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## ENVIRONMENTAL LEGAL PROBLEMS IN THE CONTEXT OF GLOBALIZATION

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**Abstract.** *The author of the article describes globalization processes as inevitable historic and objective phenomena, the driving force of society's development and progress. It is emphasized that these processes result in harmful effects of global character on the environment and society. In the opinion of the author, one of the most important negative effects of globalization is the increase in environmental pollution which in turn results in the change of climate, extreme ecological situations, and threats to the natural environment and human health. The author argues that one of the main legal instruments for limiting and neutralizing the harmful effect of pollution on the environment and society is the integrated system of environmental legal regulation. The author considers the safeguarding of the environmental objects and resources (climate atmosphere, soil and subsoil, water, air, biologic diversity, etc.) as the object of the legal regulation of the integrated environmental protection. What is more, the author of the article analyzes certain problematic aspects related to climate change and integrated prevention and control of climate pollution which are regulated under the new integrated institute of environmental protection under the environmental protection law. The author compares the provisions of international agreements, the European Union and Lithuanian legislation regarding these relations and concludes that Lithuania has not fully met its international obligations in this field. The national legal system on environmental protection is not adjusted to an effective*

*regulation of environmental relations; such regulation is fragmental, not adequate, and does not have a proper legal form. The relevant relations are regulated by the legal acts of the Ministry of the Environment rather than by laws. Finally, the author offers solutions for the improvement of the legal regulation of integrated environment protection. It is suggested to improve the main law on environmental protection and adopt new laws on climate protection as well as develop an integrated system of the prevention and control of pollution.*

**Keywords:** *globalization processes, integrated environmental protection, environmental protection law.*

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## Introduction

Globalization processes are inevitable historic and objective phenomena, the driving force of society's development and progress. However, these processes cause harmful changes of global character in the environment and society. In its own turn, this results in climate change, extreme ecological situations, and risks to the natural environment and human health. The international, European Union (hereinafter referred to as the EU) and Lithuanian strategies for the sustainable development of society provide for goals and objectives aimed at significantly decreasing the harmful effect of globalization processes and integrating the environmental requirements into all fields of society and economy. A very important legal instrument of the implementation of these purposes and objectives is the integrated legal system for the regulation of environmental protection.

*The essence of the problem.* The social and legal scientific literature does not provide detailed analyses of the problems of legal regulation of environmental protection in the context of globalization. The following relevant questions remain unanswered: 1. Which processes described by the term 'globalization' are, in fact, of global character, what effect do they have on the environment and society, and what objectives do these processes suggest under the new circumstances? 2. How can the essence of the integrated environmental protection and its system of legal regulation be defined? 3. Is the modern legal system of environmental protection sufficiently effective for limiting or neutralizing the harmful effect of pollution on the environment and society caused by globalization processes? 4. What are the trends of improving the legal regulation on environmental protection in the context of globalization?

*The object of the present research* is the problems of the legal regulation of integrated environmental protection from the pollution caused by globalization processes.

*The purpose of the article* is to analyze certain problematic (in practice and theory) questions of climate change, the prevention of environmental pollution, and legal regulation in the context of globalization.

*The objectives of the article:* to describe the nature of the effect of globalization processes on the environment, society and law, as well as the concept of integrated legal regulation of the environmental protection, its system and objectives; to undertake a

comparative analysis of the main international agreements, the EU and the national legal acts on climate change and on the prevention and control of environmental pollution; to describe the main trends of the improvement of the integrated legal regulation of integrated environmental protection and to provide adequate conclusions and suggestions.

*Research methods* include systematic analysis, sociologic, comparative, document analysis, normative-dogmatic and other. Through the application of these methods the author analyzes the effectiveness of the legal regulation of climate change and the integrated control and prevention of environmental pollution.

## 1. The Effect of Globalization Processes on the Environment, Society and Law

In the scientific literature a universal concept of the term ‘globalization’ has not yet been formed; it can hardly be defined due to its complexity and polysemy.

The term ‘**globalization**’ (French *global* – overall, total, integral) is described as an increasingly intensifying process of the movement of goods, capital, people, and technologies in the world, which has an effect on all areas of life and is determined by technological novelties and progress of the late twentieth century and intensifying share of labour, specialization, international trade and competition.<sup>1</sup> Globalization, first of all, can be understood as the development, deepening and acceleration of all modern social life aspects of mutual relations at a global level.<sup>2</sup> This process integrates social, political and economic activity that goes beyond state borders because events, decisions and activity in one region of the world can be significant for the people of distant regions of the Earth.<sup>3</sup>

Nevertheless, researchers have expressed essentially different opinions on the role of globalization processes in social life. Some authors (L. Sklair<sup>4</sup>, J. Gray<sup>5</sup> and others) consider globalization as the driving force of the post-modern society and progress which is promoted by the development of science, technologies and international market economy. Other authors, despite emphasizing the positive effect of globalization on the development of society, criticize globalization processes and claim that they also pose certain threats to the environment and society: promote increased use of resources and concentration of production and foster monopolies to increase their profits recklessly. However, these authors also emphasize the necessity of new decisions in the era of globalization.<sup>6</sup> Z. Bauman generally is sceptical in evaluating the effect of globalization

1 *Visuotinė lietuvių enciklopedija*. VI t. [The Universal Lithuanian Encyclopaedia. Volume VI]. Vilnius: Mokslo ir enciklopedijų leidybos institutas, 2004, p. 763–764.

2 Held, D., et al. *Globaliniai pokyčiai: politika, ekonomika ir kultūra* [Global Changes: Politics, Economics and Culture]. Vilnius: Margi raštai, 2002, p. 26.

3 Grizas, R. A. *Globaliniai ekonominiai procesai* [Grizas, R. A. Global Economic Processes]. Vilnius, 2006, p. 14.

4 Sklair, L. *Sociology of the Global System*. London, 1995.

5 Gray, J. *False Dawn: the Delusions of Global Capitalism*. London, 1998.

6 Bernotas, D; Guogis, A. *Globalizacija, socialinė apsauga ir Baltijos šalyys* [Globalization, Social Protection and the Baltic States]. Vilnius: Mykolo Romerio universitetas, 2006, p. 10–24.

processes on society. He claims that globalization processes increase social exclusion, provide favoured members of the society with privileges, impoverish and exclude all persons who lack resources, education or health.<sup>7</sup>

Scientists also have different opinions on the origins of globalization processes. The origins of globalization processes are usually related with the nineteenth century when the industrial society and international monopoly corporations were formed on the basis of science and technology development. However, some authors claim that globalization processes have started in the ancient times and have been ongoing since then.<sup>8</sup> It is claimed that globalization started with the disintegration of primitive communal system when crafts and trade separated from agriculture.<sup>9</sup> The latter opinion is more convincing and grounded. Globalization and its effects can be seen through the lens of history as an inevitable and objective process of society's development.

The review of scientific literature allows to conclude that *globalization is an inevitable and objective historic process of society's development, determined by the development of science, technologies and information systems, the intensifying global movement of goods, capital and labour and the increasing international cooperation of states and nations in various areas of social life.*

Objective and consistent globalization processes should be evaluated as positive phenomena because they are a prerequisite for society's further development and progress. However, it must be agreed with the claim that these processes result in undesirable effects on the environment and society.

It should be agreed with the opinion that globalization processes are directly fostered by the increase in population. 1.6 billion people lived in the world in 2000. It is forecasted that in 30 years the population will reach 9 billion and in 2050 even 11 billion people.<sup>10</sup> The consumption and social needs have increased due to the rising population because society takes everything it needs from nature to satisfy its needs. Thus, reckless and irrational consumption of limited natural resources increases. Lately the use of natural resources has grown even 12 times.<sup>11</sup> The intensified use of natural resources in the fields of energy, industry, mineral mining, etc. increases emissions to the environment, the formation of production and communal waste that pollutes the air, water, soil and other components of nature, and from which it cannot naturally cleanse. After the release to the environment, pollution harms the nature, including inanimate nature, decreases the quality of social life and health, causes processes of climate change which often result in extreme ecological situations (floods, hurricanes and other disasters). Thus, in-

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7 Bauman, Z. *Globalizacija: pasekmės žmogui* [Globalization: the Human Consequences]. Vilnius, 2002.

8 *Lietuva globalėjančiame pasaulyje* [Lithuania in the Increasingly Global World]. Vilnius: Logos, 2006, p. 26.

9 *Globalizacija: taikos kultūra, žinių visuomenė, tolerancija* [Globalization: Culture of Peace, Knowledge Society, Tolerance]. Vilnius: Mykolo Romerio universitetas, 2003, p. 10–12.

10 *Ibid.*, p. 236.

11 Venckus, Z. *Aplinkos apsaugos politika ir teisė* [The Policy and Law on Environmental Protection]. Vilnius: Technika, 2008, p. 90.

ternational cooperation is promoted in order to limit the harmful effect of globalization processes on the environment and society.

However, it must be emphasized that not all processes described under the term 'globalization' are in fact of a global character. The author agrees with the opinion that most of the damage to the environment is of local character because its effects are insignificant or do not impact social relations, and that the movement of pollution in time and space is limited.<sup>12</sup> *'Global' are only these processes which cause internationally significant harmful effects on climate and the environment when the resources of nature degrade or are destroyed, the quality of social life and health is decreased and the limiting or neutralizing of such effects requires international cooperation.* International agreements on cooperation in specific fields of environmental protection constitute the main legal criteria used for establishing the global character of such processes.

The *effect of globalization processes* in general and the improving environmental protection in particular is demonstrated by a significantly widening scope of legal regulation and the developing system of legal norms. The Republic of Lithuania has signed many international agreements and also must comply with the EU legislation regarding the limitation and reduction of environmental pollution caused by globalization processes. The legislator is obliged to improve and develop the national environmental law. New purposes and objectives are put forward under the modern circumstances: firstly, to reduce and, where possible, to neutralize the harmful effect of globalization processes to the environment and society; secondly, to develop international state and society cooperation in the field of globalization; thirdly, to reorganize and develop the national environmental law system in accordance with the international obligations of Lithuania and the strategy of the sustainable development of society.

A precondition for the reorganization and further development of the legal system is based on the formation of new legal norms and institutes that are aimed at an integrated regulation of environmental relations in the context of globalization. An analysis of the EU environmental law reveals that an independent legal institute has already been formed with reference to the theory of the concept of integrated environmental protection. The idea of an integrated environmental protection is established in all the principles of the environmental protection policies, programmes and legal acts of the EU. The essence of this idea is that the entire natural environment as an integrated system, and not just separate objects of nature and resources, must be protected from pollution caused by anthropogenic activities. The objects of the integrated environmental protection are: processes of climate change, air pollution, water, soil and subsoil pollution, instruments for waste management, measures for the reduction of noise, vibration, and smells.

Due to the limited scope of the article, the author further analyzes only the problems of the legal regulation of integrated prevention and control of climate change and pollution that are most relevant in the context of globalization processes.

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12 Grižas, R. A., *supra* note 3, p. 78.

## 2. Problems of the Legal Regulation of Climate Change

Air pollution from local emissions and emissions from other states leads to climate change processes and threats to the natural environment and public health. The Lithuanian environment is mostly polluted from stationary sources of pollution, e.g. Mažeikių nafta, Akmenės cementas, Achema, thermal power station of Vievis, etc.<sup>13</sup> However, about 80 per cent of all pollution comes to Lithuania from other countries.

Climate change processes are mostly affected by the emissions of greenhouse gas. The Intergovernmental Panel on Climate Change in its report of 2007 established that due to human (anthropogenic) activities, the emissions of greenhouse gas have recently increased by 70 per cent.<sup>14</sup> Greenhouse gases are: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), etc. Emissions of these gases to the environment have been caused by the increased use of natural resources (coal, gas, soil, etc.) in the fields of industry, energy and transport as well as imperfect technologic equipment and processes. The report stresses that climate change is also affected by irrational cutting of trees, because forests partially neutralize the harmful effect of greenhouse gases. Due to the concentration of these gases, the Earth's temperature is rising and this is the main reason for global warming and such climate change phenomena as the depletion of the ozone layer, acid rains, melting icebergs, droughts, floods, and other unexpected disasters.

The environmentally harmful processes of climate change forced the states to conclude international agreements on limiting or neutralizing air pollution and its effects. For this purpose international air protection agreements have been concluded: the Convention on Long-Range Transboundary Air Pollution (Geneva, 1979), the Convention for the Protection of the Ozone Layer (Vienna, 1985), the Montreal Protocol (1987) and its amendments on substances that deplete the ozone layer, etc. In the European Union, 23 legal acts regulate the protection of air quality. In Lithuania, the main legal act regulating the protection of air quality is the Law on the Protection of Ambient Air.<sup>15</sup>

For the special purpose of limiting and decreasing the emissions of greenhouse gas that cause climate change, states have concluded two main international agreements.

In June 1992 in a conference in Rio de Janeiro 155 states have concluded the United Nations Framework Convention on Climate Change (hereinafter referred to as the Convention)<sup>16</sup> that the Seimas of the Republic of Lithuania ratified on 23 February 1995. The Convention provides that the states should individually or jointly reduce greenhouse gas emissions to the levels of 1990. In order to implement the Convention, the states undertook relevant obligations that have been formulated on the basis of the principle of differentiated responsibility and applied to all states and especially to the developed states. The Convention also established the mechanism for the implementation of the obligati-

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13 Ministry of Environment of the Republic of Lithuania. Reports of 2001-2005 [interactive]. [accessed 01-12-2009]. <<http://www.am.lt>>.

14 Intergovernmental Panel on Climate Change, IPCC. *Report of 2007*.

15 Law on Ambient Air Protection. *Official Gazette*. 1999, No. 98-2813.

16 Resolution of the Seimas on the Ratification of the United Nations Framework Convention on Climate Change. *Official Gazette*. 1995, No. 1-812.

ons of the states: regular and systematic monitoring and research of the environmental state, exchange of information, special education and training. In 1997, a conference of the United Nations took place in Kyoto (Japan) and the intergovernmental Kyoto Protocol providing for specific obligations of the states and mechanisms for reducing greenhouse gas emissions was signed. An agreement to reduce the overall emissions of such gases by 5.2 per cent below the levels of 1990 during the commitment period from 2008 to 2012 was reached.<sup>17</sup> The Seimas of the Republic of Lithuania ratified the Kyoto Protocol on 9 November 2002, and it entered into force on 3 January 2003 in Lithuania.<sup>18</sup> An obligation to reduce greenhouse gas emissions by 8 per cent was imposed on Lithuania. The Kyoto Protocol establishes specific and legally obliging restrictions on greenhouse gas emissions for 38 industrial countries, including all EU Member States (except for Cyprus and Malta) and indicating the EU as an integral legal person. The protocol provides for three main mechanisms that serve as the basis for the states in the implementation of their obligations: joint implementation of projects; emissions trading system; clean development mechanism.

As an independent region of the world, the EU was one of the main initiators of concluding and implementing the Convention and the Kyoto Protocol. The main EU legal act that integrates and expands the said international agreements is Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emissions allowance trading within the Community.<sup>19</sup> The EU Emissions Trading System (ETS) is the instrument that facilitates the decrease of greenhouse gas emissions. Moreover, the trading system of carbon dioxide (CO<sub>2</sub>) emissions has been created. Companies may trade allowances if they reduce greenhouse gas emissions, or buy them if they lack allowances for the amount of emissions released.

Moreover, the European Commission adopted some programme instruments which are not direct legal normative acts but induce EU institutions and Member States to improve the legal regulation on the limitation and reduction of pollution; i.e. the Green Paper on adapting to climate change in Europe as an option for EU action. Climate change is recognized as a global problem, thus, the Member States are called for a global reduction of up to 50 per cent by 2050 compared to the levels of 1990. Developed countries should undertake more obligations in respect of other countries for the purposes of the implementation of the said objective.

After a comparison of the legal regulation on climate protection in Lithuania and the abovementioned international agreements as well as the provisions of the EU legislation, it must be concluded that the Lithuanian regulation is fragmental, inadequate and the chosen legal form is inappropriate.

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17 Ministry of Environment of the Republic of Lithuania. Reports of 2001-2005 [interactive]. [accessed 01-12-2009]. <<http://www.am.lt/VI/files>>.

18 Law on the Ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change. *Official Gazette*. 2002, No. IX-1203.

19 Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community.

There is no law systematically regulating climate protection in Lithuania. The Government of the Republic of Lithuania approved the Strategy on the Implementation of the United Nations Framework Convention on Climate Change till 2012,<sup>20</sup> which must be criticized because it does not meet the requirements of a strategic document and is not consistent with the National Sustainable Development Strategy.<sup>21</sup> The measures of the implementation of the strategy are not specific, the sources of funding are not provided for, and the institutions responsible for the implementation are not indicated. The concept of the law on climate change,<sup>22</sup> aimed at drafting the main principles of the Lithuanian legal regulation of climate change has also been approved. However, the analysis of this draft reveals that it is only a transposition of the provisions of the EU directives on greenhouse gas emissions trading. Recently, the emissions trading system is regulated by the orders of the Minister of Environment rather than by specific laws. The conclusions of the State Control auditing revealed that an inappropriate form has been chosen for the transposition of the abovementioned directives of the EU. They had to be transposed by acts of a higher legal power and not by the orders of the Minister of Environment.<sup>23</sup> Moreover, the law has left out some other important measures of climate protection, although these measures are provided under the Convention, the Kyoto Protocol, the EU legislation, the Green Paper and other documents.

Thus, it is necessary to fully implement the international obligations of Lithuania under the Convention and the Kyoto Protocol as well as those arising out of the EU membership. A law which applies not only to the emissions trading system but also regulates the relations of climate change in general must be drafted and adopted. Such a law should be called the law on 'climate protection' and not the law on 'climate change'. It must integrate and develop the relevant provisions of the Convention, the Kyoto Protocol and the EU legislation as well as the recommendations provided in programme documents. The law should establish specific obligations of state institutions and economic subjects in respect of the implementation of the following provisions: climate monitoring, legal, technical and economic measures for the restriction of the emissions causing climate change. It is also important to establish a clear system for raising public awareness of the climate situation and promoting the participation of the society in climate protection.

### 3. Problems of Integrated Pollution Prevention and Control

The theoretical basis for the integrated pollution prevention and control is the abovementioned concept of the EU integrated environmental protection which is reflected

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20 Strategy on the Implementation of the United Nations Framework Convention on Climate Change to 2012. Adopted by a resolution of the Government of the Republic of Lithuania [interactive]. [accessed 20-03-2009]. <<http://www.am.lt/VI/index.php#a/7359>>.

21 National Strategy for Sustainable Development. *Official Gazette*. 2003, No. 1160.

22 Concept of the law on climate change [interactive]. [accessed 20-03-2009]. <<http://www.am.lt/VI/index.php#a/6700>>.

23 Report on State auditing Office [interactive]. [accessed 20-03-2009]. <<http://www.vkontrole.lt/auditas/ataskaita.php?2177>>.

in many legal acts.<sup>24</sup> One of the latest and most important legal acts is Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (hereinafter referred to as the Directive).<sup>25</sup> The purpose of the Directive is to ensure integrated prevention and control of pollution arising from the activities listed in Annex I. These are the measures designed to ensure the rational use of natural resources, the effectiveness of energy consumption, the reduction of the emissions into the air, water and land including the measures concerning waste, its disposal, and measures for reducing noise, vibration and smells caused by economic activities (if such measures must be taken on the Community level). According to the Directive, the integrated environmental protection is regulated by issuing, changing and disposing of permits regarding the integrated prevention and control of pollution for economic subjects in accordance with the procedures laid down by the Member States but taking into account the principles of the Directive. The Directive provides that in all cases the authorisation conditions should lay down provisions on minimising long-distance or transboundary pollution and ensure a high level of protection for the environment as a whole. *This means that integrated pollution prevention and control must include the implementation of the measures for reducing air pollution and preventing climate change provided under international agreements.*

The Rules on Integrated Pollution Prevention and Issuing, Renewal and Withdrawal of Control Permits with latest amendments<sup>26</sup> (hereinafter referred to as the Rules) constitute the main legal normative act in Lithuania regulating the procedure of the implementation of the prevention and control. The Rules establish that prior to undertaking economic activities that might endanger the environment, legal and private persons must receive integrated pollution prevention and control permits according to the established procedure. These permits are issued by regional environmental protection departments. The permits grant economic operators the right to undertake certain economic activity, use certain equipment, natural resources, release emissions within the set limits as well as oblige to undertake specific measures of environmental protection.

The comparison of the EU and Lithuanian legislation on integrated pollution prevention and control leads to a conclusion that this field of environmental protection, albeit significant to the environment and society, is also regulated by an inappropriate legal form. The requirement of the law on environmental protection for private and legal persons *to obtain permits in the cases and according to the procedures established by laws* has not been implemented in practice. Therefore, these public relations must be regulated by a specific law rather than by the Rules adopted by the Minister of Envi-

24 Ragulskytė-Markovienė, R. *Aplinkos teisė. Lietuvos teisės derinimas su Europos Sąjungos reikalavimais*. [Environmental Law. Harmonization of the Lithuanian Law with the Requirements of the European Union]. Vilnius: Eugrimas, 2005, p. 150–152.

25 Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control [interactive]. [accessed 30-03-2009]. <[www.europarl.europa.eu](http://www.europarl.europa.eu)>.

26 Rules on Integrated Pollution Prevention and Issuing, Renewal and Withdrawal of Control Permits. *Official Gazette*. 2005, No. 103-3829; Rules on Integrated Pollution Prevention and Issuing, Renewal and Withdrawal of Control Permits. *Official Gazette*. 2009, No. 1-12.

ronment. It is important that integrated pollution prevention and control, the subjective rights of the society and every human being to safe environment are implemented, and that at the same time the rights of economic operators to engage in economic activity that might be hazardous to the environment are limited. The Constitutional Court of the Republic of Lithuania in its ruling of 14 March 2006 established that any limitations and prohibitions of economic activity, ownership, freedom and *inter alia* subjective rights can only be established by law.<sup>27</sup>

For the purpose of regulating the abovementioned environmental protection relations, a separate law on integrated pollution prevention and control must be adopted. The law should regulate the rights and obligations of the state and economic operators in the field of rational and sparing use of natural resources, effectively limit, and, where necessary, prohibit the harmful effect on the environment, facilitate the development of technologic equipment, motivate economic operators to undertake economic measures of environmental protection. This law should systematically regulate the protection from the harmful effect of the pollution caused by globalization processes on the environment as a whole integrated system.

A question whether it is reasonable to adopt two laws on integrated environmental system might arise, but the answer to the question is simple and positive. The law on climate change is aimed at regulating only the measures for minimising long-distance or transboundary pollution. Meanwhile, the law on integrated pollution prevention and control must regulate the integrated prevention and control of the environment under the jurisdiction of the Republic of Lithuania, including the prevention of the pollution affecting climate change.

Further development of the legal regulation of integrated environmental protection must be harmonized with the National Strategy for Sustainable Development. The current renewed draft of the Lithuanian Strategy for Sustainable Development is based on the renewed strategy on the EU sustainable development. It is aimed at limiting the emissions causing climate change and improving the mechanism of the implementation of the Kyoto Protocol. Moreover, it is provided that economic and administrative measures should be used to facilitate the use of ozone-friendly materials, technologies and implement other measures of environmental protection.<sup>28</sup> The provisions on environmental protection of the National Strategy for Sustainable Development should be transformed into relevant environmental law norms and incorporated into the main law on environmental protection<sup>29</sup> as well as the suggested laws on climate change and integrated pollution prevention and control.

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27 Constitutional Court of the Republic of Lithuania. Resolution of 11 March 2006. *Official Gazette*. 2006, No. 30-1050.

28 Juknys, R.; Vėbra, V. Lietuvos darnaus vystymosi perspektyvos ir problemos [The Perspectives and Problems of the Lithuanian Sustainable Development]. *Darnaus vystymosi strategija ir praktika: mokslo darbai*. 2008, 1(2): 4–14.

29 Law on Environmental Protection. *Official Gazette*. 1992, No. 5-75.

## Conclusions

1. Globalization processes are inevitable historic and objective phenomena which cause harmful changes of global character in the environment and society: pollution of the natural environment, climate change, disasters, decline of the quality of social life. 'Global' are only these processes which cause internationally significant harmful effects on climate and the environment and due to which resources of living and non-living nature degrade or are destroyed, the quality of society's life and health is decreased, and the limiting or neutralizing of such effects requires cooperation on the international level. The effect of globalization processes on law in general and on the law on environmental protection in particular is manifested through a significant expansion of the legal regulation area and the regulative system of legal norms. In the context of globalization, the key aim of environmental legal protection is the limitation and neutralization of pollution that causes climate change and the creation of an integrated system of the protection of environment. This obliges the Lithuanian legislator to improve and develop the legal regulation of integrated environmental protection in accordance with international obligations and new circumstances.

2. The global changes of the climate in our planet are determined by the significant increase in pollution due to economic and anthropogenic activities. Lithuania has ratified a number of international agreements on limiting or neutralizing air pollution or its effects. However, the protection of climate from harmful effects is a specific field of public relations. After a comparison of the legal regulation of climate protection in Lithuania and in international agreements as well as the provisions of the EU legislation, it must be concluded that the Lithuanian regulation is fragmental, inadequate and the chosen legal form is inappropriate. Therefore, the Lithuanian legislator must consider international agreements and the EU legislation and adopt the law on climate protection adequately regulating the relevant processes.

3. The essence of the idea on integrated environmental protection formulated under the EU policy principles, programs, and legal acts on environmental protection is that separate objects of natural environment and resources (climate, soil and subsoil, water, air, biologic diversity, etc.) should not be protected from the pollution caused by anthropogenic activities individually, rather the environment as an integrated system must be protected. The legal regulation of the integrated environmental protection applies to the limitation and neutralization of the pollution that causes harmful effects on the environment and society on an international level. Thus, it is important to define the jurisdiction of Lithuania and its objectives in the field of the integrated legal regulation of environmental protection according to international conventions and EU legal acts. In Lithuania, this significant field of environmental protection has also been regulated by an incomplete and inappropriate form of law, i.e. mainly by administrative regulations. In order to regulate integrated environmental protection relations, with regard to their global character and significance for the implementation of public rights to a safe environment, a separate law on integrated pollution prevention and control must be adopted

and harmonized with the National Strategy for Sustainable Development. The law on environmental protection as well as other relevant laws must be adequately amended.

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## APLINKOSAUGOS TEISINĖS PROBLEMOS GLOBALIZACIJOS SĄLYGOMIS

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**Santrauka.** Straipsnyje pirmiausia apibūdinami globalizacijos procesai, kaip neišvengiamas istorinis ir objektyvus reiškinys, visuomenės raidos bei pažangos varomoji jėga. Tačiau taip pat akcentuojama, kad jie sukelia ir globalaus pobūdžio kenksmingus aplinkai ir visuomenei pokyčius. Vienas iš svarbiausių, autoriaus nuomone, neigiamų globalizacijos padarinių yra didėjanti aplinkos tarša, kuri sukelia klimato kaitą, ekstremalias ekologines situacijas, grėsmes gamtinei aplinkai ir žmonių sveikatai. Tarptautinėse, Europos Sąjungos ir Lietuvos visuomenės darnaus vystymosi strategijose keliami tikslai ir uždaviniai gerokai sumažinti kenksmingą globalizacijos procesų ir jų sukeltą taršos įtaką aplinkai ir visuomenei, integruoti aplinkosaugos reikalavimus į visas visuomenės, ūkio, ekonominę ir socialinę sritis. Labai svarbus vaidmuo įgyvendinant šiuos tikslus ir uždavinius tenka teisei apskritai ir Aplinkosaugos teisei konkrečiai, nes per teisinio reguliavimo sistemą jie yra įgyvendinami praktiškai.

Straipsnyje autorius pagrindžia idėją, kad, viena iš pagrindinių teisinių kenksmingo taršos poveikio aplinkai ir visuomenei ribojimo bei neutralizavimo priemonių yra integruoto aplinkosaugos teisinio reguliavimo sistema. Tokio teisinio reguliavimo objektas, autoriaus nuomone, yra aplinkos objektų ir išteklių (atmosferos klimato, žemės paviršiaus ir jos gelmių, vandens, oro, biologinės įvairovės ir kita) kaip darnios visumos apsauga nuo ūkinės arba antropogeninės veiklos sukeltos taršos.

Šiuos santykius reguliuoja tarptautinių susitarimų, Europos Sąjungos ir Lietuvos teisės aktų sistema, kuria remiantis Aplinkosaugos teiseje formuojasi naujas integruotas teisinis institutas.

Straipsnyje keliami ir nagrinėjami kai kurie probleminiai minėto teisės instituto reguliuojami klimato kaitos ribojimo bei aplinkos taršos integruotos prevencijos ir kontrolės santykiai. Palyginęs šiuos santykius reguliuojančių tarptautinių susitarimų, ES ir Lietuvos teisės aktų nuostatas autorius daro išvadą, kad Lietuva nevysiškai įgyvendino savo tarptautinius šios srities įsipareigojimus. Nacionalinė aplinkosaugos teisės sistema iš esmės nepritaikyta veiksmingai reguliuoti tokius aplinkosaugos santykius. Jų reguliavimas yra fragmentinio

*pobūdžio, neadekvatus ir netinkamos teisinės formos. Juos iš esmės reguliuoja ne įstatymai, bet Aplinkos ministerijos teisės aktai.*

*Straipsnyje pateikiami pasiūlymai integruotos aplinkosaugos teisiniam reguliavimui tobulinti. Siūloma patobulinti pagrindinį Aplinkos apsaugos įstatymą ir priimti naujus Klimato apsaugos ir Taršos integruotos prevencijos bei kontrolės įstatymus.*

**Reikšminiai žodžiai:** *globalizacijos procesai, integruota aplinkosauga, aplinkosaugos teisė.*

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