollution prevention and control) defines its role as the EU's main instrument for setting environmental standards to prevent or, where that is not possible, reduce emissions into the air, water, and soil, and to prevent the accumulation of waste, in order to achieve a high level of protection of the environment as a whole<sup>32</sup>.

Although Ukraine committed to implementing this Directive back in 2014, it was not until July 16, 2024, that Law No. 3855-IX «On Integrated Prevention and Control of Industrial Pollution» was adopted (effective August 8, 2025). The main purpose of this regulatory act is to ensure a high level of environmental protection and constitutional rights to an environment that is safe for life and health through the application of an integrated approach to pollution control and the introduction of the best available technologies and management methods. The law establishes the legal and organizational framework for the prevention, reduction, and control of pollution resulting from activities in such sectors as energy, metal production and processing, mineral processing, chemical industry, waste management, and other activities.

Unlike the system of permits in the field of environmental safety and nature management, which has historically been based on a component-by-component approach, i.e., the issuance of separate permits (permits for emissions of pollutants into the atmosphere from stationary sources, permits for special water use, permits and licenses in the field of waste management) The law introduces an integrated environmental permit (IEP). While the old system was based on national standards and DSTU, the new IEP system requires mandatory orientation towards the conclusions of the best available technologies and management methods (BAT/BREFs).

The key legal difference in the new regulation is the shift from a focus on the «end of the pipe» (control of actual emissions) to regulation based on the application of BAT.

According to Articles 1, 3, and 10, 11 of Law No. 3855-IX, an IED as a permissive document in the field of environmental protection is issued in accordance with the conclusions of the best available technologies and management methods and determines the maximum permissible emissions for substances, vibrations, heat, noise, and other physical and biological factors that will be released as a result of the facility's activities.

Thus, an integrated approach means covering all environmental indicators of the installation with a single permit, namely emissions into the air, water, and land, waste generation, raw material use, energy efficiency, noise, accident

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<sup>32</sup> Директива Європейського парламенту і Ради 2010/75/ЄС про промислові викиди (інтегрований підхід до запобігання забрудненню та його контролю) від 24 листопада 2010 р. URL: [https://zakon.rada.gov.ua/laws/show/984\\_004-10](https://zakon.rada.gov.ua/laws/show/984_004-10)

prevention, and restoration of the industrial site after the installation is decommissioned.<sup>33</sup>

A number of subordinate acts have been adopted to implement the provisions of this Law, in particular the Procedure for maintaining the Unified State Register of Integrated Environmental Permits, approved by Resolution of the Cabinet of Ministers of Ukraine No. 1128 of September 10, 2025, the Procedure for Organizing and Conducting Public Hearings in the Process of Issuing an Integrated Environmental Permit (Amending It), approved by Resolution of the Cabinet of Ministers of Ukraine No. 194 dated February 21, 2025, the Procedure for Conducting a Coordination Meeting on the Issuance of an Integrated Environmental Permit, approved by by Resolution of the Cabinet of Ministers of Ukraine No. 89 dated January 28, 2025, Procedure for developing and approving conclusions on best available technologies and management methods, involving other executive authorities in their development and informing them about them, as well as publishing reference documents on best available technologies and management methods (BREFs), approved by Resolution of the Cabinet of Ministers of Ukraine No. 72 dated January 24, 2025, Resolution of the Cabinet of Ministers of Ukraine No. 7 dated January 7, 2025, «On Approval of the Form and Requirements for the Content of Conclusions on the Issuance of an Integrated Environmental Permit (Amendments thereto)», No. 780 of July 2, 2025, «On Approval of Requirements for the Form and Content of Applications for Integrated Environmental Permits (Amendments thereto)», and No. 884 of July 15, 2025, «On Approval of Requirements for the Form and Content of Integrated Environmental Permits».

All this together is intended to ensure a radical change in the approach to regulating industrial pollution: from fragmented to comprehensive and preventive, in line with European environmental standards.

However, it should be noted that the functioning of this system currently depends on a significant amount of technical and legal work. Thus, in order for BAT conclusions to become the legal basis for issuing IPPC permits, it is necessary to translate 26 BAT reference documents and approve 21 BAT conclusions at the government level.<sup>34</sup> Untimely or incomplete approval of these documents creates a significant regulatory risk. Until the national Conclusions of the BREF are officially approved, the Ministry of Environment will not have a clear legal basis for setting emission limits, which may block the permitting

<sup>33</sup> Популярний коментар до Закону України «Про інтегроване запобігання та контроль промислового забруднення». С. 20.

<sup>34</sup> Закон № 3855-IX про промзабруднення: які підзаконні акти варто очікувати найближчим часом. URL: <https://ecopolitic.com.ua/ua/news/zakon-3855-ix-pro-promzabrudnennya-yaki-pidzakonni-akti-varto-ochikuvati-najblizhchim-chasom/>

procedure. Therefore, industrial operators need to actively monitor the status of approval of those BREFs that relate to their sectors of activity.

Therefore, already at the stage of the initial implementation of the law, a number of gaps are visible that may hinder its effective action. T.O. Tretyak points to the need to combine the procedure for issuing an integrated permit and the procedure for assessing the impact on the environment. In his opinion, this will ensure a reduction in regulatory pressure on business entities (instead of two procedures, one will be carried out); and will also increase the environmental potential of the procedure. Thus, the approval of the EIA report narrows the list of ways to carry out environmentally hazardous activities that can be considered at the stage of issuing an integrated permit. The wider the list of possible options for implementing environmentally hazardous activities available for consideration, the more opportunities there are to choose the best option from an environmental point of view<sup>35</sup>.

Therefore, as researchers rightly point out, although the legislative framework of Ukraine contains provisions aimed at integrating health into all policies, full compliance of current legislation with the «Health in All Policies» strategy has not yet been achieved<sup>36</sup>.

## CONCLUSIONS

Reducing environmental risks to public health is a strategic goal of Ukraine's environmental policy. This demonstrates the understanding that environmental issues are not a separate direction, but are an integral part of the sustainable development of the state. Ensuring the integration of environmental policy into the decision-making process on health promotion, disease prevention, improving the quality and increasing life expectancy, as well as improving the provision of sanitary and epidemiological well-being of the population, are key to minimizing negative consequences. Prospects for further research in the field of legal regulation of environmental determinants of health in Ukraine should be focused on eliminating regulatory gaps, adapting to the requirements of European integration and institutionalizing environmental risk management mechanisms.

<sup>35</sup> Третяк Т.О. Інтегрований дозвіл: процедура його отримання та шляхи його впровадження в Україні. С.33. URL: [https://uba.ua/documents/presentation/28\\_04\\_2015\\_Tretyak.pdf](https://uba.ua/documents/presentation/28_04_2015_Tretyak.pdf)

<sup>36</sup> Дейкун М. Підходи до формування національної системи громадського здоров'я через стратегію «здоров'я у всіх політиках». *Вісник Національного університету Чернігівського колегіуму імені Т.Г.Шевченка*. 2025. №31. С. 356–363.

## SUMMARY

Research into the prospects for legal regulation of environmental determinants of health in Ukraine is important. It provides a search for mechanisms for forming state policy based on sustainable development, takes into account the environmental determinants of public health, and creates an effective and comprehensive system for protecting public health from environmental threats.

The concept and content of «environmental determinants» have been defined as an integral part of the public health system, covering the entire spectrum of natural, technogenic, and anthropogenically altered conditions that determine physical and mental well-being, and their impact requires a comprehensive approach and intersectoral cooperation to address related issues.

Legal regulation of environmental determinants should be carried out through a cross-sectoral «One Health» approach. Ensuring the integration of environmental policy into the decision-making process on health promotion, disease prevention, improving quality and increasing life expectancy, as well as improving the sanitary and epidemiological well-being of the population, are key to minimizing negative consequences.

Prospects for further research in the field of legal regulation of environmental determinants of health in Ukraine should focus on integrating environmental goals into national and regional development strategies as an implementation of the «health in all policies» principle, improving such public policy mechanisms as integrated environmental regulation, ensuring the functioning of the national greenhouse gas emissions trading system, eliminating regulatory gaps, adapting to the requirements of European integration, and institutionalizing environmental risk management mechanisms.

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