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## **ENVIRONMENTAL INFORMATION RELATIONS AS A SUBJECT OF LEGAL REGULATION**

**Formulation of the problem.** The right to environmental information is fundamental and is one of the priorities in the system of environmental rights. However, the very concept of environmental information is complex and its understanding is not limited to the right to environmental information, which is especially important in determining the environmental information relations and the study of their structure. In the conditions of the information society formed today the proper legislative and organizational maintenance of any information relations becomes more and more important. If we talk about environmental information relations, then in fact the level of their legal regulation and quality of operation depends on the possibility of exercising not only the right to environmental information, but to some extent other environmental rights.

**Analysis of recent research and publications.** Informing in the field of environmental protection is the subject of discussion in the works of many representatives of the science of environmental law, in particular V. I. Andreytsev, H. V. Anisimova, H. I. Balyuk, A. P. Hetman, I. I. Karakash, N. R. Kobetska, V. V. Kostytsky, M. V. Krasnova, N. R. Malysheva, H. V. Moroz, Y. S. Shemshuchenko and others. At the same time, the analysis of legal relations regarding environmental information support, identification of their features, clarification of practical aspects of functioning remain relevant.

**The purpose of this article** is to study environmental information relations as a subject of legal regulation. For its successful achievement it is necessary to allocate the acts of the legislation regulating the corresponding relations, to consider the object of environmental information legal relations, to characterize their subjective structure.

**Presenting the main material.** The system of legal norms aimed at coordinating relations on environmental information support in Ukraine consists of norms enshrined in: acts of international law, the Constitution, laws and bylaws of Ukraine.

The main international document in this context is certainly the Convention on Access to Information, public participation in decision-making and access

to justice in environmental matters (Aarhus Convention) [1]. Moreover, even the very definition of the term «environmental information» was introduced into the Law of Ukraine «On Environmental Protection» [2] only after its adoption.

The Constitution of Ukraine [3] in part 2 of article 50 guarantees everyone the right to free access to information on the state of the environment, the quality of food and household items, as well as the right to its dissemination. Also it establishes that such information cannot be classified by anyone.

The laws of Ukraine governing environmental information relations include «On environmental protection», «On information» [4], «On access to public information» [5].

Among the bylaws of Ukraine on the outlined issues are the following: the order of the Cabinet of Ministers of Ukraine «On prompt provision of interested state and public bodies, enterprises, organizations and citizens with information on the state of the environment in terms of nuclear and radiation safety», the resolution of the Cabinet of Ministers of Ukraine «On approval of the Regulation on the state system of environmental monitoring», the resolution of the Verkhovna Rada of Ukraine «On informing the public on environmental issues», the order of the Ministry of Environmental Protection of Ukraine «On approval of the Regulation on informing the population quarterly via media about objects, which are the biggest polluters of the environment», the resolution of the Cabinet of Ministers of Ukraine «On approval of the Procedure for public involvement in the discussion of issues on decisions that may affect the environment», the order of the Ministry of Ecology and Natural resources of Ukraine «On approval of the Procedure of the hotline of the Ministry of Ecology and Natural Resources of Ukraine» and others [6, p. 283–284].

In addition, the scientific literature states that the regulation of environmental information relations is carried out by legal norms not only of environmental but also information law, as well as other branches of the law (constitutional, administrative, civil, etc.) to the extent they are relevant to environmental information. H. V. Vyphanova substantiates the conclusion that these legal norms together form a complex legal institution. The complex nature of the legal regulation of environmental information relations does not exclude the question of the priority of the field of law in the system of their legal regulation and its solution is proposed in favour of the environmental law [7, p. 25–26].

The object of environmental information legal relations is environmental information. In paragraph 3 of article 2 of the Aarhus Convention it is

interpreted as any information in written, audiovisual, electronic or any other material form about: a) the state of such components of the environment as air and atmosphere, water, soil, land, landscape and natural objects, biological diversity and its components, including genetically modified organisms, and the interaction between these components; b) factors such as substances, energy, noise and radiation, as well as activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programs that affect or may affect the components of the environment referred to above in subparagraph a), and cost-benefit analysis and other economic analysis and assumptions used in the decision-making process on environmental matters; c) the state of health and safety of people, the living conditions of people, the state of cultural objects and structures to the extent that they are or may be affected by the state of the environment or through these components, factors, activities or measures referred to in subparagraph b).

As already mentioned, the concept of environmental information was enshrined in Ukrainian law as a result of the signing of the Aarhus Convention, so its definition, which is contained in the Law of Ukraine «On Environmental Protection» generally corresponds to the above, although it has a slightly different wording.

So according to part 1 of article 25 of this Law, the information on the state of the environment (environmental information) – is any information in written, audiovisual, electronic or other material form about: the state of the environment or its objects – land, water, subsoil, air, flora and fauna and their pollution levels; biological diversity and its components, including genetically modified organisms and their interaction with the environment; sources, factors, materials, substances, products, energy, physical factors (noise, vibration, electromagnetic radiation, radiation) that affect or may affect the state of the environment and human health; the threat of occurrence and causes of environmental emergencies, the results of the elimination of these phenomena, recommendations for measures to reduce their negative impact on natural objects and human health; ecological forecasts, plans and programs, measures, including administrative, state environmental policy, legislation on environmental protection; costs associated with the implementation of environmental protection measures at the expense of environmental protection funds, other sources of funding, economic analysis conducted in the decision-making process on environmental issues.

Also, the concept of information about the state of the environment (environmental information) is contained in part 1 of article 13 of the Law of Ukraine «On Information», according to which it is information and/or

data on: the state of the elements of the environment and its components, including genetically modified organisms, and the interaction between these components; factors that affect or may affect the components of the environment (substances, energy, noise and radiation, as well as activities or measures, including administrative, environmental agreements, policies, legislation, plans and programs); the state of health and safety of people, the living conditions of people, the state of cultural objects and buildings to the extent that they are affected or may be affected by the state of the environment; other information and/or data.

In the doctrine of environmental law there are such approaches to understanding the content of environmental information. H. V. Vyphanova proposes to define it as a legal category as any information (messages, data on the state of the environment and its components, their changes under the influence of negative economic and other activity, sources of such activity, measures taken, etc.) regardless from the form of representation, which characterize the state and specific features of the interaction of society and nature, necessary for environmental protection, rational use of natural resources, environmental safety, protection of life and health of citizens, and are important (are significant) for public, personal and state environmental interests and needs, implementation and protection of environmental rights of citizens and legal entities [7, p. 12–13]. A. S. Alikhadzhieva believes that it is reliable information about the qualitative and quantitative state of the environment and measures for its protection provided by state authorities in the field of environmental protection and their institutions (in the manner prescribed by law, in full, within the statutory period) [8, p. 18].

Based on article 12 of the Law of Ukraine «On Access to Public Information», the subjects of relations in the field of access to public information are: 1) information requesters – individuals, legal entities, associations of citizens without the status of a legal entity, except for subjects of power; 2) information managers – entities defined in article 13 of this Law; 3) structural subdivision or the person responsible for access to public information of information managers.

According to part 2 of article 13 of the Law, managers of public information are not only the subjects specified in part 1 of article 3, but also business entities that have: 1) information on the state of the environment; 2) information on the quality of food and household items; 3) information on accidents, catastrophes, dangerous natural phenomena and other emergencies that have occurred or may occur and threaten the health and safety of citizens; 4) other information of public interest (socially necessary information).

Given the mentioned above and taking into account the specifics of environmental information legal relations, their subjects are: 1) environmental information requesters; 2) managers of environmental information and their structural subdivisions or responsible individuals for access to relevant information; 3) the population as a whole.

The allocation of the last subject of legal relations on environmental information support is due to the peculiarities of this relationship and the existing ways to ensure access to environmental information.

In particular, such access can be provided by systematic and prompt disclosure of information (in official publications, on official websites on the Internet, on a single state web portal of open data, on information stands, in any other way) – the so-called active way of providing access to information and by providing information on requests for information – a passive way to ensure access to information [9].

The population itself can act as a subject of environmental informational legal relations with an active way of providing access to information. In fact, when environmental information is provided by public authorities and local governments by disclosing environmental information within their powers.

For all other managers of environmental information, the requirements of the Law of Ukraine «On Access to Public Information» apply only in terms of disclosure and provision of relevant information upon request (part 3 of article 13 of the Law). In this case, it is a passive way to provide access to information.

However, the latter provision of the legislation is somewhat unfounded, namely regarding enterprises, institutions and organizations, the operation of which may adversely affect or affect the state of the environment, human health (i.e. the activities of other information providers). There is a debatable question whether, in the absence of an information request, they will properly communicate (publish) environmental information to the interested public, bodies and individuals who make management and other decisions.

Ways of environmental information support are outlined in part 2 of article 251 of the Law of Ukraine «On Environmental Protection» and are carried out in the form of: a) preparation by the central executive body implementing state policy in the field of environmental protection, and submission of the annual National Report on the state of the environment of Ukraine to the Verkhovna Rada of Ukraine and after its consideration by the Verkhovna Rada of Ukraine – publication in a separate publication and placement on the Internet; b) annual informing by the Council of Ministers of the Autonomous Republic of Crimea, regional state administrations, Kyiv and Sevastopol city state administrations

of the relevant councils and the population about the state of the environment of the respective territories; c) systematic informing the population through the media about the state of the environment, the dynamics of its changes, sources of pollution, waste disposal or other changes in the environment and the nature of the impact of environmental factors on human health; d) immediate notification of environmental emergencies; e) transmission of the information obtained as a result of environmental monitoring through information communication channels to the bodies authorized to make decisions on the received information; e) ensuring free access to environmental information that is not a state secret and is contained in lists, registers, archives and other sources.

**Conclusions.** Thus, environmental information legal relations are regulated by acts of international law, the Constitution, laws and regulations of Ukraine public relations that arise in the process of environmental information and the right to free access to information about the state of the environment.

The object of environmental information legal relations is environmental information, and the subjects are: inquirers of environmental information; environmental information managers and their structural subdivisions or individuals responsible for access to relevant information; population as a whole.

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### **Danyliuk L.R. Environmental information relations as a subject of legal regulation**

The article is devoted to the study of environmental information relations as a subject of legal regulation. The research first of all establishes a system of legislative acts aimed at coordinating relations on environmental information support in Ukraine. The concept and content of ecological information as an object of environmental information legal relations are also considered in detail. In addition, the characteristics and features of the subject composition of the relevant legal relationship are clarified.

The right to environmental information is fundamental and is one of the priorities in the system of environmental rights. However, the very concept of environmental information is complex and its understanding is not limited to the right to environmental information, which is especially important in determining the environmental information relations and the study of their structure. In the conditions of the information society formed today the proper legislative and organizational maintenance of any information relations becomes more and more important. If we talk about environmental information relations, then in fact the level of their legal regulation and quality of operation depends on the possibility of exercising not only the right to environmental information, but to some extent other environmental rights.

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**Keywords:** environmental information, environmental information support, environmental information legal relations.