

UDC 349.6(061.1ЄС):330.341.1

DOI: <https://doi.org/10.24144/2307-3322.2026.94.2.29>

## KEY CHALLENGES OF EU ENVIRONMENTAL LAW ARISING FROM THE EUROPEAN GREEN DEAL

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### **Danyiuk L.R. Key challenges of EU environmental law arising from the European Green Deal.**

The article examines the legal nature and specific features of EU environmental law in light of the objectives defined by the proclamation of the European Green Deal policy.

The presentation of the European Green Deal has generated considerable public interest and political debate. It has become evident that the chosen path is ambitious yet strategic and will require not only administrative decisions but also regulatory, market-based and procedural instruments, multifaceted cooperation, investment resources, information campaigns. At the same time, the transformations outlined in the Deal will have a cross-sectoral impact on all branches of the economy: industry, construction, agriculture, trade, governance, etc. and will necessitate extensive scientific research and technological innovation. Moreover, these changes will shape future environmental trends for the global community and significantly transform people's usual way of living life.

The analysis of the Communication from the European Commission makes it possible to identify the following key components of the European Green Deal: increasing the EU's climate ambition for 2030 and 2050; supplying clean, affordable and secure energy; mobilising industry for a clean and circular economy; building and renovating in an energy- and resource-efficient way; striving for zero pollution and a toxic-free environment; preserving and restoring ecosystems and biodiversity; the "Farm to Fork" strategy aimed at creating a fair, healthy and environmentally friendly food system; accelerating the transition to sustainable and smart mobility. In the meantime, the transformation of the EU economy towards a sustainable future is based on adequate financing and a just transition (leaving no one behind).

The article concludes that the planned actions reflected in the new strategic and programmatic EU documents, on the one hand, constitute independent directions of European policy, and on the other, are logically interconnected, mutually dependent and oriented towards achieving a common objective within the framework of the European Green Deal. They extend far beyond purely legal categories, as they require economic, technical and other forms of expertise, as well as a comprehensive understanding of internal processes. At the same time, they are not merely declarative; they demand concrete steps for practical implementation. This, in turn, necessitates the establishment of an appropriate legal framework and operation within a regulated legal order. Accordingly, the EU is intensifying its efforts to develop and refine legal mechanisms that ensure the implementation of the European Green Deal.

**Key words:** EU environmental law, EU environmental legislation, EU acquis, European Green Deal, sustainable development.

### **Данилюк Л.Р. Ключові виклики довкілєвого права ЄС, зумовлені Європейським зеленим курсом.**

В статті проаналізовано основні завдання довкілєвого права ЄС у світлі цілей, визначених проголошенням політики Європейського зеленого курсу.

Представлення Європейського зеленого курсу зумовило суспільний інтерес і політичні дискусії. Стало очевидним, що обраний шлях є амбітним, але стратегічним і потребуватиме не тільки адміністративних рішень, а й регулятивних, ринкових, процедурних інструментів, різносторонньої співпраці, інвестиційних ресурсів, інформаційної кампанії. Водночас окреслені ним потенційні зміни матимуть кроссекторальний вплив на всі галузі економіки: промисловість, будівництво, сільське господарство, торгівлю, управління та інші й вимагатимуть потужних наукових досліджень та технологічних інновацій. Також вони без перебільшень формуватимуть

подальші довкіллєві тенденції для всієї світової спільноти й одночасно суттєво видозмінюватимуть звичний людству спосіб організації життя.

Аналіз Communication from the European Commission дозволив виділити такі ключові елементи ЄЗК як: підвищення кліматичних амбіцій ЄС на 2030 і 2050 роки; постачання чистої, доступної та безпечної енергії; мобілізація промисловості для чистої й циркулярної економіки; будівництво та реконструкція енерго- й ресурсоефективним способом; прагнення до нульового забруднення для довкілля без токсичних речовин; збереження та відновлення екосистем і біорізноманіття; «від ферми до виделки»: справедлива, здорова й екологічно чиста продовольча система; прискорення переходу до сталої та розумної мобільності. При цьому трансформація економіки ЄС для сталого майбутнього базується на належному фінансуванні й справедливому переході (нікого не залишити позаду).

В статті зроблено висновок, що окреслені планові дії, які зафіксовані в нових стратегічних і програмних документах ЄС, з одного боку виступають самостійними напрямками європейської політики, а з іншого є логічно пов'язаними між собою, взаємозалежними та спрямованими на досягнення спільної мети в рамках ЄЗК. Вони далеко виходять за межі виключно правових категорій, оскільки потребують й економічних, технічних і інших знань та розуміння внутрішніх процесів. Водночас вони не є суто декларативними адже потребують реальних кроків для практичного втілення. Це в свою чергу вимагає оформлення належної юридичної основи та здійснення в регламентованому законному полі. Тому ЄС потрійно працює над розробкою та вдосконаленням правових механізмів, які запускають виконання вимог ЄЗК.

**Ключові слова:** довкіллєве право ЄС, довкіллєве законодавство ЄС, *acquis* ЄС, Європейський зелений курс, сталий розвиток.

**Problem statement.** EU environmental law is an autonomous branch of European law, represented by a body of legal norms regulating social relations concerning the protection, use and reproduction of natural objects and resources; the realisation and protection of environmental rights; ensuring environmental safety; the resolution of other environmental challenges in order to maintain a balance between economic, environmental and social interests.

Today, the environment is not merely a separate vector of EU policy or an obligatory element to be considered in the development of EU potential. It can confidently be stated that EU environmental law functions as a driving force and a guiding framework for the development of EU law as a whole. Environmental issues and the necessity of providing rational responses to them, as well as the need to elaborate a common roadmap for action, form the foundation of the EU's modern strategy and determine prospective directions both for the internal development of Member States and for the EU's external progress in the economic, environmental and social spheres. A vivid illustration of this is the EU's new initiative – the European Green Deal.

**The article is aimed** at analysing the principal tasks of EU environmental law in light of the objectives established by the proclamation of the European Green Deal policy.

**The literature review** on the topic indicates that environmental law doctrine devotes significant attention to the study of EU environmental law and its transformation in the context of contemporary challenges. The theoretical foundation of this article is based on the doctrinal contributions of H.V. Anisimova, H.I. Baliuk, A.P. Hetman, N.R. Kobetska, V.V. Kostytskyi, M.V. Krasnova, S.M. Kravchenko, N.R. Malysheva, A.K. Sokolova and others. Nevertheless, given the ongoing implementation of the European Green Deal, the issue of future developments in EU environmental law remains highly relevant and requires continuous scholarly inquiry.

**Results and discussion.** The European Green Deal (hereinafter – EGD) was presented in December 2019 during the implementation of the Seventh Environment Action Programme to 2020 “Living well, within the limits of our planet” [1]. Its proclamation has generated substantial public interest and political debate. It has become clear that the chosen trajectory is ambitious yet strategic and will require not only administrative decisions but also regulatory, market-based and procedural instruments, diversified cooperation, investment resources, information campaigns. The projected changes will exert a cross-sectoral influence on all areas of the economy: industry, construction, agriculture, trade, governance, etc. and will require extensive scientific research and technological innovation. They will also shape global environmental trends and significantly alter established patterns of living life.

It is a new growth strategy aimed at transforming the EU into a fair and prosperous society with a modern, resource-efficient and competitive economy, where by 2050 there will be no net greenhouse gas emissions,

and economic growth will be separated from the use of resources. It also seeks to protect, preserve and enhance the EU's natural capital and safeguard citizens' health and well-being from environment-related risks and impacts. At the same time, this transition must be just and inclusive. It has to place people first and address the needs of regions, industries and workers facing the greatest challenges [2].

The key policy areas of the EGD include clean energy, climate action, building and renovation, sustainable industry, sustainable mobility, pollution reduction, biodiversity, sustainable agriculture (the "Farm to Fork" strategy). Thus, the European Green Deal concerns not only climate policy but rather a broader green framework aimed at economic modernisation and economic growth compatible with living in harmony with the planet and its resources [3].

The analysis of the Communication from the European Commission allows the identification of the following key elements of the EGD: increasing climate ambition for 2030 and 2050; providing clean, affordable and secure energy; mobilising industry for a clean and circular economy; constructing and renovating in an energy- and resource-efficient manner; achieving zero pollution for a toxic-free environment; preserving and restoring ecosystems and biodiversity; ensuring a fair, healthy and environmentally friendly food system through the "Farm to Fork" strategy; accelerating the transition to sustainable and smart mobility. The transformation of the EU economy towards sustainability is grounded in adequate financing and a just transition principle (leaving no one behind).

In addition to its core policy directions, the Green Deal includes complementary instruments such as the Sustainable Europe Investment Plan, the European Climate Law, the Just Transition Mechanism, the European Climate Pact [4].

Achieving climate neutrality will require measures across all sectors of the EU economy, including investments in clean technologies, support for innovation, the production of cleaner, more affordable and sustainable forms of private and public transport, the decarbonisation of the energy sector, the renovation of buildings using energy-efficient technologies, enhanced cooperation with international partners to improve global environmental standards [5, p. 5–6].

Thus, the EDG serves as: a catalyst for the development of renewable energy; the substantial reduction of fossil fuel extraction and consumption; the transition to circular economy standards, the modernisation of its sectors (industry) and decarbonisation (reduction of emissions and adverse environmental impacts); the advancement of the IT sector; the development of sustainable, organic agriculture (primarily pesticide- and agrochemical-free); the implementation of effective state environmental policy and action aimed at biodiversity conservation; as well as further integration and regional cooperation with EU Member States [6].

In order to ensure the practical implementation of these objectives, the EU has developed a number of new strategies aligned with the goals of the EGD, including the EU Biodiversity Strategy for 2030 [7, p. 3], the Bioeconomy Strategy, the Chemicals Strategy, the Forest Strategy, the Plastics Strategy, the EU Soil Strategy for 2030, the Textile Strategy, the Water Resilience Strategy, the Circular Economy Action Plan, the Zero Pollution Action Plan and the Eighth Environment Action Programme to 2030 [8].

Accordingly, this package encompasses initiatives relating to climate, the environment, energy, transport, industry, agriculture and sustainable finance, which are closely interconnected [9, p. 2].

It is therefore appropriate to specify the current tasks envisaged for the implementation of the EGD requirements that constitute novel challenges for EU law. Given the significance of environmental action programmes for European environmental legislation, particular attention should be paid to the current – Eighth Environment Action Programme to 2030 [10], and its key provisions should be characterised.

The Programme establishes six interrelated thematic priority objectives to be achieved by 31 December 2030: 1) achieving greenhouse gas emission reductions by 2030 and climate neutrality by 2050; 2) enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change; 3) advancing toward a model of regenerative growth, separating economic development from the use of resources and environmental degradation and accelerating the transition to a circular economy; 4) striving for zero pollution, in particular for air, water and soil, while safeguarding the health and well-being of Europeans; 5) protecting, preserving and restoring biodiversity and strengthening natural capital; 6) reducing environmental and climate pressures related to production and consumption (especially in the fields of energy, industry, construction, infrastructure, mobility, tourism, international trade and the food system) [11].

Among other tasks contained in the aforementioned strategies and action plans, the following may be distinguished:

1) biodiversity: establishing a broader network of protected areas on land and at sea; launching the EU Nature Restoration Plan; implementing measures to ensure the necessary transformative changes

(unlocking financing, developing an enhanced governance system) and to address the global biodiversity crisis [12];

2) bioeconomy: ensuring the long-term competitiveness of the EU bioeconomy and investment security; increasing a resource-efficient and circular use of biological resources; ensuring a competitive and sustainable supply of biomass; positioning the EU in the rapidly growing international markets for biomaterials, biomanufacturing, biochemicals, as well as the agri-food and biotechnology sectors [13];

3) chemicals: banning the most harmful chemicals in consumer products – permitting their use only where essential; taking into account the “cocktail effect” of chemicals in risk assessments; progressively discontinuing per- and polyfluoroalkyl substances (PFAS) in the EU, except where their use is deemed essential, etc. [14];

4) forests: promoting the sustainable development of a forest bioeconomy for the production of long-lived wood products; ensuring the sustainable use of wood resources for bioenergy; fostering a non-wood forest bioeconomy, including ecotourism; developing skills and empowering individuals for a sustainable forest bioeconomy; protecting the remaining primary and old-growth forests; ensuring forest restoration and strengthening sustainable forest management to enhance climate adaptation and forest resilience; restoring forest biodiversity; providing financial incentives to improve both the quantity and quality of forests [15];

5) plastics: introducing economically viable recycling; reducing plastic waste; encouraging innovation and investment; promoting global change [16];

6) soils: developing a specific legislative proposal on soil health by 2025; promoting sustainable soil management as a standard practice; restoring managed and drained peatlands; assessing the need for a legally binding “soil passport”; developing a common methodology for assessing desertification and land degradation; expanding research, data collection and monitoring efforts through public engagement and the mobilisation of financial resources [17].

7) textile industry: establishing design requirements for textile products to ensure greater durability, improved reparability and recyclability, as well as minimum recycled content requirements; providing clearer information and introducing a digital product passport; reducing overproduction and overconsumption; preventing the destruction of unsold or returned textile goods; regulating the issue of unintentional microplastic releases from synthetic textiles; introducing extended producer responsibility schemes for textile products, etc. [18].

8) water: restoring and protecting the water cycle; building a water-smart economy; ensuring access to clean and affordable water for all [19].

9) circular economy: making sustainable products the norm; empowering consumers; focusing on sectors that use the most resources, and where the potential for circularity is high; ensuring waste reduction; making circularity beneficial for people, regions and cities; leading global efforts toward a circular economy [20].

10) zero pollution: improving air quality to reduce the number of premature deaths caused by air pollution by 55%; improving water quality by reducing waste, marine plastic litter (by 50%) and microplastics released into the environment (by 30%); improving soil quality by reducing nutrient losses and the use of chemical pesticides by 50%; reducing by 25% the share of EU ecosystems where air pollution threatens biodiversity; decreasing by 30% the proportion of people chronically affected by transport noise; significantly reducing waste generation and cutting residual municipal waste by 50% [21].

As can be seen, the outlined planned actions enshrined in the new strategic and programmatic EU documents, on the one hand, constitute independent directions of European policy and, on the other hand, are logically interconnected, mutually interdependent and aimed at achieving a common objective within the framework of the EGD. They extend far beyond purely legal categories, as they require economic, technical and other forms of expertise, as well as an understanding of internal processes. At the same time, they are not merely declaratory in nature, since they necessitate concrete steps for practical implementation. This, in turn, requires the establishment of an appropriate legal framework and action within a regulated legal field. Consequently, the EU is intensifying its efforts to develop and refine legal mechanisms that ensure the implementation of the EGD requirements.

For example, in 2021, within the framework of the EGD, the European Commission proposed an additional package of legislative initiatives – the “Fit for 55” package – which established a broader range of climate and energy objectives for EU Member States [22, p. 67]. It contains five entirely new proposals aimed at addressing specific problems related to global climate change. In particular, these initiatives include: 1) FuelEU Maritime – aimed at stimulating the use of renewable and low-carbon fuels in maritime transport; 2) CBAM (Carbon Border Adjustment Mechanism) – designed to prevent the relocation of production outside the Union in order

to offset carbon emission reductions within the EU itself; 3) ReFuelEU Aviation – intended to increase the share of environmentally sustainable aviation fuels (primarily synthetic fuels) by boosting both demand and supply in order to reduce harmful aviation emissions; 4) The Social Climate Fund – aimed at providing support to vulnerable entities affected by the price impact of the emissions trading system; the Fund is planned for the period 2026–2032, with expenditures potentially commencing in 2026; it will form part of the EU budget; 5) The EU Forest Strategy – aimed at ensuring the protection and restoration of EU forests through tree planting, safeguarding forest biodiversity, the rational use of forest resources and the protection of primary forests, which account for approximately three percent of the Union’s territory [23, p. 187].

In response to Russia’s military aggression against Ukraine and the resulting energy crisis, the European Commission supplemented its climate regulation with the REPowerEU plan that aims to eliminate the EU’s dependence on Russian gas by 2027 and is based on three main pillars: energy savings, renewable energy sources and diversification of natural gas supplies [22, p. 68]. Subsequently, in March 2023, the European Commission presented a proposal for long-awaited electricity market reforms intended to reduce Member States’ dependence on natural gas, create stronger incentives for the development of renewable energy sources and assist industry in decarbonising [22, p. 69].

**Conclusions.** Following the proclamation of the European Green Deal, it has become evident that the chosen path will require not only administrative decisions but also regulatory, market-based and procedural instruments, multifaceted cooperation, investment resources and information campaigns. At the same time, the envisaged changes will have a cross-sectoral impact on all branches of the economy: industry, construction, agriculture, trade, governance, etc. and will necessitate robust scientific research and technological innovation. Moreover, they will, without exaggeration, shape future environmental trends for the global community as a whole while simultaneously significantly transforming the established ways in which societies organise their lives.

The analysis of the Communication from the European Commission makes it possible to identify the following key elements of the EGD: increasing the EU’s climate ambitions for 2030 and 2050; supplying clean, affordable and secure energy; mobilising industry for a clean and circular economy; building and renovating in an energy- and resource-efficient manner; striving for zero pollution in a toxic-free environment; preserving and restoring ecosystems and biodiversity; the “Farm to Fork” strategy: ensuring a fair, healthy and environmentally friendly food system; accelerating the transition to sustainable and smart mobility. At the same time, the transformation of the EU economy toward a sustainable future is grounded in adequate financing and a just transition (leaving no one behind).

The outlined planned actions enshrined in the new strategic and programmatic EU documents, on the one hand, constitute independent directions of European policy and, on the other hand, are logically interconnected, mutually interdependent and oriented toward achieving a common objective within the framework of the EGD. They extend far beyond purely legal categories, as they require economic, technical and other expertise, as well as an understanding of internal processes. At the same time, they are not merely declaratory, as they require tangible steps for practical implementation. This, in turn, necessitates the establishment of an appropriate legal framework and action within a regulated legal order. Therefore, the EU is intensively engaged in developing and improving legal mechanisms that ensure the effective implementation of the EGD requirements.

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Дата першого надходження рукопису до видання: 01.04.2026  
Дата прийняття до друку рукопису після рецензування: 23.04.2026  
Дата публікації: 10.05.2026

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