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ENVIRONMENTAL JUSTICE AND PUBLIC RESOURCE GOVERNANCE

PREVENTION, PROPORTIONALITY AND EFFECTIVE JUDICIAL PROTECTION IN THE CASE LAW OF UKRAINE'S SUPREME COURT: AN EU ENVIRONMENTAL LAW PERSPECTIVE

(An Author's Analytical Review of the Case Law of the Cassation Administrative Court within the Supreme Court, 2023–2026)

Scope. Selected judgments delivered between December 2023 and August 2026 concerning environmental assessment, supervision, access to justice, protected areas, forests, radiation safety and mineral resources, read against the European environmental-law framework examined during the EJTN programme "EU Environmental Law" (AD/2026/07), Rome, 21–22 September 2026.

This is an independent scholarly review. It is not an official publication or position of the Supreme Court, the Council of Europe, EJTN or the European Union. The author served as judge-rapporteur in all Supreme Court decisions analysed in this review.

Abstract

The recent environmental case law of the Cassation Administrative Court within the Supreme Court is concerned with the quality of public decision-making as well as the final administrative act. The empirical basis comprises 25 judgments delivered between December 2023 and August 2026 and selected according to an author-defined criterion. Environmental impact assessment must precede proposed activities, or material changes to existing activities, that are likely to have significant effects on the environment; an inspection must rest on evidence; suspension must be justified by a current and substantiated risk; and access to court must remain practical where collective environmental interests or public natural resources are at stake. This review relates those holdings to the European framework discussed during the EJTN "EU Environmental Law" programme held in Rome on 21–22 September 2026. The Habitats Directive [EU-1] and the Birds Directive [EU-2], the EIA Directive [EU-3], the Aarhus Convention [EU-4], the Nature Restoration Regulation [EU-7], Article 191 TFEU [EU-11] and selected judgments of the Court of Justice identify the legal significance of adequate assessment, timely participation and effective judicial protection. The comparison is contextual. EU directives, Article 267 TFEU [EU-5] and the Charter [EU-10] do not apply to Ukrainian courts in the same manner as to courts of Member States; the Aarhus Convention [EU-4] is binding on Ukraine, while EU law supplies a relevant standard for approximation and reasoned comparison. The review

argues that prevention and proportionality operate together: environmental risk justifies timely intervention, while the remedy must remain tied to the facts existing at the time of judgment, and public availability of an administrative act does not by itself establish knowledge of a defect contained in the underlying administrative file.

Keywords: environmental justice; environmental impact assessment; nature protection; public participation; access to justice; proportionality; subsoil; Aarhus Convention; EU environmental law; Supreme Court; Ukraine.

EJTN Training Context

This review was prepared following the European Judicial Training Network programme "EU Environmental Law" (AD/2026/07), held in Rome on 21–22 September 2026. The first training day addressed nature protection and restoration, the Habitats Directive [EU-1] and the Birds Directive [EU-2], public access to environmental information, participation in decision-making, access to justice, mediation and the preliminary-reference procedure. A mock trial [EU-6] asked participants to adjudicate a proposed wind farm that required forest clearance and could affect protected birds and bats. The exercise was fictional, but the legal difficulty was familiar: the project file recorded an environmental assessment, consultation and public participation, yet one party argued that the assessment did not examine the ecological function of the bats' network of roosts.

The exercise illustrated a genuine conflict between competing public interests. Renewable energy serves climate and energy-security objectives, while a project pursued for those purposes may damage breeding sites, resting places or migration routes. The court must therefore identify the applicable level of protection, establish the relevant facts, consider available alternatives and give reasons for any derogation or remedial choice. That method also assists in the Ukrainian cases, which ask whether one form of expertise may substitute for a legally distinct environmental inquiry and whether the most intrusive remedy remains justified after the facts have changed.

The European Legal Framework and the Limits of Comparison

Article 191(2) TFEU [EU-11] states that Union environmental policy shall be "based on the precautionary principle and on the principles that preventive action should be taken" [EU-11]. Article 191(3) also directs attention to "the potential benefits and costs of action or lack of action" [EU-11]. These provisions support timely decisions under uncertainty while retaining the consequences of both intervention and inaction within the legal analysis. This combination explains why prevention and proportionality can operate together in the Supreme Court's case law.

Article 12(1) of the Habitats Directive [EU-1] requires "a system of strict protection" and prohibits the "deterioration or destruction of breeding sites or resting places" [EU-1]. Article 5 of the Birds Directive [EU-2] prohibits the "deliberate destruction of, or damage to" nests and eggs and the "deliberate disturbance" of protected birds, particularly during breeding and rearing [EU-2]. The inquiry therefore concerns the continued ecological use of the affected place, rather than only the presence or number of individual specimens at the time of a survey. In the joined Skydda Skogen cases [CJEU-1], the Court of Justice held that the prohibitions in Article 12(1)(a)–(c) of the Habitats Directive apply irrespective of the conservation status of the species

concerned and are not confined to activities aimed at killing or disturbing specimens. In the distinct context of Article 6(3) of the Habitats Directive, Holohan [CJEU-2] required an appropriate assessment to contain complete, precise and definitive findings capable of removing reasonable scientific doubt concerning the effects of the proposed works.

Regulation (EU) 2024/1991 [EU-7] on nature restoration adds a forward-looking obligation. Article 4(7) requires Member States to put in place restoration measures for the terrestrial, coastal and freshwater habitats of species protected under the Habitats and Birds Directives until "sufficient quality and quantity of those habitats is achieved" [EU-7]. Article 6(1) provides, for the purposes of Article 4(14) and (15) and Article 5(11) and (12), that renewable-energy plants, their connections to the grid, the related grid itself and storage assets "shall be presumed to be in the overriding public interest" [EU-7]. That provision also permits Member States, subject to a strategic environmental assessment or an environmental impact assessment, to exempt such projects from the requirement that no less damaging alternative solutions are available. A related presumption appears in Article 16f of Directive (EU) 2018/2001, as amended by Directive (EU) 2023/2413: it applies for the purposes of Article 6(4) and Article 16(1)(c) of the Habitats Directive, Article 4(7) of the Water Framework Directive and Article 9(1)(a) of the Birds Directive [EU-12]. These presumptions do not displace the remaining conditions of the applicable derogation regime.

Article 11 of the EIA Directive [EU-3] refers to a claimant "having a sufficient interest" or maintaining the impairment of a right and requires national rules to respect the objective of "wide access to justice" [EU-3]. The Aarhus Convention [EU-4] requires "early public participation, when all options are open" and remedies that are "adequate and effective" as well as fair, equitable, timely and not prohibitively expensive [EU-4]. Directive 2003/35/EC [EU-9] requires "early and effective opportunities to participate" and, for plans and programmes falling within Article 2, an entitlement to express comments and opinions "when all options are open before decisions on the plans and programmes are made" [EU-9]. In Trianel [CJEU-3], the Court of Justice rejected national standing rules that prevented a recognised environmental organisation from relying on rules protecting the environment merely because those rules did not confer individual rights. Lesoochranárske zoskupenie VLK [CJEU-4] connected effective judicial protection with the ability of an environmental organisation to challenge a decision adopted under Article 6(3) of the Habitats Directive [EU-1].

Transparency has a deliberately broad threshold. Directive 2003/4/EC [EU-8] gives an applicant access to environmental information "without his having to state an interest" and directs that grounds for refusal be interpreted restrictively [EU-8]. Judicial standing, access to information and proof of knowledge are connected but legally distinct. Entitlement to information does not establish standing in every form of litigation, while public availability of a final act does not by itself demonstrate knowledge of a defect contained only in the underlying administrative file.

The judgment in Ilva [CJEU-5] demonstrates the relationship between environmental permitting and human health under the Industrial Emissions Directive. The Court held that the effects of the installation on human health must form an integral part of the permitting and permit-review procedures and that, where serious and significant threats

to the integrity of the environment and human health exist, operation of the installation must be suspended. For comparative purposes, this reasoning is relevant to the Ukrainian cases concerning suspension because it links current evidence of risk to the justification for continued operation or regulatory intervention.

A court of an EU Member State may, and a court against whose decisions there is no judicial remedy under national law may be required to, refer a necessary question of EU law to the Court of Justice under Article 267 TFEU [EU-5]. Consorzio Italian Management [CJEU-6] restated the conditions governing the duty of a court of last instance to make a reference and the need to give reasons where that court concludes that a reference is unnecessary. Article 47 of the Charter [EU-10] protects "the right to an effective remedy before a tribunal" within the field of application defined by Article 51 [EU-10]. A Ukrainian court cannot presently use the Article 267 procedure. These Union rules therefore serve comparative and approximation purposes in this review. The Aarhus Convention [EU-4] has a different status because Ukraine is a Party. The Supreme Court's reference to Article 191 TFEU [EU-11] in case No. 320/59106/24 [SC-25] is treated as interpretive support and not as a finding that the Treaty provision has direct domestic effect.

The Author's Earlier Work and the Questions Asked Here

This review develops themes examined in the author's earlier publications on public interest, proportionality, actio popularis, environmental rights, national nature parks and responsibility to future generations [A-1; A-2; A-3; A-4; A-5; A-6; A-7; A-8; A-9; A-10; A-11; A-12; A-13; A-14]. Those works provide doctrinal context for the treatment of State stewardship, access to justice, the fair distribution of burdens and the temporal consequences of environmental harm.

Corpus, Quotations and References

The criterion for selection is author-defined: the corpus comprises judgments of the Cassation Administrative Court in which the author acted as judge-rapporteur and which bear on the themes of the EJTN programme. The review does not purport to be statistically representative of the environmental case law of the Cassation Administrative Court or of the Supreme Court as a whole. Statements on recurring approaches refer to this corpus unless otherwise indicated.

Short quotations from EU and international instruments reproduce the official English text. Quotations attributed to the Supreme Court are rendered in English by the author from the Ukrainian original and are identified as translations. References in square brackets use five series: SC for Supreme Court judgments, EU for European and international instruments and training material, CJEU for judgments of the Court of Justice of the European Union, A for the author's publications and presentations, and O for other sources.

Environmental Impact Assessment and Related Review Procedures

The clearest Ukrainian line concerns the moment at which environmental consequences must be examined. In case No. 300/2415/23 [SC-5], a dispute over a water-protection dam, the Supreme Court distinguished the expert review of construction documents from environmental impact assessment. Construction expertise asks whether the design complies with technical and building requirements.

EIA addresses the likely effects, available alternatives, public participation and the environmental conditions under which the activity may proceed. Approval under the first procedure cannot substitute for the legally required environmental assessment.

Case No. 400/3940/21 [SC-4] approached the same problem through supervision of a new red-mud storage pond. In the Court's formulation, "the inspection report serves as the evidentiary record of the violations of environmental legislation identified by the supervisory authority" (author's translation) [SC-4]. The authority could refer to earlier inspections to demonstrate chronology, repetition and persistence. The decision preserves the evidential burden while recognising that environmental non-compliance may develop over time and that treating each inspection as an isolated event can distort the current assessment.

The temporal reach of EIA legislation was central in case No. 160/14062/22 [SC-7]. The undertaking had begun operating before the Ukrainian EIA statute entered into force. The Supreme Court did not apply the statute retroactively to unchanged historic activity. It reproduced the statutory definition of planned activity as including "construction, reconstruction, technical re-equipment, expansion, conversion, liquidation (dismantling) of facilities, [and] other interference with the natural environment" (author's translation) [SC-7]. It then required the lower courts to establish whether a later alteration fell within that definition and could significantly affect the environment. The case was remitted because the necessary facts had not been established. The decisive question is whether a later alteration created a new environmental risk requiring assessment, not when the plant first opened.

Case No. 420/22829/21 [SC-12] shows why legal characterisation cannot depend on whether the operator describes a change as environmentally beneficial. A landfill degassing and biogas collection system may itself be a change to planned activity requiring EIA. Yet the remedial position had altered by the time the courts considered a complete shutdown: the undertaking had obtained a positive EIA conclusion. The Court recalled that proportionality requires a "necessary (fair) balance between public and private interests" as a component of the rule of law (author's translation) [SC-12]. It therefore did not treat an earlier omission as a permanent reason to halt the entire facility. The judgment assesses the continued need for the remedy in light of the circumstances existing at the time of adjudication.

The Rome mock trial [EU-6] illustrates the same distinction. A file may record an EIA, consultations and participation and still leave a material gap if it fails to examine the ecological function of the affected habitat. Ukrainian cases to date have concentrated more often on whether EIA was required and whether one form of expertise could substitute for another. The EU nature-protection framework adds a further question: whether an existing EIA examined the legally protected ecological relationship rather than merely describing the project and enumerating specimens.

Preventive Supervision and Proportionate Remedies

Environmental supervision is preventive. That gives the State a reason to act before harm is complete, but it also defines the purpose of the remedy. In case No. 400/2062/23 [SC-13], concerning emissions into the atmosphere, the Supreme Court held that full or partial suspension is exceptional and must answer an actual,

unremedied violation creating a real danger. Once the objective has been achieved through complete remediation, insistence on suspension, the Court said, turns a preventive measure into "a disproportionate sanction" and departs from the aim of "restoring legal order, rather than punishing the mere fact of a past violation" (author's translation) [SC-13]. Laboratory evidence of remediation does not become worthless solely because an inspector was not physically present when measurements were taken, although its reliability remains open to judicial assessment.

The same approach is visible in case No. 420/22829/21 [SC-12]. The need for EIA and the need to close an undertaking are related but separate questions. A court must establish what remains unlawful at the time it grants relief and why a less restrictive response would not protect the environment. This keeps the remedy tied to prevention rather than retrospective punishment.

EU nature law requires the public-interest balance to be applied within the statutory conditions governing species protection. A renewable-energy project may benefit from a legislative presumption of overriding public interest, but that presumption does not answer whether a particular forest clearance would destroy protected breeding or resting sites, whether alternatives exist, or whether a derogation meets all applicable conditions. Conversely, strict species protection should not be converted into an unexplained ban on every project with any ecological footprint. The discipline of proportionality begins after the facts and the level of protection have been correctly identified; it cannot cure an incomplete assessment.

Information, Participation and Access to Court

Environmental justice requires timely participation during administrative decision-making and effective review after the decision. The public must receive relevant information and a real opportunity to influence the choice while options remain open. An independent body must then be able to review substantive and procedural legality and grant an effective remedy. The Aarhus Convention [EU-4], the EIA Directive [EU-3] and Directive 2003/35/EC [EU-9] express these requirements in complementary forms.

Case No. 320/29225/23 [SC-16] applies these requirements. An environmental organisation challenged development within the coastal protection strip of the Black Sea. The Supreme Court described access to justice for such an organisation as "extended" and not dependent on proof of a "direct individual material interest" (author's translation) [SC-16]. The organisation's environmental purpose and the collective interest at stake were legally relevant. Proceedings brought by one organisation did not automatically extinguish the procedural rights of another legal entity. Res judicata and abuse-of-process rules remain applicable, but they cannot be enlarged into a general obstacle to Convention-based review.

Cases Nos. 460/9602/20 [SC-3] and 560/5937/22 [SC-2] show the procedural importance of identifying the real environmental controversy and joining the authorities whose powers are necessary for an effective resolution. Case No. 640/19905/21 [SC-1], concerning development on recreational land within a sanitary-protection regime in Pushcha-Vodytsia, required examination of the relevant planning

material as a whole. Environmental restrictions cannot be avoided by isolating one favourable document or by changing the label attached to a project.

The European rules also clarify a distinction that matters for time-limit disputes. Under Directive 2003/4/EC [EU-8], a requester need not state an interest in order to obtain environmental information, and refusal grounds are to be read restrictively. That broad information right promotes transparency. It does not create a conclusive fiction that every prosecutor, organisation or resident knows every defect in an administrative file from the day the final act is posted online. Accessibility, actual knowledge and objective discoverability are evidentially related, but they are not identical concepts.

Time Limits, Prosecutorial Representation and Public Natural Resources

The recent subsoil cases do not remove limitation periods for prosecutors. They reject a shortcut in determining when the period began. Cases Nos. 320/39008/23 [SC-17], 320/18386/25 [SC-21] and 240/23099/24 [SC-24] require attention to the defect alleged and to the information available. In the peat-extraction dispute, the Court warned against a result in which "excessive formalism makes effective judicial control over the legality of the disposal of natural resources impossible" (author's translation) [SC-24]. A published permit may disclose the legal result without revealing whether the applicant satisfied the conditions for a non-auction procedure, what the administrative file contained, or whether an environmental assessment was missing. The prosecutor must explain how and when the relevant facts were obtained; the court must assess that account rather than presume institutional omniscience [SC-17; SC-21; SC-24].

Case No. 320/59106/24: the procedural holding and its reach

The judgment of 31 August 2026 concerned a challenge to a decision of the State Commission of Ukraine on Mineral Resources, an order of the State Service of Geology and Mineral Resources, and a special permit issued without auction for extraction of sapropel. The lower courts had relied substantially on the dates of publication when treating the claim as late. The Supreme Court held that publication alone did not resolve when the prosecutor learned, or could reasonably have learned, of the alleged illegality. A prosecutor has no general duty of uninterrupted monitoring of every public administrative act.

The Court placed the procedural question in its constitutional setting. Subsoil belongs to the Ukrainian people; the State bears responsibility for ecological safety; and extraction has continuing legal, environmental and economic effects. It stated that "prevention of harm … takes priority over compensation or elimination of the consequences of harm" (author's translation) [SC-25]. Article 9(4) of the Aarhus Convention [EU-4] supported the need for adequate and effective remedies, while Article 191 TFEU [EU-11] supplied a European articulation of precaution and preventive action [EU-4; EU-11]. The references were used to resist a form of procedural reasoning that would make the possibility of merits review depend on an unexamined fiction of knowledge.

The judgment is not a declaration that the sapropel permit, the geological-reserve decision or the issuing order was unlawful. It set aside a procedural disposition and returned the dispute to the point at which the merits could be examined. The public

interest in judicial review justifies a careful inquiry into time limits; it does not relieve the claimant of proving illegality at the next stage.

The judgment identified the following matters as relevant to the assessment of the procedural chronology: the material published, the visibility of the alleged defect, the additional information needed to identify it, the date on which that information became objectively available, and the prosecutor's subsequent diligence. The Supreme Court described proportionality in this context as requiring commensurability between restrictions on procedural rights and their legitimate aim, or a "fair balance between competing interests" (author's translation) [SC-25]. The seriousness or continuing character of the environmental interest informs the proportionality analysis but does not replace evidence of the chronology.

Legality of Successive Decisions in Subsoil Administration

The allocation of mineral resources is a chain of public decisions rather than a single permit event. In case No. 460/18562/23 [SC-19], concerning the Velykomydske basalt deposit, the Supreme Court examined whether reserve appraisal could support a non-auction extraction permit where the applicant had not held the legally required permit for geological study. A protocol of the State Commission on Mineral Resources may itself be a reviewable individual act when it supplies the legal foundation for the later authorisation. Confined review of the final permit could otherwise leave the originating defect untouched.

Case No. 160/24101/23 [SC-15] distinguishes registration of geological works from the substantive status of a subsoil user. Registration alone does not create a right to an extraction permit without auction. Case No. 200/315/22 [SC-11] similarly confines the simplified land-allocation mechanism in Article 18-1 of the Subsoil Code to the permits for which the legislature provided it—those obtained through auction or competition. Exceptions to competitive access cannot be enlarged by administrative convenience.

Legality protects the regulated entity as well. In case No. 802/52/18-a [SC-10], non-compliance with a prescription that had already been set aside by a final judicial decision could not later support annulment of a permit. In case No. 380/18997/21 [SC-20], the absence of the subsoil user's consent meant that the authority had to follow the judicial route prescribed for annulment rather than act unilaterally. Case No. 320/46140/24 [SC-14] shows that coordinate registration is not merely clerical where overlap affects an existing deposit and an established user's rights.

The sanctions cases add national and economic security to the balance. In cases Nos. 242зп-24/160 [SC-9] and 160/20856/24 [SC-23], neither public security nor private property was treated as automatically decisive. Sanctions-related administrative action remains reviewable, but interim relief should not disable the competent authority so broadly that the merits are effectively decided before trial. The applicant must show a concrete risk that justifies preserving the position pending judgment, and the court must account for the public interests engaged.

Protected Areas, Forests and Long-Term Environmental Evidence

Case No. 140/33101/23 [SC-8] concerned functional zoning of Kivertsi National Nature Park "Tsumanska Pushcha". The Ministry's orders established a public-law regime with direct consequences for land users. The Court stated that land included in

the park without withdrawal from owners or users may be assigned to a zone other than the economic zone only "with the agreement of its users (owners)" (author's translation) [SC-8]. Where the law requires agreement before land is placed in a protected or recreational zone, that agreement is not a dispensable formality. The dispute remains administrative because it challenges the exercise of public authority in establishing the regime.

Cases Nos. 440/1326/25 [SC-18] and 320/62443/24 [SC-22] address the newer mechanism for preserving self-afforested land. Prosecutorial representation may be justified where the forestry authority has submitted the relevant materials, the council has not made the required decision and the competent State body has not effectively protected the interest itself. Court-fee rules should follow the substance of the claim and the prosecutor's procedural position rather than be multiplied automatically because several public bodies benefit from the requested protection.

Case No. 600/4070/22-a [SC-6], concerning settlements affected by radioactive contamination after the Chornobyl disaster, illustrates the evidential dimension of long-term responsibility. The judgment recalls that environmental safety, ecological balance and overcoming the consequences of the Chornobyl catastrophe are constitutional duties of the State (author's translation) [SC-6]. That duty does not permit boundaries or legal status to be changed on intuition. Dosimetric certification and the expert conclusions required by law are the means by which continuing risk is measured and public decisions remain reviewable. Precaution calls for timely action under uncertainty; it does not dispense with monitoring, expertise or reasons.

Conclusion

The Ukrainian judgments and the European materials discussed in Rome support a substantive method of environmental adjudication. The court must determine what was assessed and disclosed, whether participation remained effective, which ecological function was at risk, and whether the remedy remains justified by the facts at the time of judgment.

That inquiry also prevents environmental protection from becoming unstructured judicial discretion. Strict protection of species, precaution and broad access to justice operate within legal conditions. Renewable energy, economic activity, legal certainty and security are genuine public or private interests, but they do not excuse an inadequate factual record. Proportionality becomes meaningful only after the protected interest, the evidence, the alternatives and the statutory competence have been identified.

The European sources have different legal status for Ukraine. The Aarhus Convention [EU-4] is binding treaty law. EU directives, the Nature Restoration Regulation [EU-7], Article 267 TFEU [EU-5], the Charter [EU-10] and the cited CJEU judgments primarily describe the law and judicial architecture of the Union. This review uses them as standards of comparison, approximation and professional preparation, without asserting automatic direct effect in Ukraine. This distinction permits comparison of the approaches reflected in the Supreme Court's case law on prevention, effective access to court, proportionality and the lawful administration of public resources without overstating the applicable law.

The corpus does not resolve every question raised in Rome. It remains open whether an existing EIA must examine the ecological function of habitats of strictly protected species, and how the conditions of a derogation, including the absence of alternatives, should be reviewed where a renewable-energy project affects such species. The European standards discussed here indicate how those questions may be framed when they arise before Ukrainian courts.

Judicial Decisions in the Reviewed Corpus

The legal propositions attributed to the Supreme Court in this review are drawn from the decisions below. Each entry gives the official full-text URL in the Unified State Register of Court Decisions.

[SC-1] Supreme Court. Judgment of 12 December 2023 in case No. 640/19905/21. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/115722606 (accessed: 23 September 2026).

[SC-2] Supreme Court. Judgment of 29 January 2024 in case No. 560/5937/22. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/116616278 (accessed: 23 September 2026).

[SC-3] Supreme Court. Judgment of 21 February 2024 in case No. 460/9602/20. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/117153787 (accessed: 23 September 2026).

[SC-4] Supreme Court. Judgment of 23 February 2024 in case No. 400/3940/21. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/117213823 (accessed: 23 September 2026).

[SC-5] Supreme Court. Judgment of 6 May 2024 in case No. 300/2415/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/118905010 (accessed: 23 September 2026).

[SC-6] Supreme Court. Judgment of 15 July 2024 in case No. 600/4070/22-a. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/120381002 (accessed: 23 September 2026).

[SC-7] Supreme Court. Judgment of 23 December 2024 in case No. 160/14062/22. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/124028166 (accessed: 23 September 2026).

[SC-8] Supreme Court. Judgment of 19 February 2025 in case No. 140/33101/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/125312702 (accessed: 23 September 2026).

[SC-9] Supreme Court. Judgment of 7 April 2025 in case No. 242зп-24/160. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/126453485 (accessed: 23 September 2026).

[SC-10] Supreme Court. Judgment of 8 April 2025 in case No. 802/52/18-a. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/126453711 (accessed: 23 September 2026).

[SC-11] Supreme Court. Judgment of 15 April 2025 in case No. 200/315/22. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/126633217 (accessed: 23 September 2026).

[SC-12] Supreme Court. Judgment of 21 May 2025 in case No. 420/22829/21. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/127519993 (accessed: 23 September 2026).

[SC-13] Supreme Court. Judgment of 6 June 2025 in case No. 400/2062/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/128116485 (accessed: 23 September 2026).

[SC-14] Supreme Court. Judgment of 19 June 2025 in case No. 320/46140/24. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/128293232 (accessed: 23 September 2026).

[SC-15] Supreme Court. Judgment of 30 September 2025 in case No. 160/24101/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/130666587 (accessed: 23 September 2026).

[SC-16] Supreme Court. Judgment of 9 October 2025 in case No. 320/29225/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/130870509 (accessed: 23 September 2026).

[SC-17] Supreme Court. Judgment of 20 October 2025 in case No. 320/39008/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/131184277 (accessed: 23 September 2026).

[SC-18] Supreme Court. Judgment of 20 October 2025 in case No. 440/1326/25. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/131215524 (accessed: 23 September 2026).

[SC-19] Supreme Court. Judgment of 26 November 2025 in case No. 460/18562/23. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/132102672 (accessed: 23 September 2026).

[SC-20] Supreme Court. Judgment of 27 November 2025 in case No. 380/18997/21. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/132177300 (accessed: 23 September 2026).

[SC-21] Supreme Court. Judgment of 18 December 2025 in case No. 320/18386/25. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/132767426 (accessed: 23 September 2026).

[SC-22] Supreme Court. Judgment of 18 December 2025 in case No. 320/62443/24. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/132767429 (accessed: 23 September 2026).

[SC-23] Supreme Court. Judgment of 5 February 2026 in case No. 160/20856/24. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/133860581 (accessed: 23 September 2026).

[SC-24] Supreme Court. Judgment of 12 February 2026 in case No. 240/23099/24. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/134066165 (accessed: 23 September 2026).

[SC-25] Supreme Court. Judgment of 31 August 2026 in case No. 320/59106/24. Unified State Register of Court Decisions. URL: https://reyestr.court.gov.ua/Review/139392030 (accessed: 23 September 2026).

European and International Sources

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These works supplied the authorial context for the treatment of public interest, proportionality, actio popularis and responsibility to future generations. Ukrainian titles are followed by English translations in square brackets.

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Transparency and Status of the Review

The Supreme Court analysis is based on the judicial decisions listed above. The European-law discussion rests on the official instruments and CJEU judgments identified in the sources and on an unpublished EJTN mock-trial case study supplied to participants. The mock trial [EU-6] did not reproduce a specific pending dispute and is used only to frame recurring legal questions. The review distinguishes the binding status of the Aarhus Convention [EU-4] for Ukraine from the comparative and approximation value of EU instruments that do not presently operate in Ukraine as they do within the EU legal order.

This is an independent scholarly work for professional discussion. It is not an official overview, interpretation or position of the Supreme Court, the Council of Europe, CEPEJ, EJTN, the European Union or any public authority. The author served as judge-rapporteur in each of the Supreme Court decisions [SC-1]–[SC-25] analysed in this review. The analysis is based exclusively on the published texts of those decisions and does not disclose or rely on judicial deliberations. Any synthesis extending beyond the holdings is the author's scholarly analysis and does not bind the Supreme Court or any judicial panel.

The review has been prepared in the exercise of a judge's right to engage in scholarly activity. The views expressed do not extend to cases pending before the courts, including proceedings resumed after remittal, do not predetermine the author's approach to other cases and are not intended to influence their determination.

Transparency Declaration on the Use of Artificial Intelligence

In preparing this review, artificial intelligence tools were used as auxiliary means for structural editing, language and style refinement, checking the logical consistency of the text, identifying repetitions and internal inconsistencies, verifying bibliographic details and proposing alternative wording of individual passages. Following the GAIDeT approach [O-1], this use was assistive and did not replace the author's legal assessment. The concept of the review, the selection criterion, the legal interpretation of sources, the analysis and conclusions and the final text are the author's. Outputs obtained with AI tools were verified against primary sources and accepted, amended or rejected by the author.

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