

**DIRECTIONS FOR IMPROVEMENT
OF ADMINISTRATIVE AND LEGAL PRINCIPLES
OF MANAGEMENT IN THE ENSURING
OF THE COUNTRY ENVIRONMENTAL SAFETY**

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INTRODUCTION

Today the management system in the field of environmental safety in Ukraine is in a state of reform, which is conditioned, on the one hand, by the processes of reforming public administration in general, and, on the other hand, the need for the incorporation of the rules of international legal acts in the field of environmental protection into the national legislation, ratified by Ukraine. In particular, in recent years, a number of key legislative acts in the field of environmental safety have been adopted. An important step in reforming the management system in the field of environmental safety was the adoption of the Laws of Ukraine "On Environmental Impact Assessment" and "On Strategic Environmental Assessment". These laws provide for the creation of a mechanism for assessing the environmental consequences of planned economic activities (in the case of environmental impact assessment) and the implementation of government planning documents (in the case of strategic environmental assessment).

The environmental impact assessment is carried out in relation to the planned economic activity, which includes construction, reconstruction, technical re-equipment, expansion, re-engineering, elimination (disassembly) of objects, other interference into the environment. Its procedure includes: 1) the preparation of a report on the environmental impact assessment by a business entity; 2) public discussion; 3) analysis by the notified body of the information provided in the environmental impact assessment report, any additional information provided by the entity, as well as information received from the public during the public discussion during the implementation of the procedure for assessing transboundary impact, other information; 4) providing the competent authority with a reasoned opinion on the environmental impact assessment taking into account the results of the analysis provided for in paragraph 3 of this part; 5) taking into account the conclusion on the environmental impact assessment in the decision on the implementation of the planned activity.

1. Urgent problems of the reform of the management system in the field of environmental safety in Ukraine and ways of their solution

The mechanism of environmental impact assessment is sufficiently complete with the regulatory and legal acts necessary for its implementation. Thus, the Cabinet of Ministers of Ukraine has adopted the resolutions No. 989 of 13.12.2017 "On Approval of the Procedure for Conducting Public Hearings in the Process of Environmental Impact Assessment", No. 1026 of 13.12.2017, "On approval of the procedure for the transmission of documentation to provide a conclusion on impact assessment on the environment and financing of the environmental impact assessment and the procedure for maintaining the Unified Register on environmental impact assessment", which adequately regulate the procedure for conducting an environmental impact assessment.

Somewhat worse is the legal and regulatory framework for strategic environmental assessment. The Strategic Environmental Assessment, in accordance with the provisions of the Law of Ukraine "On Strategic Environmental Assessment", is a procedure for defining, describing and evaluating the consequences of the implementation of government planning documents for the environment, including for public health, justifying alternatives, developing measures for prevention, reduction and mitigation of possible negative consequences, which includes the definition of the scope of strategic environmental assessment, the preparation of a report on strategic environmental assessment, public discussion and consultation taking into account in the government planning document the report on the strategic environmental assessment, the results of public discussion and consultations, informing about approval of the government planning document and is carried out in accordance with the procedure established by the Law of Ukraine "On Strategic Environmental Assessment"¹.

The urgent issue is the reform of the government control system in the field of environmental protection. On May 31, 2017, the Cabinet of Ministers of Ukraine, by its resolution No. 616-p, approved the Concept for reforming the system of government supervision (control) in the field of environmental protection, the implementation of which is scheduled for

¹ Про стратегічну екологічну оцінку : Закон України від 20.03.2018 № 2354-VIII. База даних «Законодавство України». Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/2354-19>.

2017–2020. In particular, the document emphasizes that "the system of organization of supervision (control) over observance the requirements of environmental legislation is imperfect"².

One of the main steps envisaged in the concept is the liquidation of the State Ecological Inspection with the transfer of its tasks to a single integrated government body for environmental monitoring and supervision (control) – the State Environmental Protection Service. According to the concept, the establishment of the State Environmental Protection Service was planned in 2017 (simultaneously with the liquidation of the State Environmental Inspectorate). Nevertheless, as of 2018, the relevant decisions have not been adopted. Instead, the Cabinet of Ministers of Ukraine adopted a decision on the gradual reorganization of the State Environmental Inspectorate into the State Environmental Protection Service, which was reflected in the adoption of the Resolution of the Cabinet of Ministers of Ukraine No. 102 "On the Implementation of the Concept for the Reform of the State Supervision System (Control) in the Field of Environmental Protection" on February 21, 2018. Without liquidating the State Environmental Inspectorate and without establishing the State Environmental Protection Service, this document, on the other hand, eliminates the regional divisions of the State Environmental Service, in parallel forming interregional territorial bodies of this body. It should be noted that the Concept for reforming the system of government supervision in the field of environmental protection does indeed provide for the key difference of the new body to leave the administrative-territorial division of Ukraine as the basis for the functioning of territorial bodies of government supervision in the field of environmental protection.

The functioning of nationwide environmental automated information and analytical system for ensuring access to environmental information is not fully ensured too. At present, work is underway to create the National Automated System "Open Environment", which, according to the Ministry of Ecology and Natural Resources, intends not only to provide citizens with access to environmental information, but also perform a number of other functions, including the portal for the granting administrative services.

² Про схвалення Концепції реформування системи державного нагляду (контролю) у сфері охорони навколишнього природного середовища : Постанова Кабінету Міністрів України від 31.05.2017 № 616-р. URL: <http://zakon2.rada.gov.ua/laws/show/616-2017-%D1%80>.

Important in terms of ensuring environmental safety and harmonizing Ukrainian legislation with European rules is the revision and modernization of requirements for rules, limits and other indicators that characterize emissions of harmful substances, as well as permits for the conduct of activities related to the potential environmental impact. One of the most promising directions of reform in this direction is the introduction of the integrated permission system.

Integrated permissions are provided for in the Directive 2010/75/EC on industrial pollution (comprehensive pollution prevention and control), the need for implementation of which provisions in Ukrainian legislation is foreseen by the Association Agreement. According to the document, the integrated permission for the implementation of activities is a decision that establishes individual requirements for the operation of a particular object.

The permission must contain all measures necessary to achieve a high level of environmental protection as a whole. In other words, the document is based on an integrated approach to environmental protection rather than measures to protect soil, air or water separately. The permission must contain the limit values of pollutant emissions or equivalent parameters, proper requirements for the protection of soils and groundwater and monitoring requirements. The directive states that permission requirements should be based on the best available technologies.

An important element of the mechanism for the issuance of integrated permissions is the obligatory participation of local governments and the public in the decision-making process on the provision of an integrated permission, as well as ensuring the public availability of all documents and decisions on the basis of which the decision to deliver an integrated permission is being made.

There is a need to reform government policy and in the context of certain areas of environmental safety.

Thus, one of the important directions of improvement of the government policy in the environmental area is the introduction of an integrated water resources management system. With the adoption in 2016 of the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine on the Implementation of Integrated Approaches in the Management of Water Resources Based on the Basin Principle", the introduction of a basin water management principle, which involves integrated water resources management within the district of river basin

has begun in Ukraine³. This management system is based on the accounting and monitoring of all types of water use located within the regional ecosystems of the relevant river basins, taking into account the interests of different industries and hierarchical levels of water use, involving all interested parties in the decision-making process and promoting their efficient and sustainable use⁴.

The law provides, in particular, for hydrographic and water management zoning of the territory of Ukraine, the development of river basin management plans and the development of water management balances. At the same time, further reform of the sphere is hampered by the fact that the Ministry of Ecology and Natural Resources prepared the concept of reforming the scope of protection and rehabilitation of water, the rational use of water resources and the development of water management and land reclamation, has not yet been approved. In particular, it provides for the reform of the State Agency for Water Resources, aimed at eliminating the combination of the body, on the one hand, functions of the implementation of government policy in the management, use and reproduction of water resources, and on the other – economic functions. The economic functions of the State Agency of Water Resources, in accordance with the project concept, are to be transferred to the newly formed State Joint Stock Company "Water of Ukraine". The draft concept also proposes the establishment of a permanent consultative and advisory body to the Cabinet of Ministers of Ukraine – the National Council for the Protection, Restoration and Sustainable Management of Water Resources, for the elaboration of proposals and coordination of the relevant central executive bodies and local authorities, enterprises, institutions and organizations involved to the use of natural resources in the rivers basins of Ukraine.

Another important area of environmental security that needs to be reformed is waste management. According to N.V. Trushkina and I.M. Kocheshkova, although the Ukrainian legal acts contain a number of basic waste management requirements that comply with certain norms

³ Про внесення змін до деяких законодавчих актів України щодо впровадження інтегрованих підходів в управлінні водними ресурсами за басейновим принципом : Закон України від 4 жовтня 2016 року № 1641-VIII. *Відомості Верховної Ради України*. 2016. № 46. Ст. 5.

⁴ Минюк О. Ю., Минюк Д. І. Система суб'єктів державного управління у галузі екологічної безпеки. *Електронне наукове видання «Порівняльно-аналітичне право»*. 2014. № 2. С. 182–188. С. 49.

of European legislation, and the current Law of Ukraine "On Waste" as a whole takes into account the requirements of the Framework Directive 75/442 / EC on waste and Directive 91/689 / EC on hazardous waste, many issues related to waste management in Ukraine remain unregulated and some aspects require reform⁵. In this regard, in 2017, the National Waste Management Strategy until 2030 has been approved. This document, in particular, requires the development and adoption of a number of legislative and regulatory legal acts designed to improve the waste management system in Ukraine. In the context of its reform, the adoption of a new framework law on waste is urgently needed, which should consolidate a number of key provisions, which include: clarification of the terminological apparatus (in particular, the introduction of the concepts of "waste management", "recycling", etc.); a five-tier hierarchy of waste management; expansion of producer responsibility in accordance with the polluter pays principle; improvement of the procedure for termination of waste status.

To sum up, it should be noted that in recent years in the field of reforming the system of environmental safety, a number of measures have been taken to improve and modernize this area, harmonization of legislation and procedures with European legislation. A number of important laws aimed at introducing the best international practices in the field of environmental safety have been adopted, in particular, the Laws of Ukraine "On Environmental Impact Assessment", "On Strategic Environmental Assessment", "On Amendments to Certain Legislative Acts of Ukraine on Implementation of Integrated Approaches to Management" water resources according to the basin principle", developed and approved legal acts necessary for the implementation of these laws provisions.

At the same time, there is a significant number of transformations that need to be implemented in order to modernize the system of environmental safety. The key areas of reform should include: reforming the system of government environmental supervision (control) and monitoring, completing the formation of the State Environmental Protection Service; completion of the system of environmental impact assessment and strategic environmental assessment; building of the State Automated System "Open Environment" as an ecological automated

⁵ Трушкіна Н. В., Кочешкова І. М. Нормативно-правове регулювання розвитку сфери управління відходами в Україні. *Вісник економічної науки України*. 2017. № 2 (33). С. 97–102. С. 97.

information and analytical system providing access to environmental information, the portal of administrative services, system of management activity and document circulation, etc.; introduction of integrated permitting system.

2. Ways of improvement of the legislation on administrative violations in the field of environmental safety

Ensuring ecological safety of Ukraine, in addition to the implementation of organizational and regulatory measures by the authorized bodies to regulate the relevant social relations, also requires the construction of an effective system for counteracting unlawful acts in the field of environmental protection and the use of natural resources. According to official statistics, the number of administrative offenses committed in the field of environmental protection remains rather high: in 2013 they have reached 153888, in 2014 – 87533, in 2015 – 67054, in 2016 – 61190, in 2017 – 61034⁶.

Administrative liability in the field of environmental safety can be defined as a form of legal responsibility, which is the application by courts and other authorized bodies of the government and their officials of administrative penalties and financial sanctions of administrative and legal nature to individuals and legal entities guilty of committing an administrative misconduct in the field of environmental safety, which entails for these individuals the burdensome consequences of personal, material or organizational nature. This form of responsibility has a dual nature – it is a form of administrative coercion and legal liability.

The analysis of scientific literature regarding the signs of legal liability allows to distinguish the following signs of administrative liability in the field of environmental safety: 1) this type of legal liability; 2) applied by the authorized bodies of the government and in accordance with the procedure established by law; 3) the grounds are the commitment of an administrative offense in the field of environmental safety, as determined by the current legislation; 4) applies to persons specified by law (individuals, legal entities, officials); 5) the offender experiences adverse consequences, certain limitations of personal, organizational, property character; 6) adverse consequences (restrictions) should be stipulated by the sanction of the relevant legal rule.

⁶ Адміністративні правопорушення у 2013–2017 роках (Статистичний бюлетень). Державна служба статистики України. Київ. 2018. URL: https://ukrstat.org/uk/druk/publicat/kat_u/publzlochyn_u.htm.

Thus, an environmental offense is a socially dangerous, unlawful, guilty act committed by a delinquent subject, which infringes on citizens' environmental rights and freedoms of, public relations in the field of environmental protection, environmental management, reproduction of natural resources, environmental safety, management in the environmental area, for which the legislation of Ukraine establishes legal liability.

The main features of the environmental offense remain with respect to its general definition: social danger (harm), guilty, punishment, wrongfulness. Instead, the reason for its allocation as a separate species is the object of its encroachment. As follows from the above definitions, they include, in particular: the rights and legitimate interests of environmental law actors; the established procedure for the use and restoration of natural resources; the order of environmental protection; environmental safety requirements; the management of ecology. Along with the foregoing, in certain scholars' works, specific features of environmental offenses are distinguished: environmental misconduct; environmental hazard (harmfulness); ecological orientation⁷.

The main feature that allows the delineation of environmental offenses from others (including those related to natural objects) and gives grounds for recognizing it as an independent form in the system of offenses is to inflict damage on nature, natural objects, ecosystems (and through them to the human).

We believe that the list of features is somewhat artificial, since it is possible to distinguish similar features and other administrative offenses, for example, transport orientation, financial harm, trade unlawfulness⁸. The main criterion for delimiting the offenses is, according to us, the criterion for delimiting the offenses, according to which they differ precisely because of the object of the unlawful encroachment (this classification is proposed by the laws of Ukraine on legal liability), and the additional one is an offense that makes it possible to classify an act as a crime, disciplinary or administrative offense.

The isolation of administrative offenses in the field of environmental safety as a separate type of environmental offenses also follows from the current legislation of Ukraine, in particular, Article 68 of the Law

⁷ Середницька І. А. Екологічне право (в схемах). Альбом схем : наочний посібник. Одеса : ОДУВС, 2016. 81 с. С. 41.

⁸ Ємець Л. О. Система та склад адміністративних правопорушень в сфері екологічної безпеки. *Вісник Чернівецького факультету Національного університету «Одеська юридична академія»*. 2018. Вип. 1. С. 34–48. С. 35.

of Ukraine "On Environmental Protection". Thus, according to the basic law of Ukraine on environmental protection for environmental violations, administrative liability may arise.

The peculiarity of administrative offenses in the field of environmental safety is the fact that the primary object of its encroachment is the environment, and the secondary one is life and health of people who are harmed or threatened with the task of such damage as a result of violation of the rules of environmental protection, otherwise, if an act directly threatens or detrimental to the health and life of people, it can not be regarded as being committed in the field of environmental safety.

We pay attention to the divergence of the norms of Article 68 and section 11 of the Law of Ukraine "On Environmental Protection". Article 68, for example, separates violations of environmental safety standards and the admission of excessive discharge of pollutants and other harmful impacts on the environment. At the same time, such harmful emissions, in accordance with section 11 of the Law of Ukraine "On Environmental Protection", is a violation of the environmental safety requirements. Consequently, these articles require some agreement in terms of the content of legal liability for violations of environmental safety requirements.

In addition, Article 68 of the Law of Ukraine "On Environmental Protection" states that "violation of the legislation of Ukraine on environmental protection entails the disciplinary, administrative, civil and criminal liability established by this law and other legislation of Ukraine. The legislation of Ukraine may also establish liability for other violations of the legislation on environmental protection⁹."

From this follows several conclusions: a) administrative liability for violation of environmental safety requirements is established by this law and other legislative acts – codes and laws of Ukraine; b) In addition to the offenses referred to in Article 68, administrative liability may be provided for other offenses and enshrined in other codes and laws of Ukraine.

At the same time, article 70 "Administrative and Criminal Responsibility for Environmental Violations and Crimes" states that the definition of the corpus delicti of environmental offenses and crimes, the procedure for bringing the perpetrators to administrative and criminal liability for their commitment is established by the Code of Ukraine

⁹ Про охорону навколишнього природного середовища: Закон України від 25 червня 1991 року № 1264-ХІІ. *Відомості Верховної Ради України (ВВР)*. 1991. № 41. Ст. 546.

on Administrative Offenses and the Criminal Code of Ukraine. Consequently, it follows from the content of Article 70 that the provisions of Article 68 concerning the establishment of administrative offenses and legal liability in other laws, in addition to the basic codes, contradict the content of this article. Accordingly, it is necessary to harmonize the content of these articles.

In particular, we propose to consolidate part 1 of Article 68 and Article 70 and edit it out as follows: "Violation of the legislation of Ukraine on environmental protection entails disciplinary, administrative, civil and criminal liability. Determining the corpus delicti of administrative offenses and crimes, the procedure for bringing the perpetrators to administrative and criminal liability for their commitment are established solely by the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine."

Depending on the allocation of a special object of environmental offenses, scientists distinguish the following types of environmental offenses: in the use of natural resources; general environmental offenses; violation of environmental safety requirements.

After analyzing Section II of the Code of Ukraine of Administrative Offenses, among the whole set of administrative offenses, the following offenses committed in the field of environmental safety can be distinguished:

1. Administrative offenses in the field of environmental safety (public relations in the field of environmental safety – the main object): Article 52 "Wrecking and contamination of agricultural and other soils"; Article 53 "Violation of the rules of soil use"; Article 59 "Violation of the rules of water resources protection"; Article 59-1 "Violation of requirements for the protection of territorial and internal marine waters from pollution and litter"; Article 62 «Failure to fulfill obligations for registration in ship's documents of operations with harmful substances and mixtures»; Article 71 «Putting into operation production facilities without equipment that prevents harmful influence on forests»; Article 72 "Damage to the forest by sewage, chemical substances, oil and petroleum products, harmful emissions, waste and garbage"; Article 73 "Waste littering of forests"; Article 78 "Violation of the procedure for the emission of pollutants into the atmosphere or the influence on it of physical and biological factors"; Article 79 "Failure to comply with the requirements for the protection of atmospheric air at the commissioning and operation of enterprises and facilities"; Article 80 "Release of vehicle

and other mobile means with exceeding the standards of pollutant content in the exhaust gases"; Article 81 «Exploitation of auto-,moto-vehicles and other mobile means with exceeding of standards of content of pollutants in exhaust gases»; Article 82 "Violation of requirements for waste management during their collection, transportation, storage, processing, utilization, disposal, disposal or disposal"; Article 82-1 "Violation of rules for conducting primary accounting and control over waste management operations or failure to submit or submit reports on the generation, use, disposal and disposal of waste"; Article 82-2 "Production of waste products or their use without corresponding normative and technical and technological documentation"; Article 82-4 "Mixing or disposal of waste for the disposal of which there is a corresponding technology in Ukraine, without special permission"; Article 82-5 "Violation of rules for the transfer of waste"; Article 82-6 "Violation of the established rules and mode of operation of waste treatment and treatment plants and facilities"; Article 82-8 "The burial of untreated (untreated) household waste"; Article 83 "Violation of the rules of application, storage, transportation, disposal, elimination and disposal of pesticides and agrochemicals, toxic chemicals and other drugs"; Article 83-1 "Violation of plant protection legislation"; Article 90-1 "Non-compliance with rules and norms in the process of creation, production, storage, transportation, use, disposal, elimination, disposal of microorganisms, biologically active substances and other biotechnology products"; Article 91-1 "Failure to comply with environmental safety requirements in the process of introducing discoveries, inventions, utility models, industrial designs, rationalization proposals, new technology, technologies and systems, substances and materials"; Article 91-3 "Concealing excess of the established limits on the volume of formation and disposal of waste".

2. Administrative offenses related to environmental safety (public relations in the field of environmental safety – an additional or optional object): Article 42-1 "Production, procurement, sale of agricultural products containing chemical preparations beyond the maximum permissible concentration levels" ; Article 42-2 "Preparation, processing or marketing of radioactive contaminated foodstuffs or other products"; Article 53-3 "Removal and transfer of soil cover of land without special permission"; Article 57 "Violation of Requirements for the Protection of Subsoil"; Article 61 "Damage to water facilities and equipment, violation of rules of their operation"; Article 77 "Violation of requirements of fire safety in forests"; Article 78-1 "Violation of the procedure for the

implementation of activities aimed at the artificial changes in the state of the atmosphere and atmospheric phenomena"; Article 82-3 "Concealing, distorting or refusing to provide complete and reliable information on requests of officials and appeals of citizens and their associations regarding the safety of waste generation and handling"; Article 82-7 "Violation of requirements of legislation in the field of chemical current sources"; Article 91 "Violation of the rules of protection and use of territories and objects of the nature reserve fund"; Article 91-2 "Exceeding the limits and norms of use of natural resources"; Article 91-4 "Refusal to provide or untimely provision of environmental information"; Article 91-5 "Violation of requirements of legislation in the field of environmental impact assessment"; Article 95 "Violation of rules and norms of nuclear and radiation safety"; Article 96 "Violation of requirements of legislation, construction norms, standards and rules during construction"; Article 172-9-2 "Violation of legislation in the field of environmental impact assessment"; Article 188-5 "Failure to comply with lawful orders or orders of officials of bodies that exercise government control in the field of environmental protection, use of natural resources, radiation safety or the protection of natural resources"; Article 188-16 "Failure to comply with the lawful requirements of officials of the central executive authority, which implements the government policy on issues of civil protection, supervision and control over the state of protection of territories from natural and man-made emergencies¹⁰".

We consider such a classification to be the most optimal. Instead, let us draw attention to the second group of offenses that has been highlighted by us as offenses related to environmental safety. These misdemeanors are the main object of other social relations (in the field of information, public health, use of natural resources), but their destabilization can negatively affect the state of the environment and damage the health of citizens, although the onset of such negative consequences is not obligatory.

¹⁰ Кодекс України про адміністративні правопорушення (статті 1–212-21): Закон України від 07.12.1984 № 8073-X. URL: <http://zakon3.rada.gov.ua/laws/show/80731-10>.

3. The system of criteria and indicators for assessing the effectiveness of management in the field of environmental safety of the country

Formation of the system of ensuring ecological safety of the country is impossible without the formation of a list of criteria and indicators for assessing the effectiveness of public authorities in this area. Understanding the importance of ensuring a safe environment for the existence of mankind has led to the formation of numerous approaches to assessing the state of the environment and the effectiveness of public authorities to protect it. The processes of reforming the system of state governance determine the need for transformation and in that part, which concerns the provision of environmental security of the state.

The performance indicators determined by the strategy do not form an integral system. For example, the effectiveness of implementing a strategy in the context of the state of atmospheric air is proposed to assess, on the one hand, the content of certain chemical and organic ingredients in the atmosphere and the volume of pollution, and on the other – on the number of joint implementation projects and projects targeted environmental (green) investment, as well as the volume of investments, caused by the sale (transfer) of units (parts) of the established amount of greenhouse gas emissions. Consequently, this system of criteria allows only to assess, on the one hand, certain parameters of the state of the environment, and, on the other hand, the fact that the state authorities carry out certain measures without answering the way in which these measures have affected the state of environmental safety, which these the events had results. In other words, in this way the criteria chosen by the authors of the strategy do not allow to assess exactly the effectiveness of public administration in the field of environmental safety.

With this in mind, we will turn to the international experience in assessing the state of the environment. World practice has developed several approaches to the development of a system of environmental indicators, depending on the goals that they are facing. The easiest to perceive are environmental indices, which are composite indicators that allow a simultaneous assessment of many factors that affect environmental safety and the overall state of the environment. So, for the rating comparison of the states on the effectiveness of the policy in the field of environmental safety basically used two main indicators.

The Environmental Vulnerability Index is calculated to measure negative environmental impacts. The index is calculated on the basis of 50 indicators. In addition to calculating the base index, the indicators "are

used to determine a number of sub-indices. By the nature of the factors measured by the indicators, sub-indexes "Dangers", "Resistance" and "Damage" are allocated. By category of factors, the sub-indices «Climate change», «Biodiversity», «Water resources», «Agriculture and fishing», «Factors of human health», «Desertification», «Impact of natural disasters» are calculated. Despite the fact that this index evaluates not so much the activity of the government and other interested actors, but the degree of threats in the environment, the dynamics of its change can indicate the effectiveness of the measures.

It should be noted that the index of environmental efficiency does not claim to be a complete reflection of the effectiveness of state policy in the field of economic security; only issues that are considered to be most relevant at the international level are taken into account; At the same time, specific aspects of ensuring environmental security, typical of individual states, may not be taken into account.

The feature of the indexes is the summing up of several indicators in a single numerical value. Although this approach provides a fairly easy comparison of countries on the state of the environment, and also clearly demonstrates changes in the safety and quality of the environment, this ease and visibility are achieved at the expense of a certain simplification, which does not allow them to be fully used for making managerial decisions in the field of environmental safety. Nevertheless, in Ukraine, the use of the approach of composite indexes may be appropriate for comparing the state of the environment and the effectiveness of the policy in the field of ensuring environmental safety in the context of regions, settlements, etc. Today, the indicators of the Organization for Economic Cooperation and Development form the following groups:

1. Key environmental indicators. These indicators are aimed at a general overview of key environmental issues and related trends (including 10-15 indicators).

2. Basic environmental indicators. This group seeks to monitor progress in the field of environmental protection, factors affecting it and monitor environmental policy. It forms the basis of a system of indicators, including the most important and sustained upgrade indicators. Includes about 50 indicators.

3. Sector indicators for the environment. Indicators of this group provide a thematic description of the state of the environment in certain areas (transport, energy, forests, agriculture, households, consumption, tourism).

4. Indicators obtained from environmental accounting.

5. Indicators of reduction of pressure on economic growth of the environment.

The basis of the system of indicators is the basic indicators of the environment. They are considered as the minimum agreed upon by the members of the organization a list of indicators characterizing the state of the environment. In turn, the basic indicators are divided into two criteria.

The first criterion is a three-element model for assessing the state of the environment "pressure-state-reaction". Its starting point is the following statement: human activity poses pressure on the environment and affects the quality and quantity of natural resources; society reacts to these changes through environmental, economic and sectoral policies, as well as through changes in behavior. Accordingly, in the base indicators there are: indicators of pressure; state indicators; reaction indicators.

The second key criterion for division is a group of environmental issues characterized by indicators. At the moment, they are: climate change; reduction of the ozone layer; eutrophication; acidification; toxic pollution; the quality of the environment in the cities; biodiversity; cultural landscapes; waste; water resources; forest resources; fish resources; deterioration of soil quality; material resources; socio-economic, sectoral and general indicators.

The model used to assess the state of the environment and the effectiveness of the policies of the EU member countries is quite similar. The European Environmental Agency is the main body providing the functioning of the indicator system.

Describing the current state of the use of indicators of the state of the environment, it should be noted that today the indicators of the state of the environment are primarily used in the system of state monitoring of the environment. Its functioning is regulated by a number of normative legal acts: by the Resolution of the Cabinet of Ministers of Ukraine dated March 30, 1998 No. 391 "On Approval of the Regulation on the State System for Environmental Monitoring", by the Resolution of the Cabinet of Ministers of Ukraine of March 9, 1999 No. 343 "On Approval of the Procedure for Organization and monitoring in the field of atmospheric air protection "; the Resolution of the Cabinet of Ministers of Ukraine of 20.07.1996 No. 815 "On Approval of the Procedure for the Implementation of State Water Monitoring"; the Resolution of the Cabinet of Ministers of Ukraine dated August 20, 1993 No. 661 "On Approval of the Regulation on Land Monitoring"; the Resolution of the Cabinet of

Ministers of Ukraine dated February 26, 2004 No. 51 "On Approval of the Regulation on the Monitoring of Agricultural Soil".

Today, the Ministry of Ecology and Natural Resources of Ukraine provides a number of indicators for monitoring and assessing the state of the environment (indicators of atmospheric air pollution and ozone depletion of the atmosphere, climate change, water resources, biodiversity and the state of forests, the state of land resources and soils, agriculture, energy ; transport, waste). In other words, the subject of indicators is close enough to the one applied by the agency. At the same time, today the list of indicators is not regulated. On the one hand, it corresponds to world and European practice. The set of indicators is constantly expanding and changing; in addition, attention should be paid to heterogeneity of indicators. If key and baseline indicators (which represent a relatively small proportion of the total number of indicators) are relatively stable, a number of indicators may be single-digit or measured over a short period of time; accordingly, the normative and legal consolidation of an exhaustive list of indicators of the state of the environment is not rational. At the same time, consolidating the general principles of the functioning of the system of indicators is useful in order to harmonize and streamline the environmental assessment system and the effectiveness of government policy in the field of environmental safety.

The main document, which sets the criteria for assessing the effectiveness of public administration in the field of environmental security, is the Law of Ukraine "On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period until 2020". This is quite logical, because, as rightly noted by I. Kravchuk, the basis for evaluation is laid in strategic planning¹¹. On this basis, the indicators of the effectiveness of any activity are determined primarily by the specific tasks identified at the planning stage. Therefore, one of the possible ways of integrating environmental monitoring data is the use of appropriate indicators as criteria for the effectiveness of the objectives.

CONCLUSIONS

Today, the management system in the field of environmental security in Ukraine is in a state of reform, which is due to the processes of reforming public administration in general and the need to include in the

¹¹ Кравчук І. Оцінювання державної політики в Україні. *Вісник Національної академії державного управління*. 2010. № 4. С. 72–79. С. 73.

national legislation the norms of relevant international legal acts. In order to optimize the procedure for implementing a strategic environmental assessment, the procedure for monitoring the consequences of the implementation of the state planning document for the environment should be approved. From the point of view of ensuring environmental safety, it is important to revise and modernize the requirements regarding norms, limits and other indicators that characterize the emission of harmful substances, the granting of permits for activities related to the potential environmental impact. One of the promising directions of reform in this direction is the introduction of integrated permitting system. In order to increase the effectiveness of bringing to administrative responsibility for offenses in the field of environmental security it is expedient: 1) to review the sanctions of many offenses in the field of environmental safety in the direction of their increase, which is caused by considerable damage to the environment and health of people caused by these species misconduct; 2) merge into one article of the Code of Administrative Offenses in one article the composition of the offenses provided for in article 82-3 "Concealment, distortion or refusal to provide complete and reliable information on requests of officials and appeals of citizens and their associations regarding the safety of waste generation and handling with them "and 91-4" Refusal to provide or untimely provision of environmental information ", since the offense provided for in Article 82-3 of the CUAO is a special case of an unlawful act described in Article 91-4 of the CUAO; 3) make changes to the CUAO regarding the precise establishment of the list of persons authorized to draw up protocols on administrative violations in the field of environmental safety, to exclude from the content of CUAO officials who must draw up protocols and consider cases of the former State Inspection of Agriculture, to include in the list of persons having draw up protocols on administrative offenses under Article 90-1, officials of the State Service of Ukraine for Food Safety and Consumer Protection, and under Articles 71 and 72 – officials of the State Forest Resources Agency of Ukraine.

SUMMARY

The article deals with analysis of administrative and legal principles of management in the field of ensuring the ecological safety of the country. The author has generalized foreign experience of ensuring the country ecological safety and has elaborated the possibilities of its use in Ukraine. The object of administrative-legal regulation has been

determined: they are social relations in the form of behavior and actions of people who take place in connection with providing of subjects of public authority, first of all public administration, ecological rights and freedoms of the man and the citizen, interests of the society and the government in this area. Proposals for solving problems of administrative and legal regulation of access to public information in the field of providing environmental safety of the country have been developed. The mechanism of systematic informing of citizens about the state of the environment has been proposed, especially in the part of information, which managers are economic entities. The author has made proposals aimed at ensuring control over the observance of legislation on ensuring access of citizens to public information and he has given recommendations on the reform of the management system in the field of environmental safety in Ukraine. A system of criteria and indicators for assessing the effectiveness of management in the field of ensuring environmental safety of the country has been elaborated.

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