

THE BASIS OF EUROPEAN LEGISLATION IN THE FIELD OF AIR QUALITY AND AIRSPACE

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The basis of European legislation in the field of air quality is the directives of the Council and the decisions of the Council of the EU. These tools can be roughly broken down into: a) ambient air quality standards (limit values and guidelines); b) requirements for product quality control and material handling; (c) Monitoring and exchange of information.

Ambient air quality standards include [1]: Framework Directive 96/62/EC (and daughter Directives 2004/107/EC, 2002/3/EC, 2000/69/EC and 1999/30/EC) establishes the basic principles of a general strategy for determining and setting ambient air quality targets in order to avoid, prevent or reduce harmful effects on the human body and the environment, as well as the basic principles for assessing ambient air quality in the Member States of the European Union, informing the public, especially about dangerous limit values, and improving air quality where it is unsatisfactory. The directive aims to revise European legislation on the presence of pollutants that pose a risk to human health. Subsidiary Directive 1999/30/EC repeales Directives 80/779/EEC, 82/884/EEC and 85/203/EEC. Subsidiary Directive 2002/3/EC repeales Directive 92/72/EEC; Directive 2001/81/EC sets national emission quotas for pollutants leading to acidification and eutrophication, as well as harmful to the ozone layer, in order to ensure more complete protection environment and human health from negative consequences; Directive 96/61/EC (as amended) deals with Comprehensive Measures for the Prevention and Control of Pollution (IPPC). This Directive aims to prevent and minimise emissions into the air, water and soil, as well as emissions of waste from agricultural and industrial activities in the countries of the European Community. It provides for measures aimed at achieving a high level of environmental protection. This document regulates the types of industrial and agricultural activities that result in significant environmental pollution, such as energy, production and processing of metals, mining, chemical industry, waste management and disposal, animal husbandry, etc.

Requirements for product quality control and material handling include the following documents [2]: Directive 99/13/EC on emissions of volatile organic compounds from the use of organic solvents; Directive 98/70/EC (as amended 2000/71/EC) on the quality of petrol and diesel fuel; Directive 93/12/EEC (as amended 99/32/EC) on the sulphur content of liquid fuels; Directive 94/63/EC on emissions from the storage and marketing of petrol and motor fuels; Directive 99/94/EC on fuels and CO₂ emissions from new passenger vehicles; Decision 2002/159/EC on fuel quality data; Decision 2002/529/EC on the conduct of a survey on the implementation of Directive 99/13/EC; Decision 88/540/EEC on the Montreal Protocol on (on the thinning of the ozone layer); Directive 70/220/EEC (as amended) on the harmonisation of the legislation of the Member States in the field of measures to combat air pollution from vehicle emissions; Directive 88/77/EEC (as amended) on the harmonisation of the legislation of the Member States in the field of measures to counteract air pollution by gaseous emissions arising from the operation of diesel engines installed on vehicles; Directive 97/68/EC (as amended) on the harmonisation of the legislation of the Member States in the field of measures to counteract air pollution by gaseous and bulk emissions arising from the operation of internal combustion engines installed on non-vehicles; Directive 2000/25/EC (as amended) of the European Parliament and of the Council of 22 May 2000 on measures to prevent and counteract emissions of gaseous and bulk pollutants arising from the operation of engines of agricultural and forestry tractors; Directive 2001/80/EC laying limits on the emission of certain pollutants into the air by large combustion units.

Certain provisions of Directive 2008/50/EC are subject to legislative consolidation by Ukraine, including those related to the regulation of ambient air quality. Such a requirement was defined in Annex XXX to Chapter 6, Section V of the Association Agreement between Ukraine and the European Union, enshrined in the National Strategy for Approximation of Ukrainian Legislation to EU Law in the Field of Environmental Protection, which consists in bringing the country's legislation in line with the requirements of EU law and the practical implementation of EU requirements and standards, and detailed in the Order of the Ministry of Nature Protection and Natural Resources on EU Implementation Action Plans of 15 October 2014, No. 317 [3].

Summarizing the above, these legal acts form the basis of the instruments it is expedient to point out that the instruments of the administrative and legal mechanism for ensuring air protection and airspace safety include: rationing and standardization in the field of air protection; regulation of the location of objects and sources of air pollution; conducting state ecological and other examinations of objects that have a significant impact on the environment and human health; permissive procedure for state authorization activities that may

be accompanied by emissions into the environment; establishment of sanitary protection zones around enterprises, which are a source of impact on the environment and people; accounting and monitoring of air quality and control over the state of the air, etc.

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ЗАПРОВАДЖЕННЯ ПРОЦЕДУРИ ПЕРЕГЛЯДУ ПОСТАНОВ СУДІВ У СПРАВАХ ПРО АДМІНІСТРАТИВНІ ПРАВОПОРУШЕННЯ ЗА НОВОВІЯВЛЕНИМИ ОБСТАВИНАМИ: КОНЦЕПЦІЯ ЗМІН

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Актуальність проблеми. Чинна редакція Кодексу України про адміністративні правопорушення (КУпАП) не врегульовує порядку перегляду постанов судів у справах про адміністративні правопорушення за нововиявленими обставинами. Ця прогалина утворює диспарат, оскільки якщо постанову у справі про адміністративне правопорушення виніс не суд, а інший орган, то цю постанову можна оскаржити в порядку КАС України, а рішення суду, ухвалене в порядку КАС України, – можна буде переглянути за нововиявленими обставинами. В той же час, якщо постанову у справі про адміністративне правопорушення виніс суд, то ні для постанови суду першої інстанції, ні для постанови суду апеляційної інстанції в такій справі КУпАП не передбачає можливості перегляду за