**Redress of an Injury, Done by Infringement of a Personal Non-property Right to Safe Natural Environment**

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*The* *Constitution of Ukraine* in the art.50, *The Civil Code of Ukraine* in the art.293 and *The Natural Environment Protection Act* in the art.9 guarantee Ukrainian citizens and other natural persons right to a safe natural environment. The mentioned right belongs to personal non-property rights, that provide physical existence of a natural person.

According to art.28 of *The Civil Code of Ukraine* an injury, done to a person as a result of an abuse of her personal non-property right, must be redressed. As far as only a natural person may be a subject of a personal non-property right to a safe natural environment, such request in case of an abuse of a personal non-property right to a safe natural environment may be made only by a natural person. For the same reason redressed may be only injury, done only to a natural person, but not to legal entity or natural environment itself. According to art.177 of *The Civil Code of Ukraine* natural environment as a general is not an object of civil rights; injury to legal entities is to be redressed according to art.68-69 0f *The Natural Environment Protection Act.*

An abuse of a personal non-property right to a safe natural environment and corresponding injury may be a result of: breach of environmental or related legislation; acts, which are not crimes or administrative offence, but still ,even not breaking regulative norms, do injury; other lawful behavior (self-defense, consent of victim etc.); negative influence of natural environment; natural disasters; accident.

*The Civil Code of Ukraine* names redress of an injury among defense methods. In civil law science it is also thought to be a liability for an abuse of civil rights. If so, an actual basis for redress of an injury includes: unlawful behavior, injury (as a result), connection between behavior and injury and guilt of a transgressor. Having this as a background, there is no problem at redress of an injury in case of breach of environmental or related legislation. Problems appear when trying to redress an injury done by negative influence of natural environment. Though *The Natural Environment Protection Act* guarantees everyone redress of an injury done by negative influence of natural environment, Ukrainian courts reject injury claims, if such injury is a result of legitimized activity (even if it is very harmful to Nature and humans). At the same time companies, which cause such injury to natural environment and finally to humans speak in their favor, that they pay ecological taxes, license fees etc. to state and municipal budgets; so that money must be spent inter alia for redress of a injury, done by negative influence of natural environment. As a result, according to *The Natural Environment Protection Act* everyone has a right to demand redress of an injury, done by negative influence of natural environment, but practically there is no one, who will be charged to redress it. As far as Ukraine has enough legislation on this topic, The Supreme Court of Ukraine or High Court of Ukraine for Civil and Criminal Cases must prepare explanatory resolutions to change case law in a right direction.

There is need to divide injury, done by negative influence of natural environment, and done by natural disasters. As long as according to an ancient rule no one is in charge for natural disasters, but negative influence of natural environment always has its real originator.

No one is in charge in case of accidental injury, except if it is caused by a [source of special danger](http://www.multitran.ru/c/m.exe?t=2566366_1_2&s1=%E8%F1%F2%EE%F7%ED%E8%EA%20%EF%EE%E2%FB%F8%E5%ED%ED%EE%E9%20%EE%EF%E0%F1%ED%EE%F1%F2%E8), and nuclear harm. Though there is need in some changes in legislation regulating liability for injury, caused by a source of special danger, as far as two articles of *The Civil Code of Ukraine* state quite the opposite things on this matter.

**Key words:** redress of an injury, safe natural environment, negative influence on natural environment, source of increased danger.