

Environmental Law in Transition: A Scoping Review and Doctrinal Comparative Analysis of Ukraine and Lithuania

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Abstract

This article examines the comparative method in environmental law through a systematic bilateral analysis of the foundational environmental protection laws adopted in Ukraine in 1991 and in Lithuania in 1992. The overarching aim is to contribute to the underexplored field of Ukraine-Lithuania comparative research by identifying similarities and differences and situating them within post-Soviet legal development and European integration processes. The study adopts a mixed methodological design combining a scoping-oriented literature review, consisting of a targeted narrative review using Google Scholar and a systematic review in accordance with PRISMA 2020 guidelines using the Scopus database ($n = 23$), with a structured doctrinal comparison of the two legal acts. The literature review identifies four main rationales for comparing Ukraine and Lithuania in academic scholarship: shared Soviet historical heritage, post-socialist transition processes, cultural and societal similarities, and the identification of research gaps. The paper further demonstrates that comparative environmental law studies predominantly rely on broader post-Soviet or regional frameworks, with limited direct bilateral comparison between these two countries. The doctrinal analysis of environmental laws reveals both convergence and divergence. However, Lithuania exhibits a more dynamic and EU-integrated legislative trajectory characterised by continuous amendments and alignment with EU environmental acquis, whereas Ukraine demonstrates a more stable but less systematically EU-oriented legal evolution and comparatively gradual reform processes. The findings indicate that Europeanisation plays a key role in shaping divergent post-socialist environmental legal development. Lithuania represents a model of sustained EU-driven legal integration, while Ukraine reflects a more incremental adaptation path. The study contributes to the literature by providing a structured bilateral comparison of Ukraine and Lithuania in environmental law and by linking doctrinal differences to broader processes of post-Soviet transformation and Europeanisation.



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1. Introduction

The collapse of the Soviet Union triggered fundamental transformations in environmental sustainability across its former republics (Fili et al. 2025). Decades of Soviet

industrial policies had shaped both the structure and scale of human impact on the environment (Bityukova and Borovikov 2018; Oliveira 2025). In the 1990s, the convergence of geopolitical shift and environmental regulatory reform created a unique momentum for the development of national environmental policies.

A comparative perspective is particularly valuable for understanding these dynamics. Ukraine and Lithuania, while sharing a common Soviet legacy, have followed divergent political and economic trajectories, offering insight into the factors shaping environmental governance. Ukraine's ongoing path toward European Union integration further underscores the relevance of this analysis. Since the signing and ratification of the EU–Ukraine Association Agreement in 2014, the country has undertaken continuous reforms aimed at aligning its legislation with EU standards. Following the full-scale Russian invasion in February 2022, Ukraine applied for EU membership and was granted the status of a candidate for accession to the EU in June 2022 (EUCO 2022), with accession negotiations officially opened by the European Council in December 2023 (EUCO 2023). Law approximation “must be handled with care, especially in a country whose economy and society at large have been shattered by war” (Komarova and Łazowski 2023).

Lithuania, as an EU member-state since 2004 (Republic of Lithuania 2004b), provides a useful benchmark for comparative studies. Despite a slightly below-average national land coverage by Natura 2000 sites, a higher-than-average proportion of these areas maintain good ecological status, reflecting the effectiveness of its nature conservation policies. Comparing Ukraine with Lithuania thus illuminates the transformation from a “former Sovietized country” (Sagatienė 2023) to an EU-aligned state (Veinla 1998) and offers lessons for advancing Ukraine's environmental governance.

Comparative law remains underutilized in environmental legal studies, creating a gap in analyses of countries in transition such as Ukraine and Lithuania. While Lithuanian research on environmental law, sustainable development, and environmental policy is extensive, few studies employ a cross-country comparative approach. Similarly, Ukraine's legislative reforms in line with EU standards underscore the need for comparative analysis to inform legal development.

The comparative method is widely used in the analysis of environmental policies, as it can be seen as the performance of a policy instrument in climate policy making across different national contexts (Fuhr and Lederer 2009; Upadhyaya et al. 2018; Joachim 2022). However, the comparative law still pays limited attention, if any, to environmental legal issues (Viñuales 2024), creating a gap in studies of the environmental law of countries in transition (such as Ukraine and Lithuania). There are several Lithuanian research studies on environmental law and policy, sustainable development and environmental sustainability (Ragulskytė-Markovienė 2005; Žvaigždienė 2008; Kruopienė et al. 2009; Dagiliūtė and Liobikienė 2015) and, recently, a book by several authors titled *Law and Sustainability* was released (Bartolacelli and Sagatienė 2023) but few have employed a cross-country comparative approach. In its turn, Ukraine's contemporary external policy underscores the need to align national legislation with fundamental EU provisions of the Association Agreement between the European Union and its Member States (European Union 2014) and best practices, making comparative analysis essential.

The overarching aim of this study is to contribute to the underexplored field of Ukraine–Lithuania comparative research to understand the reasons behind the comparison, including shared historical legacies, divergent political trajectories, and varying approaches to Europeanisation. The article provides a structured bilateral analysis of environmental laws adopted in the early 1990s—Ukraine's Law on Environmental Protection (1991) and Lithuania's Law on Environmental Protection (1992). It addresses the following research questions: What similarities and differences characterize the environmental protection

laws of Ukraine and Lithuania? To what extent can these differences be explained by post-Soviet legal development and Europeanisation processes? In this study, post-Soviet legal development refers to the transformation of Soviet-era legal institutions and practices following independence, a process widely discussed in the literature on legal transition in post-socialist states (Antonov and Vovk 2021). Europeanisation refers to the influence of European legal and political integration processes on domestic environmental legislation (Börzel and Risse 2000; Börzel 2003; Radaelli 2023). To answer the abovementioned questions, the study adopts a twofold approach. First, it systematizes the comparative rationale using scoping literature review (Peters et al. 2020; Pichlak et al. 2025); second, it conducts a doctrinal comparative analysis of the two legal acts, focusing on structure, underlying principles, and mechanisms of legal responsibility within the broader context of post-Soviet transformation and Europeanisation.

2. Materials and Methods

The study adopts a mixed-methods design combining a scoping-oriented literature review and a structured doctrinal comparison of two legal acts. The literature review comprises two components: (1) a targeted narrative review using Google Scholar to identify conceptual rationales for comparing Ukraine and Lithuania; and (2) a systematic review of Scopus-indexed publications conducted in accordance with PRISMA 2020 guidelines to examine broader patterns in comparative environmental law research. Together, these two components function as a scoping exercise to map relevant literature. The third component consists of a structured doctrinal comparison of the environmental protection laws of Ukraine and Lithuania at the meso-level.

First, a targeted narrative literature review was conducted using Google Scholar with the search query “comparison Ukraine Lithuania.” This component was exploratory and aimed at identifying conceptual and interdisciplinary rationales for the comparison. A purposive sample of 15 publications was selected from historical, economic, cultural, and environmental scholarship with an explicit comparative focus. The material was analysed using qualitative thematic coding to identify recurring rationales, including shared Soviet-era legacies, divergent reform trajectories, and Europeanisation processes. This stage provided conceptual grounding for the study.

Second, a systematic literature review was conducted using the Scopus database in accordance with PRISMA 2020 guidelines (see Supplementary Materials). This stage employed a structured and reproducible search strategy to identify and synthesise peer-reviewed literature on comparative environmental law involving Ukraine and Lithuania, based on predefined inclusion and exclusion criteria.

The search was conducted on 12 January 2026 using the following query:

(TITLE-ABS-KEY (Ukraine AND Lithuania) AND PUBYEAR > 1989 AND PUBYEAR < 2025) AND (comparison OR comparative) AND (environment OR environmental) AND (law).

The inclusion criteria comprised peer-reviewed journal articles that (1) address both Ukraine and Lithuania, (2) adopt a comparative perspective, and (3) relate to environmental issues, including environmental law or policy. No restrictions were placed on disciplinary field, allowing for interdisciplinary coverage.

The initial search yielded 40 publications. After applying database filters restricted to article-type documents, 29 articles remained. Titles and abstracts were screened for relevance, leading to the exclusion of six records that did not contain any reference to either Ukraine or Lithuania. These publications were outside the predefined inclusion criteria and therefore not eligible for analysis. The remaining 23 articles were assessed in full text and

included in the final sample. The study selection process is presented in Figure 1 (PRISMA flow diagram).

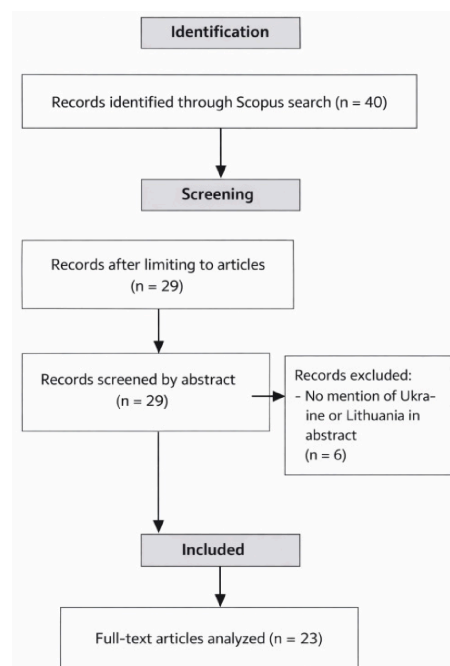


Figure 1. PRISMA Flow diagram of the selection of publications on Ukraine-Lithuania comparative research.

Data extraction was conducted through qualitative coding of both abstracts and full texts. Each publication was analyzed according to its primary comparative rationale and thematic focus. The results of this analysis were used to identify dominant patterns and gaps in the literature on Ukraine–Lithuania comparative research.

This systematic review was not registered, and no review protocol was prepared. The study adopts a scoping-review approach, which in legal scholarship is typically characterized by methodological flexibility and an emphasis on transparent reporting of search and selection procedures rather than protocol registration (Kostense 2024; Steenmans 2025). The analysis was conducted using a single database (Scopus), selected for its broad multidisciplinary coverage and consistent indexing of peer-reviewed literature relevant to environmental law and comparative socio-legal research, to ensure methodological consistency and search reproducibility within a unified scoping review framework. However, this search strategy, based on a predefined Scopus query, may have limited the scope of retrieval and resulted in the exclusion of relevant studies not indexed in Scopus or not captured within the title, abstract, and keyword fields. Given the exploratory and interdisciplinary nature of the review, no formal risk-of-bias assessment tool was applied.

The subsequent section shifts from literature analysis to a case study of environmental laws in Ukraine and Lithuania. The first framework laws on environmental protection were adopted in the early 1990s: the Ukraine’s Law on Environmental Protection in 1991 (Ukraine 1991) and the Lithuania’s Law on Environmental Protection in 1992 (Republic of Lithuania 1992). This section demonstrates the practical application of the comparative approach through an examination of these foundational legal acts. A doctrinal legal method was employed to identify and compare the key structural components of the respective legal acts, presented in Tables A1 and A2 (see Appendices A and B). The comparison is synchronous, as both laws originate from the same historical period (Shyhal 2019). A structured doctrinal comparison was employed as a meso-level comparative legal analysis focusing on two specific legislative acts rather than entire legal systems. This approach

combines qualitative doctrinal interpretation with limited quantitative elements by comparing numerical characteristics alongside substantive legal content (Simonton 2003; Lambe 2003), and focusing on the structural organisation, legal principles, rights and obligations (including liability), and scope of environmental regulation within the two laws.

Taken together, this mixed-methods approach integrates scoping literature review with doctrinal legal analysis. While the qualitative part of the review identifies scholarly rationales and conceptual frameworks for comparison, the quantitative review situates these patterns within the broader academic discourse. The doctrinal analysis provides a practical application of comparative law by examining the content and evolution of foundational environmental legislation in Ukraine and Lithuania, contextualized within post-Soviet transformation and EU integration processes.

3. Results and Discussion

3.1. *Ukraine and Lithuania: Rationale for Comparison*

This section examines whether Ukraine and Lithuania can be considered suitable subjects for comparative study and the rationale behind their selection in academic literature. A qualitative analysis of the literature was conducted, beginning with a broad search on Google Scholar (Section 3.1.1) and subsequently narrowing the focus to environmental law through search in Scopus (Elsevier) (Section 3.1.2).

3.1.1. Qualitative Analysis of Publications Through the Google Scholar Database

A qualitative analysis of 15 key publications from Google Scholar was conducted to explore the rationale for comparing Ukraine and Lithuania. Following this analysis, the identified justifications were categorized into four groups, reflecting the multifaceted rationale for this country comparison and providing a conceptual bridge between trends in the literature and the subsequent case study of environmental law.

Certain studies provided concrete reasons for this comparison, as Ukraine and Lithuania are both countries with economies in transition, also giving a reference point to the common historical ties within the Soviet Union. According to Pavlova (2007), the ground for comparison is that both served as labor markets of the Soviet Union, of which these two countries were members. Cumpănașu (2019) also gave the past Soviet experience as the reason for comparison, as “Lithuania and Ukraine are two countries that belonged to the same international actor—the Soviet Union,” thus highlighting the significance of their historical connection and the subsequent parallel transitions they embarked upon in the post-communist era. Aidis et al. (2007) argued that the process of economic restructuring in these countries has resulted in profound and dramatic changes to their economic, political, and social landscapes. The same reason was stated by Budrytė (2018, 2021), in that Ukraine and Lithuania were chosen as examples of states that underwent collective trauma that was consolidated in the aftermath of crises, as states that proclaimed independence after the Soviet Union collapsed. Gorton and White (2003) and Fritz (2007) compared Lithuania and Ukraine as actors of state-building in the post-Soviet region and chosen different paths in shaping post-Soviet land reform processes.

Voytenko and Raslavičius (2014) provided a comprehensive set of reasons why these two countries were chosen for comparison, specifically around energy and environment. Ukraine and Lithuania “(1) [are] highly dependent in their total primary energy supply (TPES) on energy imports from other jurisdictions; (2) have significant potentials for biomass-to-energy and straw-to-energy in particular; (3) are characterized with both an emerging policy environment supportive of renewable energy and/or bioenergy, and (4) [have] emerging ‘on-the-ground’ straw-based heating systems.”

Paschenko and Danyliuk (2014) focused on assessing the globalization capacity of academics from Ukraine and Lithuania. They underscored the multifaceted nature of the comparison, noting that the two states share both similarities and differences. In terms of present development, Filipishyna et al. (2018) have chosen to compare these two countries because of economic development—as both Ukrainian and Lithuanian enterprises are only beginning to integrate sustainable development principles into their activities. Thus, this commonality in economic pursuits served as a pivotal factor in justifying the comparative analysis of Ukraine and Lithuania.

Furthermore, some scholars have noted cultural similarities between Ukraine and Lithuania. As an illustration of the diversity of comparative studies involving Ukraine and Lithuania, Gordon (1996) conducted a comparative investigation encompassing Lithuania, Belarus, and Ukraine, with a focus on linguistic affiliations.

Some reviewed papers did not define any obvious reasons for choosing Ukraine and Lithuania (Doerr et al. 2012; Kulish et al. 2018; Petrauskaitė-Senkevič 2020), however these scholars aimed to address an existing research gap by investigating these specific areas—as in financing of political parties, prices and work conditions.

Based on the literature review from Google Scholar, the selection of Ukraine and Lithuania as objects for comparative analysis can be attributed to an intersection of several factors. These were categorized into four primary groups:

- (1) Shared historical trajectories within the Soviet Union;
- (2) Similar status as post-socialist transition economies, as both countries encountered comparable challenges and opportunities in political, economic, and social development during the transition from planned to market-based systems;
- (3) Cultural and societal similarities, traced to shared historical ties;
- (4) The identification of specific research gaps.

These categories reflect the dominant interpretative frameworks used in the literature to justify Ukraine–Lithuania comparative research and provide the conceptual basis for the subsequent analysis of environmental law scholarship. Collectively, they also indicate that the comparative pairing is primarily structured through historical and systemic explanatory logics, which will be further examined in the context of environmental law research in the following section.

3.1.2. Quantitative Patterns of Publications Through the Elsevier Database

The analysis of the 23 publications included from the Scopus database revealed clear patterns in the justification and scope of Ukraine–Lithuania-related research within the environmental domain. Most studies (10 publications, 43%) use a post-Soviet trajectory as the basis for comparison, reflecting shared historical experiences, societal transformations, and European integration processes. These studies examine diverse topics, including educational systems, psychological differences, forest governance, reforms of the prosecutor's office, civil liberties, illicit financial flows, and cultural heritage.

Four publications (17%) adopt a Central and Eastern European (CEE) regional perspective, comparing countries beyond the post-Soviet space and emphasizing broader regional dynamics such as economic development and land reform. Two studies (9%) are grounded in territorial or geographical reasoning, focusing on shared environmental or regional characteristics, including transboundary river management and hydrocarbon system analysis in the Baltic-Lublin Basin. Only one study (4%) provides an explicit Ukraine-Lithuania comparison, examining national security maintenance through legal measures. The remaining six publications (26%) reference Ukraine or Lithuania in a contextual or geopolitical sense without systematic comparison, covering topics such as international environmental

certification, energy policy (e.g., Nord Stream 2), the COVID-19 pandemic, the war in Ukraine, and Russian media representations of EU–cross-border cooperation.

Figure 2 illustrates the distribution of publications by comparative rationale. These findings have direct implications for the research questions guiding this study. The predominance of post-Soviet trajectory-based studies indicates that differences between Ukraine and Lithuania are primarily interpreted through shared historical and systemic transformations rather than sector-specific legal analysis. However, the scarcity of explicit bilateral comparisons within environmental law reveals a clear gap in doctrinal and policy-oriented scholarship. As a result, existing literature provides only indirect evidence for assessing how post-Soviet legal development and Europeanisation processes shape environmental governance frameworks in both countries. This limitation reinforces the need for a focused bilateral legal comparison, as undertaken in this study, and constrains the extent to which broader regional findings can be directly transferred to environmental law contexts. Accordingly, this paper contributes to the literature by providing a structured comparison of Ukraine and Lithuania in environmental law, focusing on two foundational legal acts.

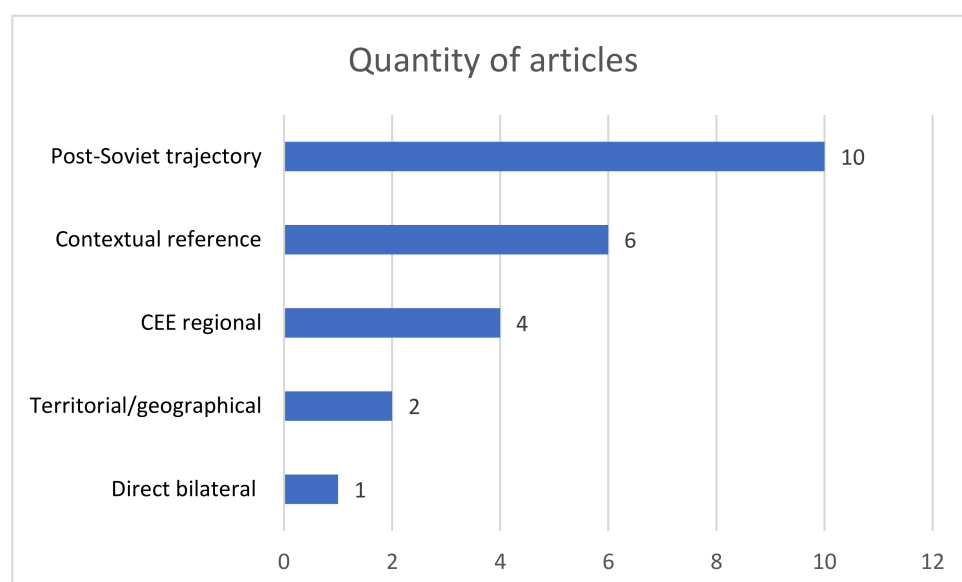


Figure 2. Distribution of articles by rationale for Ukraine and Lithuania comparison in environmental domain.

3.2. Comparison of Legal Acts: Ukrainian Law on Environmental Protection 1991 and Lithuanian Law on Environmental Protection 1992

The following analysis interprets the selected legal provisions in light of the research framework, focusing on how post-Soviet legal development and Europeanisation processes are reflected in structural and substantive differences between the two legal acts.

This section compares the Law on Environmental Protection of the Republic of Lithuania (adopted on 21 January 1992) and the Law on Environmental Protection of the Ukrainian SSR (adopted on 25 June 1991), with the aim of identifying their similarities, differences, and interrelations. Summarizing the quantitative and qualitative characteristics of these legal documents and consolidation of all the necessary information for researchers (see Table A1 in Appendix A), also facilitating concise and focused conclusions.

The comparative table of two legal acts on environmental protection in Ukraine and Lithuania provides several distinctions based on their formal attributes. While both legal acts were enacted and enforced during the 1990s, the comparative tables reveal several key observations about the Law of Ukraine on Environmental Protection in relation to its Lithuanian counterpart. Firstly, the Ukrainian law was adopted earlier, in 1991, while the

similar Lithuanian law was adopted in 1992. Nevertheless, it should be emphasized that upon regaining independence, Lithuania initially carried out a state reform of environmental protection, and only then adopted the Environmental Protection Law, which was prepared by a newly established institution—the Environmental Protection Department (Republic of Lithuania 1990). Further, Lithuanian legislators revised the purpose of the Environmental Protection Law, which was stated in Article 2. Since the reasons *inter alia* are related to European integration and transposition of environmental legislation of EU to the national law. These revisions indicate Lithuania's notable progress in aligning its environmental protection legislation with higher qualitative standards. The information presented in Table A2 (Appendix B) provides a more nuanced picture of environmental legal regulation in both countries.

To arrive at more precise findings, the comparison is conducted across four analytical dimensions: (1) the structural organisation of the legal acts, (2) the legal principles established therein, (3) the rights and obligations, including mechanisms of legal liability, and (4) the scope of environmental protection.

3.2.1. Structure of the Laws

Through the historical and legal comparison of two legislative acts of Lithuania and Ukraine, it becomes evident that neither the initial edition of the Lithuanian Law on Environmental Protection nor its most recent iteration incorporates a preamble as a structural element, in contrast to the Ukrainian Law on Environmental Protection. The preamble is recognized by numerous scholars as a pivotal structural component of a legal act (Dzeiiko 2014) and methodological recommendations regarding its use have been developed (Institute of Civil Society 2011). The primary objective of a preamble is to elucidate the objectives and motivations underlying the enactment of a law. Generally, it serves as a reference point for actors involved in the enforcement of legal norms, delineating the overarching substantive orientation of the law.

The preamble is also one of the basic structural elements in legal acts of the European Union (e.g., Regulations and Directives). It consists of citations and recitals that set out the reasons for the provisions contained in the enacting terms (i.e., the articles) of an act (Publications Office of the European Union 2022). Despite this, although the inclusion of a preamble is possible in Lithuanian legislation it is not obligatory (as the Article 13(5) of the Law on the Fundamentals of Legislation of the Republic of Lithuania provides that “*a legal act may contain a preamble and annexes [. . .]*”).

Nevertheless, the Lithuanian Law on Environmental Protection of 1992 was enacted without a preamble. More generally, according to provisions of Law on the Fundamentals of Legislation of the Republic of Lithuania, and in Lithuanian legislative practice, the rationale underlying the adoption of a legal act are typically not included in the text of the act itself, but are instead set out in the accompanying legislative materials, including explanatory letters, preliminary impact assessments, cover letters, and other preparatory documents¹, which remain publicly accessible through the Legislative Information System (TAIS)² and continue to be available in this system even after the legal act has been adopted and officially published in the Register of Legal Acts (TAR)³. For example, the accompanying materials (explanatory memorandum) to the 2019 draft law amending the Law on Environmental Protection set out the reasons that prompted the preparation of the amendment, its objectives, and other relevant information. Among other things, the

¹ These accompanying legislative materials are also important in cases where legal interpretation is required.

² Lithuanian Legislative Information System (TAIS), Accessible at <https://e-seimas.lrs.lt/portal/documentSearch/lt> (accessed on 31 May 2026).

³ Lithuanian Register of Legal Acts (TAR) <https://www.e-tar.lt/portal/lt/index> (accessed on 31 May 2026).

explanatory memorandum stated that the aim was to increase the level of fines, as the penalties applicable at that time were considered too low to encourage legal persons to take a more responsible approach to violations of environmental legislation⁴. The draft in 2020 was ultimately adopted (Republic of Lithuania 2020) together with other amendments to environmental legislation, collectively referred to as the “Klaipėda Package”, which, reflecting the “polluter pays” principle, introduced stricter legal regulation concerning environmental violations (Ragulskytė-Markovienė 2020). So, in practice, preambles in Lithuania are often used only to indicate citations, i.e., to specify the legal basis on which a sub-statutory act is adopted. Therefore, Lithuanian legal practice distinguishes between preambles with substantive interpretative value⁵ and those serving merely as formal references.

By contrast, the Ukrainian Law on Environmental Protection has a substantive preamble. For example, it states: *“This Law defines the legal, economic and social foundations for organizing environmental protection in the interests of present and future generations.”* This aligns fully with international sustainable development principles articulated in the Brundtland Report (World Commission on Environment and Development 1987), which defined sustainable development as *“development that meets the needs of society today and does not diminish the ability of future generations to meet their own needs.”*

Although the Lithuanian law lacks a preamble, Article 2 defines the regulatory scope and objectives of the law, while Article 4 articulates environmental principles that operate as quasi-declarative norms embedded within binding legal text. Also, Lithuanian law explicitly enshrines the right to a healthy and clean environment in Article 2. When comparing Ukraine’s preamble, which emphasizes sustainable development, with Lithuania’s explicit recognition of environmental rights, it becomes clear that both legislators in the 1990s envisaged a legal framework recognizing the right to a healthy, clean, and sustainable environment. Notably, this right was formally recognized by the UN General Assembly only in 2022 (United Nations Environment Programme 2022), highlighting the progressive nature of these earlier provisions. It is also important to note that, even without consulting the accompanying legislative materials available through the Legislative Information System (TAIS), Articles 2 and 4 of the Lithuanian Law on Environmental Protection perform a function very similar to that of the preamble to the Ukrainian law, albeit with greater normative force, as they do not merely serve an explanatory purpose.

Significant disparities also emerge when examining the number and timing of amendments to environmental legislation. The Lithuanian Environmental Protection Law has undergone forty-two amendments, whereas the Ukrainian law has been amended sixty-two times. However, the nature of these amendments differs. In Lithuania, amendments to Article 2 of the Law on Environmental Protection have reflected different stages of the development of environmental regulation. In particular, amendments adopted in 2004–2005 were closely linked to Lithuania’s accession to the European Union, as Article 2 was supplemented with provisions expressly stating that the law is intended to ensure the implementation of European Union legislation, including specific EU legal acts, such as Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

⁴ “The draft proposes increasing fines for carrying out activities without the integrated pollution prevention and control (IPPC) permit or pollution permit required for such activities (amending Article 55 of the Law), since the fines currently established are disproportionately low compared to the fines provided in the Code of Administrative Offences of the Republic of Lithuania for natural persons committing violations of the same nature (particularly for operating without a pollution permit or in breach of pollution permit conditions) and do not encourage legal persons to take a more responsible approach to violations of legal acts.”, Explanatory Memorandum to Draft Laws Nos. XIIIIP-3707–XIIIIP-3710 (Republic of Lithuania 2019).

⁵ As mentioned in the Constitution of the Republic of Lithuania and other laws, e.g., Law of the Republic of Lithuania on Science and Studies, Law of the Republic of Lithuania on Education, Law on the Courts of the Republic of Lithuania.

([Republic of Lithuania 2004a](#)) or 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, introducing provisions on the prevention of environmental damage and compensation for such damage ([Republic of Lithuania 2005](#)). In the current consolidated version of the Environmental Protection Law, approximately 30 EU legal acts are implemented, whereas the 2005 version of the Environmental Protection Law referred to only two EU legal acts. This illustrates that Lithuania implements EU environmental legislation in an increasingly comprehensive manner. As a result, Article 2 is characterized by a relatively high degree of specificity in defining regulatory objectives. Over time, however, further amendments were also introduced in response to practical environmental challenges and evolving regulatory needs. For example, one of the later reforms associated with the so-called “Klaipėda Package” strengthened environmental liability and sanctions in line with the “polluter pays” principle. In contrast, the objectives of the Ukrainian law have remained largely unchanged since its adoption in 1991. They are formulated in more general and abstract terms and do not include detailed provisions on the rights and responsibilities of citizens in the field of environmental protection. Furthermore, there is a noticeable gap in the alignment of Ukrainian legislation with European Union environmental standards.

Overall, the comparison of amendment patterns demonstrates differing approaches to the development of environmental legislation in Lithuania and Ukraine. Lithuanian environmental law has undergone extensive amendments, particularly in connection with Lithuania’s accession to the European Union and the progressive integration of EU environmental standards into domestic law, reflecting an adaptive regulatory trajectory responsive to evolving legal and policy requirements. At the same time, amendments have also reflected practical regulatory concerns and responses to concrete environmental challenges, such as the reform so-called the “Klaipėda Package”. In contrast, Ukrainian environmental legislation has remained comparatively static, with more abstract objectives and a more limited scope of development.

3.2.2. Established Principles

Article 54 of the Constitution of the Republic of Lithuania states that “the State shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature and areas of particular value and shall supervise the sustainable use of natural resources, their restoration and increase.” ([Republic of Lithuania 1992](#)). The Constitutional Court of the Republic of Lithuania has ruled that the right to a healthy and clean environment is indirectly enshrined in Article 54 of the Constitution. Article 53 of the Constitution of the Republic of Lithuania provides that “the State and each person must protect the environment from harmful influences.” ([Constitutional Court of the Republic of Lithuania 2014](#)). The Constitutional Court has further clarified that “under Paragraph 3 of Article 53 of the Constitution, the state and each person must protect the environment from harmful influences. A duty to protect the environment and to compensate for the harm to the natural environment, if it has been done, arises to all persons, since environmental protection is a public interest.” Accordingly, the provisions of Article 4(1) of the Lithuanian Environmental Protection Law may be understood as safeguarding public interest, namely the right to a healthy and clean environment. This includes both subjective and objective dimensions of rights: in exercising their rights, members of the public relate not only to their individual interests but also to the collective, objectively manifested right to a healthy and clean environment shared by society.

A comparative analysis of the principles of environmental protection in the legal frameworks of Ukraine and Lithuania reveals several distinctions. The primary differ-

ence lies in *the absence* of a specific article in Lithuanian law explicitly enumerating the fundamental principles of environmental protection. Nevertheless, Lithuanian legislation clearly establishes that environmental protection is not solely a state responsibility but also a shared obligation of all residents. On the one hand, this provision may be understood as implying that individuals who fail to fulfil their environmental obligations, for example by polluting the environment, may incur legal liability for such conduct. On the other hand, by expressly recognising that responsibility for a clean and safe environment is shared not only by the state but also by society, the provision may be interpreted as encouraging active public participation in environmental protection. Such participation may take both informal and formal forms, including environmentally responsible behaviour within local communities, waste sorting and sustainable practices, as well as involvement in environmental protection activities as voluntary environmental protection inspectors. In Lithuania, such a mechanism exists whereby individuals assist environmental protection inspectors in monitoring and reporting environmental violations. This institutionalised form of participation reflects a model in which environmental protection functions not solely as a matter of state regulation, but also as a form of collective responsibility, implying active citizen engagement in both the sustainable use of natural resources and the implementation of environmental protection measures alongside the state.

In contrast, Ukrainian law contains an explicit enumeration of key environmental principles in Article 3. However, unlike the Lithuanian framework, it does not establish equality between the state and citizens in fulfilling environmental obligations. Instead, it emphasizes state regulation, reflecting the characteristic approach of normative legal acts adopted during the late Soviet period.

This comparison demonstrates that Lithuania's legal framework promotes collective responsibility and sustainable development, whereas Ukraine's framework reflects a predominantly state-centered approach, illustrating divergent post-Soviet trajectories in environmental governance.

3.2.3. The Legal Responsibility for Violations

The provisions of the Environmental Protection Law of the Republic of Lithuania did not specify concrete responsibilities at the moment of adoption but rather referred to other legal acts. Article 31 of the Environmental Protection Law of the Republic of Lithuania provides that “legal and natural persons who violate the requirements of environmental protection laws are subject to disciplinary, administrative, financial, and criminal liability under the laws of the Republic of Lithuania.” From the perspective of this law, financial liability for environmental damage (understood as the obligation to compensate for environmental damage *per se*) is a form of civil liability. Therefore, personal fault is not a necessary condition for applying financial liability. In contrast, the imposition of administrative, criminal, or disciplinary (official) liability requires the establishment of a violation of environmental law and all its constituent elements (Žvaigždiniene 2008).

While the initial version of the Lithuanian Environmental Protection Law relied on references to other acts, the current version contains significantly developed provisions regarding responsibility. In particular, specific economic sanctions are provided for legal entities for violations of legislation regulating environmental protection and the use of natural resources. As mentioned, the Lithuanian legislature made substantial amendments to Article 2, which articulates the law's purpose. One of these amendments relates to responsibility and economic sanctions for violations of legal acts governing environmental protection and the use of natural resources committed by legal entities (Republic of Lithuania 2016). These changes were introduced to ensure the effective prevention of violations by legal entities—in the Explanatory Memorandum to Draft Laws Nos. XIIP-2702–XIIP-2714

([Republic of Lithuania 2015](#)) it was emphasized that limiting administrative responsibility to individuals (natural persons)⁶ may be insufficient when implementing EU legal requirements concerning effective, proportionate, and dissuasive sanctions applicable to both natural and legal persons. The provisions on liability contained in the Lithuanian Environmental Protection Law continue to be further developed and refined, for example through the reform under the so-called “Klaipėda Package”, adopted in 2020.

Regarding the Ukrainian Law “On the Protection of the Natural Environment” of 25 June 1991, a comparative analysis of legal accountability shows that Article 68 has a general resemblance to Articles 31 and 32 of the Lithuanian law. These provisions establish that violations of environmental protection legislation entail disciplinary, administrative, civil, and criminal liability. Furthermore, Chapter XV of the Ukrainian law specifically delineates responsibility for violations of environmental protection legislation.

Articles 69 and 70 establish a differentiated framework for environmental liability combining civil, administrative, and criminal dimensions. Article 69 affirms the principle of full compensation for environmental damage, thereby reinforcing the compensatory function of civil liability in environmental protection. At the same time, Article 70 ensures coherence with administrative and criminal liability regimes by referring to the Code of Administrative Offenses and the Criminal Code for defining the constituent elements of environmental offenses and crimes, thereby integrating environmental liability into the general system of public law sanctions. Particular analytical significance is attached to paragraph 4 of Article 69, as amended on 9 July 2023, which introduces a *lex specialis* reference to Article 29 of the Law of Ukraine “On Product Sharing Agreements” in cases involving environmental damage arising from such agreements. This cross-reference indicates a sector-specific regulatory approach, whereby environmental liability is adjusted to the legal and economic framework governing resource exploitation under product sharing arrangements.

Beyond the doctrinal comparison, the practical functioning of the two legal frameworks can also be illustrated through selected environmental crisis contexts. The comparative analysis presented in this section excludes environmental impacts associated with the full-scale Russian invasion of Ukraine. Such conflict-related circumstances constitute an exceptional context that is not suitable for assessing the ordinary functioning and implementation of environmental regulatory frameworks. In Ukraine, persistent industrial pollution and long-term ecological stress in regions such as the Dnipro basin reveal the constraints of a reactive and framework-oriented enforcement model, where broadly formulated norms depend on secondary regulation and are limited by institutional capacity and regulatory fragmentation ([European Environment Agency 2020](#); [World Bank 2016](#)). In contrast, Lithuania demonstrates stronger regulatory adaptability through EU-driven environmental integration, particularly in waste governance reform and the decommissioning of the Ignalina Nuclear Power Plant, where integration of EU environmental acquis and compliance frameworks has enabled more systematic and preventive responses to environmental risks ([Veinla 2007](#); [European Commission 2019](#); [European Parliament and Council of the European Union 2008, 2011](#)). This divergence illustrates the role of Europeanisation in strengthening implementation capacity and shifting environmental law from declarative norms toward operational regulatory systems.

⁶ “The control of the performance of obligations by natural persons engaged in economic activities was ensured through the application of administrative and criminal liability. Meanwhile, the control of the performance of obligations by legal entities engaged in economic activities was ensured through the application of criminal liability and administrative liability for natural persons acting on behalf of the legal entity (managers or employees). Ensuring the performance of obligations by a legal entity, as an economic entity, solely through the application of administrative liability to natural persons acting on behalf of this legal entity, was ineffective.”, Explanatory Memorandum to Draft Laws Nos. XIIP-2702–XIIP-2714 ([Republic of Lithuania 2015](#)).

Overall, both legal systems demonstrate a commitment to holding actors accountable for environmental violations. However, Lithuania's framework shows stronger alignment with preventive and EU-compliant enforcement mechanisms, particularly about legal entities. Ukrainian provisions, while comparable in scope, reflect a broader and more cross-referenced approach. This comparison underscores the different strategies adopted by the two countries in operationalizing environmental responsibility, with Lithuania emphasizing EU-aligned sanction mechanisms and Ukraine emphasizing a more state-centered model of enforcement.

3.2.4. The Scope of the Environmental Protection

The scope of environmental protection in both Lithuania and Ukraine extends beyond natural ecosystems to include anthropogenic elements. For example, Articles 5 and 60–63 of the Ukrainian law provide a nearly comprehensive list of objects designated for protection, which includes a substantial number of human-made entities alongside natural ones. Similarly, Lithuanian law safeguards both natural and anthropogenic objects created by human activity.

The Constitutional Court of the Republic of Lithuania, while emphasising that the Constitution establishes as one of the objectives of state activity the protection of the right of individuals to a healthy and clean environment, has also stated that “the environment is generally understood as a natural whole of interrelated elements (the surface and subsurface of the earth, air, water, soil, plants, animals, organic and inorganic substances, anthropogenic components) and the natural and anthropogenic systems uniting them.” ([Constitutional Court of the Republic of Lithuania 1998](#)). A similar conceptualisation is reflected in the Law on Environmental Protection of the Republic of Lithuania, which defines the environment as an integrated system of natural and anthropogenic elements—“the natural whole of interrelated elements (the surface and subsurface of the earth, air, water, soil, plants, animals, organic and inorganic substances, anthropogenic components).”

At the international level, environmental law does not provide a single uniform definition of “environment”, and international instruments generally adopt either broad or functional formulations rather than exhaustive definitions. Consequently, national legal systems retain broad discretion in defining its scope, which explains the variation in domestic approaches. Within this context, both Lithuania and Ukraine adopt a broad and inclusive understanding of environmental protection. This reflects a functional and system-oriented conception of the environment, consistent with contemporary sustainable development discourse, whereby environmental protection extends beyond conservation to the regulation of human–environment interactions and their interdependencies ([Eelager et al. 2025](#); [Bosković et al. 2026](#)).

4. Concluding Remarks

This study examined the similarities and differences between the environmental protection laws of Ukraine and Lithuania and assessed the extent to which these differences can be explained through post-Soviet legal development and Europeanisation processes. The findings demonstrate that both countries share a broadly similar foundational legal design, reflecting their common post-socialist origins; however, their subsequent legal evolution has followed distinct trajectories.

The scoping review of Google Scholar literature shows that comparative research on Ukraine and Lithuania is primarily grounded in four rationales: shared Soviet historical experience, post-socialist transition dynamics, cultural and societal proximity, and the identification of research gaps. These factors collectively position both countries as suitable comparative cases. The subsequent Scopus-based review confirms that comparative

environmental law research is limited, with most studies relying on broader post-Soviet or regional (CEE) frameworks rather than direct Ukraine-Lithuania comparisons. This confirms a clear research gap that this study addresses by focusing on a structured bilateral legal comparison. By integrating scoping literature review and doctrinal comparison, this study contributes to filling this gap and demonstrates how post-socialist legal heritage, Europeanisation, and institutional development jointly shape contemporary environmental law in both jurisdictions.

These findings highlight Europeanisation as a key explanatory factor in the divergent development of post-socialist environmental law. Overall, the comparison demonstrates that while both Ukraine and Lithuania inherited similarly structured post-Soviet environmental framework laws, their subsequent operational effectiveness diverged significantly, with Lithuania's EU-driven Europeanisation producing progressively stronger implementation capacity and preventive regulatory governance, whereas Ukraine's trajectory reflects more gradual and fragmented institutional adaptation. However, these differences should be understood as evolutionary rather than normative, shaped by institutional capacity, historical timing of EU accession, and broader socio-political conditions.

This comparative perspective is particularly relevant in light of Ukraine's ongoing EU accession process and the impact of wartime conditions on its legal and institutional development. The Ukrainian Law on Environmental Protection (Ukraine 1991), while constituting a foundational framework for environmental governance, reflects the priorities and regulatory capacities of an early post-Soviet transition period and was not originally designed to address complex post-conflict environmental restoration challenges, including large-scale ecological degradation discussed in international legal scholarship in relation to ecocide. Its contemporary relevance therefore lies less in providing detailed regulatory solutions than in serving as a baseline for assessing the scope and limits of legal continuity in environmental governance under conditions of systemic transformation. Within this comparative framework, the Lithuanian experience functions as an illustrative reference point, demonstrating how sustained Europeanisation and progressive alignment with the EU *acquis* can influence the evolution of environmental governance in post-socialist legal systems. Overall, the findings confirm that Europeanisation constitutes a key factor differentiating the trajectory and operational capacity of post-socialist environmental legal frameworks.

Supplementary Materials: The following supporting information can be downloaded at: <https://www.mdpi.com/article/10.3390/laws15040069/s1>, Table S1: Preferred Reporting Items for Systematic reviews and Meta-Analyses extension for Scoping Reviews (PRISMA-ScR) Checklist.

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Appendix A

Table A1. Environmental Laws of Lithuania and Ukraine.

Legal Act	Date of Adoption Institution, That Adopted Law	Number of Provisions	Date of Entry into Force	End Date of Current Version	Main Aim and Tasks
Law on Environmental Protection of the Republic of Lithuania	21 January 1992 Supreme Council of the Republic of Lithuania—Reconstituent Seimas ¹	Thirty-six (version of 21 January 1992)	30 January 1992	Current version—revision on 23 December 2022. This current version is valid until 30 April 2023. After this date, new amendments from the previous revisions (made on 30 June 2022 and on 29 September 2022) entered into force	Version of 21 January 1992: Article 2. Purpose of the Law “This Law shall establish the principal rights and duties of natural and legal persons that ensure: (1) The right of the residents of the Republic of Lithuania to a healthy and clean environment. (2) The harmonious development of interaction between society and nature. (3) Preservation of the diversity of organisms and the living environment necessary for them. Other laws and other legal acts regulating the use of natural resources and environmental protection shall be adopted on the basis of this Law.” Version of the Law on Environmental Protection of the Republic of Lithuania revised on 23 December 2022): Article 2. Purpose of the Law “This Law shall regulate public relations in the field of environmental protection, establish the principal rights and duties of legal and natural persons in preserving the biodiversity, ecological systems and landscape characteristic of the Republic of Lithuania, ensuring a healthy and clean environment, rational use of natural resources in the Republic of Lithuania, the territorial waters, continental shelf and economic zone thereof, responsibility, economic sanctions for violations of legal acts governing environmental protection and use of natural resources committed by legal entities in order to prevent these violations and provisions on the jurisdiction of cases regarding the awarding of economic sanctions effectively. Other laws and other legal acts regulating the use of natural resources and environmental protection shall be adopted on the basis of this Law This law is intended to ensure the implementation of the European Union legislation specified in the annex to this Law.”
Law of Ukraine On Environmental Protection	25 June 1991 Verkhovna Rada of Ukraine	Seventy-two	1 July 1991	Current version—revision on 9 August 2025	Version of 1 July 1991 Article 1. Tasks of environmental protection legislation. The task of environmental protection legislation is to regulate relations in the field of protection, use and restoration of natural resources, ensuring environmental safety, preventing, and eliminating the negative impact of economic and other activities on the environment, preserving natural resources, the gene pool of wildlife, landscapes and others natural systems, unique territories and natural objects related to historical and cultural heritage. Version of 9 August 2025 The text of art.1 has not been changed.

¹ The Supreme Council of the Republic of Lithuania was established, and members were elected, in 1990. The Act on the Restoration of the Independent State of Lithuania was signed by the Supreme Council of the Republic of Lithuania on 11 March 1990. The Supreme Council of the Republic of Lithuania was disbanded in 1992, when the Constitution of the Republic of Lithuania was adopted and the first Parliament of the Republic of Lithuania (Seimas) as it was defined in the Constitution was elected.

Appendix B

Table A2. Comparison of Ukrainian Law On Environmental Protection and Law on Environmental Protection of the Republic of Lithuania.

	Ukraine	Lithuania
Legal act	Law of Ukraine On Environmental Protection	Law on Environmental Protection of the Republic of Lithuania
Number and frequency of amendments to the law	Sixty-two laws amending and/or supplementing the Law on Environmental Protection were adopted (by 9 June 2022); Amendments and/or supplements are quite frequent	Forty-two laws amending and/or supplementing the Law on Environmental Protection were adopted (23 December 2022); Amendments and/or supplements are quite frequent
Structural organization of the legal acts, including their division into sections, articles, and paragraphs;	Law has a preamble. Law is divided into sections (chapters) and articles. Version of 25 June 1991 is divided into sixteen sections: Section I. General provisions Section II. Environmental rights and duties of citizens Section III. Powers of councils in the field of environmental protection Section IV. Powers of governing bodies in the field of environmental protection Section V. Observation, forecasting, record-keeping and provision of information in the field of the environment Section VI. Environmental expertise Section VII. Rationing in the field of environmental protection Section VIII. Control and supervision in the field of environmental protection Section IX. Regulation of the use of natural resources Section X. Economic mechanism for ensuring environmental protection Section XI. Measures to ensure environmental safety Section XII. Natural areas and objects subject to special protection Section XIII. Environmental emergencies Section XIV. Settlement of disputes in the field of environmental protection Section XV. Responsibility for violation of the legislation on environment protection Section XVI. International relations of Ukraine in the field of environmental protection	Law has no preamble. Law is divided into chapters and articles. Version of 21 January 1992 is divided into seven chapters: Chapter I. General provisions Chapter II. Rights and duties of citizens and society organizations of the Republic of Lithuania Chapter III. Use of and accounting of natural resources Chapter IV. Regulation of economic activities Chapter V. System for monitoring the condition of the environment and limiting negative effects on the environment Chapter VI. Economic mechanism of environmental protection Chapter VII. Responsibility for violations of the environmental protection law and resolution of disputes on environmental protection issues Chapter VIII. International cooperation of the Republic of Lithuania in the field of environmental protection

Table A2. *Cont.*

	Ukraine	Lithuania
Established principles	Article 3: Basic principles of environmental protection (a) priority of environmental safety requirements, obligation of compliance with environmental standards, regulations limit the use of natural resources in the implementation of economic, managerial and other activities; (b) guaranteeing an ecologically safe environment for life and people's health; (c) precautionary nature of environmental protection measures natural environment; (d) environmentalization of material production on the basis of the complexity of decisions in matters of environmental protection, use and reproduction of renewable natural resources, and wide implementation of the latest technologies; (e) preservation of spatial and species diversity and the integrity of natural objects and complexes; (f) scientifically based coordination of ecological, economic, and social interests of society based on a combination of interdisciplinary knowledge of the environmental, social, natural, and technical sciences and forecasting the state of the natural environment; (g) mandatory environmental examination; (h) openness and democracy in decision-making, implementation that affects the state of the natural environment, the formation of the population's ecological worldview; (i) scientifically based regulation of the influence of economic and other activities on the natural environment; (j) free of charge for the general public and paid for by the special use of natural resources for economic activity; (k) collection of fees for environmental pollution environment and deterioration of the quality of natural resources, compensation for damage caused by violation of legislation on environmental protection; (l) solving issues of environmental protection: the environment and the use of natural resources, taking into account the degree of anthropogenic alteration of territories, the combined effect of factors that negatively affect the ecological situation; (m) combination of incentive measures and responsibility in the case of environmental protection; (n) solving problems of environmental protection environment based on broad intergovernmental cooperation.	Article 4 Environmental protection in the Republic of Lithuania is the concern and duty of the entire state and each of its residents. The policy and practice of environmental protection must aim to enhance the quality of the environment, promote public and private interests in this regard, encourage natural resource users to seek ways and means to prevent or reduce adverse environmental impacts, and produce goods in an eco-friendly way. Natural resources must be used rationally and comprehensively, taking into account the possibilities of environmental conservation and restoration, as well as the characteristics of the natural and economic conditions of the Republic of Lithuania. Environmental protection is based on comprehensive, fair, and timely ecological information.

Table A2. Cont.

	Ukraine	Lithuania
Legal responsibility for violations	Chapter XV (Articles 68–70) of the Law as amended on 25 June 1991: “Liability for Violation of Environmental Protection Legislation.” Paragraph 1 of Art. 68 states that “Violation of the legislation of the Ukrainian SSR on environmental protection entails disciplinary, administrative, civil and criminal liability established by this Law and other legislation of the Ukrainian SSR.” Article 68 (paragraphs 20–21) also states that: [par. 20] “Enterprises, institutions, organizations and citizens are obliged to compensate for the damage caused by them as a result of violation of the legislation on environmental protection, in the manner and in the amounts established by the legislation of the Ukrainian SSR.” [par. 21] “The application of measures of disciplinary, administrative or criminal responsibility does not exempt the guilty from compensation for damage caused by pollution of the environment and deterioration of the quality of natural resources” In addition, Paragraph 22 states that illegally extracted natural resources and manufactured from them products are subject to free removal and confiscation. Income received from their implementation is directed to local environmental protection funds.	Chapter VII. Article 31. Legal Liability Legal and natural persons who violate the requirements of environmental protection laws are subject to disciplinary, administrative, financial, and criminal liability under the laws of the Republic of Lithuania. Article 32. Compensation Methods for Unlawful Damage to the Environment Legal and natural persons who, through unlawful actions, cause harm to the environment, human health and life, and the property and interests of other legal and natural persons, must compensate for all losses and, if possible, restore the condition of the environmental object. The methodology for calculating environmental damage and the rates are determined by the Government of the Republic of Lithuania, in coordination with the Environmental Protection Department. Article 33. Lawsuits for Compensation of Damage Caused by Unlawful Actions Claims for compensation of damage caused by unlawful actions may be brought by: legal and natural persons who have suffered harm to their health, property, or interests; officials of the Environmental Protection Department of the Republic of Lithuania, the prosecutor, and other organizations when harm is caused to the state’s interests Article 34. Resolution of Disputes Concerning Environmental Protection Disputes regarding environmental protection matters are resolved within their competence by municipalities, the Government of the Republic of Lithuania, the Environmental Protection Department, the Supreme Council, arbitration, and the court in accordance with the procedures established by law. Disputes between the Republic of Lithuania and legal or natural persons of foreign states are resolved in accordance with the laws of the Republic of Lithuania, unless otherwise provided in international treaties of the Republic of Lithuania
Scope of the environment and environment protection	The environment is perceived not only as natural, but also as anthropogenic	The environment is perceived not only as natural, but also as anthropogenic

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