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LEGAL REGULATION OF ENVIRONMENTAL SAFETY AND ENVIRONMENTAL CONTROL IN THE BALTIC STATES (COMPARATIVE ASPECT)

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Yemelianenko K.O. Legal regulation of environmental safety and environmental control in the Baltic states (comparative aspect).

The article is dedicated to a comparative analysis of legislation on environmental safety and environmental control in the Baltic countries. The author carries out a comparative review of the legal regulation of environmental safety and environmental control in the Baltic countries, including the specific functions and powers of both state authorities and local self-government bodies at the municipal and national levels in each of the Baltic states – the Republic of Lithuania, the Republic of Latvia and the Republic of Estonia. The author draws attention to the peculiarities of the functioning of the relevant central government bodies, their interaction with other authorities in the field of ecology and environmental protection in each of the Baltic countries as one of the successful examples of effective environmental control, which applies different approaches in state and local government to achieve a high level of environmental safety in the country as a whole. Thus, the author attempts to define the legal basis for environmental control through a comparative analysis of legal regulation and the structure of state and local government bodies that shape environmental safety in the Baltic countries. In particular, using a scientific comparative legal method and a functional approach, the author compares environmental safety and environmental control measures in the legal systems of the Baltic states, highlighting some of the views of Eastern European scholars in the context of European law in general. In addition to national legislation, the author also highlights the normative part of European norms that have been implemented in national legislation, their application and role in the national legal system. Based on the results of the comparative review, the author focuses on the legal and organisational aspects of the proper structure of environmental control, which has had a significant further impact on environmental safety at various levels of the system of government and local self-government in the Baltic states as EU member states.

Key words: environmental safety, environmental control, environmental protection legislation, state authorities and local self-government bodies, Baltic countries

Ємельяненко К.О. Правове регулювання екологічної безпеки та екологічного контролю в країнах Балтії (порівняльний аспект).

Стаття присвячена компаративному аналізу законодавства про екологічну безпеку та екологічний контроль в країнах Балтії у порівняльному аспекті. Автором здійснено компаративний огляд на правове регулювання екологічної безпеки та екологічного контролю в країнах Балтії, що включає специфічні функції та повноваження як органів державної влади, так і органів місцевого самоврядування на муніципальному та національному рівнях у кожній з держав Балтії – Литовській Республіці, Латвійській Республіці та Естонській Республіці. Автором звертається увага на особливості функціонування профільних центральних органів державної влади, їх взаємодію з іншими органами влади в сфері екології та охорони довкілля у кожній з країн Балтії, як один з успішних прикладів ефективного екологічного контролю, що застосовує різні підходи в державному та місцевому управлінні для досягнення високого рівня екологічної безпеки в країні в цілому. Таким чином автором здійснено спробу визначення правових засад екологічного контролю

шляхом компаративного аналізу правового регулювання та структури органів державної влади і місцевого самоврядування, які формують екологічну безпеку в країнах Балтії. Зокрема, за допомогою наукового порівняльно-правового методу та функціонального підходу автором здійснено порівняння екологічної безпеки та заходів екологічного контролю в правових системах держав Балтії з висвітленням деяких поглядів науковців держав Східної Європи в масштабах огляду європейського права в даному контексті в цілому. Разом з означеним, окрім національного законодавства автором також виокремлено і нормативну частину європейських норм, що була імплементована у національне законодавство, їх застосування та роль в національній правовій системі. За результатами компаративного огляду автором акцентовано основну увагу на правових та організаційних аспектах належної побудови екологічного контролю, що справило значний подальший вплив на екологічну безпеку на різних рівнях системи органів влади і місцевого самоврядування в країнах Балтії як державах-членах ЄС.

Ключові слова: екологічна безпека, екологічний контроль, законодавство про охорону навколишнього середовища, органи державної влади та органи місцевого самоврядування, країни Балтії.

Formulation of the problem. The legal regulation of environmental safety and environmental control in the Baltic States attracts the attention of scientists and environmentalists not only from the EU Member States, but also from other European Community partner States with different regulatory practices and national peculiarities. The relevance of the research topic is due to the current trends in the development of law in the field of ecology and environmental protection in the aspect of comparative jurisprudence regarding the development and functioning of environmental safety and environmental law in the legal systems of the Baltic States in their comparative cognition. At the same time, modern publications covering international experience lack narrow scientific developments in the field of environmental safety with coverage of the legal framework for environmental control, in particular, the experience of the Baltic States. It is worth noting that there are substantial scientific and practical studies on environmental safety and control in the works of Ukrainian scientists, as well as scientists from the Baltic States and Eastern Europe [1]. For example, the Slovak scientist Jankuv, J. explores public law environmental issues on the scale of public international law and its impact on the law of the European Union [2].

State of research on the issue. Ukrainian legal scholars pay much attention to the issues of legal regulation in the field of ecology, in particular environmental safety. And special attention in this issue is devoted to the formation of Ukraine's climate policy in the context of European integration [3], as well as international legal aspects of assessing environmental damage caused by military operations [4, 5].

Importantly, in the study by Golovko, L., Yarova, O., and Ulyutina, O., an example of EU Member States is given where the environmental inspection, as a subject of direct environmental control, is empowered with special authority. In particular, the Inspectorate is authorized to temporarily suspend the activities of an undertaking in case of gross violation of environmental legislation, such as permitted standards of harmful emissions into the environment. Also the scientists consider environmental impact assessment as one of the most effective tools for ensuring environmental safety, the main purpose of which is to ensure environmental protection and prevent environmental damage.

In Latvia, a significant number of studies have been conducted in the field of environmental security and its components, which are used by Latvian scientists as a basis for further subjective analysis of security for the residents of the Republic of Latvia. Latvia stands out among the EU member states with the largest relative difference in the assessment of environmental and climate change [6, p. 84]. The issue of environmental safety plays an important role in the scientific, practical and innovative environment of Lithuania. Lithuanian society views environmental safety through the prism of the effectiveness of decentralised environmental control measures at the local level. Estonian scientists have also always emphasised the relevance and demand for modern scientific research in the field of ecology, in particular, Truuväli, E.-J. convincingly emphasises the state's interest in funding research on sustainable ecology and the environment [7, p. 163], unlike other EU member states. In general, other EU Member States also study environmental security issues, in particular in the context of the impact of international environmental law on the subjects of EU environmental law [8, p. 19–22].

The value of this study is the analytical review and analysis of the organization of the activities of public authorities and local governments in the Baltic States as EU Member States, which are responsible for environmental control and environmental safety.

This article examines the range of administrative legal relations that constitute environmental safety issues, namely, the legal framework for environmental control, which has a significant impact on the environmental safety of each state and region as a whole, using the examples of the Republic of Lithuania, the Republic of Latvia and the Republic of Estonia. The study examines the legal framework for regulating environmental control at the municipal, regional, and national levels, as well as the relevant powers and competences of state authorities and local self-government bodies. This study was carried out with due regard to the basic national and international legal acts, as well as EU acts. We have made an attempt to make a comparative analysis of the provisions of the fundamental policies of the European Community on environmental protection and improvement in the Member States; the provisions of the Constitution of Lithuania, which establishes the obligation of everyone to protect the environment from harmful effects and the provisions of the legislation of the Republic of Lithuania on environmental protection; the provisions of the Constitution of Latvia and the national legislation of the Republic of Latvia on the application of the provisions of the EU legal acts in Latvia in the field of environmental safety and environmental control.

This article examines the spectrum of administrative legal relations that constitute environmental safety issues, namely, the legal framework for environmental control, which has a significant impact on the environmental safety of each state and region as a whole, using the examples of the Republic of Lithuania, the Republic of Latvia and the Republic of Estonia. The study examines the legal framework for regulating environmental control at the municipal, regional, and national levels, as well as the relevant powers and competences of state authorities and local self-government bodies. This study was carried out with due regard to the basic national and international legal acts, as well as EU acts. We have made an attempt to make a comparative analysis of the provisions of the fundamental policies of the European Community on environmental protection and improvement in the Member States; the provisions of the Constitution of Lithuania, which establishes the obligation of everyone to protect the environment from harmful effects and the provisions of the legislation of the Republic of Lithuania on environmental protection; the provisions of the Constitution of Latvia and the national legislation of the Republic of Latvia on the application of the provisions of the EU legal acts in Latvia in the field of environmental safety and environmental control.

The study provides an overview of the structure of public authorities in the Baltic States, which are responsible for environmental control, and also examines the functions and powers of central executive authorities and local self-government bodies, in particular, with regard to their implementation of environmental safety measures. In addition, the author reviews the peculiarities of the European norms implemented in the national legislation of each of the Baltic States and their effectiveness at the national and local levels in the region.

This study was carried out in accordance with the basic national and international legal acts and acts of the European Union, including: The Treaty on the Functioning of the European Union, the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) [9], the Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) [10], Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage [11].

Therefore, **the purpose** of this article is to determine the approaches and legal framework of environmental control through a comparative analysis of legal regulation and the structure of public authorities and local self-government bodies which provide environmental safety in the Baltic States. Because each of the Baltic States establishes and implements a special state policy in the field of environmental safety, establishes a balance of quality public law measures of environmental control at different levels of state authorities, with due regard to the implementation of EU directives and regulations and international treaties. The results of this analysis can be taken into consideration both by EU Member States and also by other European communities to ensure a sustainable level of environmental safety, taking into account current challenges.

1. International and constitutional norms in the regulation of environmental control in the Baltic states

In many economically developed countries, environmental policy began to be formed through the conclusion of international agreements in the field of environmental protection. International environmental law, which dates back to 1972 when the Stockholm Declaration was adopted at the World

Conference on the Human Environment, had a major impact on the process of shaping the policy [10, pp. 7, 11, 13].

In the opinion of many European scholars in the Baltic States, environmental policy is an essential part of environmental management and is implemented through various governance mechanisms [12, p. 37]. One of the tasks of the European Community, according to Article 2(1) of the Treaty establishing the European Community, is to ensure a high level of protection and improvement of the environment in the Member States. In accordance with the provisions of Article 174(1) and 174(2) of Title XIX of the Treaty establishing the European Community [13], the Community's environmental policy shall contribute to the achievement of the following objectives - preservation, protection and improvement of the environment; - preservation of human health; - balanced and rational use of natural resources; - promotion of the solution of regional and global environmental problems at the international level. The Community's environmental policy aims to achieve a high level of protection, taking into account the diversity of the situation in different regions of the Community, and is based on the principles of appropriate precautionary measures; remediation of environmental damage, primarily by eliminating its sources; and application of the polluter pays principle. In this context, the Treaty recommends that Member States establish, where necessary, precautionary measures to enable Member States to take temporary environmental protection measures subject to the Community inspection procedure.

Article 53(3) of the Lithuanian Constitution [14] establishes that the state and each individual must protect the environment from harmful effects. Article 54 of the Constitution of the Republic of Lithuania also establishes that the state shall protect the environment, flora and fauna, certain natural objects and particularly valuable territories, and shall supervise the careful use, restoration and enhancement of natural resources of Lithuania. The Basic Law of Lithuania prohibits the devastation of land and its subsoil, water and air pollution, radiation impact on the environment, and impoverishment of flora and fauna.

At the same time, the preamble to the Constitution of Latvia [15] states that every person must take care of himself, his family and the common good of society, treating others, future generations, the environment and nature responsibly. Article 115 of the Constitution of Latvia stipulates that the state protects the right of everyone to live in a safe environment by informing about the state of the environment, taking care of its preservation and improvement. Latvian legal scholars also note that the right to a favourable environment, as a new type of fundamental right, is recognized as one of the most important fundamental human rights, closely related to such human rights as the right to health, life, property and freedom of expression. In other words, the Constitution of Latvia establishes the state's obligation to protect and preserve the environment, as well as the subjective right of everyone to live in a safe environment [16].

In accordance with § 53 of the Constitution of the Republic of Estonia [17], everyone is obliged to protect the environment and natural environment and to compensate for damage caused to the environment. The procedure for compensation for environmental damage is established by law. The Commentary to the Constitution of the Republic of Estonia, § 53 [18], stipulates two main obligations for a person aimed at ensuring a better environment - the duty to treat natural resources with care and the duty not to cause damage to natural resources, as well as the duty to compensate for damage caused to the environment, which is protected by law. In particular, as stated in the Commentary to the Constitution of Estonia, a significant part of environmental law is derived from the law of the European Union in accordance with Articles 191-193 of the Treaty on the Functioning of the European Union (hereinafter – TFEU) [19]. In accordance with the provisions of the TFEU, Member States have assumed broad environmental protection obligations through numerous international agreements, according to which environmental protection obligations are also imposed on individual bodies (officials).

2. Legislation on environmental safety and environmental control in the Baltic states

2.1. Legislation and legal regulation of the activities of national and local authorities carrying out environmental control and ensuring environmental safety in Lithuania

In accordance with Article 4 of the Law of Lithuania 'On Environmental Protection' [20], the policy and practice of environmental protection management should direct public and private interests to improve the quality of the environment, encourage users of natural resources to find ways and means to avoid or reduce negative environmental impact, as well as to produce ecologically friendly products. In particular, the provisions of this article stipulate that natural resources must be used rationally and comprehensively, taking into account the possibilities of preserving and restoring the environment and

the peculiarities of nature and the economy of the Republic of Lithuania; environmental protection is based on comprehensive, correct and timely information about the environment. The Law also stipulates that the state administration of environmental protection in the Republic of Lithuania is carried out by the Government, the Ministry of Environment and other authorized state institutions.

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Environmental protection in municipal areas is managed by the relevant local self-government bodies in accordance with the procedure established by law. Thus, in accordance with the provisions of parts four and five of Article 6 of the Law 'On Environmental Protection', the Government of Lithuania coordinates the activities of state administration bodies and local self-government bodies in the field of environmental protection and use of natural resources (Article 6(4)(3) of the Law); organizes, coordinates the implementation and execution of the state strategy in the field of environmental protection and use of natural resources, prepares state perspective and target programmes for environmental protection and use of natural resources, ensures the procedure for their implementation and controls their implementation (Article 6(5)(2) of the Law); determines the boundaries and conditions for the use of natural resources, the procedure for issuing permits and controls the accounting of natural resources (Article 6(5)(5) of the Law); regulates and controls activities in nature protection areas, organizes their management (Article 6(5)(7) of the Law); determines and controls the norms and procedure for accounting for pollutants (except radionuclides) emitted (released, distributed) into the environment, determines the procedure for issuing permits for emissions (release, distribution) of pollutants (Article 6(5)(8) of the Law); exercises state control over environmental protection and use of natural resources, establishes the procedure for exercising state control over environmental protection and use of natural resources, and organizes implementation and control over other environmental protection measures (Article 6(5)(17,19) of the Law).

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Thus, in accordance with the provisions of parts four and five of Article 6(4,5) of the Law 'On Environmental Protection', the Government of Lithuania coordinates the activities of state administration bodies and local self-government bodies in the field of environmental protection and use of natural resources (Article 6(4)(3) of the Law); organizes, coordinates the implementation and execution of the state strategy in the field of environmental protection and use of natural resources, prepares state perspective and target programmes for environmental protection and use of natural resources, ensures the procedure for their implementation and controls their implementation (Article 6(5)(2) of the Law); determines the boundaries and conditions for the use of natural resources, the procedure for issuing permits and controls the accounting of natural resources (clause 5, part 5, Article 6 of the Law); regulates and controls activities in nature protection areas, organizes their management (Article 6(5)(7) of the Law); determines and controls the norms and procedure for accounting for pollutants (except radionuclides) emitted (released, distributed) into the environment, determines the procedure for issuing permits for emissions (release, distribution) of pollutants (Article 6(5)(8) of the Law); exercises state control over environmental protection and use of natural resources, establishes the procedure for exercising state control over environmental protection and use of natural resources, and organizes implementation and control over other environmental protection measures (Article 6(5)(17,19) of the Law).

According to the provisions Article 6(7) of the Law 'On Environmental Protection', local governments organize the implementation of environmental legislation adopted by the Government and the Ministry of Environmental Protection of Lithuania. In particular, the competence of local self-government bodies includes: management and distribution of state natural resources in accordance with the limits set for municipalities; development, approval and implementation of municipal programmes, schemes and other

environmental protection measures; use of funds from special programmes to support environmental protection of municipalities; creation and management of territories and landscape objects protected by the municipality; review and approval of projects of planned activities.

The Law of Lithuania 'On State Control of Environmental Protection' [21] defines the organization of activities related to the regulation of state control of environmental protection. In accordance with Article 5 of the Law, the Ministry of Nature and Environmental Protection (MNEP) organizes state control of environmental protection in the Republic of Lithuania. State control over environmental protection in the Republic of Lithuania is exercised by territorial state administration bodies subordinated to the MNEP, namely, regional nature and environmental protection departments. The Ministry of Environment is responsible for supervision and state control in the field of environmental protection.

In accordance with Article 8(1)(5) of this Law, the main functions of the Ministry of Environment of Lithuania include: – monitoring of compliance by the bodies and officials of state control over environmental protection with the requirements of regulatory legal acts in the field of environmental protection management; – assessment of the effectiveness of the activities of bodies and officials exercising state control over environmental protection, verification of compliance by individuals and legal entities with the requirements of laws and other legal acts in the field of environmental protection and use of natural resources. One of the main powers of the Ministry of Environment of Lithuania is also to consider disputes over decisions taken by state control bodies or officials in the field of environmental protection. State environmental control in the Republic of Lithuania is directly exercised by officials of the Ministry of Environment and Environmental Protection, who have quite substantial and extensive powers.

In accordance with Article 12(1) of the Law of Lithuania 'On State Control of Environmental Protection', state environmental control officials have the following rights and obligations – to check documents certifying the legality of the acquisition of natural resources and their compliance (their quantity, type, quality, etc.); – to carry out state environmental control measures in accordance with the requirements of international and Lithuanian legislation, in particular, to stop and inspect vessels of the Republic of Lithuania and foreign states, other water transport vehicles in the internal territorial waters and economic zone of the Republic of Lithuania (including vessels of the Republic of Lithuania flying the flag of the Lithuanian State and foreign vessels in international waters); – to take preventive measures for violations of environmental legislation for which liability is provided (in particular, to stop and inspect vehicles); – to conduct personal inspection and check of things (scene of an event) in accordance with the established procedure, to seize things and documents; – to give binding instructions on activities carried out by individuals or legal entities that violate or may violate environmental legislation or on elimination of such violations; - to stop the activities of individuals or legal entities harmful to the environment in accordance with the Law; – to draw up protocols, acts and other documents of the established form; – to consider cases of administrative offences and impose penalties in accordance with the Law; – to bring violators of environmental legislation to law enforcement agencies; - to keep, carry and use firearms and special means in accordance with the Law; – to request information from legal entities and individuals necessary to prevent environmental offences, identify violators and bring them to justice, as well as information on the impact of economic activity on the environment.

In the event that environmental damage to the environment is established as a result of a violation of Lithuanian environmental legislation, the state environmental control officer is obliged to offer the violator compensation for the damage in good faith within 30 days. If the violator does not voluntarily compensate for the damage within the time limit set by the environmental controller, the state environmental controller is obliged to file a claim for compensation for environmental damage with the court no later than 30 days after the expiry of this period.

It is also important to bear in mind that the presentation of an environmental control officer's service certificate is the basis for entry (passage, entry) to all enterprises, institutions, organizations, farms, military units, border areas and private territories and objects (buildings, premises, etc.) in order to check their compliance with the requirements of environmental legislation, conduct control tests and measurements. State environmental supervision officers, regardless of their place of service, have the right to exercise state environmental control throughout the territory of the Republic of Lithuania, its territorial waters and the Baltic Sea economic zone.

At the same time, the Law of Lithuania 'On Health Care' in the Article 18(2) [22] stipulates that state and municipal institutions, when making decisions, approving regulations, preparing measures

for the implementation of national development programmes and projects for their implementation, are obliged to take measures to protect the environment and ensure a system for assessing environmental risk factors for human health. Such measures are implemented, among other things, by: 1) improving the environment so that it becomes favourable for human health, reducing the negative impact of human activity on health and eliminating the damage caused by human activity to the environment; 2) ensuring the operation of the system for assessing environmental risk factors for human health; 3) informing and educating the public on the environment and its impact on human health; 4) assessing the impact on public health of economic activities that may pose a threat (danger) to human health.

In accordance with Article 6(1)(28) of the Law on Local Self-Government of the Republic of Lithuania, the autonomous functions (own powers) of municipalities include improvement and protection of the environment, as well as environmental monitoring. In particular, the provisions of this Law introduce a planning system in each municipality, which consists of territorial, strategic and financial planning. Thus, in accordance with Article 60(2) of the Law on Local Self-Government of the Republic of Lithuania, the strategic development plan of the municipality and programmes for the development of certain sectors (areas) of the economy of each municipality are long-term planning documents drawn up for at least 3 years and must include, among other things, the environmental component of the development of the municipality's territory, as well as take into account the relevant regulatory acts of planning the territories of the state, regional and municipal levels. Peculiarities of establishing environmental taxes and fees and control over their payment by business entities are determined by resolutions of the Government of the Republic of Lithuania [23].

Moreover, as mentioned at the beginning of the analytical review, since 2004, the Republic of Lithuania has been an EU member state in accordance with Article 150 of the Constitution of Lithuania [24].

Therefore, the Republic of Lithuania is obliged to follow the directives, regulations, and implementing regulations on the organization of environmental control in the EU member states in order to properly maintain the environmental safety standards of the state. These include Implementing Regulation (EU) 607/2012 of 06.07.2012 laying down detailed rules relating to the due diligence system and the frequency and nature of inspections by controlling authorities [25], in particular as provided for in Regulation (EU) 995/2010 laying down the obligations of operators placing timber and timber products on the market [26]. Or, for example, Directive 2012/18/EU of 04.07.2012 on the control of threats of major accidents involving the use of hazardous substances [27]. This Directive sets out clear rules for preventing large-scale accidents that may occur as a result of certain industrial activities and limiting their consequences for human health and the environment. The Directive provides for an assessment of the risk of an accident resulting from the use of a particular hazardous substance, and the identification in each country of 'operators' who manage or control the activities of a hazardous plant (production).

In addition to direct legal and regulatory measures of the state in the field of environmental control, the definition of environmental safety was significantly influenced by the introduction in 2022 by the Ministry of Environment of the Republic of Lithuania of the environmental rating of the state at the level of Lithuanian municipalities. As stated on the official website of the Ministry of Environment of Lithuania, the environmental rating of municipalities is based on a standardized assessment of municipalities according to 49 criteria in nine areas of environmental policy, including waste, energy, construction and spatial planning, communication, climate change management, environmental quality, precautionary measures and comfort, water quality, biodiversity, landscape data and environmental awareness in the territory [28]. The issue of environmental safety plays an important role in the scientific, practical and innovative environment of Lithuania. Lithuanian universities are actively researching ways to recycle and reuse waste, for example, to create raw materials in the future, and some projects are extremely successful. Currently, the reuse of waste in product development in various environmental fields is very popular in Lithuania and is encouraged by various research projects, and more and more unconventional solutions are becoming real products to solve various environmental problems in the Lithuanian Republic.

2.2. Legislation and legal regulation of the activities of national and local authorities carrying out environmental control and ensuring environmental safety in Latvia

According to Latvian scientists [29, p. 60], in today's consumer society, environmental protection and ensuring a favourable environment has become a global problem, the solution of which affects the fate of all mankind. People have to decide whether to continue the rapid production of material assets

and uncontrolled destruction of natural resources or to act proactively to ensure that the balance of life on the planet and the interests of future generations are not compromised in the near future. One of the tasks of the European Community, according to Article 2(1) of the Treaty establishing the European Community, is to ensure a high level of protection and improvement of the environment in the Member States. In accordance with the provisions of Article 174(1) and (2) of Title XIX of the Treaty establishing the European Community, the Community's environmental policy shall contribute to the achievement of the following objectives - preserving, protecting and improving the environment; - protecting human health; - balanced and rational use of natural resources; - contributing to the solution of regional and global environmental problems at the international level. The Community's environmental policy aims to achieve a high level of protection, taking into account the diversity of the situation in different regions of the Community, and is based on the principles of appropriate precautionary measures; remediation of environmental damage, primarily by eliminating its sources; and application of the polluter pays principle. In this context, the Treaty recommends that member states establish, if necessary, precautionary measures that will allow for temporary measures in Latvia's environmental policy to determine the areas of environmental safety and environmental control in the country.

In particular, the Government of Latvia adopted the Environmental Policy Plan for Latvia (hereinafter – Plan) [30]. It should be noted that this document was developed in 1994 and had a comprehensive strategic importance for the Republic of Latvia, in particular, among the co-authors of the Plan were experts from the Ministry of Economy of Latvia, the Ministry of Finance of Latvia, the Ministry of Agriculture of Latvia, the Nature Fund of Latvia, academic, scientific and educational institutions of Latvia, with the participation of experts from the Netherlands Ministry of the Environment, Urban Planning and Housing, the Swedish Environmental Protection Agency, the Government of the Kingdom of Denmark, and the Government of the Netherlands. The Environmental Policy Plan identified priority environmental problems in Latvia, analyzed them and developed solutions, and among the means of implementing environmental policy, the priority was given to state control and other types of environmental control (early warning monitoring, voluntary agreements, national programmes, etc.). And for the effective application of environmental laws, appropriate guarantees have been established through the system of state administrative institutions for environmental protection, their logistical support, environmental education, as well as state and other types of environmental control.

In accordance with clause 4.4.1 of the Plan, state control over compliance with environmental protection and regional development requirements in the territory of the Republic of Latvia is exercised by the State Environmental Inspectorate (hereinafter – SEI), regional environmental protection units (SEUs), and the administration of specially protected natural areas. The SEI exercises state control over environmental protection, use of natural resources and construction in the territory of the Republic of Lithuania, on the continental shelf and in the economic zone of the Republic of Lithuania of the Baltic Sea. The main task of the SEI is to control the observance and fulfilment of the requirements of environmental protection legislation by all legal entities and individuals in the territory of Latvia (including the continental shelf and the exclusive economic zone of the Baltic Sea), to control the use of natural resources and construction, as well as to control the implementation of state environmental protection programmes, the execution of plans and implementation of construction projects, and to take other necessary measures.

With regard to other types of control in the field of environmental protection, clause 4.4.3 of the Plan states that municipal authorities may also control compliance with environmental protection requirements on their territory. In the future, the control of local governments may become quite important, especially if they are delegated the rights and obliged to solve environmental problems on their administrative territory. Self-control of polluters, public awareness and orientation towards European Union standards are also essential.

The following Resolution of the Government of Latvia 'On the Main Principles of Environmental Policy for 2021-2027' [31] approved the following main directions of environmental policy of Latvia with the relevant instructions to the central authorities of the Government of Latvia, in particular, the Ministry of Environmental Protection and Regional Development, the Ministry of Economy, the Ministry of Finance, the Ministry of Transport, the Ministry of Health, the Ministry of Internal Affairs, the Ministry of Agriculture and the Ministry of Education and Science and their subordinate bodies are defined as co-responsible. Among the areas of environmental policy (Section II of the Fundamental Principles), the priority is the basic environmental management system (horizontal management issues)

and state environmental monitoring, and among the actions and tasks in accordance with paragraph 42 of Section III is the improvement of the system of monitoring and control of polluting activities in Latvia.

Furthermore, the Government of Latvia approves relevant long-term programmes and policies, with the Ministry of Environmental Protection and Regional Development of Latvia as the main strategic implementer in cooperation with line ministries and central authorities, which take into account environmental security measures. For example, in 2023, the Ministry of Defence approved a new environmental policy and the Methodological Guidelines for Environmental Protection of the Ministry of Defence for 2023-2027 [32].

Also, in accordance with Article 11 of the Law of the Republic of Latvia 'On Environmental Protection', citizens of the Republic of Latvia have the right to live in a quality living environment and to demand from competent state institutions, legal entities and their officials to cease such activities or inactivity that worsen such environment, harm the health of residents or threaten their lives, interests and property. The Law of Latvia 'On Environmental Protection' does not contain direct provisions on environmental safety and definition of environmental control, however, the Law takes into account the legal provisions of EU directives that are binding on proper information and public participation of the Latvian population regarding the application of environmental protection measures and environmental protection, in particular 1) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and compensation of damage caused to the environment [33]; 2) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003, providing for public participation in the drawing up of certain plans and programmes relating to the environment and amending Council Directives 85/337/EEC and 96/61/EC [34]; 3) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on the availability of environmental information to the public and repealing Council Directive 90/313/EEC [35].

The state's educational policy is also important in terms of environmental safety – the promotion of environmental education, science, monitoring activities, and the implementation of targeted environmental projects are carried out with the financial support of the Environmental Protection Fund of Latvia. In accordance with Part 1 of Article 6 of the Law of Latvia 'On the Environmental Protection Fund', the Chairman of the Fund's Council is the Minister of Environmental Protection and Regional Development of Latvia or a person authorized by him/her, who is an official of the Ministry of Environment.

The State Environmental Service of the Republic of Latvia (hereinafter – Service) [36], which is subordinated to the Minister of Environmental Protection and Regional Development, directly exercises state control and state administration in the field of environmental protection in Latvia. The purpose of the Service is to ensure compliance with legal acts in the field of environmental protection, radiation and nuclear safety and the use of natural resources, as well as to promote the rational use of natural resources and energy.

In accordance with Article 3 of Section II of the Regulation on the State Environmental Service of Latvia, approved by the Resolution of the Government of Latvia (hereinafter - the Regulation on the Service), the functions assigned to the Service include

- 1) state control over environmental protection and the use of natural resources in the territory of Latvia, on the continental shelf and in the economic zone of the Republic of Latvia of the Baltic Sea in accordance with the procedures set forth in the regulations governing environmental protection;
- 2) control the fishing activities carried out by Latvian fishing vessels in the Member States of the European Union, non-EU countries and international waters in accordance with the procedures set forth in the regulations governing fishing;
- 3) monitor and control radiation safety and nuclear safety in accordance with the procedure established by regulatory legal acts on radiation and nuclear safety.

According to Article 4 of the Service's Regulation, among the tasks of controlling the implementation of environmental legislation, the Service carries out:

- 1) control through the issuance of regulations on the extraction and use of natural resources, nature protection, emissions of pollutants into the environment, hazardous and household waste management, used container management, operations with chemicals and mixtures, as well as compliance with the requirements established for radiation safety and nuclear safety;

2) issuing and approving permits (licenses), technical regulations and other administrative acts for the use of natural resources and polluting activities in accordance with the procedure established by regulatory legal acts on environmental protection, radiation safety and nuclear safety;

3) informing the public about the activities of the Service and providing the public with environmental information available to the Service;

4) participation in emergency management;

5) air monitoring and monitoring of surface and groundwater within the framework of projects financed by the European Union funds.

In order to ensure the performance of the functions and tasks assigned to the Service in accordance with Article 5 of the same Regulation, the Service:

1) in accordance with its competence, cooperate with other direct management institutions (i.e., with central government authorities or institutions subordinated to central executive authorities), as well as local self-government authorities and their bodies, other institutions, non-governmental organizations, institutions of other countries and international organizations, and participate in international cooperation programmes and projects;

2) has the right to request and receive free of charge from state authorities and local self-government bodies, as well as from individuals in cases stipulated by external regulations, information and documents necessary for the performance of official tasks;

3) have the right to check compliance with environmental and natural resource management regulations at any facility;

4) submit proposals when drafting legislative acts.

In the field of environmental protection, the Latvian Department of Nature Protection is a body of the executive branch with direct subordination to the Minister of Environmental Protection of Latvia. The Department is endowed with a fairly powerful scope of powers, functions and level of responsibility, as the Head of the Authority is appointed and dismissed directly by the Minister of Environmental Protection and Regional Development of Latvia.

In accordance with Article 2, Section II of the Regulation on the Latvian Department of Nature Protection approved by the Government of Latvia (hereinafter - the Regulation on the Department) [37], the functions of the Authority include the following:

1) management of specially protected natural areas established by the Saeima and the Cabinet of Ministers (hereinafter referred to as the protected area);

2) implementation of the national environmental policy, including the protection of species and their habitats;

3) functions of the controlling authority in accordance with the regulatory legal acts on international trade in endangered species of wild animals and plants;

3) functions of the competent authority in accordance with the regulatory and legal acts on trade in seal products;

4) administration of compensation costs due to restrictions on economic activity in specially protected natural areas and micro-reserves, as well as administration of compensation costs due to significant damage caused by animals of specially protected non-hunting species and migratory species.

In accordance with Article 3 of the Regulation on the Department, it also performs the following tasks in the implementation of environmental safety and control measures:

1) organizes and controls the development and updating of environmental protection plans for protected areas, as well as facilitates and coordinates the implementation of these plans;

2) submits proposals for the establishment of new protected areas, changes in the category of protected areas or rules for the protection and use of protected areas, as well as for the inclusion of protected areas in international networks of protected areas;

3) provide an opinion on the validity of liquidation of the protected area status;

4) organizes and controls the development and updating of species and habitat protection plans, and promotes the implementation of these plans;

5) organizes optimal maintenance and restoration, as well as measures for the protection of specially protected species, their habitats and specially protected habitats;

6) prepares information for the public and the European Commission on protected natural areas of European importance (Natura 2000), specially protected species and habitats, as well as on the acquisition of individuals of specially protected species;

- 7) plan and organize necessary environmental and economic measures in protected areas and micro-reserves;
- 8) implement projects in the field of nature protection;
- 9) monitor compliance with legal acts regulating the protection of protected areas, species and habitats, as well as micro-reserves
- 10) control the trade in endangered wild animals and plant specimens;
- 11) in accordance with the regulatory legal acts governing nature protection, issues and cancels permits and suspends their validity, provides conclusions and approvals in the field of environmental protection;
- 12) ensure the placement of information signs to mark the external boundaries of protected areas;
- 13) coordinates and conducts scientific research and monitoring in the field of natural sciences in the protected areas, collects and stores the results of scientific research and monitoring data, collects and summarises information on the implemented, ongoing and necessary environmental protection measures in the protected areas and micro-reserves;
- 14) conducts educational work among the population on nature protection issues;
- 15) provides information necessary for the development of territorial plans for protected areas, specially protected species and specially protected habitats and their protection regime, and, if the municipality is located in a protected area, provides conditions for the development of territorial plans and conclusions on their territorial plans;
- 16) manages the state property of the MENR, which is at the disposal of the Department;
- 17) maintains the state register of protected areas and micro-reserves, as well as specially protected species;
- 18) provides the European Environment Agency with data on protected areas, protected species, their habitats and biotopes;
- 19) certifies experts in the field of species and habitat protection, supervises the professional activities of experts and evaluates the professional activities of experts, creates and maintains a register of experts, and evaluates other issues related to certification;
- 20) create and maintain a database of expert opinions in the field of species and habitat protection;
- 21) performs other tasks defined by the regulatory legal acts on environmental protection and forestry.

The Department has a central office with structural subdivisions, as well as subordinate territorial offices. In general, as a structural unit of the Ministry of Environment and Regional Development, the Nature Protection Authority is the body that monitors the effectiveness of management in this area and also controls the specially protected areas of Latvia.

In general, the structure of the Ministry of Environment and Regional Development of Latvia also includes the State Environmental Supervision Service, the Environmental Protection Fund, the Latvian National Museum of Nature, the Latvian National Botanical Garden, and the State Agency for Regional Development. It should be noted that the State Environmental Supervision Service is a competent institution of the environmental management and audit system, but it does not have controlling functions and is not responsible for organizing environmental safety measures.

In this context, it should be noted that according to Latvian legislation, the competence of local governments does not include the implementation of environmental control and safety measures at the local level. The Law of Latvia 'On Local Self-Government Bodies' [38] defines cases of mandatory approval, notification of the Ministry of Environmental Protection and Regional Development in cases provided for by the Law or provision of a relevant opinion by a line ministry, etc. At the same time, pursuant to Article 64(1) of the Law of Latvia 'On Local Self-Government Bodies', the activities of local self-government bodies are controlled by the Ministry of Environmental Protection and Regional Development in accordance with this Law. The Ministry of Environmental Protection and Regional Development has the right to assess the legality of any provisions of local government regulations, except for issues related to the local budget and territorial planning.

In this context, it should be noted that according to Latvian legislation, the competence of local governments does not include the implementation of environmental control and safety measures at the local level. The Law of Latvia 'On Local Self-Government Bodies' defines cases of mandatory approval, notification of the Ministry of Environmental Protection and Regional Development in cases provided for by the Law or provision of a relevant opinion by a line ministry, etc. At the same time, pursuant to Article 64(1) of the Law of Latvia 'On Local Self-Government Bodies', the activities of

local self-government bodies are controlled by the Ministry of Environmental Protection and Regional Development in accordance with this Law. The Ministry of Environmental Protection and Regional Development has the right to assess the legality of any provisions of local government regulations, except for issues related to the local budget and territorial planning.

Also, in accordance with Article 19(4)(8) of the Law of Latvia 'On the Protection and Management of the Marine Environment' [39] the State Environmental Service or an institution that issues a permit or license, in cooperation with the National Armed Forces and the State Border Guard, exercises control over the use of the sea and protection of the marine environment in accordance with the legislation on environmental protection, protection, fisheries, maritime affairs management and maritime safety, and border protection.

One of the central bodies in the field of environmental protection in the EU is the European Environment Agency (hereinafter - EEA), which is the main developer of the EU environmental policy and ensures the effectiveness of reporting to national and international government agencies in accordance with the EEA Regulation [40]. In particular, every four years, the European Environment Agency (EEA) [41] publishes a report on the state of the environment in Europe and a list of problems that need to be addressed as a matter of priority.

At the level of the European Union, the aspects of pollution prevention and control are regulated in accordance with Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) [42]. The Republic of Latvia is obliged to follow the directives, regulations and implementing rules on the organization of environmental control in the EU member states in order to properly maintain the environmental safety standards of the state.

2.3. Legislation and legal regulation of the activities of national and local authorities carrying out environmental control and ensuring environmental safety in Estonia

The specifics of the definition of the 'right to the environment' as meeting the 'needs of health and well-being' are defined in the Law on the General Part of the Environmental Code (hereinafter – KeÜS) [43]. In particular, § 23 of the said Law on the right to the environment provides for the following:

- 1) every person has the right to an environment that meets his or her health and well-being needs and with which he or she has significant contact;
- 2) a person who permanently resides in the affected environment, frequently consumes the affected natural resource or has a special connection with the affected environment for other reasons has a significant impact.

In connection with the need to update the state's strategic policy in the field of environmental safety, the Government of Estonia initiated and approved the National Plan 'Estonia 2050' with a strategic environmental impact assessment [44]. The provisions of the Plan emphasize the application of strategic environmental impact assessment approaches to assess various effects and consequences that affect the environmental security of the state.

As stated on the official website of the Ministry of Climate of the Republic of Estonia [45], the Ministry of Climate is a central government agency whose functions and activities are aimed at balanced development of natural resources and environmental protection. The Ministry of Climate is responsible for implementing the green reform in Estonia, planning climate policy, energy, renewable energy development, and environmental protection. The competence of the Estonian Ministry of Climate also includes, for example, the water and marine environment, as well as the organization of road traffic and transport. Therefore, the Ministry of Climate is subordinated to the State Department of the Environment and the State Department of Transport, and the Ministry of Climate is composed of: The Forest Resources Service, the Environmental Research Centre, the Geological Survey, the Environmental Investment Centre, the State Agency for Maritime Transport, and the Estonian Museum of Nature.

It is also worth paying attention to the approaches used in setting out the legal framework for environmental control and environmental safety in the Republic of Estonia. Pursuant to § 331 of the Estonian Environmental Liability Act, the State Department of Ecology is responsible for state control over compliance with the requirements of the Act and regulations adopted on the basis of the Act. Generally, the activities of the Environment Department are focused on fulfilling the requirements of environmental legislation, ensuring that environmental protection measures are implemented at a high level, preventing environmental hazards, monitoring the implementation of preventive measures to

reduce environmental risks, eliminating environmental offences, and carrying out educational activities and disseminating knowledge in the field of environmental safety [46].

In the Act on the General Part of the Environmental Code (hereinafter – ‘KeÜS’), the principles underlying decision-making in the field of environmental protection in Estonia are defined in detail. In particular, according to the provisions of the Estonian Environmental Code Act (KeÜS), the prevention principle obliges to prevent environmental threats, and the precautionary principle obliges to control environmental risks. As stated in the Final Report of the Estonian Environmental Assessment and Impact Assessment (Phase II) [47], in the context of these principles, a hazard is defined as a completely undesirable consequence, such as exceeding a threshold value of environmental quality indicators or the death of a protected species, which may occur. In accordance with these principles, hazards should be avoided, including the use of means to exclude hazardous activities, for example, the use of a ban on the use of certain types of fertilisers in the area where protected plant species are grown, etc. The Ecological Code does not define the concept of ‘environmental safety’, but instead sets out the content of the concept of ‘environmental hazard’. Pursuant to § 5 of the Law on the General Part of the Environmental Code (KeÜS), environmental hazard is defined as a sufficient probability of significant environmental damage. In accordance to § 621 (2) of the General Part of the Estonian Environmental Code (KeÜS), the State Environmental Board is responsible for state and administrative environmental control.

In particular, due to the geographical location of Estonia, the Code regulates in detail the use of coastal zones along water bodies and access to their use (§ 38, § 38). Therefore, in parallel with the functions of state environmental control, in accordance with the second part of § 621 of the General Part of the Environmental Code (KeÜS), local governments are also entrusted with the functions of state environmental control (powers to ensure public access to coastal zones, etc.). Section 51 of the General Part of the Estonian Environmental Code (KeÜS) also regulates the specifics of state and administrative control, including the application of special measures and enforcement in case of violation or non-compliance with environmental legislation. In particular, pursuant to § 62² of the General Part of the Environmental Code, the Department of Ecology has powers to use special measures provided for in the Law on Law Enforcement when performing the control function. At the same time, local self-government authorities are also authorized to apply special environmental control measures provided for by the same provisions of the Law ‘On Law Enforcement’ [48].

The particularities of state environmental control are set out in § 62³ of the General Part of the Environmental Code (KeÜS), which defines the control measures operated by the State Department of Ecology, as well as the cases and conditions for imposing a forfeiture penalty. For example, part three of § 62³ of the Code provides that the Department of Ecology has the right to demolish a building that prevents access to the coastal path (coast) near a water body in accordance with the procedure established by law. The relevant provisions of §§ 62⁴, 62⁵ of the Environmental Code also regulate the use of coercion and the limits of the imposition of a penalty. For example, in case of failure to comply with a court injunction, the maximum amount of a fine that may be imposed by the Department of Ecology is EUR 32,000.

In addition to the provisions of the Environmental Code, Section 6 of the Law ‘On Environmental Monitoring’ also regulates the implementation of environmental control. In particular, § 16 of the Law stipulates that the State Department of Ecology is responsible for state control over compliance with the prohibitions established under this Law (except where such control is carried out in accordance with the provisions of an act of the Ministry of Climate). In accordance with §§ 17,18 of the Law on Environmental Monitoring, the Department of Ecology is entitled to apply special measures of state control, including physical measures of influence provided for by the Law on Law Enforcement. In the event of non-compliance with a court injunction, the maximum fine to be imposed under the procedure may be EUR 6,400 (§ 19 of the Law).

The provisions of the Law ‘An Industrial Emissions’ define the areas of industrial activity with increased environmental risk, establish requirements for the subjects of such activity and liability for their failure to comply with environmental requirements, as well as the proper organization of state control in these areas. At the same time, the entry into force of the Industrial Emissions Law is preceded by its full compliance with Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) [49]. In accordance of § 155(2) of the Law, the environmental inspection is the controlling authority that directly verifies compliance with the requirements at the facilities covered by the permit to carry out the relevant activities. The Environmental

Inspectorate supervises compliance with the requirements of this Law and the bylaws adopted on its basis (§ 161 of the Law). Official which carry out environmental control in accordance with the Law 'On Industrial Emissions' has the right to issue instructions and impose penalties in case of failure to comply with a court injunction. In accordance with this article, environmental control includes: 1) analysis of reports and results of emissions monitoring provided by the operator of the activity; 2) inspection visits to the facility; 3) verification of documents on internal reporting and control measures of the person; 4) control of compliance of the equipment used and the environmental management system of the equipment, including its own monitoring; 5) collection and measurement of control samples (if necessary). This Law also establishes the National Environmental Control Plan for Facilities Subject to the Integrated Permit (State Environmental Control Plan), which, in accordance with § 156, is the basis for systematic environmental control over the activities of all facilities subject to the Integrated Permit. In addition, pursuant to § 157 of the Industrial Emissions Law, based on the State Environmental Control Plan, the Environmental Inspectorate, with the participation of the State Department of Ecology, also prepares a Regular Environmental Control Programme for facilities covered by the Integrated Permit (Regular Environmental Control Programme). The Regular Environmental Control Programme includes: 1) a schedule of regular inspections of facilities by different types of facilities, together with the frequency of their inspections; 2) an exemplary list of control measures to be carried out during the regular inspection; 3) an exemplary list of samples to be taken and measured during the regular inspection; 4) an exemplary list of other measures to be carried out.

At the same time, Section 10¹ of the Law 'On Nature Protection' regulates the exercise of state and administrative control in the field of nature protection. The § 702 of the Law also stipulates that the State Environmental Department shall exercise state control over compliance with the requirements of the Law on Nature Protection and the legislation adopted on the basis thereof. In addition, the administrative supervision of compliance with the requirements set out in Regulation (EU) No 511/2014 of the European Parliament and of the Council is carried out by the State Environmental Board of Estonia [50]. The reference provision of the § 702(2) of the Law stipulates that environmental supervision or control is also carried out by a local self-government body or institution in accordance with the Law on Environmental Supervision. The State Department of Ecology, institution or local self-government body is empowered to apply special measures of state control in accordance with the Law 'On Law Enforcement', including the application of physical measures. In accordance with the provisions of § 66⁴ of the Law 'On the Organization of Local Self-Government', the procedural issues of environmental offences are delineated [51]. This article stipulates that the Department of Ecology is an extrajudicial body dealing with offences in the field of ecology and environmental protection, while local governments, police authorities and the Estonian Border Guard are designated as extrajudicial bodies dealing with offences in the field of land resources that endanger human life and health or the environment.

At the same time, Section 2 of the Law 'On Environmental Supervision' sets out a complete legal regulation of the bodies and subjects of environmental supervision and control, i.e. their functions, powers and tasks. Pursuant to Section 2 § 3 of the Law On Environmental Supervision, environmental supervision is carried out by the environmental inspection, land administration and local self-government body (or institution). The environmental inspection as a subject of environmental supervision acts in all areas of environmental protection (§ 4 of the Law), in particular: takes measures to prevent illegal activities in the field of environmental protection; stops illegal activities that harm or threaten the environment; organizes the storage, sale, return to the legal owner or destruction of natural products with uncertain ownership; organizes the liquidation of unauthorized construction in cases provided for by the Law. The land administration, as a subject of environmental supervision, carries out measures to control compliance with the requirements of land use, land management and land registration, and measures to stop illegal activities in the land sector (§ 5 of the Law). Control over the implementation of local council decisions on environmental protection and use is vested in a person or institution authorized by the council, or, if they have not been appointed (established), control is vested directly in the local self-government body (§ 6 of the Law). The local self-government body carries out measures to prevent illegal activities and measures to protect the environment; informs the environmental inspectorate of illegal activities that harm or threaten the environment, or legal activities related to the use of natural resources, if such activities pose a threat to life, health or property, and the land council of cases of violation of the rules of land use, land management and land registration requirements.

In addition to the current legislation, Estonian scientific and civil society has raised the issue of climate change to the level of the state vector of sustainable environmental development, providing leverage and appropriate control in the lawmaking process. This is the case of the high-profile draft law on climate-safe economy, the explanatory note to which sets out the modern principles of environmental control in the future [52]. A special attention is focused on the principle of intergenerational equity, which is used to mitigate the implementation of climate change measures, gradual adaptation of climate policy implementation at the level of state authorities and local municipalities, and their regulatory impact on the competitiveness of the state's economy (§ 2 of the Explanatory Note to the Draft Law). It is worth noting that these principles and approaches are aimed at fulfilling Estonia's international obligations to prevent human rights restrictions for future generations (§ 13 of the Explanatory Note to the Draft Law).

At the same time, one of the central bodies in the EU environmental protection sector is the European Environment Agency (EEA), which is the main developer of the EU environmental policy. At the level of the European Union, the aspects of pollution prevention and control are regulated in accordance with Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control). The Republic of Estonia is obliged to follow the directives, regulations, and implementing regulations on the organization of environmental control in the EU member states in order to properly maintain the environmental safety standards of the state.

3. Problems of legal ensurance of environmental safety and environmental control in the Baltic countries in a comparative aspect

Environmental security in the Baltic Sea Region is facing significant challenges due to human activities and environmental pressures. The ecosystem suffers from pollution, such as overfishing in the Baltic Sea and the destruction of habitats for certain species. However, the organizational and administrative efforts made by each of the Baltic states to improve the environment, as well as regional measures and environmental protection efforts among the European Union member states, have been very successful.

The legal framework for environmental safety and environmental control in each of the Baltic States differs in its approaches, legal regulation, and the activities of regulatory authorities and local governments in the region as a whole.

Based on the current issue of ensuring environmental safety and environmental control in Lithuania, the Republic of Lithuania has a relatively small territory, with a fairly efficient distribution of powers of environmental control and maintenance of environmental safety measures. In Lithuania, environmental control powers are exercised by central and local government authorities, and a number of powers are exercised at the level of municipalities, which directly carry out environmental control and environmental safety measures at the community level. In order to maintain the proper state of environmental safety in municipalities and the state as a whole, officials and employees of environmental control bodies carry out inspections, monitor the state of the environment within their competence, and take preventive measures against violators or possible violators of Lithuanian environmental legislation. In particular, environmental control officials are empowered to consider disputed issues, as well as to impose fines, penalties, and bring legal proceedings in respect of environmental offences.

Environmental safety is a priority policy area for all EU member states, and in Lithuania, environmental safety is not only a priority of national importance, but also promotes active environmental safety programmes in Lithuanian municipalities. The recommendatory norms of the European Union legislation, which are strictly implemented by the Government of Lithuania, and the novelties of the national legislation of Lithuania are aimed at maintaining and improving the state of environmental safety. In addition, the Government of Lithuania actively participates in the programme activities of the European regional environmental funds, scientific and innovative research aimed at improving the environmental state and environmental safety measures in Lithuania.

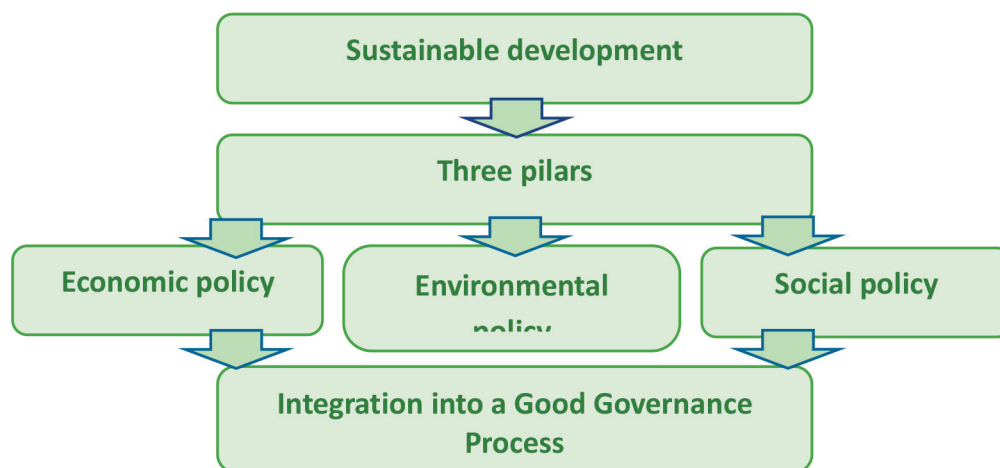
In Latvia, the policy of sustainable planning and environmental safety of the state has been built systematically. The Government of Latvia has adopted a number of policy documents outlined in the study, which were developed in cooperation with the Ministry of Environmental Protection and Regional Development, other ministries, agencies, and public environmental organizations of Latvia, as well as with the cooperation and expert support of foreign ministries, in particular the Government of the Kingdom of the Netherlands. The responsibility for the implementation of the governmental policies aimed at improving the environmental safety of the Republic of Lithuania in the long term was also

jointly determined. The next feature of the study is the rather extensive powers vested in the Ministry of Environment of Latvia, which is defined as the main governmental body in the field of environmental protection and regional development. Direct environmental control and environmental safety measures are carried out by the Latvian Nature Protection Authority and the State Environmental Service of the Republic of Latvia. It is worth noting that the Ministry and its local (regional) structures have the main powers of environmental control. The peculiarity of the legislation is that the Ministry is responsible not only for sectoral environmental control and environmental safety measures. The Ministry of Environmental Protection and Regional Development controls the activities of local self-government, in particular, it has the right to assess the legality of any provisions of local self-government regulations, with the only exceptions being local budget and territorial planning issues. The EU legislation is aimed at preserving and improving environmental safety, in particular, the laws analyzed in this study contain direct references to the application of EU regulations and directives.

The legal framework of Estonian legislation on environmental control is in line with the EU legislation, in particular with regard to the powers vested in state and local authorities, comprehensive preventive measures taken by environmental control and supervisory authorities, measures of influence - physical and legal influence, and imposition of significant fines. The Estonian Ministry of Climate, as the central authority in the field of environmental protection, has rather extended functions and powers that indirectly relate to other areas of state activity, in particular, the implementation of environmental safety measures and environmental control functions in the military, transport, energy and road traffic sectors. Instead, local governments are authorized to implement environmental safety measures, but municipalities are selectively restricted in exercising environmental control functions. The comprehensive review of the legal framework of environmental control draws attention to the initiative of the Government of Estonia to implement the strategic policy of the state in the field of environmental safety by approving the National Plan 'Estonia 2050' and approaches to legal regulation of this area, as well as the latest application of international norms in the strategy of their implementation in the national legislation of Estonia. In general, the legal regulation of environmental control and environmental safety in Estonian legislation is quite detailed, in particular, these legal relations are covered by the provisions of several substantive laws, partly by the Code, which includes international legal norms and EU legislation.

According to Lithuanian scientists Petrauskienė R. and Predkelytė E. [53, p. 94], who studied the sustainable development policy of the Baltic States in the context of good governance, the integration of sustainable development takes place in the process of good governance. And legal mechanisms for decision-making by public authorities are very important for the implementation of sustainable development policies, as most national representative legislatures, as well as judicial practice, fully recognise the link between environmental protection, economic development and human rights.

Scientists are convinced that better coordination and greater legal support for good governance and implementation of environmental requirements, data collection and analysis can accelerate the progress of sustainable development in general, citing the scheme of sustainable development integration from Bartle, I., Vass, P..



Czech scientists Marek Baroň, M., Kolínský, O., Březovská, R.-J., like the above-mentioned Lithuanian scientists, in one of their studies also consider the issue of environmental security in the context of the concept of sustainable development of the Czech security policy in general, in particular in the context of the Strategic Framework of the Czech Republic until 2030 (Strategického rámce ČR 2030) [54, p. 35] at the national and regional levels, the impact of climate change on the individual interests of the Czech Republic within the framework of global cooperation. In the study, the researchers processed a significant amount of materials, which, among other things, focuses on green transformation and the risks of modern securitisation. Scientists note that in the long term, the effects of securitisation can lead to economic instability, vulnerability of the energy sector due to excessive dependence on government decisions, negative impact on the health and social status of certain social groups, and the threat of climate change [54, p. 46].

The Slovak scientist Jankuv, J. [55, p. 302], studying these issues on the scale of international environmental law as a special branch, emphasises the impact of the process of greening public international law on the law of the European Union and the legal order of the Slovak Republic as a national legal system. According to the author, the goals are achieved through the establishment of international obligations for states aimed at preventing environmental damage, mechanisms for monitoring compliance with these obligations, as well as new bodies and institutions designed to assist states in fulfilling their obligations and in identifying areas of the environment that need protection. Ultimately, this legal mechanism is aimed, in particular, at preventing and reducing environmental damage. Therefore, the generally accepted customary institution of state responsibility for internationally wrongful acts can be applied in this area only to a minimum extent. According to the author, there is room for applying the responsibility of States for the harmful consequences of activities that are not prohibited by international law in this area.

Conclusions. In this article, we attempt to define the legal basis of environmental control through a comparative analysis of legal regulation and the structure of public authorities and local self-government bodies which form environmental safety in the Baltic States. Thus, using the scientific comparative legal method and the functional approach, the author compares environmental safety and environmental control measures in the legal systems of the Baltic States, highlighting some views of scholars from Eastern European countries in the context of the overall review of European law in this context.

Each of the Baltic States develops and implements a special state policy in the field of environmental safety aimed at harmonizing public law environmental control measures at different levels of authorities in accordance with the framework of EU directives and regulations and international treaties.

1. The Baltic States are member states of the European Union, geographically located in a relatively small area bordering the Baltic Sea, i.e. they share a common and similar ecosystem, and have traditional formats of close cooperation within the framework of regional, interstate, and European legal initiatives and agreements.

2. The basis for the establishment of constitutional norms in the regulation of environmental safety and environmental control in the Baltic States was the participation of each state in international treaties, such as the Stockholm Declaration and the Aarhus Convention, and later the Treaty on the Functioning of the European Union, the Treaty of Accession to the European Union of each Baltic State, according to which the legal norms of the European Union became an integral part of national legislation with recognition of their superiority over laws and other legal acts of Lithuanian Republic, Latvian Republic, Estonian Republic.

3. In each of the Baltic States, environmental control powers are exercised by central and local government authorities, and a part of the delegated powers are exercised at the level of municipalities, as the closest authorities to the residents of the territories. In the Republic of Lithuania, local governments exercise their powers directly and have a certain degree of autonomy in implementing environmental control and environmental safety measures at the community level. Such powers are more centralized in the legal system of the Republic of Latvia, where the Ministry of Environmental Protection and Regional Development of Latvia comprehensively and structurally exercises direct environmental control and environmental safety measures, i.e. the Department of Nature Protection of Latvia and the State Environmental Service of Latvia. In addition, the peculiarity of legal regulation is the Ministry's direct control over the rule-making activities of local self-government bodies in general, in particular, the Ministry has the right to assess the legality of any provisions of local self-government regulations, with the only exceptions being local budget and territory planning issues. The legal regulation of environmental

safety in Estonia in terms of environmental control is directly interconnected and harmonised with the provisions of the European Union legislation. The Estonian Ministry of Climate, as the central authority in the field of environmental protection, has very extensive functions and powers of both extraterritorial and multisectoral nature, which relate to other areas of environmental safety regulation, in particular, the implementation of environmental safety measures and environmental control functions in the military, transport, energy, road traffic, etc. Among the powers vested in Estonian public authorities and local self-government bodies are the implementation of comprehensive preventive measures by controlling and supervisory bodies in the field of environment, as well as measures of influence - physical and legal influence, imposition of penalties. However, local governments, which are authorized to implement environmental safety measures, are significantly limited in their environmental control functions.

4. Among the modern scientific views on administrative legal relations that constitute the issues of environmental safety and the legal basis of environmental control, Lithuanian and Latvian scholars pay attention not only to local policies and legal mechanisms of environmental control bodies, but also to the foundations of the constitutional norms of each of the Baltic States, the content of national policy and national legislation, implementation and application of the provisions of European Union legislation and European Union policies. Scholars from other Eastern European EU member states focus their research on environmental safety and environmental control on the direct impact of international environmental law on the subjects of EU environmental law. The attention of contemporary Ukrainian researchers on legal regulation in the field of ecology and environmental safety is focused on Ukraine's climate policy in the context of European integration. A number of Ukrainian lawyers, Slovak and Czech scholars study environmental security in the context of sustainable environmental development at both the national and international levels.

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