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# **ЗАБЕЗПЕЧЕННЯ ЕКОЛОГІЧНОЇ БЕЗПЕКИ ТА ПРОТИДІЯ ПРАВOPУШЕННЯМ У СФЕРІ НАВКОЛИШНЬОГО СЕРЕДОВИЩА**

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**МІНІСТЕРСТВО ВНУТРІШНІХ СПРАВ УКРАЇНИ  
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(студентської) конференції іноземними мовами**

**«ЗАБЕЗПЕЧЕННЯ ЕКОЛОГІЧНОЇ БЕЗПЕКИ ТА  
ПРОТИДІЯ ПРАВОПОРУШЕННЯМ У СФЕРІ  
НАВКОЛИШНЬОГО СЕРЕДОВИЩА»**

**«ENSURING ENVIRONMENTAL SAFETY AND  
COUNTERACTION TO DELINQUENCY IN AREA  
OF THE ENVIRONMENT»**

**«GEWÄHRLEISTUNG DER  
UMWELTSICHERHEIT UND  
UMWELTKRIMINALITÄTSBEKÄMPFUNG»**

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# ВСТУПНЕ СЛОВО

ВІТВИЦЬКОГО

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*Шановні учасники та учасниці конференції!*

*«The limits of my language mean the limits of my world»  
Ludwig Wittgenstein*

*У цей нелегкий для української наукової спільноти час нам доводиться долати чимало психологічних, фізичних та організаційно-методичних викликів щодо роботи, самоорганізації в умовах військового часу, тому ми намагаємося докласти максимум зусиль, щоб повернутися до навчання, роботи та досліджень. Кожен з нас має знаходити силу духу, щоб бути прикладом твердині і витримки! Пам'ятаймо, що ми також бійці, бійці на освітянському фронті!*

*Наш фронт – це наука і освіта! Наша зброя – це наукове слово та діло!*

*Тож давайте спробуємо бути борцями за українську науку. Свій внесок можемо зробити засобами наукового слова, дискусій та наукових заходів!*

*Бажаю всім учасникам конференції плідної дискусії та удосконалення навичок спілкування іноземними мовами!*

## **REGULATION OF RELATIONS ASSOCIATED WITH THE LEGITIMATE USE OF NATURAL RESOURCES**

The territory of modern Ukraine is rich in a significant number and variety of minerals; proceeding from their diversity and location in different regions of the state, the environmental offences and crimes have their own factual, law, and geographical specific context and relevant consequent effects of their commitment. According to the research of professor O.Makarenko and the team of scientists [1], illegal forest devastation (the crime in the area of forest utilization) as well as mining of amber are more prevalent in western regions; concurrently, central and eastern areas are feeling the pressure of other environmental crimes such as illegitimate underground and open-pit mining of mineral resources, unlawful extraction of hydrocarbons (there are relevant mining activities in Kharkiv and Poltava regions, and they are mainly carried out by state-owned companies), pollution of soil, water resources and atmosphere air.

From there, the issues associated with the use of natural resources, including their extraction, are manifested in completely different legal relationships. Activities of both law-abiding subsoil users and those who extract minerals illegally or have a special permit (or other consent documents) but carry out extraction in larger quantities or commit other offenses have an impact not only on public relations in law enforcement but also in the field of economics, construction, and the existence of institutions of state power, local authorities, ecology, mining. Therefore it requires a kind of intellectual regulation that should solve technical, environmental, and legal issues.

The purpose of regulation of any social relations, including those relating to the extraction of minerals, is to comply with the requirements of environmental legislation (other legal norms governing labor, economic and civil relations) and to develop a coherent system in which the relations between subjects [2] of law will be settled by means of certain regulators (rules of law) also in order to prevent harm to both private and public interests

Regulation of relations associated with the legitimate use of natural resources (comprising extraction of mineral resources) by adopting relevant laws and rules, establishing and operating relevant bodies which the state, local or sectoral policies control, will not be effective without the implementation of a protective mechanism, that is a feasible and workable one for prosecuting offenders and dishonest subsoil users, and setting up a preventive effect in order to reduce the number of persons

wishing to violate the legislation requirements in the field of subsoil use via strengthening and guaranteeing of the inevitable punishment

Currently, persons engaged in illegal mining shall be prosecuted under Article 240 of the Criminal Code of Ukraine «Violation of the established rules of subsoil use» [3]. At the same time, the most challenging part of this article is the second one which suggests that persons can be held liable for «violation of the established rules of subsoil use if it created a danger to life, human health or the environment as well as illegal extraction of minerals of state significance».

The real problem of the inability to hold individuals accountable for illegal mining (minerals of the state significance) or the inefficiency of the existing mechanism must be reaffirmed with a view to proposing amendments to the current legislation.

The mechanism for the protection of minerals of national significance exists in criminal legislation in a declarative way. The existence of the judicial practice to prosecute persons who have committed criminal offences in the field of the environment, including those related to the illegal extraction of minerals of the state significance, in terms of the imposed or entered into force sentences is manifestly inadequate for declaring of the successful fight against environmental crimes; in turn, it has a very negative impact on the development of small and medium-sized enterprises and individual branches of the economy, underfunding of budgets of various levels, and actual funding the criminality and the development of the off-the-books economy. The specific competitiveness between criminal and administrative legal norms makes the situation worse [4].

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### **Анотація**

*В тезах розкривається проблема незаконного видобутку корисних копалин та лісових ресурсів в Україні та вказуються кроки, які необхідно здійснити: регулювання відносин, пов'язаних із законним видобутком природних ресурсів шляхом прийняття відповідних законів та положень, діяльність відповідних органів державного контролю, переслідування злочинців в сфері видобутку корисних копалин. Тільки об'єднаними зусиллями можна подолати злочини в сфері захисту навколишнього середовища.*

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### **ENVIRONMENTAL LIABILITY IN UKRAINE**

Environmental issues are very important in modern society. The negative impact of mankind on nature is getting bigger and bigger every year. It is very important to understand in time that we need to make positive changes. Everyone starts with themselves. Ukraine should set an example to the world community on how to introduce changes that will improve the environment. At present in our country there are regulations and laws aimed at preserving the environment through liability for certain illegal acts.

Environmental liability under Directive 2004/35 / EC is the obligation of the operator to take measures to prevent the occurrence of environmental damage or the consequences of environmental damage in order to restore natural resources to their original state before its occurrence and cover the costs of the measures taken. Liability for violation of environmental legislation is a set of legal remedies established by law (administrative, criminal, civil, labor, financial, etc.), which are used in cases of violation of environmental protection and environmental safety, conditions and regime of natural resources, damage to the environment.

Environmental policy in Ukraine springs from several provisions of the Constitution of Ukraine. They are:

- right to ensure ecological safety in Ukraine,
- right of citizens to healthy and safe environment, and
- right to free access to information regarding the environment.

Ukraine is also a signatory to a number of international conventions and legal successor to certain conventions signed by the former USSR. All of them make an integral part of the legislation. The basic principles of the national environmental policy are similar to those of EU countries, and of Central and Eastern European countries integrating into Europe. But at this stage likeness comes to the end. The

framework Law On Environmental Protection was adopted in 1991 before the collapse of the Soviet Union. As a follow-up, the Law On Air Protection (1992, new version dated of 2001), the Water Code (1995), and Law On Waste (1998) were subsequently enacted to create regulatory frameworks for each of those institutions. Other laws address air protection, mineral resources, ecological expertise [1].

In Ukraine, there are types of violations for which the perpetrators are responsible:

- violation of citizens' rights to an ecologically safe natural environment;
- violation of environmental safety standards;
- violation of the requirements of the legislation on environmental impact assessment, including the submission of a knowingly false environmental impact assessment report or conclusion on the environmental impact assessment;
- failure to take into account in the prescribed manner the results of environmental impact assessment and non-compliance with environmental conditions specified in the conclusion of the environmental impact assessment;
- violation of environmental requirements in the design, placement, construction, reconstruction, commissioning, operation and liquidation of enterprises, buildings, vehicles and other facilities;
- refusal to provide timely, complete and reliable information on the state of the environment, as well as sources of pollution, in hiding cases of accidental pollution or falsification of information about the state of the environment or morbidity;
- humiliation of the honor and dignity of workers who exercise control in the field of environmental protection, encroachment on their lives and health;
- violation of environmental requirements during the activities related to the treatment of genetically modified organisms;
- violation of the requirements of the legislation of Ukraine in the implementation of strategic environmental assessment [2].

Environmental legislation of Ukraine is not sufficient to ensure the prevention and elimination of damage caused to the environment and does not establish effective system of control. Penalties for failure (improper execution) of relevant requirements are too small and do not perform their functions. The extension of the use of the institute of environmental liability insurance is necessary. It can help to overcome the consequences of accidents which caused largescale environmental pollution. On the example of EU member states the Law «On prevention and elimination of environmental damage» should be passed, national automated information system of prevention and elimination of environmental damage should be established. Today there is a well-developed international legal framework that includes many provisions which have mainly a recommendatory character for introducing of criminal responsibility of legal persons into national legal systems. In our opinion, if Ukraine wants to become a member of the European

Union and to act in accordance with European standards, it is necessary to introduce criminal responsibility of legal persons, as did a large part of European states [3].

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### **Анотація**

*Збереження, охорона та стале використання довкілля є пріоритетними напрямками європейської екологічної політики. В Україні відбувається реформування екологічної національної політики та права за зразком геополітичних сусідів. Існують певні нормативно-правові акти, які регулюють систему екологічного права, проте вони потребують удосконалення на етапі імплементації.*

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## **ACTIVE POLICY OF IMPROVING THE ENVIRONMENTAL SITUATION**

Today, due to the rapid processes of globalization of mankind and the intensive use of natural resources, our planet has suffered great depletion, leading to various cataclysms and natural disasters. As a result, as early as the beginning of the 21st century, all countries of the world began to join forces intensively for the common goal of preserving humanity.

Our state is no exception in this way. Since Ukraine's independence, citizens have taken an active part in various seminars, conferences, world-class meetings, etc.; Ukraine is a member of international organizations that pursue active policies to preserve environmental security on our planet.

However, Ukraine's active foreign policy position on environmental issues is not at all disturbing when considering the ecological situation inside the country. For

more than 30 years, our country has been heavily using industrial giants that were built in Soviet times. At the same time, modernization and restoration of these industrial facilities is almost non-existent, budget funds are practically not allocated, and the environment is gradually polluted due to such strict non-compliance with environmental safety conditions.

In accordance with paragraphs A and B of Art. 3 of the Law of Ukraine "On Environmental Protection", one of the main principles of environmental protection is the priority of environmental safety requirements, mandatory compliance with environmental standards and limits on the use of natural resources in economic, administrative and other activities, as well as ensuring environmentally friendly environment for human life and health.

At the end of August, the Cabinet of Ministers of Ukraine instructed the Ministry of Environment, the Ministry of Finance, the Ministry of Justice, the State Coinspection, the National Civil Service Agency, and the State Property Fund to consider the possibility of locating the State Coinspection in Kryvyi Rih agreed proposals. The Ministry of Environment has been identified as responsible for the preparation of agreed proposals [3].

According to the head of the State Ecological Inspectorate Andriy Malovany, Kryvyi Rih was chosen to house the Office because the city remains the main industrial center of Ukraine, there are about 5 companies that are major polluters [4].

However, we do not believe that such relocations have resulted in other decisions, including the adoption of a new law on environmental control and relevant government regulations. The Central Office will not have the authority to control emissions and discharges. These are the functions of the territorial body - the State Ecological Inspectorate in Dnipro region and its inspectors, who work there on site. Another thing is the quality of their work. But the relocation of the central office will not affect their activities [3].

If the reform does not take place, Ukraine will doom to the decline (degradation) of the natural environment and, as a result, an increase in morbidity and mortality. The state will be forced to make additional expenditures from the budget not for sustainable development, but to eliminate the effects of devastating impact on the environment [3].

In conclusion, it should be noted that the situation in the environmental sphere of our state is really at a very low level. Even after 30 years of our country's independence, no government can and probably does not want to think about compliance with the law and the great importance of ensuring an environmentally safe space in Ukraine.

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### **Анотація**

*У публікації порушується питання щодо можливостей покращення екологічної ситуації у промислових містах. Автор наголошує, що модернізація та відновлення індустріальних об'єктів необхідна, але не відбувається. Екологія поступово забруднюється через суворе недотримання умов екологічної безпеки. Як наслідок, Україна приречена до занепаду (деградації) природного середовища, підвищення рівня захворюваності та смертності населення.*

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## **INTERNATIONAL POLICY AND LEGISLATIVE FRAMEWORK FOR MINIMIZING PLASTIC WASTE**

The state of the environment is one of the most debated issues of our time, along with gender equality. More and more people in every country are thinking about pollution and ways to reduce it. One of the "killers" of the environment can be considered plastic, plastic bags and products supposedly "for once". We fully support the opinion of the Belgian MEP Frederic Ries and the European Commissioner for Environment Virginijus Sinkevičius, and we choose to study the European experience in combating the use of plastic, as well as the study of legislation in the field of environmental protection on the example of minimizing the use of single-use plastic products.

People invented plastic, but people also have to deal with the problems it causes. Who is responsible for plastic pollution? In our opinion, there are 3 parties responsible. They are the government, which can set the rules and enforce them, the companies that make or use plastic, and the consumers [1]. Each side has its own responsibility. But that responsibility is shifted to others, and as a result, we don't see as much positive momentum in pollution reduction as we would like.

No matter how educated consumers are, and no matter how many trash cans there are in habitats, plastic pollutants always come out, indifferent people keep throwing plastic into the street. In this way, it would be possible to prevent the formation of large amounts of plastic waste, to make manufacturers responsible for the waste of their products. We fully support this idea. Plastic produced and sold by a company should be taken back after use. Extended Producer Responsibility (EPR) aims to reduce the environmental footprint of a product. Raw materials sold by a company can be recycled. Unfortunately, companies are afraid of unnecessary costs [3].

China, Indonesia, Vietnam, Thailand, and the Philippines, which are hardly the leaders in plastic waste, also do not currently have Extended Producer Responsibility (EPR), in other countries manufacturers are required to deal with waste prone products. Although Sweden passed such laws in the 1970s, the European Plastics Directive, adopted in May 2019 [1], provides the most stringent regulation of plastics today.

Disposable plastic products (DPS) are used once or for a short period of time, after which they are discarded. The impact of plastic waste on the environment and our health is global and can be very serious. Single-use plastic products are more likely to end up in our seas than reusable ones. The EU is a pioneer in the global fight against marine litter and plastic pollution. EU regulations aim to exacerbate and impact certain plastic products on the environment.

The main law in this area, the Plastic Container Directive, came into force on July 2, 2019. In some cases, different measures are applied to different products regarding the use of plastic. These measures are proportional and aim to achieve the most effective results, and take into account the availability of more sustainable alternatives.

Where sustainable alternatives are readily and easily available, single-use plastic products are not placed on EU member state markets. These include cotton swabs, cutlery, plates, straws, stirrers and balloon sticks. This also applies to cups, Styrofoam food and drink containers and all products made of oxo-degradable plastic [2].

Member States must take measures to educate consumers and encourage responsible consumer behavior to reduce the amount of waste from products subject to the Directive as follows:

- availability of recyclable alternatives, system uses, and recycling options for single-use plastic products;
- exposure to trash and other incompatible waste single-use plastic products;
- the impact of incompatible single-use plastic waste discharges on the sewer system.

Member States shall lay down rules on sanctions applicable to infringers under this Directive and shall take all necessary measures to ensure compliance with them. The sanctions provided for must be effective, proportionate and dissuasive [4].

Than it to say, the countries of the European Union are more excited than ever about rationalizing waste, especially single-use plastic products.

Summarizing all of the above, we can conclude that the analyzed Directive is aimed at protecting the environment. Extended producer responsibility and increased penalties could be reasonable innovations. Only with increased penalties for the irrational use of single-use plastics and the lack of recycling can favorable results for the environment to be achieved.

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#### Анотація

*Проаналізований стан розповсюдження проблеми забрудненням одноразовими пластиковими виробами. Виявлено, що це питання є досить актуальним у наш час, у будь-якій країні світу. Проаналізовано політику мінімізації пластикових відходів у ЄС. Було розглянуто основний закон у сфері відповідальності за забруднення одноразовими пластиковими виробами. Також було наведено пропозиції щодо удосконалення законодавства. Серед них: збільшення штрафів та введення розширеної відповідальності виробника.*

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## PROSPECTS FOR COOPERATION OF JUVENILE POLICE WITH YOUTH IN ORDER TO SOLVE ENVIRONMENTAL PROBLEMS

In September 2015, the UN Summit was held in New York, which resulted in the document "Transforming our world: the agenda for sustainable development until 2030." Ukraine has joined the global process of sustainable development [1].

As for the management of the world's environmental situation through the settlement of this issue, each country was allowed to monitor the overall environmental situation, immediately initiated changes in legislation and attracted a lot of outside help to create action plans, programs and monitor strategy. Instead, Ukrainian legislation issued the Law of February 28, 2019 "Basic principles of state environmental policy of Ukraine until 2030", which states that: "The main tools for implementing state environmental policy are information and communication that will raise public awareness of activities of executive bodies in the field of environmental protection and the effectiveness of their implementation of regulations, the state of the environment and its levels of pollution, principles and methods of sustainable consumption and production, environmental protection and care for wildlife; strategic environmental assessment and environmental impact assessment; education in the interests of sustainable development, which will establish methodological foundations and introduce continuing environmental education [2].

Moreover, Ukraine's Environmental Protection law foresees the establishment of state environmental monitoring system, conducting observations on environmental conditions and level of pollution. The foundations for the operation of an environmental monitoring system are established in the CMU Decree on "State Environmental Monitoring System", which was adopted in 1998 and last updated in 2013 [3].

The important fact is spreading the idea of environmental friendliness by minors, who are in the nearest future may form the public and interact with law enforcement agencies to address environmental issues. Juvenile police officers actively cooperate with this category of Ukrainian citizens, in particular, the Law of Ukraine "About bodies and services for minors" by the Cabinet of Ministers stipulates that the Cabinet of Ministers coordinates the activities of executive bodies, local governments, enterprises, institutions and organizations related to environmental protection, implementation of state, regional and interstate environmental programs [4].

The practice of applying the above spreading conception about cooperation of juvenile prevention officers and youth is well done in Ukraine, for example, in Kherson. According to the Main Directorate of the National Police in Kherson region, on March 3, on World Wildlife Day, inspectors of juvenile prevention police of Kherson region conducted an environmental test with students of the Center for Social and Psychological Rehabilitation of Children. Police and children removed garbage and cleared bushes near the school. As Vitaly Saifutdinov, the head of the juvenile prevention department of the regional police chief, said: "Such activities were very important and useful for children. Meaningful leisure meets the needed of adolescents in communication and gave the opportunity to spend free time in various ways. In addition, that day's test would teach children to care for the environment.

After all, those who had made efforts to clean up would not litter in the future and would pass on their knowledge to friends and relatives” [5].

Educational activities that effectively influence young people's awareness of environmental issues were also held in Kramatorsk. "The ecological action we held with first-graders is designed to form a non-consumer attitude to the environment, the child must understand that everyone's responsibility for nature conservation and protection of greenery is important," said the acting head of the Kramatorsk District Police Department. Vladislav Gritsay [6].

Local programs can be used to develop a universal plan for preventive or educational work with underage urban citizens. This was developed in Kryvyi Rih in order to educate environmental culture, awareness and awareness of the citizens of our city, forming an appropriate attitude to natural resources, environment, promoting environmental behavior in the City Program to solve environmental problems in Kryvyi Rih and improve the environment for 2016-2025 years, the Department of Ecology of the Executive Committee of the Kryvyi Rih City Council updated the "Code of Environmental Conduct of Kryvyi Rih Residents", which was published in a modern more expanded format [7]. The juvenile prevention police can rely on this Code and add necessary points to their instruction with aim to follow the Law and make a great influence on minors in each city of Ukraine.

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### **Анотація**

*Автор роботи представляє собою розгляд наявних та активізацію можливих позитивних зрушень у забезпеченні екологічної політики України. Сутність проблеми висловлено у перспективній пропозиції щодо співпраці представників ювенальної превенції та молоді. Ювенальні поліцейські, працюючи з неповнолітніми особами, можуть чинити прямий вплив на виховання у них екологічного мислення та шанобливого ставлення до навколишнього середовища. Заходи представників правоохоронних органів пов'язані із згуртованою роботою з дітьми та молоддю, що передбачає прибирання та благоустрій міських природних ділянок. Така практика вже поширюється в Харкові, Сумах та інших містах України.*

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### **PREVENTION BY LAW ENFORCEMENT AGENCIES IN THE FIELD OF ENVIRONMENTAL SAFETY**

Success in the fight against environmental offenses largely depends on the proper organization of interaction (coordination of actions) of the public and law enforcement agencies involved. This allows you to respond in a timely manner to the commission of offenses in the field of nature management, environmental protection, promptly identify those who have committed such offenses, and bring them to justice. Such interaction is carried out not spontaneously, but in accordance with the requirements of the legislation defining the rights and responsibilities of the relevant entities, the forms of their interaction, measures to combat environmental offenses that they may commit. This legislation, as well as the issue of interaction between law enforcement agencies and the public in this area, has in recent years been the subject of special studies aimed at highlighting the legal and organizational problems of this interaction.

Environmental protection of state bodies is an important element in ensuring the constitutional right of citizens to a safe environment for life and health (Article 50 of the Constitution of Ukraine). But citizens are not only observers of the state's solution of environmental problems and a party that passively expects the positive environmental consequences of the implementation of state and local programs for environmental protection and the implementation of other environmental measures; they (citizens) are given the right to join in solving the urgent problems of environmental protection that take place in the country and in its individual regions.

In particular, according to Art. 9 of the Law of Ukraine "On Environmental Protection", every citizen of Ukraine has the right to: participate in discussions and proposals for draft regulations, materials on the location, construction and reconstruction of facilities that may adversely affect the state of the environment

environment, making proposals to public authorities and local governments, legal entities involved in decision-making on these issues; participation in the development and implementation of measures for environmental protection, rational and integrated use of natural resources; association in public environmental formations; free access to information on the state of the environment (ecological information) and free receipt, use, dissemination and storage of such information, except for restrictions established by law; participation in public discussions on the impact of planned activities on the environment; filing lawsuits with state bodies, enterprises, institutions, organizations and citizens for compensation for damage caused to their health and property as a result of negative impact on the environment; appealing in court against decisions, actions or omissions of public authorities, local governments, their officials regarding violations of environmental rights of citizens in the manner prescribed by law, etc.

Relevant powers in this area are given to public environmental organizations, which, according to Art. 21 of the Law of Ukraine "On Environmental Protection", have the right to: participate in the development of plans, programs related to environmental protection, develop and promote their environmental programs; participate in the implementation by the central executive body, which implements the state policy on state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources, inspections of enterprises, institutions and organizations of environmental plans and measures; to take the initiative to hold all-Ukrainian and local referendums on issues related to environmental protection, use of natural resources and ensuring environmental safety; to make proposals to the relevant bodies on the organization of territories and objects of the nature reserve fund; file lawsuits for damages caused by violations of environmental legislation, including the health of citizens and property of public organizations; to appeal in the manner prescribed by law against the refusal or late provision of environmental information upon request or illegal rejection of the request and its incomplete satisfaction, etc.

Implementation of environmental rights granted to them by citizens and public environmental organizations implies close contact and interaction with state bodies. This allows the latter to hear public opinion on an issue of environmental protection, environmental safety and take it into account when making environmentally significant decisions, get interested (environmentally motivated) assistants in organizing environmental activities, and citizens and public environmental organizations - to deal with environmental initiatives to the authorized state bodies and, if necessary, to protect public environmental interests in court.

Among the state bodies with which individual citizens and their public associations should interact, a special place is occupied by law enforcement agencies (courts, law enforcement agencies, state environmental inspectorate, etc.), whose activities are aimed at ensuring law and order in nature protection, environmental

protection safety, nature management (including protection of environmental rights and interests of citizens and society, prevention and cessation of environmental offenses, application of state coercion to persons who have violated legal environmental requirements and rules). An important area of such cooperation is to monitor compliance with the requirements of environmental relations legislation on environmental protection, as such control lays the foundation for comprehensive consideration of the interests of society and the state in the formation and implementation of environmental policy at state and local levels. He (control in this area), in particular, creates conditions to prevent the implementation of economic projects that are environmentally hazardous; stopping such activities if they are carried out in violation of environmental regulations and cause damage to the environment; maintaining the rule of law in the field of nature management. It is important that environmental control, in which the public participates, allows not only to identify deviations from environmental requirements of legislation in making management decisions on economic and social development, but also to promptly challenge them, to raise the issue of prosecution.

The basic on issues of public control in the field of environmental protection is Art. 36 of the Law of Ukraine "On Environmental Protection", which established that "public control in the field of environmental protection is carried out by public inspectors for environmental protection in accordance with the Regulations approved by the central executive body natural environment ". This article clearly traces the idea of interaction of such an institution of civil society as the public inspectorate with the relevant state bodies. In particular, it was established that public environmental inspectors together with employees of state control bodies participate in raids and inspections of compliance with enterprises, institutions, organizations and citizens on environmental protection, environmental safety and use of natural resources; conduct inspections and draw up reports on violations of environmental legislation and submit them to the state control bodies in the field of environmental protection and law enforcement agencies to bring the perpetrators to justice; provide assistance to state control bodies in the field of environmental protection in activities to prevent environmental offenses.

The nature of public control activities in the field of environmental protection also requires them to establish cooperation with the police. This may be the case, in particular, in cases where public environmental groups organize measures to combat illegal deforestation, illegal sale of early flowering plants, Christmas trees, fishing and hunting poaching, and other environmental offenses. Police support in such cases enhances the effectiveness of appropriate measures, ensures the safety of participants in illegal operations, allows to quickly identify the violator on the spot, to carry out administrative detention of violators of the law on protection and use of wildlife, to ensure rapid transportation of environmental groups to certain places, etc. [3].

**Conclusions.** The effectiveness of interaction of citizens, their associations with law enforcement agencies on environmental protection directly depends on the clarity and completeness of the legislative support of environmental powers of these entities.

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### **Анотація**

*У статті розглянуто проблеми щодо прав громадян, громадських об'єднань у сфері охорони довкілля; основні форми реалізації цих прав у процесі взаємодії з правоохоронними органами. Акцентовано увагу на недоліках (прогалинах) законодавства в регулюванні відносин, що виникають між громадськістю та правоохоронними органами при здійсненні екологічного контролю, притягненні до юридичної відповідальності порушників екологічного законодавства.*

## **THE FIELD OF ENVIRONMENTAL SAFETY: TODAY'S CHALLENGES**

Environmental protection activities are carried out by various bodies and this does not exclude duplication of functions, or, conversely, the hope that one or another task will be solved by the public. Lack of exchange of environmental information necessary for prompt response, which may have a body; impossibility in some cases to do only on their own. Coordination of environmental measures by various bodies and the public saves time, money and improves the quality of activities. It is the high effect of the administrative activity of law enforcement agencies in ensuring environmental safety that can be achieved only with the coordinated interaction of law enforcement agencies and the public.

One of the main reasons for inadequate environmental security is the legal uncertainty of the forms of interaction between the National Police of Ukraine and other law enforcement agencies, including units of the State Emergency Service of Ukraine and public institutions, including local governments. In this case, it is useful to study the positive foreign experience of police cooperation with government and non-government institutions in the field of environmental security. It should be noted that the development of a common strategy at the national level is inextricably linked with its direct implementation at the regional level [1, p. 176].

In the activities of law enforcement agencies and the public environmental problems, environmental functions, a new phenomenon. Environmental issues of law and order are quite broad. It not only affects the realization of environmental rights of the individual, but also covers those areas that seem to be directly related to it. In the context of the global environmental crisis, there is a threat not only to the realization of individual rights to a favorable environment, but also the realization of other rights, especially the right to life. A large-scale environmental catastrophe can lead to the fact that not only environmental but also other individual rights will lose their meaning [2, p. 267].

At present, it should be taken into consideration that the problem of law and order in the environmental sphere has become decisive in relation to other elements of a holistic system of law and order in society, so legal regulation of relations in a given area should be based on their mutual determinism. Only a comprehensive approach will ensure proper law and order in all spheres of life.

The main organizational and legal forms of environmental security by law enforcement agencies and the public in their relationship are: environmental control; environmental supervision; consideration of cases of environmental offenses (this

includes operational and investigative activities); assistance to environmental authorities; security and contractual form [3, p. 241].

In the field of environmental protection, law enforcement agencies deal with the prevention and cessation of environmental offenses; assist in the implementation of measures to protect and defend against pollution of natural resources, combating poaching and violations of hunting and fishing rules; control and direct the work of fire departments of other ministries and departments, determine the order of joint work of fire organizations of the country; carry out registration, accounting and supervision of the technical condition of vehicles; carry out departmental protection of natural objects; provide measures for the rational use of natural resources [4, p. 272].

The danger of environmental offenses and crimes is primarily that the object of their encroachment is environmental stability. Law enforcement agencies perform duties and tasks in the field of environmental offenses in four organizational forms: security and assistance (ensuring public order and combating crime, protecting law and order in the field of environmental offenses, this is manifested in the fight against poaching, sanitary violations); protection and control (protection of the natural environment is carried out by performing a control function by specially authorized bodies); security and contractual (under agreements with business entities, the police take over the protection of objects of environmental importance); regulatory (regulates environmental relations, based on regulations of the Ministry of Internal Affairs of Ukraine within its competence, which are mandatory for all business entities, regardless of ownership of citizens).

Thus, environmental security is a state of protection of the environment, life and health of citizens from threats arising from anthropogenic impacts, as well as factors, processes and phenomena of natural and man-made nature. The largest volume of environmental activities is performed by law enforcement agencies, but it should be noted that the principle of public participation in the formation and implementation of environmental policy, taking into account proposals for improving environmental legislation, enshrined as one of the main in the National Environmental Policy Strategy for 2025. Therefore, the interaction of law enforcement agencies and the public in the field of environmental security is one of the important factors for the preservation and protection of the environment.

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### **Анотація**

*Однією з головних причин неналежного забезпечення екологічної безпеки є правова невизначеність форм взаємодії підрозділів Національної поліції України з іншими правоохоронними органами, зокрема, підрозділами Державної служби України з надзвичайних ситуацій та громадськими інституціями, у тому числі органами місцевого самоврядування. Корисним стає вивчення позитивного зарубіжного досвіду взаємодії поліції з державними та недержавними інституціями у сфері забезпечення екологічної безпеки. Підкреслюється необхідність створення загальної стратегії дій на загальнодержавному рівні, яка нерозривно пов'язана з її реалізацією на регіональному рівні.*

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## **PREVENTION OF ENVIRONMENTAL OFFENSES BY LAW ENFORCEMENT AGENCIES**

Different offenses against the environment were recorded in Ukraine: illegal deforestation, water pollution, violation of the rules of subsoil use and destruction of nature reserves. Environmental activities comprehensively include: international, state, regional and local administrative and economic, technological, political, legal and social activities aimed at conservation, rational use and restoration of nature in the interests of modern and future generations According to the Law of Ukraine «On the national police» police officers have powers related to sphere of environmental protection. For example: «- monitors compliance with requirements of the radiation safety regime in specially designated area of radioactive pollution». In general, the activities of the National Police in the field of environmental protection include the following: preventive activities; administrative supervision; interaction with government agencies and public environmental organizations, etc. Thus, we can say that the activities of environmental protection and environmental security are carried out by the police both directly and indirectly. As for the indirect method of environmental protection, they assist state (environmental) bodies in their implementation of environmental protection functions to ensure environmental safety (in particular in the event of natural disasters). An example of direct

participation in the field of environmental protection is the control by the police officer over the observance of the established rules of transportation of explosives. In conclusion, the role of law enforcement officers and other government agencies protecting the environment, in solving this problem is the clear and consistent implementation of such measures in each specific case in their activities and their implementation by all citizens.

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#### Анотація

*У тезах розглянуті проблеми екологічної сфери в Україні, основні форми їх подолання, а також види запобігання правопорушенням проти довкілля правоохоронними органами, їх повноваження щодо цього. Описано діяльність Національної поліції у сфері охорони довкілля. Також зацентовано увагу на тому, що виконання заходів для запобігання екологічних проблем важливе для виконання всіма громадянами України.*

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## INTERPOL AND ITS ROLE IN ENVIRONMENTAL PROTECTION

Enforcing environmental laws and regulations is an important ingredient in protecting the environment and reducing environmental harm. This is generally achieved by various environmental law enforcement agencies operating from a global to local level. For instance, some environmental law enforcement agencies operate only at an international level whereas others only operate at the local level. Furthermore, environmental law enforcement agencies utilise various enforcement methods to ensure compliance to environmental legislation. In some cases enforcement agencies rely on coercive powers to demand compliance to environmental laws, generally labelled 'command and control' strategies; others rely on conciliatory and educational strategies to persuade individuals, organisations and governments to comply with environmental laws and regulations.

The aim of this paper is to identify police services operating in environmental law enforcement from the global through to the local level. The role that police services play in the enforcement of environmental laws and regulations requires analysis and understanding if better enforcement policies are to be developed. However, before such analysis is possible there is a need to identify 'who does what' in the field of environmental law enforcement at an institutional level. Identifying the different levels of environmental law enforcement involves considering all police institutions from the international to the local level. The identification of environmental law enforcement institutions is also important in that many of the law enforcement institutions are increasingly cooperating at the international, regional, national, state and local levels.

The law enforcement organisations involved in enforcing environmental laws are varied and have many different operational principles dealing with and responding to environmental crimes. Specifically, law enforcement agencies can be divided into two main categories. The first is general law enforcement agencies or police services, and the second is specific environmental law enforcement agencies. General law enforcement agencies can be described as traditional law enforcers who mainly deal with conventional crimes such as street crime. Environmental law enforcement agencies are more specialised enforcers dealing mainly with environmental crimes.

Recent years have seen a proliferation of international, regional and national law enforcement organisations working together at an international level. One of the main international law enforcement institutions is the International Criminal Police Organization (Interpol), which in its present form was created in 1956. It is the largest international police organisation in the world with 181 member countries spread over five continents. Every member country has a local Interpol office called a National Central Bureau, which is staffed by police officers from the member country and which works to coordinate Interpol goals within their borders.

Interpol supplies national law enforcement services with information on international crimes committed in other member countries and has developed databases on persons, organisations and businesses of interest that may be involved in international criminal activities. However, environmental crime is a relatively new challenge for law enforcement agencies worldwide and although administrative/civil actions are often an effective response to environmental violations, criminal enforcement is also now seen as an essential factor in preventing and deterring environmental crime. Interpol has been actively involved in this area since 1993 when the first meeting on environmental crime was organised upon the request of some member countries. In particular, the two key areas of environmental law enforcement that Interpol is involved in are the illegal shipment of hazardous waste and the illegal trade in endangered species.

Interpol also works in cooperation with the United Nations Environmental Program (UNEP). This cooperation includes the UNEP providing resources for

implementation and compliance efforts, facilitating communication and data exchange through liaison with Secretariats to the Multilateral Environmental Agreements (MEA) and the World Customs Organization [1].

The way in which police and governments respond to incidents of environmental crime requires considerable cooperation by diverse police institutions to ensure that the environment is protected. The issue of police cooperation in combating environmental crime requires considerable research to understand how police services from different jurisdictions understand the legal systems of other police services that they may have to cooperate with. This is particularly relevant in combating not only environmental crime but also other international crimes such as terrorism. Given the international and trans-border nature of some environmental crimes, police services will have to become global in their outlooks towards their counterparts in other countries. Knowledge of and familiarity with the strategic and operational approaches taken by diverse enforcement bodies would also be useful in enhancing cooperation across jurisdictional boundaries.

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1. <https://www.interpol.int/>

### **Анотація**

*Метою цієї статті є визначення поліцейських служб, які діють у сфері охорони навколишнього середовища від глобального до місцевого рівня. Роль, яку відіграють поліцейські служби у забезпеченні виконання екологічних законів та нормативних актів, потребує аналізу та розуміння, якщо потрібно розробити кращу політику правозастосування. Однак, перш ніж зробити такий аналіз можливим, необхідно визначити «хто що робить» у сфері охорони навколишнього середовища на інституційному рівні. Визначення різних рівнів охорони навколишнього середовища передбачає розгляд усіх поліцейських установ від міжнародного до місцевого рівня.*

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## **POLLUTION OF ATMOSPHERIC AIR**

The earth is wrapped in an atmosphere that protects it from the ultraviolet rays of the sun. Due to the atmosphere, climate, oxygen and weather are formed on our planet. Without oxygen on the Earth's surface, no body will survive. Ecological science today is engaged in air pollution. The atmosphere of our planet suffers from

conventional emissions of harmful gases and heavy metals, due to this, climatic zones are violated.

The main reason for this is the regular emissions into the atmosphere of various chemicals. This is due to the natural phenomena and human activity. And the last plays in this huge role. Hydrocarbon fuel and its burning, in the process of power stations and internal combustion engines, and are the main causes of air pollution. Due to the activity of mankind, harmful gases, such as ozone, nitrogen oxides, sulfur oxides, carbon dioxide and dust are emitted into the atmosphere. Huge production enterprises, emit millions of tons of dust and particles into an external environment. Carbon dioxide is one of the sources of contamination, it is included in gases that have a greenhouse effect.

The criminal liability for atmospheric air pollution is provided by Article 241 of the Criminal Code of Ukraine, which indicates that pollution or other change in the natural properties of atmospheric air is harmful to living, human health or for environment, waste or other materials of industrial or other production due to Violation of special rules, if it created a danger to life, human health or environment, shall be punishable by a fine of one hundred to two hundred tax-free minimum incomes or restrictions for a term up to three years, with the deprivation of the right to embrace certain positions or engage in certain activities on that the timeframe or without such [1].

The generic object of this composition is public safety and public order. Environmental security is the support of such an environmental impact, in which negative factors do not harm the person and the environment itself and is one of the elements of security of society as a whole. Direct object of crime - relations in the field of environmental safety, protection and rational use of the atmosphere. The object of encroachment is the atmosphere. From the objective side, the crime is characterized by a violation of the rules of emissions into the atmosphere of pollutants or a violation of the operation of installations, structures and other objects. Violation of the emission rules into the atmosphere of pollutants is an output, leaked into the atmosphere of pollutants from the source of pollution in violation of the operating rules [4].

In violation of the rules of exploitation of installations, structures and other objects, there is a non-use of installed structures, equipment, apparatus intended for cleaning and monitoring emissions into the atmosphere, or exploiting such faulty objects when they do not ensure compliance with the emission standards of pollutants into the atmosphere [2, p. 241]. Typical violations of emission rules into the atmosphere of pollutants or rules of operation of installations, structures and other objects are exceeding the established standards of pollutant emissions into the atmosphere; exceeding the standards of physical influences; the emission of pollutants into the atmosphere without the permission of specially authorized to those state bodies; Anxious physical impact on the atmosphere without the

permission of such an authority, when it is necessary in accordance with the legislation of Ukraine.

Consequences of a crime - pollution or other change in the natural properties of air. Pollution is to flow into the air or the formation of pollutants in concentrations exceeding the hygienic and environmental standards of atmospheric air quality established by sanitary and environmental legislation [3]. Another change in the natural properties of air is generated by physical, chemical, biological, radiation with the change in the quality of atmospheric air as a result of the commission of the actions specified in the law, also exceeds the established standards of harmful impact on the environment [3].

To solve this problem in large cities, it is necessary to use filters for cleaning, non-waste production and playing industrial areas in large industrial enterprises. The influence of industrial enterprises on the state of the environment is neutralized by introducing treatment facilities. It has been spreading the installation of mechanisms of sawing [2, p. 247]. These devices reduce the number of toxic substances in industrial emissions, make the work of factories safer for the atmosphere. Air pollution in some cases prevents the scattering of poisonous elements. Smoke pipes are made high for air wrap around the structure, dilution of impurities.

From the state it is necessary to issue a number of laws that provide responsibility for air pollution. The creation of a special service, which in the commission will inspect industrial enterprises, will monitor the organization of cities.

Consequently, among the main priority criteria for preventing the crime of atmospheric air pollution are: 1) a contextual approach in the protection of atmospheric air, which should include organizational, environmental, political and legal measures; 2) increase in the cost of protection of atmospheric air; 3) the prohibition of any projects that harm the environment; 4) unconditional observance of established norms and standards; 5) activation of law enforcement agencies in this case, etc.

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## **Анотація**

*Атмосферне повітря є найважливішим життєзабезпечуючим природним середовищем і являє собою суміш газів і аерозолів приземного шару атмосфери, що склалася в ході еволюції Землі, діяльності людини і знаходиться за межами житлових, виробничих та інших приміщень. Результати екологічних досліджень, як в Україні, так і за кордоном, однозначно свідчать про те, що забруднення приземної атмосфери - найпотужніший, постійно діючий фактор впливу на людину, харчовий ланцюг і навколишнє середовище. Повітря, як природний ресурс являє собою загальнолюдське надбання. Сталість його складу (чистота) – найважливіша умова існування людства. Тому будь-які зміни складу розглядаються як забруднення атмосфери.*

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## **SOME ASPECTS OF US LAW ENFORCEMENT AGENCIES ACTIVITIES IN THE SPHERE OF ENVIRONMENTAL SAFETY**

The national security concept emerged in the USA after the World War II and was regarded primarily as the security of the borders of the state, as well as the integrity and inviolability of its sovereignty [1].

The public recognizes the severity of environmental crimes. More than a decade ago, a Bureau of Justice Statistics survey found that Americans believed environmental crimes to be more serious than a number of "traditional" crimes such as burglary or bank robbery [3].

A large role in identifying, the prevention and suppression of crimes in the sphere of ecology was assigned to law enforcement agencies. Formed Agency for environmental protection includes the division of criminal investigation, consisting of special Federal agents, who detect and investigate the most serious crimes in the field of environmental law violations. Each state also has its own departments of natural resources, which include police departments for the protection of the environment.

Enforcement is comprised of both proactive and reactive patrols in marked police vehicles. Environmental conservation police officers (ECOs) investigate complaints and documents their findings. When sufficient evidence is found, they prepare their case for a successful prosecution in court [2].

*Environmental quality enforcement:*

- investigating timber thefts;
- illegal water pollution;

– improper use or application of pesticides; etc.

Complimenting the uniformed staff is the Bureau of Environmental Crimes Investigation, who investigate significant environmental crimes including misdemeanors and felonies. Over the past 20 years environmental laws covering hazardous waste, toxic substances, and air and water pollution have become more complex and stringent

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### Анотація

*У процесі збільшення економічного потенціалу світу, нестабільного використання природних ресурсів, паралельно зі зростанням чисельності населення, постало питання про здатність навколишнього середовища підтримувати розвиток людського роду. У зв'язку з цим екологічні проблеми та проблеми безпеки навколишнього середовища в США розглядалися як загроза національному добробуту, а отже, невід'ємна частина національної безпеки. Досвід США у сфері забезпечення екологічної безпеки країни може бути корисним для України.*

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## ECONOMIC ASPECTS OF ENVIRONMENTAL CRIMES

Environmental crime – a phenomenon that manifests itself and is exacerbated in different countries of the world, has a truly global character and makes the attention of scientists and practitioners from many countries in the world to find ways to solve the above problems. In the second half of the XX – early XXI century, the state of the environment deteriorated significantly, reaching a level dangerous to life and health. And not only through the global integration of efforts of all countries of the world but also, according to Vernadskyi's noosphere doctrine, the integration of philosophical, legal, political, natural, and technical and economic knowledge. Therefore, it is necessary to move away from the outdated orientation

and to move on to a global constructive cooperation on the basis of recognition of the priority of universal values, to jointly find effective ways out of the deep crisis that mankind has fallen out of its own life activity [1, p. 279-280].

According to the UN Environment Programme report 2018, the monetary value of «environmental crimes» – logging, poaching, animal trafficking, illegal fishing, illegal mining, etc – is between US\$70 billion and US\$213 billion each year. If this upper figure is to be believed, then environmental crime is more valuable than estimated global official development assistance (US\$135 billion) and the global revenue from the drug trade (US\$200 billion) [2].

Beyond immediate impacts on the environment, the illegal trade in natural resources is depriving developing economies of billions of dollars in lost revenues just to stuff the pockets of criminals. Sustainable development, livelihoods, good governance and the rule of law are all being threatened, as significant sums of money are flowing to militias and terrorist groups.

However, in order to effectively combat environmental crime, especially the illegal trade in wildlife, fast-track measures must be implemented globally, taking into account the diverse socio-economic, legal and market dynamics across range, transit and consumer States.

Such measures will vary from strengthening law enforcement, building adequate human and financial capacity, raising public awareness, and fighting corruption, to supporting national legislation and the overriding need to curb demand for wildlife products that are illegally sourced or unsustainably harvested [3].

In addition to short-term measures, longer-term considerations need to be given to natural resource management and sustainable economic development, based upon sovereign priorities and choices. Implementing nationally and internationally-agreed biodiversity strategies and targets and other relevant existing commitments must be at the heart of such action.

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#### **Анотація**

*У тезах розглянуто соціально-економічні аспекти екологічної злочинності, її потенційний негативний вплив на економіку. На основі звітів*

*міжнародних організацій здійснено грошову оцінку екологічних злочинів, які включають лісозаготівлю, браконьєрство та торгівля тваринами, незаконний промисел, незаконний видобуток та скидання токсичних відходів у водойми на суму від 70 до 213 мільярдів доларів США щороку.*

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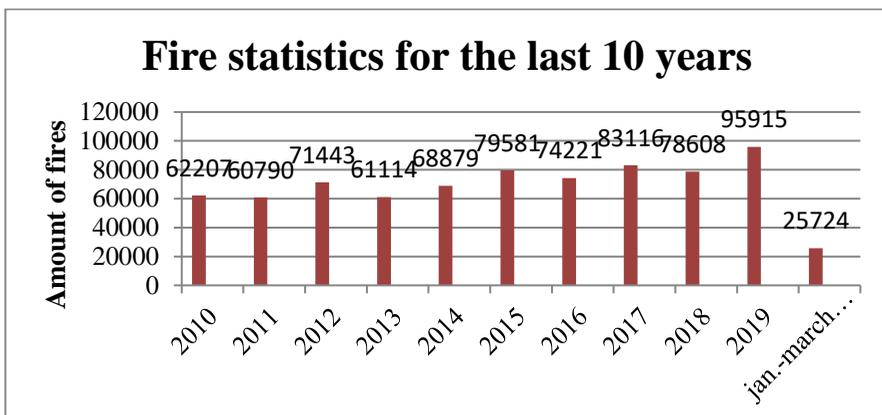
## **SPECIAL ISSUES OF LIABILITY FOR FOREST FIRE**

Today, forest fires and the responsibility for causing them are quite relevant due to the fact that the number of fires in Ukraine has increased significantly over the past few months. The consequences of forest fires cause great damage. This is not only the destruction of large amounts of valuable wood, animals and plants, but also the threat to human life and the deterioration of their health due to smoke. It is also air pollution. Forests are a very important component of the natural environment, so the responsibility for its destruction must be appropriate. But according to the unified state register of court decisions, not many cases of violations of forest fire safety requirements have been initiated during all this time, and the verdicts in these cases are only a warning or a minimum fine. The reason for such a small number of initiated cases is probably that it is not always possible to find the violator or that law enforcement agencies are not very conscientious in their powers, as well as imperfect legislation to prevent natural fires and non-compliance with regulations.

The purpose of this work is to identify ways to increase the effectiveness of measures to bring to justice for forest fires based on the analysis of legislation to strengthen liability for actions aimed at air pollution and destruction or damage to flora.

Many domestic scientists have paid attention in their works to forest fires, and among the factors influencing the occurrence of forest fires in Ukraine OO See, VG Gryban and T.B. Leko distinguish the following: population; agricultural arsons; expeditions; logging; sparks from vehicles; thunderstorms. Moreover, they note that in 90-97% of cases the culprits of the disaster are people.

Analyzing the fire registration cards for the last 10 years on the website of the Ukrainian Research Institute of Civil Defense "SES of Ukraine", you can see that Ukraine is constantly faced with fires throughout its territory. The largest number of fires falls on 2019 - 95,915, but at the same time, only for 3 months of 2020 in Ukraine already registered 25,724 fires. During the three months of 2020, 596 people died at the scene of the fire. Material losses from fires amounted to 2 billion 611 million 927 thousand UAH. (watch scheme. 1).



**Scheme. 1 Fire statistics**

Focusing on the fires that occurred in 2020, I would like to draw attention to the largest and those that caused the most damage - fires in the Zhytomyr region and in the exclusion zone.

Fires in the exclusion zone began on April 3, and in the following days, due to increased winds, the fire began to spread rapidly. The fire engulfed not only forests but also nearby villages. The extinguishing process was complicated by the increased radiation background. The impact of these fires was very quickly felt by Kyiv and Kyiv region, where heavy air pollution was recorded. The air quality index in those days according to the IQAir website was in the range of 350-380 AQI, which is marked as "dangerous". But the fires in the Zhytomyr region began on April 16. Many villagers had to be evacuated, and people lost their homes and farms. As a result of these fires, thousands of hectares of land and forests, plants, animals, and even entire villages were destroyed. The losses amount to tens of millions of hryvnias. The cause of these fires were burns of dry grass and strong winds, which very quickly spread the fire over large areas [2].

Due to these fires, the website of the President of Ukraine immediately published a petition №22 / 091868 to increase fines by 1000 times and increase the responsibility for burning dry grass, trees and other biological residues in Ukraine [3].

Therefore, on April 13, 2020, the President of Ukraine V. Zelensky signed the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine in order to preserve the environment (to strengthen responsibility for actions aimed at air pollution and destruction or damage of flora)" № 556-IX, which was adopted by the Verkhovna Rada of Ukraine at an extraordinary plenary session. The law signed by the President strengthens the responsibility for air pollution, destruction or damage of flora, violation of fire safety requirements in forests and unauthorized burning of

dry vegetation or its remains. This law amended the Criminal Code of Ukraine and the Code of Administrative Offenses of Ukraine, namely: increased fines for violating fire safety requirements in forests, destruction or damage to forests due to careless handling of fire (Article 77 of the Code of Administrative Offenses); for burning stubble, meadows, pastures, areas with natural vegetation or its remnants and fallen leaves (Article 77-1 of the Code of Administrative Offenses); for air pollution with substances or wastes harmful to life, human health or the environment (Article 241 of the Criminal Code); for the destruction or damage of forests, greenery around settlements, as well as dry wild grasses, vegetation or its remnants on agricultural land by fire (Article 245 of the Criminal Code) [4; 5; 6].

So now the fines are as follows:

- for violation of fire safety in forests for citizens - from 1530 to 4590 hryvnias (previously from 85 to 255 hryvnias). For officials - from 4590 to 15300 hryvnias (previously from 255 to 850 hryvnias);
- for destruction or damage of the forest by fire for citizens - from 4590 to 15300 hryvnias (previously from 255 to 850 hryvnias). For officials - from 10,710 to 30,600 hryvnias (previously from 595 to 1,020 hryvnias);
- the fine for burning a plant was increased 18 times - from UAH 91,800 to UAH 153,000 (previously it was from UAH 5,100 to UAH 8.5 thousand);
- the fine for air pollution has been increased 20 times - from UAH 30,600 to UAH 61,200 (previously it was from UAH 1,700 to UAH 3,400);
- the fine for unauthorized burning of vegetation or its remains previously ranged from 170 to 340 hryvnias for citizens and from 850 to 1,190 hryvnias for officials. Currently, these amounts range from 3060 to 6120 UAH and 15300 to 21420, respectively.
- the fine for setting fire to the grass of the nature reserve fund for citizens now ranges from 6,120 to 12,240 hryvnias (previously it was from 340 to 680 hryvnias). For officials - from 21,420 to 30,600 hryvnias (previously it was from 1,360 to 1,700 hryvnias).

As mentioned earlier, there have not been many cases of violations of forest fire safety requirements. And in those cases that have been initiated, the sentence is only a warning or a small fine. In order for people to stop setting fires by their own intentional or unintentional arson, it was necessary to simply increase the fines. It is necessary that people are really afraid to break the law, because they would know that they will be prosecuted and they will have to pay a huge amount, which is no longer 85-1700 hryvnias, as it was before the law, but varies from 1500 to 153000 hryvnias or they will be sentenced to 2 to 5 years in prison.

Therefore, in order to increase the effectiveness of prosecution measures, we consider it appropriate: first, law enforcement agencies should perform their duties more honestly and not ignore even the smallest arson, which is intentionally committed every day; secondly, it is necessary to increase the informational impact, to convey to the citizens themselves that their actions not only cause devastating

consequences for the environment, destroying flora and fauna, because some of which are even listed in the Red Book of Ukraine, but also violate the rights of other citizens to safe air and the environment.

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### Анотація

*У статті розглядаються лісові пожежі та відповідальність за їх спричинення. З метою підвищення результативності заходів із притягнення до відповідальності, вважається доцільним сумлінне виконувати своїх обов'язків правоохоронними органами та не ігнорування навіть найменших підпалів, які навмисно скоюються кожену добу. Приділяється увага про необхідність підвищення інформаційного впливу щодо донесення до самих громадян думку, що своїми діями вони не тільки завдають руйнівних наслідків для навколишнього середовища, знищуючи об'єкти рослинного світу та тварин, адже деякі з яких навіть занесені до Червоної книги України, а й порушують права інших громадян на безпечне повітря й навколишнє природне середовище.*

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## **ENVIRONMENTAL SAFETY IN UKRAINE**

The issue of environmental safety is becoming increasingly important today. All information platforms, such as the media, social networks and others, promote a responsible attitude towards the environment as a whole. During each trip to the grocery store, I notice how people are trying to use less and less plastic bags and more and more people meet with reusable fabric bags, which cannot help but please the eye. But what exactly is environmental safety?

According to Art. 50 of the Law of Ukraine "On Environmental Protection" ecological safety is a state of the environment when the prevention of deterioration of the ecological situation and human health is guaranteed [1, p. 50]. Turning to the statistical collection of the environment of Ukraine for 2018, we have the following results of household and similar waste management: 11857188.1 kg of waste was collected from all over Ukraine, 16729.5 kg of which was disposed and 206451.6 kg was incinerated. This is an incredible amount of household waste, and what's more unfortunate is that each of us has contributed our own percentage of garbage.

According to Article 9 of the Law of Ukraine on Environmental Protection, every citizen has the right for: 1) a safe environment for his life and health; 2) participation in the discussion of draft legislation, materials on the location, construction and reconstruction of facilities that may adversely affect the environment and make proposals to economic and government agencies, institutions and organizations on these issues; 3) participation in the development and implementation of measures for environmental protection, rational and integrated use of natural resources; 4) implementation of general and special use of natural resources 5) association in public environmental formations; 6) obtaining complete and reliable information about the state of the environment and its impact on public health in the prescribed manner; 7) participation in conducting ecological expertise; 8) receiving environmental education; 9) filing lawsuits against state bodies, enterprises, organizations and citizens for compensation for damage to his health and property due to negative impact on the environment. [1, p. 9].

Thus, we can conclude that the legislation of Ukraine establishes the rights of every citizen for the opportunity to join public organizations for environmental protection to anyone, but the desire of Ukrainians still need to be worked with and environmental responsibility must be implemented since junior school. Then the indifferent will be less and less every year!

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### **Анотація**

*В статті розглядається проблема охорони навколишнього середовища на законодавчому рівні. Особлива увага приділяється залученню громадян до участі у громадських організаціях з охорони екології.*

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## **LEGAL ISSUES OF INTERACTION OF LAW ENFORCEMENT AUTHORITIES WITH THE PUBLIC IN REGARD TO ENSURING THE ENVIRONMENTAL PROTECTION**

The success in the fight against environmental offenses largely depends on the proper organization of interaction (coordination of actions) of the public and law enforcement authorities, which are involved in it. This allows responding in a timely manner to the commission of offenses in the field of natural resources management, environmental protection, as well as identifying promptly those who have committed such offenses and bringing them to justice. Such interaction is carried out not spontaneously, but in accordance with the requirements of the legislation, which defines the rights and responsibilities of the relevant subjects, the forms of their interaction, measures to combat the environmental offenses, which they may commit. This legislation, as well as in general the issue of interaction of law enforcement authorities and the public in this field, has become in recent years the subject of special studies aimed at highlighting the legal and organizational problems of this interaction.

The environment protection activity of state bodies is an important element in ensuring the constitutional right of citizens to the environment, which is safe for life and health (Article 50 of the Constitution of Ukraine). But the citizens are not just observers of the state's solution of environmental problems and a party that passively expects positive environmental consequences of the implementation of state and local programs for environmental protection and the implementation of other environmental measures; they (citizens) are given the right to join the solving of the urgent problems of environmental protection that take place in the country and in its separate regions. The implementation of granted environmental rights by the citizens and public environmental organizations implies close contact and interaction

with state bodies. This allows the latter to hear the public opinion on a particular issue of environmental protection, environmental safety and to take it into account when making environmentally significant decisions, to get engaged (environmentally motivated) assistants in organizing the environmental activities. It allows the citizens and public environmental organizations to show the environmental initiatives to the authorized state bodies and, if necessary, to protect the public environmental interests in court.

The law enforcement authorities (courts, internal affairs bodies, state environmental service, etc.) occupy a special place among the state bodies with which the individual citizens and their public associations should interact. Their activities are aimed at ensuring law and order in the field of environmental protection, ensuring of environmental safety, natural resources management (including protection of environmental rights and interests of citizens and society, prevention and stopping of environmental offenses, application of state enforcement to the persons who have violated legal environmental requirements and rules). An important direction of such cooperation is the control over compliance with the requirements of legislation on environmental protection by the subjects of environmental relations. Such control lays the foundation for full consideration of the interests of society and the state in the formation and implementation of environmental policy at the state and local levels. It (the control in this field), in particular, creates conditions for the prevention of the implementation of economic projects that are environmentally hazardous; stopping such activities if they are carried out in violation of environmental regulations and cause damage to the environment; maintaining the rule of law in the field of natural resources management. It is important that the environmental control, in which the public participates, allows not only to identify deviations from environmental requirements of legislation in making management decisions on economic and social development, but also to promptly challenge them, to raise the issue of bringing the offenders to responsibility.

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#### **Анотація**

*Ефективність взаємодії громадян, їх об'єднань із правоохоронними органами з питань охорони довкілля безпосередньо залежить від чіткості та повноти законодавчого забезпечення природоохоронних повноважень цих суб'єктів. Оцінюючи з цієї точки зору законодавство, можна констатувати наявність у ньому прогалів та окремих недоліків, які слід усунути.*

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### **LEGAL BASIS OF THE ORGANIZATION OF ENVIRONMENTAL SAFETY IN TRANSPORT**

Ecological security is one of the parts of Ukraine's national security, the process of which is the management of the national security system, in which state and public, as well as foreign institutions ensure ecological balance and protection of the environment. Today, due to the intensive development and urbanization of Ukraine, one of the important problems is air pollution in large cities.

Issues of environmental safety in transport are covered by such scientists as: MV Krasnova and RS Kirina from the point of view of national, regional ecological safety, ecological safety at the enterprise in the scientific works and other scientists of various branches [1]. But one of the problems of Ukraine's national environmental security is the provision of a perfect regulatory framework for the organization of environmental safety in transport, which has not received much attention.

The aim of the work is to draw attention to the problems of administrative management in a particular area in order to find optimal ways to solve the most important problems of the industry, possible changes in legislation to reduce the number of violations.

According to Art. 50 of the Law of Ukraine "On Environmental Protection" environmental safety is a status of the environment in which the prevention of

deterioration of the environmental situation and the emergence of danger to human health [2].

Article 50 of the Constitution of Ukraine defines that "Everyone has the right to a safe environment for life and health and to compensation for damage caused by violation of this right...", but at the same time obliges citizens not to harm nature (Article 66) [3]. The question of the legal basis for the organization of environmental safety in transport is considered below and it is determined what leads to mass violations of legislation in this area.

The main air pollutants in cities are cars. In 1993, the Euro Standards were first introduced by the United Nations Economic Commission for Europe (UNECE), now there are 6 generations of this standard, in the EU, by the way, the last one is "Euro-6". From January 1, 2016, Ukraine requires Euro-5 for all cars imported from abroad. This effectively imposes a total ban on the import of cars manufactured before 2008/2009 (or mandatory conversion of the engine to the current eco-standard), as the actual environmental standard Euro-5 in the EU and the US came into force in 2009, and accordingly, automakers began production of cars from Euro-5 after 2009. But Ukrainians continue to find loopholes in the law and register cars of lower standards. Therefore, we consider it appropriate to toughen the legislation for the above violations by introducing new fines with their further targeted use to improve the environment and in case of recidivism - confiscation of cars.

The second component of this problem is the insufficient promotion of electric cars in Ukraine due to their price, the inconvenience of infrastructure. These issues can be solved by actively advertising them in the media, developing new available programs to support buyers of electric vehicles.

The third component is the prices and quality of fuel, because the car of the Euro-5 standard needs high-quality and compliant fuel, or we simply will not get the desired effect. We propose to solve this problem by encouraging new investments in Ukraine for the development of Ukraine's oil production and refining industry, which, by the way, will reduce fuel prices and create new jobs, as well as allow Ukraine to become an independent and competitive player in the European fuel market.

After examining a significant amount of materials in the field of ensuring the legal basis for the organization of environmental safety in transport, the following was identified:

- firstly, national legislation does not create favorable conditions for the further development of the industry and needs to be improved in the area of responsibility for its violation. At the same time, these changes should oblige the parties to public relations that arise in a particular area to comply with environmental standards and legislation for sustainable economic development;

- secondly, an important measure will be the development of a national culture of environmental protection in a particular area - the protection of air and

water resources through the promotion of this in the media and educational institutions.

However, during the study, there was a tendency to improve the situation in the chosen field - the issuance of government loans for the purchase of electric transport, improving infrastructure. The proposed measures can improve the situation with pollution through vehicles in the near future and lead to it optimally favorable for the development of other industries, the economy as a whole and significantly improve the environment, which will positively affect the gene pool of the Ukrainian nation.

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### **Анотація**

*У роботі відзначено тенденцію до покращення ситуації в обраній сфері – видача державних кредитів на придбання електричного транспорту, покращення інфраструктури. Запропоновані заходи можуть покращити ситуацію із забрудненням через транспортні засоби вже найближчому майбутньому й доведуть її до оптимально сприятливої для розвитку інших галузей, економіки в цілому і значного покращення стану навколишнього природного середовища, що позитивно відобразиться на генофонді української нації.*

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## **STRATEGIC DIRECTIONS FOR ENSURING ENVIRONMENTAL SECURITY**

Problems of ecological safety and rational use of natural resources are inextricably linked with and conditioned by the socio-economic development of society, are associated with issues of health protection, creation of favorable conditions for life and natural reproduction of the population in the present and future generations.

The concept of environmental security is a system of views, goals, principles and priorities, as well as the actions based on them of political, economic, legal, administrative, scientific, technical, sanitary and epidemiological and educational nature, aimed at creating a safe and favorable environment for present and future generations of the population.

Environmental security is part of the system of state security, the priority elements of which are constitutional, defense, economic, political, food, information security, etc.

The system of environmental safety has a multilevel nature - from the source of environmental impact to the national, from the enterprise, the municipality, the subject of the Federation to the country in the planetary aspect.

The main goal of environmental security is to achieve sustainable development with the creation of a favorable environment and comfortable conditions for life and reproduction of the population, the protection of natural resources and biodiversity, the prevention of man-made accidents and disasters.

Achievement of this goal requires a comprehensive, systematic and targeted solution of the following tasks:

- Improvement of tools for implementation of environmental policy: legislative, administrative, educational, technical, technological;

- Reducing and achieving safe levels of anthropogenic pressures on people and the environment in areas (zones) with a particularly unfavorable environmental situation;

- Creation and effective functioning of the environmental safety management system and environmental protection of the city;

- Meeting needs of the population in drinking water, quality food products at the expense of local resources. In the author's opinion, environmental security, especially its elements such as water security, food security assumes the satisfaction of needs, considering this phenomenon in the historical aspect, conditioned by

genetic conditions, circumstances. This is considered in more detail in the theoretical section of the work.

- Ensuring the maintenance of the quality of recreational facilities, safe collection, transportation, storage, processing and disposal of domestic and industrial wastes;

- Creation of a system of prevention and protection of population in case of emergency and extraordinary environmental situations (natural, anthropogenic);

- Step-by-step ecologization of production, introduction of environmentally safe technologies;

The main objects of environmental security are a person (personality) with his right to a healthy and livable environment; society with its material and spiritual values, depending on the environmental condition of the city; a favorable ecosystem of the city as the basis of sustainable development of society and the well-being of future generations.

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### **Анотація**

*У новому тисячолітті збереження екологічної збалансованості, раціональне використання природних ресурсів, захист води, ґрунту та повітря від забруднення стали загальною проблемою.*

*Екологічна безпека як ключовий фактор забезпечення сталого розвитку є невід'ємною частиною концепції національної безпеки. Завдяки своїй структурі та національним пріоритетам екологічна безпека включена до стратегії національної безпеки багатьох країн.*

## **ENSURING THE ENVIRONMENTAL SAFETY AND COMBATING THE OFFENSES IN THE ENVIRONMENTAL FIELD**

The realities of the modern world show that one of the important factors that determines the process of forming a developed rule-of-law state and the development of modern society is the ensuring of the proper state of the environmental protection.

The Basic Law enshrines the right of everyone to the environment, which is safe for life and health, and therefore it undertakes to ensure this right, while using all available mechanisms for the ensuring of environmental safety. Given that the protection of environmental human rights by the state is one of the tasks of environmental security, and the environmental security is a component of national security, it can be stated that the violation of environmental human rights is a threat to the national security. Given that one of the main threats to Ukraine's environment is the increase of industrial waste production, it is necessary to respond quickly to the environmental challenges, and the state must act as a regulator. In order to achieve that, Ukraine has a whole system of public authorities that carry out administrative and legal regulation in the field of industrial waste management using control and supervision measures.

According to the National State Statistical Survey in 2019 in Ukraine the total amount of waste, which was generated from economic activities (including various industries: agriculture, mining, construction, energy, etc.), i.e. industrial waste, amounted to 441.5 million tons, which is 98.4% of the total waste generation in Ukraine.

It is difficult to argue that in the modern legal system, administrative and legal regulation is the most effective mechanism for ensuring of the safest level of industrial waste management. Despite this, the definition of “industrial waste” remains largely unnoticed by both administrative scientists and legislators. And the level of administrative and legal support for the waste management, given the statistics on the number of its generation, is also far from the ideal.

The study and analysis of the application of Articles 80 and 81 of the Code of Administrative Offenses of Ukraine (in terms of exceeding of the standards for content of pollutants in the exhaust gases of vehicles) by the National Police units shows that these standards are not currently applied in practice due to the lack of certified detectors for measurement of exceeding of standards for the content of pollutants in the exhaust gases of vehicles, which allows the owners of motor

vehicles and other mobile vehicles to poison the environment and adversely affect the health of the population .

Thus, to sum up the foregoing, we can say that environmental protection requires further research to ensure a comprehensive approach to the solving of this problem.

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#### **Анотація**

*Загрозою національної безпеки держави є порушення екологічних прав. Держава покладає на себе обов'язок забезпечити кожному громадянину безпечно для життя і здоров'я навколишнє природне середовище. Основною загрозою є збільшення виробництва промислових відходів, та перевищення нормативів вмісту забруднюючих речовин у відпрацьованих газах транспортних засобів. Забезпечення охорони навколишнього природного середовища потребує подальшого наукового дослідження.*

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### **ENSURING ENVIROMENTAL SAFETY AND COMBATING ENVIROMENTAL OFFENSES**

Nowadays there are a great number of various environmental offenses in Ukraine. Among them: deforestation, water and air pollution, illegal mining etc. Especially it feels in large industrial cities. For example, you can face a serious problem of air pollution in my native city Krivyi Rih.

There is a special legislation to regulate similar delinquencies. It consist of several legal documents, such as: Land Code of Ukraine, Law of Ukraine "On

Environmental Protection", Law of Ukraine "On Atmospheric Air Protection", Law of Ukraine "On Nature Reserve Fund", Law of Ukraine "On Ecological Network", Law of Ukraine "On Environmental Impact Assessment", Law of Ukraine "On Strategic Environmental Assessment". This legislation also contains a few resolutions of the Cabinet of Ministers and orders of the Ministry of Environmental Protection of Ukraine.

In our country reforms in different branches of the legislation are constantly carried out. This applies to environmental security too. For example, in the summer of 2021 the specialized environmental prosecutor's office was established.

The Specialized Environmental Prosecutor's Office is an independent structural subdivision of the General Prosecutor's Office. The main task of this structure is organization and procedural management of pre-trial investigation, resolution of other issues in accordance with the law during criminal proceedings and maintenance of public prosecution in criminal proceedings on criminal offenses in the field of environmental protection. I believe that this department will be able to reduce environmental crimes.

Ukraine cooperates with international organizations in the field of environmental protection. The UN as the most important source of international environmental law plays the main role in this area. Ukraine is a party to more than 40 global and regional environmental conventions and agreements. The cooperation of the Ukrainian side with the UN Forum on Forests and the UN Commission on Sustainable Development is developing quite dynamically. Ukraine cooperates with the United Nations Environment Program (UNEP) in the framework of the tripartite initiative on environment and security of UNEP, UNDP and the Organization for Security and Cooperation in Europe - OSCE.

Therefore, as we can see, Ukraine is taking steps to ensure environmental security and combat environmental crime. Reforms are being carried out in this area, new specialized units are being created and relevant legislation is being adopted. I really hope that in the future we will overcome all the difficulties and can save the environment for future generations.

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### **Анотація**

*У тезах розглядаються види злочинів у сфері навколишнього середовища. Наголошується на необхідності дотриманні законодавства з охорони довкілля. Автор пропонує організаційні та процедурні зміни до існуючого законодавства для боротьби зі злочинами проти навколишнього середовища. Розкривається важливість співпраці з міжнародними організаціями в рамках забезпечення охорони оточуючого середовища в Україні.*

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### **WAYS OF SECURITY AND FEATURES OF THE STATE ENVIRONMENTAL SAFETY**

Today, Ukraine's national security is increasingly threatened by situations that have arisen as a result of neglecting the laws of nature. Therefore, the issue of environmental safety is becoming relevant.

Environmental security as a component of national security is a prerequisite for sustainable development and is the basis for the preservation of natural systems and maintaining the appropriate quality of the environment.

The causes of environmental problems in Ukraine are:

- subordination of environmental priorities to economic feasibility;
- physical and moral depreciation of fixed assets in all sectors of the national economy;
- inefficient system of public administration in the field of environmental protection and regulation of the use of natural resources;
- low level of understanding in society of the priorities of environmental protection and the benefits of balanced (sustainable) development, the imperfection of the system of environmental education and training;
- unsatisfactory level of compliance with environmental legislation and environmental rights and responsibilities of citizens;
- unsatisfactory control over compliance with environmental legislation and failure to ensure the inevitability of liability for its violation;
- insufficient funding from state and local budgets for environmental measures, funding for such measures on a residual basis [3].

The current state of the ecological situation in the country is caused by ill-considered state policy, which becomes especially dangerous for future generations, further development of the state and contradicts the principles of sustainable development. Under such conditions, there is a need for purposeful actions of the

state aimed at protecting and restoring the environment. This has led to a combination of indifferent concepts about each other, such as politics and ecology. A new direction of public administration has emerged - the state's environmental policy, which aims to ensure environmental protection, develop programs that would ensure the efficient use of natural resources and minimize the environmental impact of production [1].

Components of environmental policy in a democratic society are [2]:

1) proper and effective system of public administration in the field of protection, inexhaustible use and reproduction of natural resources;

2) proper state and public supervision over compliance with current environmental legislation and international environmental obligations of the country;

3) relevant information policy on the environment;

4) the appropriate level of environmental expertise of environmentally hazardous projects;

5) an adequate system of state decision-making on environmental issues, which would provide for mandatory public involvement;

6) proper system of responsibility of the government, specific officials and citizens for violation of the principles of balanced development, norms and provisions of environmental legislation;

7) proper educational activities.

The state's focus on ensuring environmental security at the national and international levels should be based on the following principles:

- supremacy of human and civil rights in the field of environmental security;
- determination of the area of strategic interests of the state in the field of environmental security;
- mandatory creation and maintenance of the national system of ecological safety (state and regional level).

Ensuring environmental security and maintaining ecological balance is the responsibility of every state. Citizens of any country in the world have the right to a safe life and health and to compensation for damage caused by the violation of this right. The state must always guarantee an environmentally safe environment. Accordingly, the main directions of state policy in the field of environmental protection, use of natural resources and environmental security should be developed.

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#### **Анотація**

*Розкрито поняття екологічної безпеки, висвітлено найпоширеніші екологічні проблеми в Україні. Також виокремлено складові екологічної політики в демократичному суспільстві та зазначено принципи на основі яких забезпечується екологічна безпека на національному рівні.*

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### **ENSURING ENVIRONMENTAL SAFETY UNDER THE CONDITIONS OF POTENTIAL AND ACTUAL DISASTERS**

In Ukraine, as in all civilized countries, the priority national interest is to ensure environmental safety in the face of potential and actual natural disasters, accidents and catastrophes.

The objects of ecological safety are the environment and citizens (their life and health). A man is not only a subject of relations for environmental security, but also an object that has a negative impact on himself and needs legal protection.

The subjects of legal relations in the field of environmental security are the state (represented by the competent authorities), legal entities, citizens of Ukraine, as well as foreign citizens and foreign legal entities and stateless persons.

The state, acting as a guarantor of life and health of citizens from harmful effects, in the normative order determines the List of activities and facilities that pose an increased environmental risk. Knowledge of environmentally hazardous activities and facilities contributes to the development of optimal measures to ensure environmental safety.

Legal, economic, social and organizational bases of activity connected with objects of increased danger and directed on protection of environment, life and health of people from harmful influence of accidents on these objects by prevention of their occurrence, restriction (localization) of development and liquidation of consequences, are defined in the Law of Ukraine of January 18, 2001 “About objects of the increased danger”.

In recent years, European countries have paid maximum attention to environmental protection, sustainable development of countries and regions, protection of the interests of future generations. One of the main principles of Ukraine's domestic and foreign policy is to ensure environmentally and man-made

safe living conditions of citizens and society, rational use of natural resources and protection of the environment from excessive pollution. Environmental policy aims to address and prevent existing environmental problems that may have negative environmental, social and economic consequences. The main environmental problems of Ukraine today are: air pollution, water use problems, climate change, soil degradation and pollution, waste generation and storage, over-exploitation, conservation of biodiversity and landscapes.

At the national level, our state plays a leading role in the security system, and defines environmental protection as one of the key provisions of Ukrainian national security policy. It creates an extensive legal framework and executive bodies, maintains law enforcement agencies at the level necessary to perform their tasks, creates a system to prevent the negative effects of environmental and man-made disasters, ensures economic development, political and social stability, opposition parties and independent experts in the activities of relevant state structures that ensure security and sustainability of society in Ukraine.

The main external threats to Ukraine's environmental security include, in particular, the greenhouse effect, global warming, and internal threats include natural and man-made emergencies. One of the sources of internal and external threats is the unresolved problem of waste accumulation and unauthorized landfills. In the conditions of complete ecological uncertainty in which Ukraine finds itself, namely in the conditions of non-observance of human rights to ecological safety and safe environment guaranteed by the Constitution of Ukraine, it is necessary to create an updated base for making an effective system of ecological safety. Overcoming the existing new environmental threats and improving the system of public administration in this area is an important task of our state.

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### **Анотація**

*В нашому дослідженні мова йде про забезпечення екологічної безпеки в умовах потенціальних і реальних стихійних лих, аварій і катастроф. Ми визначаємо об'єкти екологічної безпеки та суб'єкти правовідносин у сфері*

*екологічної безпеки, а також говоримо про перелік видів діяльності і об'єкти, що являють підвищену екологічну небезпеку. Ми приходимо до висновків, що в умовах недотримання прав людини на екологічну безпеку та безпечне довкілля, гарантовані Конституцією України, необхідним є створення оновленої бази для створення ефективної системи екологічної безпеки, що має стати пріоритетом напрямом юридичної науки.*

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## **ENVIRONMENTAL SAFETY AND COUNTERING OFFENSES IN THE FIELD OF ENVIRONMENTAL PROTECTION**

Man is not only the highest creation of nature from a biological point of view, but also a very socialized creature from the perspective of his behavior [1, p. 51]. Social behavior, in turn, contributes to the formation of consciousness, psyche, justifies the behavior and inner attitude of man to his natural environment. The forms of deviant and socially dangerous behavior began to appear in the course of the development of human society, technological progress and scientific thought. The social relations, which arise in regard to the protection of the environment and rational use of natural resources, become the object of criminal encroachment more often.

In recent decades, the environmental protection issues have become a priority in most economically developed countries.

The need to ensure the environmental safety derives from the Constitution of Ukraine, which enshrines the right of everyone to a favorable environment, truthful information about its condition, compensation for damage caused to one's health or property by environmental offenses [2].

The environmental criminality is a complex set of environmental crimes. We understand these crimes as socially dangerous, illegal, damaging to the environment and human health, acts prohibited and punishable by law; acts, which interfere with public relations on protection of the environment and the rational use of natural resources, including ensuring the environmental safety of the individual, population, society, nation and sustainable development of the state [3, p. 755]. The violation of the legislation of Ukraine on environmental protection entails disciplinary, administrative, civil and criminal liability established by Law No. 1264 and other legislation of Ukraine [4].

In our opinion, the organizational and legal status of bodies in the field of waste management should be developed within the framework of the concept proposed by Yu.S. Shemshuchenko in the study "Public Administration of

Environmental Protection in the Union Republic". The scientist proposes the model of public administration system in the field of environmental protection that is based on the qualitatively following principles of public environmental management:

- functioning of public administration on the exceptionally legal basis in accordance with the law, and not on the basis of and in accordance with departmental acts (instructions for use, orders, etc.);

- responsibility not only of citizens to the state, but also of the state to citizens;

- destruction of old psychological patterns of consumer attitude to nature and the formation of a pattern of caring attitude to nature [5].

Based on all the above, we can conclude that the development of an effective mechanism to combat the environmental crimes and offenses requires comprehensive research, study of public policy in the field of ecology and nature management, as well as in the field of law enforcement and other issues. These problems must be solved with consideration to public relations, the achievements of sciences of environmental, criminal, administrative and other branches of law. The most important task of combating the environmental crime is to increase the environmental legal awareness of society for the functioning of the system "man-nature-society".

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#### **Анотація**

*Дані проблеми повинні вирішуватися з урахуванням громадських відносин, досягнень наук екологічного, кримінального, адміністративного та інших галузей права. Найважливішим завданням протидії екологічної злочинності є підвищення екологічної правосвідомості суспільства для функціонування системи «людина-природа-суспільство».*

## **SOME PROBLEMATIC ISSUES OF THE LEGAL MECHANISM FOR ENSURING ENVIRONMENTAL SECURITY IN UKRAINE**

Analyzing the legislative activity of most countries of the world community, one can notice a tendency of increasing interest in the field of environmental protection, ensuring sustainable development of both the country as a whole and regions, taking into account the needs of future generations.

Ukraine in this case is not an exception. In the current conditions of the country's development, among its priority tasks can be identified the creation of environmentally and technogenically safe conditions for the life of citizens and society, as well as the preservation and restoration of the environment. Given the importance of a clean environment to support a sustainable gene pool of the country, the protection and restoration of the environment have become a task of paramount importance for Ukraine. Therefore, the relevance of our chosen topic is due to the urgent needs of society in the study of issues of legal provision of environmental security of Ukraine.

First of all, it is important to identify a number of environmental problems in Ukraine, which just define the need for state environmental policy and its further directions. Thus, such problems can include: air quality pollution, climate change, the need to protect water, land and soil, forests due to their unsustainable use, environmental problems in the Donbass due to the large accumulation of environmentally dangerous enterprises, the lack of measures to prevent the formation of a significant amount of waste, etc. [1].

It is also necessary to define the concept of the legal mechanism of environmental preservation. So, it is understood as a complex of interrelated state-legal measures aimed at achieving environmental security by regulating and controlling the activities of the subjects of environmental legal relations through environmental legal norms [2].

Section XI of the Law of Ukraine "On Environmental Protection" is devoted to a detailed consideration of measures to ensure environmental safety [3].

Thus, according to article 51, enterprises, institutions and organizations, whose activities are related to the harmful effects on the environment, regardless of the time of their commissioning must be equipped with facilities, equipment and devices for cleaning emissions and discharges or their decontamination, reducing the impact of harmful factors, as well as devices for monitoring the amount and composition of pollutants and the characteristics of harmful factors.

However the Professional Association of Ecologists of Ukraine again noted that the current system of environmental management at the enterprises does not contribute to compliance with environmental legislation at the enterprise, cannot realize the goals set by the Law of Ukraine "On the Basic Principles (Strategy) of State Environmental Policy of Ukraine for the period up to 2030" and solve the primary environmental problems that do not meet international standards of environmental management system at the enterprises.

In order to introduce an ecosystem approach in the sectoral production and to improve the PAEU integrated environmental management system, the Draft Law of Ukraine "On Amendments to the Law of Ukraine "On Environmental Protection" to establish an environmental protection service" was proposed.

The draft law proposes to set up an environmental protection service as part of business entities that are medium and large businesses and carry out planned activities subject to environmental impact assessment and environmental protection service functions by persons with environmental education or engaging outside specialists on a contractual basis who carry out economic activities in the field of natural and technical sciences as part of the

These changes will:

- improve the environmental soundness and efficiency of business entities, improve the environmental performance of products, establish compliance of environmental audit objects with the requirements of environmental legislation and improve the environmental management system of business entities engaged in planned activities that are subject to environmental impact assessment;
- introduce continuous environmental education;
- provide transition to system of prevention of offenses and monitoring of a condition of the environment, construction of the effective system of management of environmental protection at the enterprises taking into account the best practices of the organization of functioning of similar institutions in the countries - members of the European Union [4].

Thus, summarizing, we can conclude that the existing legal mechanism to ensure environmental security is outdated and has a number of significant shortcomings that require immediate legislative regulation.

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#### **Анотація**

*Дану роботу присвячено дослідженню деяких проблематичних питань забезпечення екологічної безпеки України. Особливу увагу було приділено необхідності змін до чинного закону «Про охорону навколишнього середовища», що передбачаються створення служби охорони довкілля у складі суб'єктів господарювання. Враховуючи дані зміни, нами було проаналізовано можливі наслідки, дослідження яких мали переважно позитивний характер. Наприкінці роботи ми дійшли висновку, що нормативна база, що регулює питання екологічної безпеки потребує реформування.*

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### **INTERACTION OF LAW ENFORCEMENT AND STATE BODIES IN THE FIELD OF ENVIRONMENTAL SAFETY AND LIFE OF CITIZENS**

Issues of environmental security and a clean environment in the 21st century are now not only for environmental organizations such as Greenpeace or forums such as the Chernobyl Forum, but also for living organizations, which has become an important mission for international organizations, states, Greens and local levels from administrations to local self-government.

Ecology in most countries is not the least important in the field of legislation, many criminal codes provide penalties for violating environmental safety standards, from chewing gum on the road (Singapore) to oil spills in the ocean or accidents at nuclear power plants. Situations are very different, and it is important to assess the severity of a situation. The accident at the Chernobyl nuclear power plant during the Soviet era was due to violations of operating standards combined with the self-confidence of the plant's management can not be attributed to the accident at the Fukushima nuclear power plant (Japan), because there was an irresistible force of nature.

The main difference between these two undoubtedly terrible catastrophes is that due to the prompt action of officials and the right actions of the state leadership significantly has reduced the number of dead and eliminated the accident in time, which unfortunately can not be said about the Chernobyl disaster. The silence of the

truth, inefficiency, violation of many norms of environmental safety, and law enforcement and fire authorities at that time did not know what they faced and how to overcome the so-called "Peaceful" atom at large. However, the experience of Chernobyl, together with its undoubtedly catastrophic consequences, became the sad example, the precedent. People began to think that ecology is a weak link between life and death. Life with radiation, without trees, clean water, fertile lands and animals suffering from mistakes and offenses for the benefit of the planet, if you ignore environmental standards, each of which was written from the sad experience of disasters, accidents and other examples of human self-confidence. Ukraine should no longer have such a tough experience, it is better to cooperate with other states and international organizations in order to obtain data for this experience, but we should cooperate in the field of counteraction to such events.

One of the main reasons for inadequate environmental security is the legal uncertainty of the forms of interaction between the National Police of Ukraine and other law enforcement agencies, including units of the State Emergency Service of Ukraine and public institutions, including local governments. In this case, it is useful to study the positive foreign experience of police cooperation with government and non-government institutions in the field of environmental security. It should be noted that the development of a general strategy for action at the national level is inextricably linked with its direct implementation at the regional level [1; C.100].

A suggested solution to this problem includes the creation of a model "local government environmental code" which would provide the necessary guidance for municipalities in directing enforcement and levying sanctions for violations. Ample precedent exists for the use of the model code, especially in criminal law and environmental law areas. This approach has the advantage of integrating the experiences of many local municipalities in attacking the four problem areas discussed above. A model code would also provide the necessary background for each municipality's own definition of special problem areas and for setting realistic sanctions. Given this, local law enforcement agencies should be able to secure large improvements in environmental quality [2; C.364].

The best conclusion from the experience we have gained, it is better to work preventively and effectively without catastrophes, of course it is impossible to predict all environmentally dangerous situations, but if the field receives its legislation with certain specifics only for it — the state gets leverage it is much easier for the authorities to carry out their work. It will be better in Ukraine for one normative legal act to be more than our employees will be in a situation similar to Chernobyl, because regulation starts with less, so that we are ready for more.

### **Література:**

1. Як покращити організаційно-правові засади взаємодії правоохоронних органів з громадськими інституціями в сфері забезпечення екологічної безпеки в Україні? Ірина Дмитрівна Казанчук [Електронний

ресурс] URL:[https://www.google.com/url?q=https://library.pp-ss.pro/index.php/ndippsn\\_20191210/article/download/kazanchuk/pdf/249&sa=D&source=docs&ust=1644440860452121&usg=AOvVaw1DYOC4KWpv4IyyQoqPMWys](https://www.google.com/url?q=https://library.pp-ss.pro/index.php/ndippsn_20191210/article/download/kazanchuk/pdf/249&sa=D&source=docs&ust=1644440860452121&usg=AOvVaw1DYOC4KWpv4IyyQoqPMWys) (date of application:09.02.2022)

2. Expanding the Role of Local Police in Environmental Protection. James E. Panton; John C. Meyer, Jr [Electronic resource] URL:<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1991&context=ealr> (date of application:09.02.2022)

### **Анотація**

*Публікація актуалізує питання особливої уваги до збереження екології України та життя її громадян з боку правоохоронців. Адже, із наслідками екологічних катастроф завжди першими з представників влади стикаються правоохоронці й від їх дій напяму залежить життя громадян. В роботі окреслені основні проблеми з якими органи влади стикаються у вирішенні екологічних проблем та превентивної діяльності під час екологічних катастроф.*

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## **CURRENT ENVIRONMENTAL SITUATION IN UKRAINE**

The current environmental situation in Ukraine can be described as a crisis, due to the fact that there were structural deformations of the national economy, in which preference was given to the most environmentally hazardous industries, raw materials and mining. Ukraine's economy is characterized by a high share of resource-intensive and energy-intensive technologies, implementation and building of which were carried out in the cheapest way – without construction of appropriate treatment facilities. It was possible for lack of effective legal, administrative and economic mechanisms of nature management and without taking into account the requirements of environmental protection.

The main reasons that led to the environmental threatening situation is the outdated production technology and equipment; high energy and material consumption exceeding two to three times the corresponding indicators of developed countries; a high level of concentration of industrial facilities; unfavourable structure of industrial production with a high concentration of environmentally hazardous industries; appropriate environmental protection systems (treatment plants, circulating water supply systems, etc.); low level use of used environmental

facilities; and more important, proper legal and economic mechanisms, which would stimulate the development of environmentally friendly technologies and environmental systems.

These and other factors, in particular, the low level of environmental consciousness of society, led to significant environmental degradation of Ukraine, excessive pollution of surface and groundwater, atmospheric air and land, the accumulation of very large quantities of harmful, including highly toxic, waste production. Such processes have lasted for decades and have led to a sharp deterioration in human health, reduced fertility and increased mortality, which threatens extinction and biological and genetic degradation of the people of Ukraine.

Responsibility in environmental law is an important component of the legal provision of environmental management, restoration of environmental facilities and environmental protection, which aims to punish perpetrators, stop and prevent violations of legislation in the field of nature and environmental protection, as well as restoration of violated rights of owners of natural resources and nature users, etc.

Violation of the legislation of Ukraine on environmental protection entails disciplinary, administrative, civil and criminal liability. The most common is administrative liability for violations of environmental legislation. The basis for its application is more than two hundred administrative environmental offenses, various types of which are provided by the Code of Ukraine on Administrative Offenses.

It is also important to keep in mind that the application of disciplinary, administrative or criminal measures does not release the perpetrators from compensation for damage caused by environmental pollution and deterioration of the quality of natural resources. Illegally harvested resources and products made from them are subject to free confiscation, and instruments of crime are confiscated.

It should be noted that according to the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Implementation of the Convention on the Conservation of European Wildlife and Natural Habitats”, in 2017 the responsibility for certain types of environmental offenses - is fivefold, which is reflected in Art. 71, 73, 77, 87, 88, 88-1, 90 of the Code of Ukraine on Administrative Offenses.

In order to prevent and detect such offenses, the National Police together with the State Agency of Forest Resources of Ukraine organized a number of preventive measures. In particular, in 2020, mobile raid teams were established, and they conducted more than 40,000 raids to prevent illegal logging. In addition, during the migration of sturgeon to natural spawning grounds in the waters of the Dnieper-Bug estuary, Southern Bug and Dnieper rivers in Kherson and Mykolaiv regions, water police units organized preventive measures under the conditional name “Nerest”. As a result, more than 5.5 thousand administrative protocols were drawn up. The amount of losses from the illegal catch of aquatic bioresources amounted to more than 108 million UAH, meanwhile the probable damage to the state that amounted to more than 200 million UAH was prevented.

Today, the management system in the field of environmental security in Ukraine is in a state of reform, due to the process of reforming public administration in general and the need to include the relevant international regulations in national legislation. It is important from the point of view of ensuring environmental safety to revise and modernize the requirements for standards, limits and other indicators that characterize emissions of harmful substances, to issue permits for activities related to the potential impact on the environment. In order to increase the effectiveness of bringing to administrative responsibility for environmental safety offenses, it is advisable to consider sanctions for many environmental safety offenses in order to increase them due to significant damage to the environment and human health, which provides these types of offenses.

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2. Закон України «Про охорону навколишнього природного середовища» від 25.06.1991 // Відомості Верховної ради України. 1991. № 41.

### **Анотація**

*В нашій роботі ми говоримо про нинішню екологічну ситуацію в Україні, яку можна охарактеризувати як кризову, через структурні деформації народного господарства, за яких перевага надавалася розвитку найбільш екологічно небезпечних галузей промисловості. Ми проаналізували головні чинники, що призвели докільля до небезпечного та катастрофічного екологічного стану. Ми також визначили, які види правової відповідальності тягне за собою порушення законодавства України про охорону навколишнього середовища.*

**Kolesnyk Anastasiya**

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## **TYPES OF ENVIRONMENTAL LAW ENFORCEMENT AGENCIES**

Today, the problem of the environment is quite acute. Our environment faces several emergent problems, and many of these seem to be worsening with time, bringing us into a time of a true environmental crisis. It is therefore becoming increasingly important to raise awareness of the existence of these issues, as well as what can be done to reduce their negative impact. Equally important is the awareness of people about organizations and law enforcement agencies that can be contacted in case of urgent need.

The law enforcement organizations involved in enforcing environmental laws are varied and have many different operational principles dealing with and responding to environmental crimes [1, p. 296].

An environmental police officer is a government-employed professional who enforces laws and regulations pertaining to protecting natural resources. Environmental police officers typically work outdoors in state parks or nature reserves. They have extensive knowledge of wildlife, nature and the laws surrounding them, including fish, water and air pollution, vertebrates and plants, wetlands, dams, boating safety, water safety, littering, drowning prevention [2].

Environmental police officers serve and protect our natural landscapes by guarding against vandalism and littering; coordinate other forces to prevent and combat crimes and violations related to natural resources and environment-related food safety [3]. They also protect visitors to natural parks and nature reserves, patrolling their jurisdiction and performing search and rescues.

Specifically, law enforcement agencies can be divided into two main categories. The first is general law enforcement agencies or police services, and the second is specific environmental law enforcement agencies. General law enforcement agencies can be described as traditional law enforcers who mainly deal with conventional crimes such as street crime. Environmental law enforcement agencies are more specialised enforcers dealing mainly with environmental crimes.

Enforcing environmental laws and regulations is an important ingredient in protecting the environment and reducing environmental harm. This is generally achieved by various environmental law enforcement agencies operating from a global to local level. For instance, some environmental law enforcement agencies operate only at an international level whereas others only operate at the local level. Furthermore, environmental law enforcement agencies utilise various enforcement methods to ensure compliance to environmental legislation. In some cases enforcement agencies rely on coercive powers to demand compliance to environmental laws, generally labelled 'command and control' strategies; others rely on conciliatory and educational strategies to persuade individuals, organisations and governments to comply with environmental laws and regulations [1, p. 294].

Thus, knowledge of the laws and law enforcement agencies responsible for the safety of our environment is very important, because thanks to them we keep our hometown clean and tidy.

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2. What is an environmental police officer? URL: <https://www.indeed.com/career-advice/finding-a-job/how-to-become-environmental-police-officer>

3. Vietnam Law and Legal Fomm. Official gazette. Issue nos 01-03/February 2015. URL: <http://extwprlegs1.fao.org/docs/pdf/vie168480.pdf>

#### **Анотація**

*У тезах розкривається поняття екологічної поліції, її головна роль в захисті навколишнього середовища. Пояснюється важливість дотримання екологічних законів і нормативних актів. Роз'яснюється рівні та категорії правоохоронних органів, які беруть участь у дотриманні екологічного законодавства.*

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### **ILLEGAL FELLING: CERTAIN CRIMINAL ISSUES**

The problem of environmental protection remains one of the most significant both globally and for Ukraine. Today, Ukraine is one of the ten largest forest states in Europe, ranking 8th in forest area and 6th in wood stocks.

The total area of forest plots belonging to the forest fund of Ukraine is 10.4 million hectares, of which 9.6 million hectares are covered with forest vegetation. However, forestry indicators do not reach the established standards. Thus, according to the Ministry of Environmental Protection and Natural Resources of Ukraine as of 2021, forests cover 15.9% of the territory of the state at the optimal rate of 20%. Ukraine is one of the twenty countries and ranks 19th, which lost the most forests in the last ten years (0.86% of the total area of the country, or 519 thousand hectares) [1, p. 129].

One of the reasons for the decline in forest cover in Ukraine is the mass illegal logging and export of wood abroad, where it is used for production. In order to stop deforestation for export, the Verkhovna Rada adopted the Law of 09.04.2015 № 325-VIII «On Amendments to the Law of Ukraine «On Peculiarities of State Regulation of Business Activities Related to the Sale and Export of Timber» on temporary ban on the export of unprocessed timber» which introduced a moratorium on the export of timber outside the customs territory of Ukraine for a period of 10 years [2].

Despite the fact that the EU considers this ban to be contrary to Art. 35 of the Association Agreement between Ukraine and the EU («Restrictions on Exports and Imports») is currently under consideration in the Verkhovna Rada bill № 4197 on the timber market in Ukraine, which excluded the previously introduced rule to lift the moratorium on timber exports [3].

Criminal liability for illegal deforestation is provided by Art. 246 of the Criminal Code of Ukraine and is entitled «Illegal felling or illegal transportation, storage, sale of forest» [4].

Ukraine is losing thousands of hectares of protective strips to protect agricultural land from drought and soil erosion. If the current volume of timber harvesting continues, this state of forests will cause not only a serious environmental problem, but also an acute socio-economic crisis in forested regions. The urgency of this issue has recently been exacerbated by the proliferation of «black loggers» and the need for an adequate legal response to their encroachments.

In 58% of cases, illegal logging, transportation and sale of forests take place from October to December, during the so-called «quiet» period, during which it is forbidden to touch forests so that wild animals and birds can reproduce. Also, the so-called «sanitary felling» is carried out, which is needed to stop diseases and spread pests. But in practice, it can be difficult to determine how many trees actually need to be cut down and whether such felling is under control. Such illegal activities intensify in spring and early summer.

Due to the latency inherent in this type of crime, a large number of them remain unsolved, and offenders are able to avoid punishment. Successful disclosure of this category of cases depends on properly planned actions of investigators at the initial stage of the investigation. The following investigative actions should be carried out when investigating a crime related to illegal logging:

- Review of the scene. When conducting it, it is advisable to use quadcopters to take photos or videos to capture the area of deforestation. Modern GPS navigators should be used to solve the difficulties associated with locating detected traces.

- Conducting standard examinations: dactyloscopic, trasological, forensic soil, forensic biological, botanical, and land technical, environmental. Forensic economic expertise is important in determining the amount of damage caused by illegal logging.

- The interrogation is aimed at establishing the fact of illegal logging, the causes and circumstances of such an offense, its consequences, the persons responsible for compliance with the rules of forest protection, the degree of their guilt.

- Identification of important circumstances: clarification of the functions of officials and staff, the causal links between their activities and the consequences; establishing the causes and conditions that contributed to the commission of such a crime [5, p. 168].

So, in conclusion, we note that one of the important areas of work to reduce illegal logging should be a comprehensive inspection of forestries across the country. To combat the so-called «black loggers», it is necessary to use aerospace monitoring tools that allow satellite images of the earth's surface. This will help detect illegal logging and capture cars in which violators move.

Also, in order to improve the criminal law protection of the forest sector in Ukraine, we propose to increase the fines for the crime under Art. 246 of the Criminal code of Ukraine and to establish responsibility for processing of illegally harvested wood for the purpose of liquidation of the shadow market of its circulation.

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5. Олійничук Р. Особливості розслідування незаконної порубки лісу. *Актуальні проблеми правознавства*. 2020. Вип. 3. С. 166–170.

#### **Анотація**

*У тезах доповіді досліджено кримінально-правові питання охорони лісів в Україні. На сьогодні масові незаконні рубки лісу та пов'язана з ними торгівля нелегальною деревиною, визнаються у всьому світі як суттєва загроза лісам, що завдає непоправної шкоди довкіллю. Наведене свідчить про неефективність діючої системи охорони лісів від незаконних рубок, перевезення, зберігання, збуту. За цих умов назріла об'єктивна потреба у підвищенні ефективності чинного законодавства, яке на сьогодні не здатне забезпечити надійний захист українських лісів від протиправних посягань.*

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### **DETERMINATION OF NITRATE CONTENT IN SURFACE WATER OBJECTS**

Continuous human activity constantly leads to deterioration of water quality and ecological regime of river runoff. Changes in the quality of water with a

tendency to constant deterioration are observed in almost all surface sources of water supply in the country [1, 2]. About 2 million tons of pollutants are discharged into water bodies every year, in particular, more than 500 million m<sup>3</sup> of polluted untreated water comes from industry. According to the state water monitoring of the State Water Agency, high concentrations of organic compounds, nitrogen and phosphorus compounds, phenols, oil products, heavy metals, etc. are observed.

Failure to comply with environmental requirements leads to pollution of surface and groundwater. It is represented in the overuse of mineral and organic goods, pesticides in agricultural production and their unsatisfactory storage. This leads to acute nitrate poisoning, infectious diseases, and sometimes death. Nitrate and nitrite contents are indicators of the chemical composition of natural water used in environmental assessment. Ammonium compounds are released by microorganisms during the decomposition of proteins of plant and animal origin. Upon contact with air, they are oxidized to nitrates and nitrites, which then enter the water. The transport of oxygen to human tissues is disturbed, in the future there is a violation of the nervous system. Also, excess nitrate leads to disorders of the pancreas and thyroid glands, heart failure, cancer, cardiovascular disease, kidney disease. Non-compliance with environmental requirements, which is manifested in the excessive use of mineral and organic fertilizers, pesticides in agricultural production, their unsatisfactory storage leads to pollution of surface and groundwater. This leads to acute nitrate poisoning, infectious diseases, and sometimes death. Toxic effects on the human body nitrates are carried out in the case of a concentration of more than 20 mg/l.

Based on the monitoring data of the State Administration of Internal Affairs of Ukraine, an analysis of changes in the ecological status of nitrates of the Seimas River for 2012-2020 was conducted on the basis of data from 4 Seimas observation posts (Fig. 1): 1) 230 km, Pisky village, Buryń district, The Russian Federation; 2) 182 km, the village of Chumakove; 3) 66 km, the village of Melnya, the border of Sumy and Chernihiv regions; 4) 42 km, the city of Baturyn, Bakhmatsky district.



Fig. 1. Schematic placement of 6 observation posts, according to which the study was conducted (in the original language)

Table 1 – NO<sub>3</sub><sup>-</sup> content, mmol/dm<sup>3</sup> at Seimas water intake posts

Years/Posts	Post 1	Post 2	Post 3	Post 4
2012	0,0395	0,0476	0,0258	0,0196
2013	0,0368	0,0616	0,0435	0,0200
2014	0,0357	0,0543	0,0440	0,0223
2015	0,0226	0,0581	0,0373	0,0263
2016	0,0414	0,0351	0,0433	0,0276
2017	0,0273	0,0463	0,0322	0,0294
2018	0,0247	0,0277	0,0382	0,0223
2019	0,0203	0,0231	0,0283	0,0245
2020	0,0379	0,0485	0,0613	0,0271

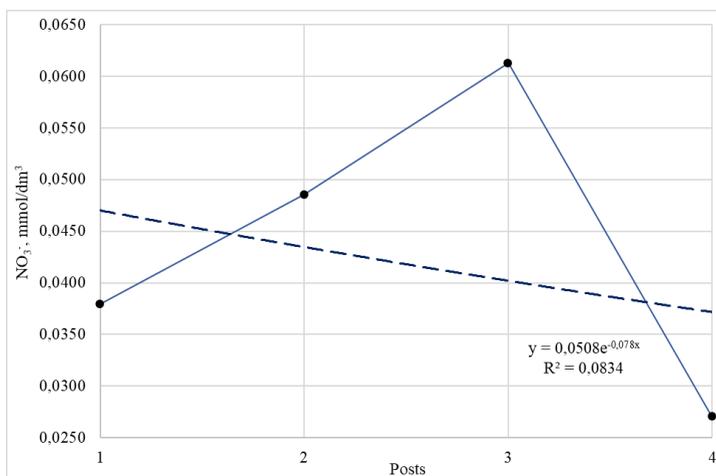


Fig. 2. The total content of nitrate ions at the posts of water intake of the Seimas in 2020

Decreased nitrate levels (post 4) may be associated with phytoplankton consumption, which should lead to increased water turbidity and biological oxygen demand. One of the reasons for the entry of nitrates into surface water bodies is the leaching of fertilizers from fields and gardens. Increased concentration of nitrites indicates the intensity of decomposition of organic matter, and delayed oxidation of NO<sub>2</sub><sup>-</sup> to NO<sub>3</sub><sup>-</sup>, which indicates pollution of the reservoir. Nitrates and nitrites enter the water from industrial and agricultural effluents. Developed agriculture also pollutes the environment, including surface water, with mineral fertilizers that contain pollutants.

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## Анотація

*У публікації проведено аналіз змін екологічного стану води річки Сейм за показниками нітрати та визначено можливі причини забруднення. Зміну екологічного стану поверхневого водного джерела проведено шляхом аналізу даних моніторингу та екологічної оцінки водних ресурсів України Державного агентства водних ресурсів України за період 2012–2020 рр. Аналіз проведено за даними контролю забору води з 4 постів у межах річки Сейм.*

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## ENSURING ENVIRONMENTAL SAFETY

National environmental policy is aimed at achieving strategic goals: preservation of natural objects and complexes, ecosystems, maintaining their integrity and life support functions, sustainable development of society, improving the quality of the environment and life, improving public health and demographic situation, environmental security states.

Over the last decade, an important area of environmental law and its components has been recognized as environmental security law, which should be considered as:

- 1) a comprehensive intersectoral institute;
- 2) a type of environmental legal relations, closely related to various areas of legal regulation of activities dangerous to the environment, health and human life;
- 3) the principle of environmental law;
- 4) the object of legal regulation of environmental law - a component of national and transnational security;

5) interdisciplinary direction of the science of environmental law and security theory, which is designed to protect the vital interests of man, society and the state.

The legislator defines environmental safety as a state of the environment that prevents the deterioration of the ecological situation and the emergence of danger to human health, which is guaranteed by a wide range of interrelated environmental, political, economic, technical, organizational, state and other measures. (Article 50 of the Law of Ukraine "On Environmental Protection") [2].

Objects of environmental safety in accordance with Art. According to the Law "On the Fundamentals of National Security of Ukraine": a person and a citizen (their constitutional rights and freedoms, the list of which in accordance with the Basic Law (Article 22) is not exhaustive); society (its spiritual, moral and ethical, cultural, historical, intellectual values, information and environmental environment and natural resources); state (its constitutional order, sovereignty, territorial integrity and inviolability) [1].

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### **Анотація**

*У тезах мова йдеться про розвиток екологічної політики України в останні десятиліття, яка спрямована на збереження природних об'єктів і комплексів, підтримання їх цілісності й життєзабезпечувальних функцій, сталого розвитку суспільства, підвищення якості навколишнього природного середовища й життя.*

*Держава визначає екологічну безпеку як стан навколишнього природного середовища, при якому забезпечується попередження погіршення екологічної обстановки та виникнення небезпеки для здоров'я людей, що гарантується здійсненням широкого комплексу взаємопов'язаних екологічних, політичних, економічних, технічних, організаційних, державно-правових заходів.*

## **COUNTERACTING THE LATENCY OF ENVIRONMENTAL CRIME IN UKRAINE**

Depending on background and disciplinary language, we use different vocabularies to describe the threats associated with ecological harm, natural resource crime, 'green' crime, or 'environmental crime'. For present purposes, we choose to use the latter term (environmental crime) as the most inclusive and appropriate. And most of us do agree that we are faced with a serious problem of global proportions. A problem that is in urgent need of containment. A problem that – more often than not – crosses local and national borders. Today we are going to talk about environmental crime in Ukraine.

For research the theoretical problems of combating latency of environmental crime, we need to clearly define the concepts of latency and environmental crime. Latency is the property of objects or processes, in our case crimes, to be in a hidden state. If the concept of latency is clearly defined, then two main approaches are used to form a scientific definition of environmental crime: doctrinal, based on research by scientists and experts in a particular field; official, legal, based on regulations, international documents and other sources that have legal force.

With regard to the latency of environmental crime, it should be noted that this problem has been studied at the regional level or in relation to certain categories of environmental crime. Noteworthy is the definition formulated by VF Obolentsev: "latent crime - a set of actually committed, but not detected or such that due to other circumstances didn't become known to law enforcement and judicial authorities, crimes, information about which in connection with this is not reflected in the official criminal law statistical reporting".

Given the extreme high level of latency of environmental crimes, which in the scientific literature is defined as equal to 95-99%, this principles is declarative latent environmental crime, which together with registered de facto crime constitutes obstacles for a number of reasons, creates obstacles to the adequate fight against criminal encroachments on the environment. Without information about the actual size of environmental crime, its level, structure, dynamics, it is impossible to determine the required number of forces and resources of law enforcement and other bodies to combat it, their concentration in certain areas of this activity. Without being enough informed about the state of environmental crime and without having a reliable criminological forecast for the future, society and the country's leadership can not imagine the wholesale severity of the problem. That is why social and state institutions are not fully involved in fighting this phenomenon. There is also no

opportunity to develop the right tactics and strategies to combat environmental crime, including law enforcement and legislation. It is impossible to really assess the effectiveness of environmental prevention and the effectiveness of environmental legislation.

Obviously, fighting environmental crime would be more effective if it included appropriate measures for its latent component analysis of latent crime shows that official statistics do not fully reflect the criminological realities, statistical data are adjusted according to the attitudes of stakeholders. According to S. M. Inshakov, the mechanisms for correcting the official reporting of concealment of citizens' statements about crimes, as well as reducing the activity of detection undeclared crimes.

In the United States, the United Kingdom, and other countries, the basis for assessing crime latency and latency factors is the study of victimization processes: annual victimology surveys to determine whether a respondent and his or her family have suffered from crime during the year. These polls are backed by multimillion dollar budget funding. Their results are published in annual statistical collections and have almost the same status as official statistical reports. Since 1989, international studies of this kind have been conducted periodically.

In order to determine the factors that determine the latency of environmental crime, by interviewing experts, we have identified the most common environmental crimes in the following categories:

- criminal pollution ( chemical, radiation, biological, household waste, etc. );
- environmental vandalism ( destruction or damage of flora, nature reserves );
- teaching, illegal logging, illegal mining.

*The latency structure of environmental crimes*

	The fact of committing a crime is unknown to law enforcement agencies, %	The crime is not registered through the fault of law enforcement agencies, %
Poaching	86.7	13.3
Illegal deforestation	65.9	34.1
Environmental pollution	82.8	17.2
Environmental vandalism	89.7	10.3
Violation of subsoil protection rules, illegal mining	64.0	36.0

According to scientists, the level of latency of these crimes reaches about 95%. In the structure of environmental crimes, a large share is illegal logging - 54%,

violations of fishing rules - 35-45%, illegal hunting - 25-25%, pollution of water and air - 10-12%.

Depending on the latency mechanism, it is advisable to divide latent crimes into those for which law enforcement officers did not receive information ( natural latent ) and crimes that became known to law enforcement agencies, but for various reasons remained outside the legal response (artificial latent). Considering the factors that determine latency (natural and artificial), we note that they are divided into objective ( independent of the will of the subject ) and subjective ( their cause is the will of the person ). Among the main objective factors of natural latency is the lack ( in most cases ) of a clear identified, personalized victim who would be interested in informing law enforcement agencies about the commission of environmental crimes . subjective factors of natural latency of environmental crimes are factors due to the will of persons who for some reason do not inform law enforcement agencies about the facts of crimes in this category.

From all the above it follows that latent crime is a set of actually committed, but not detected or such that due to other circumstances did not become known to law enforcement and judicial authorities, information about which in this regard is not reflected in official criminal law statistical reporting . Its detection and reduction within acceptable limits is an urgent problem of criminological science and criminal policy. The state, unable to respond to " invisible " crime, becomes defenseless against it . latent crime is definitely a very dangerous phenomenon.

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### **RECHTSSCHÜTZENDE TÄTIGKEIT IM UMWELTBEREICH**

Die Lösung von Umweltproblemen wird heute immer wichtiger. Beziehungen zwischen der Gesellschaft und Natur sind komplex und widersprüchlich. Die Entwicklung der Produktivkräfte der Gesellschaft, der Technologien, des Wissens und der Fähigkeiten der Menschen trugen zur Zunahme

ihres Einflusses auf die Natur bei. Der aktuelle Zustand der Umwelt ist eine Folge dieser Auswirkungen. Die Überwindung der entstandenen Krise ist nur auf der Grundlage der Bildung einer neuartigen Beziehung zwischen dem Menschen und der Natur möglich.

Der Umweltschutz stellt ein System von Maßnahmen zur rationellen Nutzung natürlicher Ressourcen, zur Erhaltung besonders wertvoller und einzigartiger Naturkomplexe und zur Gewährleistung der Umweltsicherheit dar. Dies ist eine Reihe staatlicher, administrativer, rechtlicher, wirtschaftlicher, politischer und sozialer Maßnahmen, die auf die rationelle Nutzung, Reproduktion und Erhaltung der natürlichen Ressourcen der Erde abzielen und die negativen Auswirkungen menschlicher Aktivitäten auf die Umwelt begrenzen.

Heute nennt die Weltgemeinschaft unter den globalen Bedrohungen für die Menschheit Umweltprobleme, die am häufigsten durch menschliche Aktivitäten verursacht werden. Der Einfluss des Menschen auf die Umwelt ist transformativ, verändert sie und nicht immer zum Besseren, so dass die Erhaltung der natürlichen Umwelt und der angemessene Schutz der Natur eines der akutesten Probleme der Menschheit sind, insbesondere unter modernen Bedingungen.

Die rationelle Nutzung von Land, Wäldern, Atmosphäre und Wasserressourcen in der Ukraine ist in der Verfassung vorgesehen. Derzeit gilt eine Reihe von normativen Gesetzen im Bereich des Umweltschutzes: das Gesetz der Ukraine „Über den Schutz der Umwelt“; Dekret der Regierung der Ukraine „Über die Genehmigung des Verfahrens zur Bestimmung der Zahlungen und ihrer Grenzen für die Umweltverschmutzung“ usw. Der Umweltschutz ist ein schwieriges komplexes Problem, das die gesamte Gesellschaft und jeden einzelnen Bürger betrifft.

Die Strafverfolgungstätigkeit im Umweltbereich, die von den Organen für innere Angelegenheiten und der Staatsanwaltschaft durchgeführt wird, ist sehr vielfältig. Unter der Funktion der Strafverfolgungsbehörden im Umweltbereich wird ihre Tätigkeit bei der Anwendung des Umweltrechts, der Ermittlung der Ursachen von Umweltdelikten und der Entwicklung von Maßnahmen zu ihrer Verhütung und Beseitigung verstanden. Es ist zu beachten, dass die Umweltkriminalität ein hohes Maß an Latenz aufweist, und der Schaden für die Natur, das Leben und die Gesundheit der Bürger nicht vollständig berechnet wird und sich lange manifestieren kann.

Deshalb ist es im Interesse der Gewährleistung der staatlichen und rechtlichen Grundlagen des Umweltschutzes notwendig, den Weg der weiteren Verbesserung der Verfahren zum rechtlichen Schutz der Umweltrechte der Bürger zu gehen. Immer mehr Umweltdelikte werden mit dem Ziel begangen, hohe illegale Gewinne zu erzielen. Besondere Aufmerksamkeit sollte dem Auftreten eines neuen Phänomens geschenkt werden – dem Umweltterrorismus, der eine ziemlich ernsthafte Bedrohung für die Umweltsicherheit darstellt. Dies ist ein Angriff auf solche umweltgefährdenden Einrichtungen wie Kraftwerke, chemische,

petrochemische, metallurgische, biotechnische Unternehmen, Lagerstätten für ihre Rohstoffe und Produkte; Öl- und Gaspipelines, Lagerstätten und Mülldeponien. Umweltdelikte sind sowohl Wirtschafts- (illegale Nutzung natürlicher Ressourcen) als auch Söldnerdelikte (illegale Jagd, Fischfang), die sie jedoch hinsichtlich ihrer negativen Folgen und Schäden fast immer übertreffen.

In diesem Zusammenhang ist die Frage der Rolle der Strafverfolgungsbehörden als Subjekte des Systems zur Gewährleistung der Umweltsicherheit von wichtiger Bedeutung. Wichtige Aufgaben der Rechtspflegeorgane bei der Gewährleistung des Umweltschutzes sind die Zusammenarbeit mit anderen staatlichen Institutionen zur Bekämpfung von Verstößen gegen das Umweltrecht; Ermittlung der Ursachen und Umstände, die die Begehung von Umweltdelikten begünstigen, sowie Entwicklung von Maßnahmen zu ihrer Verhinderung. Die Optimierung der Umweltaktivitäten der Strafverfolgungsbehörden wird zur Förderung des Bewusstseins für die Bedeutung von Umweltrechten, zur Bildung einer hohen Umweltrechtskultur in allen Bereichen der Gesellschaft und zur Umsetzung des Grundsatzes der Unvermeidlichkeit der Verantwortung für die Begehung der Umweltdelikte und anderer Straftaten.

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#### **Анотація**

*У статті розглядаються питання, пов'язані з проблемами екологічної безпеки та участю правоохоронних органів у забезпеченні екологічного правопорядку. Автором аналізується екологічна функція та діяльність правоохоронних органів у сфері застосування природоохоронного законодавства.*

**DIRECTIONS FOR THE FORMATION OF PERSONAL SECURITY OF  
EMPLOYEES OF THE NATIONAL POLICE IN  
EMERGENCY SITUATIONS**

The personal safety of police officers in these difficult times is one of the most important factors in successfully carrying out their official tasks, especially in emergency situations.

The personal safety of police officers should be viewed as an obligation, not a right. Developing a personal safety strategy for a police officer plays an important role in the performance of his or her duties. It should be noted, however, that a personal safety strategy should be based primarily on the individual characteristics of the police officer, which will most effectively ensure safety and survival in the face of emergencies.

The following areas of formation of a personal security strategy for police officers in emergency situations should be highlighted:

- ensuring psychological safety;
- ensuring physical safety;
- ensuring legal safety;
- ensuring social security;
- ensuring medical safety;
- ensuring environmental safety.

*Ensuring psychological safety* is one of the priorities in the structure of personal security of police officers. The extent to which a police officer is psychologically prepared for an extreme situation will determine the effectiveness of the use of physical force, firearms, and special means. In the absence of proper psychological preparedness, a police officer endangers not only his own life and health, but also the health of citizens and other persons in need of protection. It is also necessary to develop mental self-regulation of a police officer and the formation of high emotional-volitional stability and other important psychological qualities necessary for the successful performance of tasks assigned to a police officer, an adequate response and effective action in extreme situations arising in emergency situations.

*Physical safety* is achieved by providing decent physical fitness and emergency preparedness, developing such qualities as strength, endurance, flexibility, speed and accuracy of movement, and increasing the "safety margin" necessary to reduce risks of injury, trauma and maiming in emergencies. Physical safety risks are reduced with the instillation of fitness skills.

*The process of ensuring legal safety* consists of measures to develop legal knowledge and norms in the field of personal safety, education of readiness for legal assessment of dangerous events, behavior in accordance with the norms of domestic law in case of emergencies. Therefore, education of legal consciousness, legal beliefs, and legal literacy is of high priority.

*Ensuring social safety* involves instilling standards of safe behavior in the social environment. Increasing the professional and cultural level leads to a more accurate self-identification in the team and society.

*Ensuring medical safety* includes the formation of a healthy lifestyle as a major factor in the successful formation and development of a person. Includes the development of skills and abilities to provide necessary medical care in dangerous and emergency situations.

*Ensuring environmental safety* is formed on the basis of knowledge about the environment and its condition, the skills and abilities of autonomous survival in natural conditions and in emergency situations. [1, c.54]

Ensuring the implementation of activities and performance of tasks at the appropriate level requires continuous improvement, improvement of the level of training of the employees of the National Police of Ukraine. For this reason, one of the main tasks of the training of the National Police employees is, within the service training: continuous study of the provisions of regulations of the Ministry of Internal Affairs of Ukraine and the National Police in the relevant areas, knowledge and compliance with personal safety measures when performing official tasks, studying the provisions of legislative acts that regulate the performance of duties by National Police employees in conditions of emergencies [2, c.25].

Thus, the training of National Police officers in the forms and methods of ensuring their own safety, clear and competent actions in emergency situations is currently one of the most important areas of professional training for police officers. Statistics on police officers' injuries show that in the initial stages of an emergency, most often a police officer is unable to call for backup or is simply too late to do so. That is why a police officer should be aware that in a critical situation, he will most likely have to act alone. And his tactical skills, training, psychostability, determination, and level of survival skills determine not only the result of the official-combat tasks, but also his own life. On the clear and quick ability to carry out these actions often depends the success of the assigned tasks and even the life and health of the employee himself and his colleagues. The study of all of the above rules and measures to ensure the personal safety of the employee of the National Police in the performance of professional duties, the assimilation of procedures in emergency situations, the formation of the necessary skills of safe behavior in emergency situations are essential elements of training a highly qualified police officer.

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### Анотація

*У статті виділено та описано напрямки формування стратегії особистої безпеки працівників поліції в умовах виникнення надзвичайних ситуацій, такі як: забезпечення психологічної безпеки; забезпечення фізичної безпеки; забезпечення правової безпеки; забезпечення соціального захисту; забезпечення медичної безпеки; забезпечення екологічної безпеки. Розглянуто етапи формування необхідних навичок безпечної поведінки при виникненні надзвичайних ситуацій.*

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## ECOLOGICAL POLICE FUNCTIONING MODEL

Article 50 of the Constitution of Ukraine stipulates that the environmental activities of state bodies are an important element in ensuring the constitutional right of citizens to a safe environment for life and health [1].

In recent years, large-scale environmental disasters have occurred, which have confirmed the ineffectiveness of the environmental control system in Ukraine. These events include: large-scale fires that destroyed hundreds of hectares of forest; smoke clouds covering cities; dust storms which is not provided by the climatic conditions of our latitudes [2].

The main reason for these events is the mass impunity of those who destroy the environment.

As practice shows, the control carried out by the State Ecological Inspectorate is ineffective, in part due to the fact that the functions are assigned to various government agencies that regulate certain sectors.

That is why our state needs an updated system of combating offenders in the field of environmental security. A number of countries around the world have already tested environmental police.

The environmental police are militarized units that monitor, record offenses, and find and detain perpetrators.

There are four models of environmental policing.

The first defines it as part of a nationwide police system and is part of the Ministry of the Interior. This model is successfully used in Brazil. There are units in the states, consisting of armed police officers, to whom vehicles are assigned. In addition to the environmental police in the Federative Republic of Brazil, there is an environmental protection agency that performs oversight functions and brings offenders to justice.

The second determines the subordination of the ecopolice to the Ministry of Ecology. It has become widely used in Israel, where the so-called "green" police have been formed. It investigates, has the right to arrest and fine offenders, and conducts audits, inspections, and special operations. At the regional level, it cooperates with the district offices of the Ministry of Environmental Policy, and at the local level it works with local authorities and the Ministry of the Interior.

The following model indicates the subordination of the environmental police to several ministries at once. An example of this model is Italy. In this state, the environmental police is called the Command of the Carabinieri's units for forestry, environmental protection and agri-food protection. This subservient institution is subordinated to the Ministry of Defense, the Ministry of Agriculture and the Ministry of the Environment. It is divided into four teams of carabinieri. The first team is carabinieri for forest protection, the second team is carabinieri for biodiversity and park protection, the third is for environmental protection and the fourth team is for agri-food protection.

The last model of functioning involves the subordination of municipalities to government. In New York, the Department of Sanitary Police, the Ecopolice is part of the city government. Their competence includes a wide range of issues related to environmental protection.

In the United States, the most diverse mix of models of environmental control. In some states, there are even independent environmental police units [3].

These examples show the successful use of environmental policing in the world. In addition, law enforcement agencies interact with the public to ensure environmental protection, as citizens can carry out control activities. For example, public environmental groups organize measures to combat illegal deforestation, illegal sale of early flowering plants, Christmas trees, fishing and hunting poaching, and other environmental offenses. Police support in such cases enhances the effectiveness of appropriate measures, ensures the safety of participants in illegal operations, allows to quickly identify the perpetrator on the spot, to carry out administrative detention of perpetrators of the law on protection and use of wildlife, to ensure rapid transportation of environmental groups to certain places, etc.

It is not enough to have laws to protect the environment, they must work. Environmental control is an opportunity to ensure the integrity of punishment.

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### Анотація

*У даній статті розглядається важливість і необхідність створення екологічної поліції. Також вивчаються моделі функціонування екополіції. Підсумком роботи є встановлення можливості забезпечення неухильності покарання за допомогою екологічного контролю.*

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## ENVIRONMENTAL LAW OF UKRAINE

Environmental law of Ukraine is a set of legal norms that regulate social relations, which are based on the use, reproduction of natural resources in their indivisible state with the natural environment, environmental protection and environmental safety, which aim to achieve a harmonious relationship between nature and society [1].

The natural environment is a set of all natural conditions, including those that have undergone changes in the process of production and economic activities, which are inextricably linked and create a single ecological system. And in accordance with Art. 5 of the Law of Ukraine "On Environmental Protection" - is a set of natural and natural and social conditions and processes [2 p. 8].

The method of legal regulation of environmental relations is based on a combination of imperative and dispositive methods and techniques of the impact of environmental legislation on the subjects of such relations. Thus, environmental law as an independent branch of law has its own method of legal regulation of environmental relations [2 p. 10].

Principles of environmental law - are expressed in its rules of fundamental ideas, principles, features, in accordance with which the regulation of environmental relations [2 p. 15].

The subject of environmental law is the social relations that arise between the subjects to ensure environmental safety, belonging, use, reproduction of natural objects, protection, and in some cases - protection of man, the environment from harmful influences in order to prevent, prevent, elimination of its negative consequences and satisfaction of ecological and other interests [2 p. 3].

Objects of environmental law - a set of natural, natural and social conditions and processes, natural resources, landscapes, natural and natural-anthropogenic complexes, ecosystems and life and health of citizens subject to protection through environmental legislation [2 p. 5].

The subjects of environmental law are the people of Ukraine, the state (which exercises its powers through the relevant public authorities, endowed with the competence to regulate environmental relations) and territorial communities [2, p. 8].

State environmental policy is an important component of national policy. It is closely linked to the economic, social, cultural and other spheres of society [3 p.3].

Deterioration of the quality of the environment and irrational use of natural resources are caused by a number of different environmental problems, one of the main, in our opinion, is the increase in the number of violations of the Constitution of Ukraine and environmental legislation. We see the way out of this problem in the increased level of environmental legal awareness. A high level of environmental education and culture is not only a general need of society, but also a requirement of national legislation [3 p. 3].

The concept of "rational use of natural resources" is not legally defined, but on the example of defining the term "rational use of fuel and energy resources", which means achieving maximum efficiency of fuel and energy resources at the current level of technology and technology while reducing man-made impact on the environment. environment<sup>1</sup>, we can talk about the maximum efficiency of natural objects while reducing the man-made load on them [4 p. 14].

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## **MARITIME POLLUTION SURVEILLANCE**

After the Second World War not only the public interest in the environment increased in general. Concerns of coastal states about increasing ship-source marine pollution and oil spills started to grow as well. Some of the occurred incidents with tankers clearly demonstrated that oil spills in an environmentally or economically sensitive area could cause irreparable damage.

Oil pollution of the ocean comes from shipping activity and offshore oil production. Sea-bed activities on oil exploration and production constitute a relatively small part in the general amount of the pollution of marine environment with oil. The principal cause of marine pollution with oil is shipping. Traditionally shipping is considered to be “a polluting industry”.

Optical and microwave satellite-based sensors provide an effective «eye-in-the-sky». They improve surveillance over wide areas of ocean, both day and night. This complements the traditional aircraft and surface vessel surveillance systems and acts as a powerful deterrent for illegal activities at sea.

There is a wide range of international commercial satellite service providers and an increasing number of different types of sensors for both land and ocean observation. Remote sensing provides an improved means of wide-area surveillance and tracking suspect vessels anywhere, and gathering detailed intelligence on their activities without their knowledge.

Commercial satellite imagery can provide programmed remote sensing, i.e. tasking of areas of interest at specific times. Archived imagery is also available from extensive digital databases. Each provider has different program requirements and access provisions for their existing imagery.

Many of the optical satellites have multiple bands of different wavelengths and resolutions. Resulting image size can exceed many gigabytes of data storage, and require geo-referencing, processing and enhancement to achieve a final image.

To get the necessary information from the satellite imagery, the providers must be given certain information:

Purpose of the imagery (target detection, pollution, etc.)

Area of Interest (latitude/longitude of area)

Time of Interest (usually in universal time co-ordinates)

Expected Meteorological Conditions (cloud cover, wind speed, sea state)

The rapid processing and delivery of imagery is vital to combating offences at sea and detaining the vessels. Vessels can then be intercepted or arrangements made at ports for officers to board, sample tanks and/or detain the vessel on arrival. To meet this need it is important to set up quick imagery access systems with the commercial provider and test transfer and download speeds along with any necessary imagery visualization software.

One significant advantage of modern microwave sensors on satellites is the ability to monitor maritime activities at night, on the high seas and in bad weather, when most illegal discharges of pollutants occur. Unlike optical sensors, microwave energy penetrates cloud, smoke, rain, dust and haze and operates at night to monitor vessels, objects at sea or pollution. Vessels are usually seen as bright highly reflective objects and oil slicks as dark on grey water.

No single satellite or service provider meets all maritime surveillance needs. A combination of optical and microwave sensors now provides surveillance of the world's oceans for most conditions. The increasing resolution of new microwave satellite sensors such as Radarsat 2 (3 meter) and TerraSAR (1 meter) will also provide excellent surveillance at night and in bad weather, and improved target identification with almost the resolution of optical satellites.

To ensure a successful prosecution of offenders, the satellite imagery must be admissible in court. It is therefore advisable to have the imagery verified by an analyst specialized in that field.

The International Convention for the Prevention of Pollution from Ships (MARPOL73/78) defines the legal discharge limits from vessels whether from machinery or cargo spaces. This is an economically motivated crime that can involve significant financial gain to those violating the law. Also, violators have an unfair economic advantage over law abiding companies that do comply with the law. Law enforcement and regulatory officers have an obligation to protect the environment and the honest vessel operator.

National authorities need to aggressively investigate illegal oil discharges. Prosecutors and judges need to be informed of the significance of these crimes and encouraged to impose penalties significant enough to deter future violations. Those countries lacking enforcement capability are at risk of becoming victims of this type of crime, as the lack of enforcement and deterrence will encourage violations to be committed in the waters of those countries.

International co-operation in investigations and the sharing of information and experiences will lead to more efficient and effective enforcement activity and help maintain a healthier marine environment for the future.

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### **IS CLEAN ENVIRONMENT AN OBLIGATION OF EVERY CITIZEN OR THE STATE?**

A clean and healthy environment is one of the most important inherent and inviolate human rights in whole world. The basic law of Ukraine with the highest juridical force is the Constitution. According 16-th Constitution’s article, ensuring environmental safety, maintaining ecological balance in the territory of State, overcoming the aftermath of the Chornobyl catastrophe - the catastrophe of global scale - and preserving the gene pool of the Ukrainian people, will be the duty of the State [1; C.4].

When we speak about this right, we also mean that the government tries to take care of the environment, but it is not a guarantor because we often forget that we are part of the State and the level of pollution also depends on every person, every citizen of Ukraine. Scientists consider, that it will take 1,000 years to decompose glass bottles, for plastic bottles - 400-500 years, for aluminum cans - 500 years, for leather shoes - 25-40 years, for plastic bags - 10-20 years, for cardboard packaging from milk - 5 years, for cigarette butts - from 1 to 5 years, for newspapers and cardboard - 2 months, for banana peels - from 2 to 5 weeks, etc [2].

Unfortunately, more than 470 million tons of industrial and household waste is generated annually in Ukraine. The population is decreasing, but the volume of garbage is only growing: on average, one person produces 250-300 kilograms every year. 93% of garbage is taken to landfills, more than 2% is burned, and 4.5% is recycled [3].

Nowadays, Germany is the leader for recycling in the world. In the 1990s, the use of refillable glass bottles began to drop, falling to below 72%. This drop,

which had a direct impact on waste management processes, since the system had to deal with a vast number of single-use containers, led the country's authorities to introduce legislation for waste management and implement an innovated waste collection model in which citizens played a key part. The German recycling system uses six different bins classified according to a color system, which tells users what kind of waste they can put into each of them [4]. There are almost two-thirds of the garbage is recycled, and only waste cleaned of organic residues is allowed to be taken to landfills. The share of household waste there is minimal. Most of the old landfills are generally closed, and some have been redesigned for burial of slags formed after burning garbage [3]. Known as the «Pfand» system, this is a small extra cost applied in the form of a "deposit" to the sale of bottled drinks. This deposit is refunded once users return the empty bottles to the food store or automated machines, which are designed to accept and compact these bottles. This enables these people to obtain a small sum of money by recycling the bottles, while also dissuading them from searching through the bins for bottles. As in other countries, placing waste in public spaces without permission constitutes an offense and may lead to the imposition of an economic fine in Germany. The same applies if a citizen is found inserting waste into the wrong bin [4].

I think, that recycling is the best way to solve environmental problems. It is very sad to realize that only 4.5% of waste is recycled in Ukraine, because secondary raw materials can not only be given a second life (new clothes, rubbish bins, footwear, furniture, packaging, etc), but also by reducing the amount of rubbish can save a lot of animal's and people's lives. There is no single law or state program in our country that would obligate everyone to sort garbage. On one hand, everyone must understand that rubbish should be sorted, but on the other hand, if there are more bills in our country that encourage citizens to take care of their State, the situation in the country will be much better. So caring for the environment is primarily a responsibility of the citizen to the State. On the part of the State, the ideal way out of this situation will be to adopt the experience of Germany. Together, we will accomplish our mission to the planet as our common home and become a worthy European Union member candidate.

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### Анотація

*У даній роботі головна увага приділена важливості сортування та переробці сміття. Під час розгляду цього питання було проаналізовано стан екології в Україні, запропоновані шляхи покращення статистики сортування та переробки, одним з яких є запозичення досвіду провідних країн. Хоча чисте навколишнє середовище фактично є обов'язком держави, у першу чергу, це обов'язок кожної людини, яка проживає на цій планеті. Лише всі разом, об'єднавшись, ми можемо врятувати наш спільний дім, не перетворити його в величезний смітник та забезпечити нашим гідне нащадкам майбутнє.*

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## **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

Environmental security is one of the most important elements of public order. Due to this fact, ecological balance and environmental protection are ensured and guaranteed by the state.

Environmental issues are closely protected by the law of our state, however, sometimes only protection is not enough, because the accompanying aspect is the interaction, the interaction of law enforcement agencies with the public.

A characteristic feature of police interaction with the public is the prevention of violations in the field of public administration of environmental protection through the means of public influence. The peculiarity of the interaction of these entities is that their key tasks which are to inform the competent state authorities about the actions of the police, to assess the appropriateness of the decisions taken, and so on.

The main idea of the partnership with the police is the awareness of the police officers and the importance of taking into account public opinion and wishes in defining and evaluating their work, working with the public to identify and solve local environmental problems, which should be aimed at preventing such offenses.

Development and implementation by territorial bodies is important, police and the public in the framework of social partnership joint plans and measures to ensure environmental safety, development practical approaches to the formation of a system of innovative, legal, financial mechanisms for managing natural resources on principles of good governance in the context of decentralization.

Associations of local self-government bodies, public organizations and associations of citizens play an important role in establishing partnerships between public authorities and citizens, provided they are representative and the legislative definition of functions, principles of relations with public authorities, which needs to spread in Ukraine. It should be noted that the importance of preventive measures in the mechanism of protection of the rights and legitimate interests of citizens in a favorable environment has prompted governments of some European countries to create separate units of environmental police to ensure environmental safety at regional level and implement preventive measures.

One of the main reasons for inadequate environmental safety is the legal uncertainty of the forms of interaction between the National Police of Ukraine and other law enforcement agencies, including units of the State Emergency Service of Ukraine and public institutions and local self-government bodies. In this case, it is useful to study the positive foreign experience of police cooperation with the state and non-state institutions in the field of environmental security.

It should be noted that the development of an overall strategy for action on at the national level is inextricably linked to its direct implementation at the regional level.

Summarizing all the above, it should be realized that the issue related to environmental security should be an integral part of public policy, as its state determines such an important security aspect as national security.

Nowadays Ukraine, ensuring public safety, is not a unified activity. Some areas of its provision are referred to the competence of state and non-state institutions of different levels. Instead, working out a single strategy for interaction and coordination of all environmental security actions which would contribute to the consolidation and establishment of effective social dialogue which is aimed at raising the level of social life; protection and defense of environmental rights and legitimate human interests; introduction of an effective mechanism for protection of the population in this case occurrence of any emergencies; counteraction and crime prevention; protection against delinquency in environmental protection. Also, in our opinion, the formation of an effective system for ensuring environmental security by the police in Ukraine will be facilitated by the introduction of leading international experience in law enforcement (police), as well as the development of international

environmental legal initiatives and standards of integrated environmental management. Thus, these are the important steps that the Ukrainian state should take towards the formation of a modern environmental policy that operates in the member states of the European Union.

#### **Анотація**

*У тезах розглядається одне з найважливіших складових поліцейської роботи, а саме – партнерство. Розглянуті найголовніші проблеми відносно екологічної безпеки нашої держави та способи їх вирішення. Тези базуються на власних спостереженнях та досвіді країн Європейського Союзу.*

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### **LIABILITY FOR ECOLOGICAL OFFENCES**

Ecological offence is a culpable, unlawful, environmentally dangerous act, which encroaches on the established order of natural resources using, environmental protection and which violates environmental human rights and environmental safety requirements [3].

Generally, the relations in the field of environmental protection and the use of natural resources are regulated by some legal acts, namely the Laws of Ukraine: "On Environmental Protection", "On Protection of Atmospheric Air", "On the Nature Reserve Fund of Ukraine", as well as the Water, Land and Forest Codes and the Subsoil Code. Each of these documents regulates a particular area of environmental relations and establishes certain rules for each entrepreneur. These rules are mandatory for all participants in such legal relations. So, if there are certain rules, there are norms that establish liability for violating them [2].

Part VIII of the Criminal Code of Ukraine provides criminal liability for environmental offence, which outlines the main points in the field of combating crimes against the environment and includes the list of the most dangerous criminal offences in the field of ecological safety. First of all, the relevant criminal orders according to violations of legislation in the sphere of environmental safety are enshrined in Art. 253, 236-238 of the Criminal Code of Ukraine. The Art. 236 "Violation of environmental safety rules" describes an act in the form of violation of the procedure for conducting environmental expertise and environmental safety rules during the design, placement, construction, reconstruction, commissioning, operation or liquidation of an enterprise, structure, mobile means and other objects. The Art. 237 "Failure to take measures to eliminate the consequences of environmental pollution" is relevant in the context of legal regulation of

environmental safety in Ukraine, where offence is characterized with the commission of the following acts: 1) evasion of decontamination or other renewable measures; 2) improper decontamination or other renewable measures [5].

Administrative liability, the most common type of liability for this kind of offence, is provided by the Code of Ukraine of Administrative Offences. The list of administrative offences regarding environmental safety is contained in Section 7 of the Code of Administrative Offences: "Administrative offences in the field of nature protection, use of natural resources, protection of cultural heritage." Administrative violations in environmental safety are divided into several groups: 1) offences relating to the ownership of natural resources (Art. 47-51 of the Code of Administrative Offences); 2) land offences (Art. 52-56, 188-5 of the Code of Administrative Offences); 3) annoying offences (Art. 57-58 of the Code of Administrative Offences); 4) water offences (Art. 48, 59-62 of the Code of Administrative Offences); 5) offences in the field of geology and subsoil use (Art. 59-61 of the Code of Administrative Offences); 6) forest offences (Art. 63-77 of the Code of Administrative Offences); 7) atmospheric offences (Art. 78-83 of the Code of Administrative Offences); 8) faunal (animal) offences (Art. 85-89 of the Code of Administrative Offences); 9) offences in the field of labor protection and public health (Art. 41, 42, 46, 95, 188 of the Code of Administrative Offences) [4].

The application of civil liability for environmental safety and violations of environmental legislation are specified in Art. 69 of the Law of Ukraine "On Environmental Protection", which provides that the damage caused by violation of environmental legislation on environmental protection is subject to compensation in full [Art. 69, 1].

The application of disciplinary, administrative or criminal liability does not exempt the perpetrators from compensation for damage caused by environmental pollution and deterioration of natural resources. Resources extracted in nature illegally and products made of them are subject to free seizure, and the instruments of offence are subject to confiscation. The income received from their implementation is directed to the Autonomous Republic of Crimea and local funds for environmental protection [Art. 68, 1].

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#### **Анотація**

*В роботі наводиться визначення екологічного правопорушення, пропонується перелік документів, які регулюють відносини в сфері охорони навколишнього середовища. Автор характеризує статті Кримінального кодексу України, де передбачено кримінальну відповідальність за правопорушення довілля, і в якому вказано основні моменти боротьби зі злочинами проти довілля. Адміністративна відповідальність, яка передбачена Кодексом України про адміністративні правопорушення теж освітлюється в роботі.*

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#### **FEATURES OF ENSURING ENVIRONMENTAL SAFETY IN LARGE INDUSTRIAL CITIES BY THE NATIONAL POLICE**

The ecological situation in Ukraine is quite difficult, especially in large industrial cities such as Dnipro, Zaporizhyya, Mariupol, Kryviy Rih, etc., as the preference in these cities is given to metallurgy, mining and chemical industries, which is extremely environmentally dangerous.

The main source of air pollution in Ukraine from emissions from stationary sources is the enterprises of the fuel and energy complex - 36% of total emissions, manufacturing - 35% and mining complex - 25%. The main pollutants are oxides of carbon, nitrogen, sulphur dioxide, ammonia, phenols, formaldehyde, benzopyrene. Although pollutant emissions have recently decreased, primarily due to the shutdown of many enterprises, in some industrial regions (especially in Donetsk-Prydniprovskiyi) they still significantly exceed the maximum allowable standards [1]. Every year the Central Geophysical Observatory of Ukraine publishes a rating of the most polluted cities from the ecological point of view. The calculation is based on the Air Pollution Index (API), a value used by government agencies to inform about the level of air pollution to the public at current time. If the index increases, a significant part of the population will face serious health consequences. API 5 is considered acceptable for Ukraine, but looking at the published statistics of the Central Geophysical Observatory for 2020, thirty-three cities exceed this figure, for example, Mariupol has - 16.5 API; Uzhgorod - 14.4 API; Zaporizhyya - 12.9 API; Kryviy Rih - 11.2 API [2]

I.D. Kazanchuk notes that the central executive bodies are an important part of the overall system of regulation of relations that arise in the field of interaction between society and nature. A special place among the executive authorities in the field of environmental safety in the country is occupied by the National Police of Ukraine. They belong to the general purpose bodies, as the implementation of activities and the exercise of authority in the field of environmental security for the National Police are not essential. It should also be recognized that environmental safety and conservation activities are mainly carried out by the patrol police and other preventive units. In particular, certain responsibilities in this area are assigned to district police officers. Yes, they must: protect the interests of a man, society and the state from socially dangerous acts and the negative impact of emergencies caused by natural disasters, catastrophes, accidents, fires, epidemics and other emergencies; provide appropriate assistance to environmental authorities in addressing issues of environmental safety and nature management at the site.

In general, among the most common areas of environmental security by the National Police in large industrial cities are such as preventive activities; administrative supervision; carrying out permitting activities; interaction with state bodies and public environmental organizations, etc. Additionally, the National Police, together with environmental authorities, counteract pollution of the territory adjacent to enterprises, organizations, construction sites, trade facilities, streets, yards, parks, boulevards, squares, embankments, ravines, water protection zones of reservoirs, green areas with all kinds of industrial and household waste; landfills for household and industrial waste; lighting bonfires; waste incineration [3].

From the above set it can be concluded that the activities of the National Police to ensure environmental safety are necessary. They can be divided into two types: direct performance of their duties and indirect. An example of direct involvement in environmental safety is the work of patrol and precinct officers, who control the prevention of burning of plant objects (leaves, grass, twigs, etc.), thus preventing air pollution with hazardous chemicals. Scientists have proven that benzopyrene is released into the air in smouldering leaves without access to oxygen, which can cause cancer by people. Indirect activities include the provision of assistance by the National Police to environmental authorities in the exercise of their powers in the field of environmental safety. However, as ensuring the safety of the environment is not one of the main areas of work of the National Police, the effectiveness of these measures is not as effective as in Europe and the United States. To address these issues, separate units of the environmental police have been established, which have broader powers in this area and supervise compliance with the rules and regulations of the law on environmental safety. Therefore, in my opinion, the creation of a separate unit in Ukraine, such as the environmental police, would significantly affect the improvement of the environmental situation both in industrial cities and throughout Ukraine.

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### Анотація

*В статті розглядається питання екологічної ситуації в великих промислових містах України. Автор приділяє особливу увагу необхідності створення окремих підрозділів екологічної поліції задля надання їм широких повноважень у сфері охорони навколишнього середовища з метою здійснення нагляду за додержанням правил та норм закону з питань екологічної безпеки.*

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## ENVIRONMENTAL SECURITY

It is in the nature of a man to strive for a state of security and to make existence as comfortable as possible. On the other hand, we are constantly in a world of risks. The threat comes from criminogenic elements, from a much-loved government capable of pursuing unpredictable policies, the risk of contracting an infectious disease, the risk of a military conflict, the risk of an accident. Today all this is taken naturally and does not seem far-fetched, because all these events that threaten our security are quite probable and, moreover, have already happened in our memory. Consequently, preventive measures are taken to reduce these risks, and everyone is able to name them. Recently, the threat to human safety and comfortable existence has begun to come from unfavourable environmental conditions. First and foremost, it is a health risk. There is no doubt now that environmental pollution is capable of causing a number of environmentally caused diseases and, in general, leads to a reduction in the average life expectancy of people exposed to

environmentally unfavourable factors. It is the expected average life expectancy of people that is the main criterion of ecological safety.

As the main method of safety analysis, the modern risk analysis methodology widely accepted in the world was used. This methodology allows an objective and quantitative assessment of risks to human health associated with the presence in the air, surface water and food of harmful substances of various nature - chemical carcinogens and toxins, radioactive substances. Levels of risk associated with pollution by chemically harmful substances are tens, hundreds, and thousands of times higher than what is considered socially acceptable in developed countries.

Note also that the concept of “environmental safety” is applicable to many realities. For example, the environmental safety of the population of a city or even an entire state as well as the environmental safety of technologies and industries.

Environmental security concerns industry, agriculture, utilities, services, and international relations. In other words, environmental safety is firmly integrated into our lives, and its importance and relevance grows year by year.

Speaking of hazards, sometimes a distinction is made between man-made and environmental hazards. By environmental hazard we mean environmental impacts that may result in changes in the environment and as a consequence change the conditions of human existence and society. But on a global scale, natural sources of danger are now relatively small compared to anthropogenic ones. All the more is that man is quickly learning to predict and prevent them.

Environmental safety is a complex of measures aimed at reducing the harmful effects of modern industrial production and emissions into the atmosphere. Environmental security is the state of protection of the biosphere and human society, and at the state level - the state from threats arising as a result of anthropogenic and natural impacts on the environment. The concept of environmental security includes a system of regulation and management, which allows to predict prevent and in the case of emergencies - to eliminate the development of emergency situations. Problems of environmental safety and rational use of natural resources are inextricably linked with and conditioned by socio-economic development of society, are associated with issues of health protection, creation of favourable conditions for life and natural reproduction of the population in the present and future generations.

The concept of ecological security is a system of views, goals, principles and priorities, as well as actions of political, economic, legal, administrative, scientific and technical, sanitary and epidemiological and educational nature based on them, aimed at creation of safe and favourable living conditions for present and future generations of the population. Environmental security is a part of the system of state security, priority elements of which are constitutional, defence, economic, political, food, information security, etc.

The main goal of environmental security is to achieve sustainable development with creation of favourable environment and comfortable conditions

for life and reproduction of the population, ensuring protection of natural resources and biodiversity, prevention of man-made accidents and disasters.

Summing up all of the above, it should be noted that the amount of work does not allow to describe all environmental problems and ways to solve them. Many of them seem to remain behind the scenes. Recently, data on many environmental disasters are kept silent, as it is more convenient to hide them. I believe that environmental problems should be made public. The level of environmental studies in most schools and other educational institutions should become higher. This, in my opinion, will bring up people's "ecological" consciousness. All this should happen soon, as time is a luxury that people cannot afford forever. Environmental problems require quick and effective solutions.

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### **Анотація**

*В тезах мова йде про загальні засади екологічної безпеки та її значення для як нашої країни, так і для всього світу. Задається методологія ризику, яка дозволяє об'єктивно оцінити ступень загрози, яку становить забруднення навколишнього середовища для всього людства. Говорячи про ризики, ми наводимо різницю між техногенною та екологічною небезпекою. Також в роботі ми даємо чітке визначення поняттю «екологічна безпека» та зазначаємо її цілі.*

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## **CURRENT THEORETICAL AND LEGAL PROBLEMS OF REGULATION IN THE FIELD OF INTERNATIONAL ENVIRONMENTAL LAW**

Being the most important value, favorable environment requires not only carefully elaborated rules that will allow it to protect from possible damage, but also

in case of its infliction establish mechanisms for compensating damages and remediation in a variety of ways. Humanity more than ever needs to realize the importance of preserving the environment in order to preserve it for future generations. In order to prevent the onset of an ecological catastrophe, timely eliminate dangerous consequences and punish the guilty parties for causing harm to the environment, it was necessary to unite the efforts of the entire international community, as well as to develop international legal cooperation in the field of ecology. The most intensive stage in the development of this international legal cooperation is the second half of the 20th century.

Platform for the development of environmental protection environment on the world stage is the United Nations. Interpol and its structural subdivisions play a key role in law enforcement. Their role in maintaining a favorable environment is never high. After all, it is they who form modern standards in the field of international rule-making for the protection of the environment and in the sphere of combating directly criminal acts and exposing the persons who committed them.

Environmental crime in all its forms represents a serious international problem and a growing threat to peace, security and stability. Its return is estimated at \$258 billion. United States and the rise of said criminal activity annually is from 5 to 7% [1]. It is for this reason, Interpol is actively developing mechanisms countering this type of crime. Interpol and its strategic partners from year to year work together to expose criminals who benefit from a wide spectrum of environmental criminal acts.

The modern problem of legal regulation in international environmental law is lack of true development of the industry on multifunctional level. Among such problems, there is a lack of a universal international legal codifying act for the protection of the environment [2]. This act could be some analogue of the Universal Declaration of Human Rights, only with a different object of legal regulation. The absence of a single act creates significant problems and hinders the development of comprehensive environmental regulations. The adoption of such an act would allow a key problem in this area, namely the disunity of principles in the new branch of international law.

At the beginning of formation and its development, the international environmental law was many times less politicized, which also is an actual obstacle in the implementation of international steam standards. The lack of clear fixed legal definitions also reduces the effectiveness of law enforcement practice [3, p.159].

Unofficial codification of international environmental law still exists. Prepared by qualified professionals this area, the fourth edition of the International pact on environment and development of September 22, 2010, collected nine principles and revealed their content [4, p.307]. Their imperative presence on universal level could establish a new level of protection of our environment.

In today's international environmental law, there are many different sub-sectors, that protect a particular object of the environment environment. In each of

these sub-sectors, there are its specific principles and standards from international legal sources.

Today, the sphere of environmental legal relations is an object of international legal regulation from the standpoint of countering environmental crimes. The set of developing problems in this sphere has become the starting point for a unified awareness the need to develop joint international cooperation to prevent the emergence of new environmental threats and counteract already established.

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#### **Анотація**

*Друга половина XX століття була часом початку найінтенсивнішого розвитку законодавства про охорону навколишнього природного середовища і сьогодні воно охопило надзвичайно широке коло об'єктів правового регулювання. Це цілком закономірний процес, оскільки саме в цей час почав формуватися процес глобалізації, що виражається в тісному взаємозв'язку економічних і політичних структур між державами, почали виникати міждержавні ідеї та концепції в галузі охорони навколишнього середовища. Саме на цьому історичному етапі прийшло розуміння неможливості вирішення екологічних проблем у межах окремих держав чи регіонів через глобальність шкоди, що завдає шкоди навколишньому середовищу.*

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### **ENVIRONMENTAL CRIMES IN THE USA**

Environmental crime is now becoming a serious problem worldwide in different forms, with some of them being among the most profitable criminal activities in the world. The most common crimes against the environment are

connected with the unlawful exploitation of wild fauna and flora, pollution, waste disposal and its trade.

The consequences of environmental crime in general and the illegal trade in wildlife in particular span environmental, social, economic and security impacts, affecting the resource base for local communities, and resulting in the theft of sovereign natural capital.

Beyond immediate impacts on the environment, the illegal trade in natural resources is depriving developing economies of billions of dollars in lost revenues just to stuff the pockets of criminals. Sustainable development, livelihoods, good governance and the rule of law are all being threatened, as significant sums of money are flowing to militias and terrorist groups [3].

Environmental crimes encompass a broad list of illicit activities, including illegal trade in wildlife; smuggling of ozone-depleting substances (ODS); illicit trade of hazardous waste; illegal, unregulated, and unreported fishing; and illegal logging and trade in timber. On one side, environmental crimes are increasingly affecting the quality of air, water and soil, threatening the survival of species and causing uncontrollable disasters. On the other, environmental crimes also impose a security and safety threat to a large number of people and have a significant negative impact on development and the rule of law. Despite these issues, environmental crimes often fail to prompt the appropriate governmental response. Often perceived as ‘victimless’ and incidental crimes, environmental crimes frequently rank low on the law enforcement priority list, and are commonly punished with administrative sanctions, themselves often unclear and low [2].

Wildlife trafficking is a multibillion dollar transnational organized criminal activity and a critical conservation issue. The United States is a leader in the fight against the illicit trade in wildlife and INL plays an important role in the development and implementation of anti-wildlife trafficking policies around the world [1].

INL takes a criminal-justice approach to wildlife trafficking, focusing efforts around halting poaching, trafficking, and demand. INL efforts include:

1. Strengthening legislative frameworks of partner nations to ensure effective laws are in place to deter, investigate, prosecute, and sanction wildlife criminals;
2. Enhancing investigative and law enforcement functions of our foreign enforcement partners, including support for park rangers;
3. Developing capacities to prosecute and adjudicate wildlife crimes and related corruption worldwide; and
4. Supporting cross-border regional and global law enforcement communication and cooperation.

Thus, in addition to short-term measures, longer-term considerations need to be given to natural resource management and sustainable economic development, based upon sovereign priorities and choices. Implementing nationally and internationally-agreed biodiversity strategies and targets and other relevant existing commitments must be at the heart of such action.

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### Анотація

*Злочини, пов'язані із руйнуванням навколишнього середовища, вже давно знаходяться під прицілом світової общини. Екологічне законодавство США спрямоване на протидію забрудненню природи, незаконному вилову та полюванню на диких тварин, а також торгівлі ними. Особливе місце займають покарання за викиди шкідливих речовин в атмосферу.*

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## THE MOST TYPICAL ENVIRONMENTAL CRIMES AND THEIR COUNTERACTION IN UKRAINE

Unfortunately, Ukraine is currently facing a lot of environmental issues outlined in the National Environmental Strategy 2020. The most urgent are: air pollution; quality of water resources and land degradation; solid waste management; loss of biodiversity; problems related to human health environmental risk factors; as well as climate change.

Since independence in 1991, Ukraine has made important steps in the creation of environmental institutions and governance to solve its environmental challenges: a comprehensive legal framework for environmental protection has been developed in the country; the Ministry of Ecology and Natural Resources and a number of institutions responsible for environmental protection have been established; environmental management tools have been developed.

The Constitution of Ukraine guarantees every citizen the right to a safe environment for his life and health. Meanwhile, today the deteriorating quality of air, drinking water and food is an urgent problem that has a negative impact on life expectancy and morbidity [2, c. 188].

Supervision of the National Police departments in the field of environmental protection is a means of administrative action and ensuring the rule of law, as well as a type of executive-administrative activity. Supervision, which is executed by the

police, ensures the protection of public relations on the protection of nature and its resources from threatening human actions. Police departments are obliged to prevent the occurrence of harmful consequences, to identify the circumstances that may be their cause, and to take certain measures to eliminate the identified deviations [1, c. 147].

A very important step in maintaining an effective environmental policy is environmental monitoring, which is the activity of authorized state bodies to observe, collect, process, transmit, store and analyze information on the state of the environment, forecast its changes and develop scientifically sound recommendations necessary for decision-making in the environmental protection sector. The Cabinet of Ministers of Ukraine adopted Decree No. 1376 of December 5, 2007, which approved the State Targeted Environmental Program for monitoring of the natural environment.

The importance of the institute of administrative responsibility in the regulation of public relations related to the protection of nature stipulates the need to intensify law enforcement activity of state bodies. It should also be noted that in paragraph and part 1 of article 3 of the Law of Ukraine "On environmental protection" the principle of "compensation for damage, caused by violation of legislation on environmental protection" is established [4].

Damage to the natural environment occurs: a) as a result of lawful anthropogenic activity (discharges and emissions, waste disposal within the limits, etc.) - it is permitted, caused by objective circumstances, its compensation occurs, in particular, by making payments for negative impact on the environment; b) as a result of committing an environmental offense - guilty illegal act, which violates environmental legislation and causes harm to the environment and human health; c) as a result of natural disasters (earthquakes, hurricanes) is compensated at the expense of state reserve funds [3, c. 508].

The actual identification and compensation of the significant costs required to restore the former state of the environment is an integral part of the environmental function of the state or of a particular type of state environmental policy. In order to avoid an ecological catastrophe, the compensation of environmental costs must be imposed either on corporations or on the state. Damage caused must be reimbursed in the amount and in the order established by the civil legislation. When calculating damages, losses of national economy, labor, financial and natural resources necessary for liquidation of negative consequences of violation of environmental legislation and environmental deterioration should be taken as a basis.

Claims for compensation for damage caused by legal entities are filed directly to them, and if they refuse to compensate, claims against these organizations are considered by the Commercial Courts. At the same time, claims against individual citizens are filed directly to the Court, which, after reviewing the case, may decide on compensation.

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### Анотація

*На жаль, в Україні спостерігаються гострі екологічні проблеми, адже ситуація, пов'язана з забрудненням довкілля з кожним роком лише погіршується. Тому слід наголосити на тому, що питання взаємодії людини й природи останнім часом стало одним із найбільш актуальних, що викликає особливу зацікавленість серед вітчизняних учених.*

*Якщо розглядати нормативно-правову базу, то можна підкреслити ряд проблем стосовно протидії екологічним злочинам. По-перше, відсутність детальних досліджень, які стосуються адміністративно-правових засад наглядової діяльності правоохоронних органів України у сфері охорони довкілля. По-друге, відсутність передумов для забезпечення реалізації статті 50 Конституції України про права її громадян на безпечне для життя і здоров'я довкілля.*

*Зростає необхідність вдосконалення системи нагляду правоохоронних органів щодо охорони навколишнього середовища, що зумовлено її роллю у боротьбі за право кожного громадянина на безпечне для життя і здоров'я довкілля, потребою відшкодування шкоди, завданої порушенням цього права та раціонального використання природних ресурсів з метою збереження їх для майбутніх поколінь.*

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### ENSURING ENVIRONMENTAL SAFETY (FRENCH EXPERIENCE)

These conference abstracts are about the French experience in ensuring environmental safety. Today, the main problem of humanity is the ecological

problem. France is the one of countries, which have high level of ecology and protect its own environment.

The main objective of these abstracts is how French law enforcement ensure environmental safety. "Ministry of Ecology, Sustainable Development and Energy" is agency, which responsible for protect environmental in France. This ministry is authorized to oversee the implementation of laws which protecting ecology. It also makes projects of normative acts and participates in the work of international meetings devoted to environmental issues.

The structure of the ministry consists of the general council for environment and sustainable development (environment body), the general inspectorate of maritime affairs, the inter-ministerial delegate in traffic safety, the inter-ministerial delegate for sustainable development, the secretary general for maritime affairs, and the four state secretaries of the ministry. The Minister delegates his powers to the Secretaries of State, who are responsible for sustainable development, for the environment, for transport, for housing and for urban development.

The smallest territorial unit of France is department. Each department has the Environmental Protection Council. These committees have many functions. For example, the main function is to control ecological situation in department.

France has many laws, which protect environment, but the main feature of French legislation is the Environmental Code. It consists of general and special parts. The general part includes the provisions on basic principles, state agencies, purposes. The special part contains the norms related to protection of waters, forests, air, regulates activity related to handling with wastes and dangerous substances.

On the French example, we can see a good system of environmental protection. Ukraine can give the French experience to improve prevention of ecological crimes. One of the biggest problem of Ukrainian legislation is absence of Environmental Code. Why this very important today? Because, gradually, the ecological situation in the country is getting worse, and therefore it will lead to ecological catastrophe in Ukraine. The Environmental Code can help to avoid and warn many crimes. This Code will have articles that include describing of offenses and sanctions for criminal.

To draw the conclusion, one can say that our legislation needs a new code and we need creation of a new law enforcement body in the field of environmental protection. I think if in each region of Ukraine will be the department of ecological safety like in France, then our ecology level will be higher.

### **Анотація**

*Аналізується досвід французької влади та правоохоронних органів у системі захисту довкілля. Відзначається серйозна зацікавленість французького уряду у проблемі, розподіл повноважень органів відповідно до адміністративно-територіального поділу та наявність екологічного кодексу, в якому є нормативні акти та санкції за їх порушення.*

## **SOME LEGAL ASPECTS ON ENSURING ENVIRONMENTAL SAFETY AND COMBATING ENVIRONMENTAL OFFENSES**

Ensuring rational nature management is one of the main components of ensuring the functioning of an environmentally friendly world, which in turn guarantees a stable future for humanity. At the same time, the legal aspect of this issue should not be overlooked, so I would like to consider it in this topic, because the latter is the beginning of it.

With the development of society, the problem of safe environment and coexistence of the person with the environment becomes more and more urgent as there is a problem of ensuring environmental safety and preventing legal violations in this field.

Despite the importance of the term, the concept of environmental safety is not widely covered in the legal documents of Ukraine. The definition of environmental safety is contained in Article 50 of the Law of Ukraine "on Environmental Protection", according to which environmental safety is the state of the environment, in which the deterioration of ecological situation and occurrence of a danger for human health is prevented. Environmental safety is guaranteed to Ukrainian citizens by carrying out a wide range of interrelated political, economic, technical, organizational, state legal and other measures, and the activity of natural and legal persons, which damages the environment, can be stopped by court decision. Environmental safety is guaranteed to the citizens of Ukraine by implementing a wide range of interrelated political, economic, technical, organizational, state and other measures, and the activities of individuals and legal entities that harm the environment may be terminated by court decision.

Disputes in the field of environmental protection shall be resolved by the court, local councils or bodies established by them in accordance with their competence (Section XIV).

According to Art. 68 Law of Ukraine "on Environmental Protection" violation of the legislation of Ukraine on environmental protection entails disciplinary, administrative, civil and criminal liability. Enterprises, institutions, organizations and citizens are obliged to compensate for the damage caused by such violation. Illegally extracted resources and produced products from them are subject to free removal, and the tools of violation - confiscation. Revenues received from their realization are directed to local environmental protection funds.

Relations in the sphere of environmental protection and use of natural resources are regulated by a number of normative and legal acts, among which are laws of Ukraine "on protection of the environment", "on protection of atmospheric

air", "on natural reserve fund of Ukraine", as well as Water, Land and Forest Codes. Each of these documents regulates a particular area of environmental law and establishes certain rules that are mandatory for all participants to comply with such legal provisions. And it is quite logical that if there are certain rules, there are rules that establish responsibility for their violation.

### **Peculiarities of criminal responsibility**

Section VIII of the Criminal Code of Ukraine provides the basis of criminal liability for environmental offenses, which specifies the main points of the fight against crimes against the environment, listed the most dangerous criminal offenses in the field of environmental safety. First of all, the relevant criminal provisions in accordance with violations of legislation in the field of environmental safety are fixed in art. 253, 236-238 CC of Ukraine. Thus, art. 236 CC of Ukraine "violation of environmental safety rules" is characterized by the action in the form of violation of the procedure of environmental examination and environmental safety rules during design, placement, construction, reconstruction, commissioning, operation or liquidation of the enterprise, buildings, moving means and other objects. In the context of legal regulation of environmental safety in Ukraine is topical. 237 Criminal Code "Non-life of measures to eliminate consequences of environmental pollution", which on the objective side of the crime is characterized by the following actions: 1) deviation from carrying out of decontamination or other resumed measures; 2) improper conduct of decontamination or other resumed activities

### **Peculiarities of administrative responsibility**

The most common responsibility for this type of offense is administrative responsibility for violations of legislation directed against environmental security, as provided by the Code of Administrative offenses. The list of environmental administrative offenses concerning environmental safety is contained in section 7 of the ICAP "Administrative offenses in the sphere of nature protection, use of natural resources, protection of cultural heritage". For example, administrative violations in environmental security are divided into several groups: 1) offenses relating to ownership of natural resources (art. 47-51 QUAP); 2) land offenses (art. art. 52-56, 188-5 KUAP); 3) excessive offenses (art. 57-58 QUAP); 4) water offenses (art. Article 48, 59-62 KUAP); 5) violation in the field of geology and the use of adar (p. 59-61 QUAP); 6) forest offenses (art. 63-77 QUAP); 7) atmospheric offenses (art. 78-83 QUAP); 8) faunistic (animal) offenses (art. 85-89 QUAP); 9) offenses in the field of labor protection and public health (art. 41, 42, 46, 95, 188 KUAP)

### **Peculiarities of civil and legal responsibility**

The application of civil liability for violations of environmental legislation and implementation of environmental safety are specified in Art. 69 the Law of Ukraine "on Environmental Protection", which provides that the damage caused by violation of the legislation on environmental protection, is subject to compensation in full.

It is also important to take into account that the application of measures to bring the offender to any kind of liability of Article 68 does not relieve the guilty from compensation of damage caused by pollution of the environment and deterioration of the quality of natural resources. Illegally extracted resources in nature and produced from them products are subject to free removal, and the tools of offense - confiscation.

In this way, we considered the main legal aspects of the issue of legal regulation of environmental law in Ukraine and found that the legal and regulatory framework is sufficient and reasonable to ensure stable functioning of environmental and legal norms.

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*Метою даної публікації є актуалізація нормативно-правових знань з галузі екологічного права. Низький рівень обізнаності у даній сфері спричиняє недостатнє дотримання правил, які б покращили екологічне становище всієї планети. Тезис містить наукове обґрунтування правових аспектів екологічного права та конкретизує важливість їх існування. Підсумовуючи, дана робота містить короткий опис основних нормативно-правових положень, які будуть корисними для майбутніх спеціалістів у сфері права.*

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## **PROVIDING ENVIRONMENTAL SAFETY AND COMBATING RELATED OFFENCES**

Environmental pollution has a negative impact on human health and the surrounding fauna in general. What is the impact of polluted air in general? For humans, it can be a source of penetration of harmful substances through the respiratory system. If the environment is taken into account, contaminated water may contain pathogenic microorganisms and hazardous substances. And contaminated soil and groundwater degrade the quality of agricultural food.

I believe that nature is life, it is plants and animals, it is a painter and the mother of all living things. It is believed that man is the crown of the evolution of life on Earth, the king of nature. No living being can be compared to a human being in terms of mental abilities, ability to think and analyze. But why then do we deliberately pollute the air, soil, water of the seas and oceans with industrial waste? Why do we massively destroy wildlife, dooming plants and animals to extinction? In my opinion, these are very accurate questions that need to be considered. Everything in nature is interconnected, this is the only cycle of life that no one has the right to break! We need everyone to remember this and cherish the wonders that nature still generously gives us. After all, then it will be too late to regret what could have been so easily avoided!

Currently in Ukraine there are the following types of liability for violations of environmental legislation: disciplinary, administrative, civil and criminal liability. This is provided for in Article 68 of the Law of Ukraine “On Environmental Protection”.

Disciplinary liability for environmental offenses is a type of legal liability applied to perpetrators of wrongful acts that violate environmental regulations and requirements in the performance of their duties. There are two types of disciplinary action - reprimand and dismissal.

Administrative liability is provided by the Code of Ukraine on Administrative Offenses and is accompanied by the imposition of a fine (in some cases with the confiscation of illegally mined environmental objects or prohibited mining tools). Also, sometimes a warning can be applied. According to Article 77 of the Code of Ukraine on Administrative Offenses, violation of fire safety requirements in forests entails the imposition of fines on citizens from ninety to two hundred and seventy non-taxable minimum incomes, and on officials - from two hundred and seventy to nine hundred non-taxable minimum incomes.

Civil liability for violation of environmental legislation means that the damage caused by violation of environmental legislation is subject to full compensation. Persons who have suffered such damage have the right to compensation for unearned income for the time necessary to restore the quality of the environment, the restoration of natural resources to a state suitable for their intended use.

Criminal liability for environmental crimes is the most severe type of liability. It is specified in Section 8 of the Criminal Code of Ukraine, and under certain articles provides for up to 10-12 years in prison. For example, intentional destruction or damage to state-protected areas and nature reserves, committed by arson or other dangerous means, if it resulted in death or other serious consequences. Criminal punishment is applied to persons who have committed offenses with a high level of environmental risk and danger to the environment, human life and health. And also if the damage to the environment is particularly large. Article 246 of the Criminal Code of Ukraine provides for the following liability for illegal felling of trees or shrubs in forests, protective and other forest plantations, transportation, storage, sale of illegally felled trees or shrubs that have caused significant damage:

- a fine of one thousand to one thousand five hundred non-taxable minimum incomes;
- or arrest for up to six months;
- or restriction of liberty for up to three years;
- or imprisonment for the same term.

We should note that if a person has committed the same acts repeatedly or with the prior conspiracy of a group of persons, then they are punishable by restriction of liberty for a term of three to five years or imprisonment for the same term. If the actions of a person have caused serious consequences, in this case there is a penalty of imprisonment for a term of five to seven years.

To avoid pollution-related offenses, everyone should be aware of certain human factors, which, for example, will not allow us to cut down the entire forest for our own needs, build an entertainment complex in this place and what nature gives us. After all, then it will be too late to regret what could have been so easily avoided.

To my mind, each of us loves nature and gets real pleasure from watching all its manifestations. Currently, the ecological situation of the country leaves much to be desired. People often have picnics in the woods and light fires. Sometimes there are fires. Not all tourists collect garbage after the holiday, leaving the remains in the place or throw everything into the river.

Unfortunately, we are not used to caring about nature. And one day it may take revenge on us for our treatment of resources. We must take care of nature and protect it. We need everyone to remember this and cherish the wonders that nature still generously gives us.

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### Анотація

*В дослідженні мова йде про надзвичайно актуальну проблему сьогодення – забезпечення захисту нашої екології, а також протидію злочинам, пов'язаним із недбайливим та руйнівним ставленням до природи та навколишнього середовища. К тезах подається інформація про види відповідальності за порушення природоохоронного законодавства, такі як: дисциплінарну, адміністративну, цивільно-правову та кримінальну, що передбачено статтею 68 Закону України «Про охорону навколишнього природного середовища».*

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### ECOLOGICAL SAFETY

Ecological safety (ecosafety) represents a socio-natural and scientific reality, being an object of study of various sciences (natural, social, legal, etc.), as it covers a complex set of human relationships with the natural environment.

Ecosafety is a social category inherent in human society, formed within the framework of social relations. It has certain legal forms of non-legal nature, although it belongs to the phenomena.

This category is characterized, firstly, as the eternal value of human society, based on a certain system of guarantees of ecological safety of coexistence of nature and human. We are talking about human safety in the process: the interaction with the natural environment, with hazardous substances (radioactive, chemical, toxic, etc.), the use of destructive or dangerous technologies and processes, various environmental impacts, etc. It can be associated with uncontrolled human processes (natural acts of God).

Secondly, in ensuring ecological safety, the laws of nature are taken into account, according to which ecological objects are developed.

Thirdly, ecological safety is carried out under the control of the state, which forms a whole system of special authorities.

Fourthly, the basis of the legal form is environmental law as an independent legal branch. Legal support of ecological safety is one of the basic principles of this law.

The definition of ecological safety as a legal category has different interpretations in ecological and legal science. It is believed that its essence consists in the protection of the human and the environment from harmful impact; conditions for maintaining human health and ensuring sustainable socio-economic development; balance of ecosystem development; activities on the protection of vital environmental interests; in that it is an integral part of international ecological safety, etc. Ecological safety law is considered as a complex branch of environmental law, a system of legal regulations and other means aimed at creating legal conditions for realization of the subjective right of citizens to an environment safe for life and health and its protection in case of violation, as well as regulation of relations with regards to the implementation of environmentally degrading activities in order to prevent environmental degradation, occurrence of environmental hazards to natural systems, population, interests of the state and legal entities, as well as the implementation of a system of measures in case of environmental hazards with regards to the remediation of hazardous consequences, determination of the mode of use of environmentally hazardous areas and facilities, establishment of the special status of persons affected by the negative effects of the forces of nature or man-made impacts, achievement of the regime of safe existence of the population and the state of the environment at the local, regional, national and transnational levels.

The Law of Ukraine “On the Natural Environmental Protection” (Article 50) defines ecological safety as a state of the environment that prevents the environmental degradation and the danger to human health, which is guaranteed by a wide range of interrelated environmental, political, economic, technical, organizational, state-legal and other measures.

Ecological safety is considered in two aspects. As a subjective category, it is manifested in the process of realization of the subjective right of citizens to ecological safety through regulatory and protective methods. This right of citizens is closely linked to the right to a safe environment for their lives and health. On the other hand, it is an objectively existing system of legal support for ecological safety, which regulates environmentally degrading activities, mode of use of natural resources, environmental protection, prevention of environmental degradation and danger to natural objects and the population.

The environment is considered safe when its condition meets the criteria, standards, limits and regulations established by the legislation, related to its purity (non-pollution), resource capacity (depletion), environmental sustainability, sanitary requirements, species diversity, ability to meet the interests of citizens.

The current environmental legislation of Ukraine as a criterion of environmental safety provides for special regulations of ecological safety.

According to qualitative indicators, the environment condition can be represented by three levels, where its quality is considered as a set of natural and “acquired” properties formed under the influence of anthropogenic activities that meet established environmental, sanitation and hygiene regulations that provide conditions for development and reproduction of living organisms, including human life and activities. The highest level of quality of the natural environment represents a clean natural environment. In this case, environmental pollution is minimal, it does not cause changes in the normal ecological state in a particular region. The second level should include a favorable natural environment. In this case, environmental pollution is possible within limits that do not affect human health and when there are no unpleasant factors caused by a certain industrial specificity. The third level includes a safe natural environment. In comparison with the second level, there is a possibility of the presence in the natural environment of a particular region of negative factors undangerous to human.

It has already been mentioned that the ecosafety of natural objects is related to the safety of citizens in the field of ecology. This is a prerequisite for the realization of the natural and inalienable human right to a safe environment.

The objects of ecological safety in accordance with Article 3 of the Law “On the Fundamentals of National Security of Ukraine” are the following: human and citizen (their constitutional rights and freedoms, the list of which in accordance with the Basic Law (Article 22) is not exhaustive); society (its spiritual, moral and ethical, cultural, historical, intellectual values, information and natural environment, and natural resources); state (its constitutional order, sovereignty, territorial integrity and inviolability). Thus, the objects of ecological safety are the vital interests of security subjects: rights, material and spiritual needs of the individual; natural resources and the environment as the material basis of state and social development.

The subjects of ecological safety are the following: the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defense Council of Ukraine, ministries and other central executive bodies, the National Bank of Ukraine, courts of general jurisdiction, the Prosecutor's Office of Ukraine, local state administrations and local government authorities, the Armed Forces of Ukraine, the Security Service of Ukraine, the State Border Guard Service of Ukraine and other army units formed in accordance with the laws of Ukraine, citizens of Ukraine, citizens' associations (Article 4 of the Law of Ukraine “On the Fundamentals of National Security of Ukraine”).

In terminological and substantive aspects, security is related to the antonym “danger” and is its reverse side. Safety is the elimination of a danger or its reduction to an acceptable risk to the environment. Part 1 of Article 50 of the Law of Ukraine “On Environmental Protection” indicates the prevention of environmental degradation and danger to human health.

The peculiarity of administrative offenses in the field of ecological safety is that the primary object of its encroachment is the natural environment, and the secondary – the life and health of people harmed or threatened by such damage due to the violation of regulations of the natural environment protection. Otherwise, if the act directly threatens or harms the health and life of people, it cannot be considered as committed in the field of ecological safety. In addition, Article 68 of the Law of Ukraine “On Environmental Protection” indicates that “violation of the legislation of Ukraine on natural environment protection entails disciplinary, administrative, civil and criminal liability established by this law and other legislation of Ukraine. The legislation of Ukraine may establish liability for other violations of legislation on natural environment protection”. This leads to several conclusions: a) administrative liability for violation of ecological safety requirements is established by this law and other legislative acts – codes and laws of Ukraine; b) in addition to the offenses specified 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 liability for environmental offenses and crimes” states that determination of the constituent elements of environmental offenses and crimes, the procedure for bringing perpetrators to administrative and criminal liability for their commission are established by the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine. Thus, from the content of Article 70 it follows that the regulations of Article 68 regarding the establishment of the constituent elements of administrative offenses and legal liability in laws other than the basic codes, contradict the content of this Article. Accordingly, it is necessary to harmonize the content of these Articles. Depending on the separation of a special object of environmental offenses, scientists distinguish the following types of environmental offenses: in the field of natural resources utilization; general environmental offenses; violation of ecological safety requirements.

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#### **Анотація**

*У цій роботі я розглянув поняття екологічної безпеки, шляхи її забезпечення, її об'єкти та суб'єкти, особливості адміністративних порушень у цій сфері. Також розглянуто чинне екологічне законодавство України.*

## **MAIN ASPECTS AND SIGNIFICANCE FOR SOLVING THE PROBLEM OF ENVIRONMENTAL SAFETY**

Nowadays an urgent problem is the protection of the environment and the maintenance of environmental safety. To implement these functions, law enforcement agencies turn to the system of environmental legislation governing environmental relations, and to the organizational and legal framework for cooperation with public institutions.

The problematic issue in this case is the uncertainty of the forms of interaction of the National Police of Ukraine with other bodies, structures of Ukraine and public institutions. This nuance is a consequence of incomplete environmental security of Ukraine and requires the study of foreign practice and improvement of their own.

In turn, "environmental security" is a state of protection of vital interests of society and a favorable environment for it from adverse external and internal factors. As it is related to the security of the country and its society, it should be noted that it is a component of Ukraine's national security.

Support for this state of protection is possible only with strict compliance with environmental legislation, which in Ukraine are: Land Code, Water Code, Forest Code, the Law of Ukraine "On Environmental Protection", the Law of Ukraine "On Nature Reserve Fund of Ukraine", the Law of Ukraine "On the Animal World", the Law of Ukraine "On the Legal Regime of the State of Emergency".

According to Art. 2 of the Law of Ukraine "On the National Police" the tasks of the police are to provide police services in the areas of: 1) ensuring public safety and order; 2) protection of human rights and freedoms, as well as the interests of society and the state; 3) combating crime; 4) provision, within the limits established by law, of services to assist persons who, for personal, economic, social reasons or as a result of emergencies, need such assistance [4, p. 2].

Prevention of environmental offenses refers to measures to ensure environmental safety, which is a set of tools defined by the legislator, which are used by specially authorized bodies in the prescribed manner to ensure environmental safety [1, p. 4].

Prevention of environmental offenses in the country should be determined by socially oriented activities of the state and its institutions to establish the causes of such illegal acts and their elimination. That is why, depending on the hierarchy of causes of offenses, it is necessary to distinguish between special and individual prevention.

Individual prevention is a purposeful activity of the state, its officials and public institutions to find and identify persons who may commit environmental offenses, and to carry out preventive action on such persons in order to prevent the formation of illegal orientation, and stop the preparation and commission of these offenses. Special prevention is aimed at identifying and terminating certain offenses, as well as eliminating the causes and conditions of their occurrence.

When forming the order of preventive measures by the state and its institutions, it is necessary to take into account the causes of environmental offenses, subjective or objective. Subjective reasons arise from the intentions and orientations of individuals. Objectives, in turn, depend on the development of science and technology.

Therefore, the effective experience of other countries should be used to ensure effective environmental security. As in Austria, for example, the precautionary direction in the field of environmental offenses is a priority environmental policy of the government. In Belgium there is the High Prevention Council, in the UK the main body in this area in the city police departments is a warning service, which advises the public and companies on environmental safety, which indicates the relevance of this area not only nationally but also regionally. [3, p. 273]

In Japan, local government is responsible for strategic planning, policing, firefighting and emergency response, which is very important at the national level [2, p. 178].

Therefore, taking into account the above and analyzing the issues covered, it should be concluded that the state of the environment today needs more careful monitoring. Uncertainty of forms of interaction of state bodies in the field of environmental safety reduces its indicators, so it is necessary to borrow international practice in terms of involving individual government agencies, NGOs and local governments in the planning and implementation of preventive measures.

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### **Анотація**

*Тема даної роботи дозволяє дослідити проблеми профілактичної діяльності правоохоронних органів країни та перелік необхідних заходів, які дозволять на практиці, усунувши сучасні проблеми та реалізувавши досвід зарубіжних країн світу, покращити стан екологічної безпеки України.*

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## **LAW ENFORCEMENT AND PUBLIC INTERACTION IN THE FIELD OF ENVIRONMENTAL SECURITY**

The state of the environment and environmental safety is the most acute social and economic problem of our country. According to Article 16 of the Constitution of Ukraine, ensuring environmental security and maintaining the ecological balance on the territory of Ukraine is the responsibility of the state [1]. This is entrusted to the competent authorities, local authorities and public organisations to ensure environmental protection, rational use of natural resources, ensuring environmental safety and human life.

According to Article 2 of the Law of Ukraine on the National Police, the tasks of the police are to provide police services in the areas of:

- 1) ensuring public safety and order;
- 2) protection of human rights and freedoms, as well as the interests of society and the state;
- 3) combating crime;

4) provision, within the limits defined by law, of assistance services to persons who, for personal, economic, social reasons or due to emergencies, need such assistance [2].

In addition, the powers of the police include, inter alia, ensuring the legal regime of a state of emergency, an area of environmental emergency when it is declared on the entire territory of Ukraine or in a particular area.

For example, in the case of a state of emergency, the National Police ensures protection of public order, monitors compliance by officials and citizens with the requirements established in its competence, and takes administrative measures against those who violate the requirements of the regime.

According to the legislation of Ukraine, environmental security should be considered as: a direction of state policy; a constitutional obligation of the state and a subjective right of man and citizen; the sphere of national security [3].

One of the main reasons for the insufficient provision of environmental security is recognised legal uncertainty of the forms of interaction between the units of the National Police of Ukraine with other law enforcement agencies, in particular the units of the State Service of Ukraine for Emergency Situations and state authorities.

The successful implementation of a comprehensive policy of interaction with the population, the introduction of social dialogue in the field of environmental security can be expressed in such actions as: the involvement of citizens in the planning, development of plans and implementation of environmental protection measures; the implementation of joint patrols and raids; and the implementation of programmes to improve the environmental and legal culture among young people.

Such activities can be promising in the direction of environmental crime prevention through the joint efforts of law enforcement agencies, local self-government bodies, public associations, specialists and ordinary citizens in the area.

Among the specialized bodies in the field of environmental protection, there is no such body as the police, whose main purpose is to protect public order and public safety, to protect human rights and freedoms, and to stop offences and crimes. At the same time, however, it carries out administrative activities in the field of environmental protection.

The main forms of interaction are joint patrols and posts with the police, environmental protection authorities and public authorities.

An annual operational and preventive operation, New Year's Tree, is conducted to prevent and prevent the spontaneous felling and sale of conifers. These agencies include law enforcement officers, foresters, representatives of the State Ecological Inspectorate and public organisations. Regular raids are conducted to prevent and detect violations in the preparation, transportation and sale of Christmas trees [4, p. 79].

Temporary places are also set up on roads, at railway stations and in localities where they check documents for the right to transport and sell Christmas trees. These operations are yielding the appropriate results.

Significant results in the detection of offenders in the hunting area are obtained by joint raids of employees of internal affairs bodies, environmental inspectors and representatives of the public during the hunting hours in the hunting grounds [5, p. 121].

Analyzing the problem posed, we conclude that ensuring environmental security is one of the main tasks that the fences of the National Police together with other state and public formations are to solve. For effective, purposeful and forward-looking interaction, it is necessary to introduce new regulations of the Ministry of Internal Affairs of Ukraine regulating the oversight of environmental security and rational use of natural resources, as well as to introduce a separate unit, which will be subordinated to the National Police of Ukraine, whose purpose will be to carry out work on environmental preservation.

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#### **Анотація**

*У статті розглянуто проблему взаємодії правоохоронних органів та громадськості у сфері забезпечення екологічної безпеки. Визначено види та форми взаємодії та реалізації охорони навколишнього середовища. Розглянуто приклади взаємодії визначених органів у сфері забезпечення екологічної безпеки. Також визначено можливі шляхи вдосконалення взаємодії правоохоронних органів та громадськості.*

## **TYPES OF RESPONSIBILITY FOR COMMITTING ENVIRONMENTAL OFFENSES**

To ensure environmental security in Ukraine, a number of environmental laws have been created to prevent crime. One of the important components of legal regulation of environmental safety is liability for violations of environmental legislation. In our opinion, the creation of regulations on environmental safety is important and necessary.

An environmental offense is a guilty, illegal, environmentally hazardous act that encroaches on the established procedure for the use of natural resources, environmental protection and violates environmental and related human rights and environmental safety requirements. Objective signs of an environmental offense are an act or omission that leads to an illegal violation of environmental requirements.

**Environmental offenses, depending on the subject and object of encroachment may be in the field:**

- use of natural resources: land, water, forest, mining, faunal, in the field of use and protection of the atmosphere;
- environmental protection: violation of environmental requirements at the stage of decision-making and in the process of economic, etc. activities, violation of the requirements for the protection of territories and objects of the nature reserve fund, resort, medical and recreational areas, etc. territories subject to special protection;
- environmental safety: failure to take measures to prevent and eliminate the consequences of environmental emergencies, violation of environmental safety requirements in the process of carrying out activities.

**Article 68 of the Law of Ukraine "On Environmental Protection"** states that violation of the legislation of Ukraine on environmental protection entails disciplinary, administrative, civil and criminal liability.

Criminal liability for environmental crimes is a state of development of public relations, which implements the means of criminal punishment of persons guilty of environmental offenses with a high level of environmental risk and environmental hazards to the environment, natural resources, life and health.

Criminal liability for environmental violations is provided for in Section VIII of the Criminal Code of Ukraine, which is entirely devoted to the fight against crimes against the environment. It lists the most dangerous criminal offenses in the field of natural resources use and environmental protection and establishes responsibility for their commission.

**Types of punishment for environmental crimes are:**

corrective work;  
criminal fine;  
imprisonment;  
confiscation of illegally obtained instruments of crime  
deprivation of the right to hold relevant positions.

Legal responsibility for environmental offenses is a specific form of social relations.

**The following sanctions are applied against legal entities - subjects of environmental legal (preventive) liability:**

activity restrictions;  
cessation of activities.

**Authorities for the application of sanctions are:**

local governments;  
bodies of the Ministry of Ecological Security of Ukraine;  
local state executive bodies.

**Termination of activities is carried out by:**

Cabinet of Ministers of Ukraine;  
local self-government bodies regarding the subordination of legal entities;  
Court on the claim of the Prosecutor's Office in case of systematic offenses;  
local executive bodies.

The most common is administrative liability for violations of environmental legislation. Administrative liability for environmental offenses is a type of public relations in which measures of administrative influence (punishment) are applied for guilty and illegal acts that violate the established procedure for the use of natural resources, environmental protection, environmental safety and environmental rights.

The largest number of articles that provide for liability for environmental offenses is contained in Chapter 7 of this Code "Administrative offenses in the field of nature protection, use of natural resources, protection of cultural heritage."

Peculiarities of application of civil liability for violation of environmental legislation are specified in **Article 69 of the Law of Ukraine "On Environmental Protection"**, which provides that damage caused by violation of legislation on environmental protection is subject to compensation in full.

**Types of administrative and legal penalties are:**

fine;  
seizure of objects of the offense;  
deprivation of the right to engage in special activities;  
confiscation of instruments of offense;  
restriction, suspension, termination of operation or operation of facilities.

In conclusion, ensuring in the field of environmental safety is carried out through the regulation of regulations, certain activities of law enforcement agencies and liability for environmental offenses.

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### **Анотація**

В роботі розглядається відповідальність за вчинення екологічних правопорушень. Описано визначення видам екологічних злочинів та класифікацію екологічних правопорушень в залежності від предмета і об'єкта посягання. Наведено статті та інші нормативно-правові акти, що діють в Україні. Дано визначення юридичній, адміністративній та кримінальній відповідальності, а також наведено приклади покарань.

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## **INTERNATIONAL STANDARDS FOR LOGISTICS SERVICES**

In the system of international transportation, the concept of logistics is interpreted as optimized management of material, economic, and information flows. Numerous international contracts make the issues of transportation of goods from the seller to the buyer very relevant and essential. Transport logistics is engaged in the organization of rational processes for the promotion of goods from the supplier to the consumer. Like any serious international system, transport logistics has its specific standards, which determine its successful operation in the international market.

For the cargo transportation system to successfully perform its functions, international logistics services are limited to special international standards that are mandatory for implementation in any country, both domestically and internationally. For the system to work clearly and correctly, it is necessary to ensure control over the process and its management. True, it is quite difficult to carry out competent management over long distances, to which numerous cargoes are sent, but it is possible if you find the right approach to this problem.

In Ukraine, logistics are still a relatively new type of service, but it is in constant rapid development. Optimized international cargo transportation guarantees consignees:

- High quality of provided logistics services;
- Ubiquitous control over the movement of cargo;
- Transparency of the transportation process itself;
- Selection of the optimal route for cargo delivery;

- Reduction of the client's financial volumes due to the delivery of cargo along the shortest route.

All these components of a successful carrier are achieved through high professionalism of the staff, continuous improvement of the level of knowledge and development of practical experience. Having a staff of qualified employees who are equally fluent in various areas of the diverse process of cargo delivery, carrier companies, in addition to delivering an order from the fabricator to the final buyer; provide a range of other related services:

- Provide control over the safety of the delivered cargo;
- Quickly and competently register goods at customs;
- Draw up warehouse documents;
- Carry out certification for product compliance with standards;
- Monitor the integrity of the package;
- Provide cargo consolidation.

International standards for the transportation of goods require the provision of both basic transportation services and additional, high-quality services to customers while ensuring the simplest possible delivery process. The customer should not see all the difficulties that the carrier has to overcome - he should receive his goods in good condition and in full safety within the agreed time. The higher the quality and range of services provided by carrier companies, the more competitive they are in their business.

A very good example regarding this topic is the fate of the scandalous tanker "Delphi".

On November 2019, in the Black Sea near Odessa, in the area of the Dolphin beach, the Delfi tanker with three Ukrainians on board crashed.

As a result of the accident, the coast was polluted.

The shipowner promised to remove the tanker from the beach until March 31, 2020, then the deadlines were postponed. A number of attempts ended in failure.

On July 26, the commission on fuel and energy balance and emergency situations of the Odessa Regional State Administration recognized the situation with Delphi as an emergency. The shipowner refused to extend the work.

In August, a tripartite agreement was signed between the USPA, the Crankship and Brooklyn-Kiev companies, which subsequently performed and financed the work to raise the tanker.

On September 1, the Economic Court of the Odessa region arrested Delphi at the suit of the USPA.

On September 10, the tanker was removed from the beach and the Chernomorsk port was towed.

On February 2021, a preparatory hearing was held at the Economic Court of the Odessa Region on the lawsuit by the state against the owner of the Delphi tanker.

The situation has taken a lot of damage. According to the indicated date, water pollution was exceeded by almost 5 times.

Therefore, organizations should develop an environmental policy - a special document of the intentions and principles of the organization, which should serve as the basis for the organization's actions and the definition of environmental goals and objectives (see below). The environmental policy should be appropriate to the scale, nature and environmental impacts generated by the company's activities, products and services. The environmental policy, among other things, should contain statements about the desire to comply with regulations, as well as "continual improvement" of the environmental management system and "pollution prevention". The document must be brought to the attention of all employees of the organization and be available to the public.

Organizations must also develop and follow procedures for determining significant environmental impacts (note that here and elsewhere the standard speaks of impacts related not only directly to the organization's activities, but also to its products and services). The organization should also systematically consider all legal requirements related to the environmental aspects of its activities, products and services, as well as the requirements of a different nature (for example industry codes).

A number of requirements for personnel training, as well as for preparing for emergency situations, must be met.

An organization should monitor or measure the key parameters of those activities that may have a significant impact on the environment. Procedures shall be established to periodically verify compliance with applicable legal and other requirements.

The environmental management system should be periodically audited to determine whether it meets the criteria established by the organization.

The management of organizations should periodically review the operation of the environmental management system in terms of its adequacy and effectiveness. Necessary changes in environmental policy must be considered.

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### **Анотація**

*Логістичні процеси тісно пов'язані з функціонуванням підприємства, вони не формують самостійну сферу діяльності, але повинні підкорятися основним цілям підприємства і забезпечувати їх досягнення. Для створення ефективної мережі та успішного здійснення логістичної діяльності, необхідне проведення ретельного проектування побудови логістичних систем на промислових підприємствах.*

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### **BASIC PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW**

The legal regulation of international environmental relations is meaningful for the international community, which must comply with the principles of general international law. Nowadays, the agreement of 1995 about "The Draft International Pact on Environment and Development" codifies the principles of international environmental law as fully as possible. The pact is based on treaties and customs in the sphere of international environmental law and selected provisions of the Stockholm Declaration of 1972, the Declaration adopted in Rio de Janeiro in 1992 and the World Charter for Nature of 1982.

The draft of the pact consists of 9 basic principles of international environmental law:

The first principle is about the observance of human rights in the sphere of ecology, provided by the constitutions of these countries. This principle is interpreted as follows: "everything is provided by the Constitution or constitutional laws regarding environmental human rights in your country should be observed."

The Second principle is about the inadmissibility of causing trans boundary damage to the environment. This principle is a backbone and central principle of international environmental law. All countries must ensure activities within their jurisdiction and must be responsible for causing damage to the environment of another country or area beyond the limits of national jurisdiction. The essence of this principle is that if there is a threat of damage to the environment, it is necessary to take all possible measures to prevent it, to stop any activity that can cause such damage to the environment.

The Third principle is about rational and environmentally using of natural resources. Following principle, countries have the right to dispose of the resources only in their area and only according to environmental safety standards. The development and management of the resources of countries should be carried out by the requirements of the laws of biosphere stability and it should be carried out within

the corridors that are determined by the restrictions and prohibitions that follow from these laws.

The Fourth principle is about the inadmissibility of radioactive contamination of the environment. This principle applies to the military sphere of application of radioactive substances of nuclear energy and the peaceful sphere of application. No country has the right to import or export means of potential radioactive contamination without adopting reliable means of radioactive safety.

The Fifth principle is about the protection of ecological systems are located in the oceans. All countries must protect and preserve the marine environment. Clause 192 of the United Nations Convention on the Law of the Sea. Each country is obliged to develop norms and standards of the international level that relate to pollution on the high seas, including in exclusive economic zones.

The Sixth principle is about the Prohibition of any hostile use of means of influencing the natural environment (for example military). You can not use methods for waging a war that causes damage to nature, such as the deliberate management of natural processes, namely the dynamics, composition or structure of the earth, including its biota, lithosphere, hydrosphere and atmosphere or outer space.

The Seventh principle consists of ensuring the safety of the environment. Each country must determine the level of acceptable risk with its mandatory consideration in the process of setting the cost of finished products and services and assess the environmental risk associated with this. This risk is justified from the standpoint of economic and social factors. For some benefits, there may be a risk that people are generally able to put up with.

The Eighth principle is about the International legal responsibility of countries for damage caused to the environment. Each country assumes international legal responsibility if it causes damage to the environment.

So, in Turkey, the construction of an artificial shipping canal was officially launched that will connect the Black and Marmara Seas. The canal will cross the European part of Istanbul and thus form an island between Asia and Europe. Construction officially began on June 26, 2021. The main goal of the project was to reduce maritime traffic through the Bosphorus and minimize the risks and dangers associated, among other things, with oil tankers. Which takes 20% of the city's drinking water, destruction of agricultural and forestland, potential contamination of groundwater with salt, increased flooding, changes in salinity and species composition of the Sea of Marmara. There will be a natural disruption of fish migration as well as changes in air currents that can lead to climate change in this region are negative consequences of the construction of the new Istanbul Canal.

The ninth principle is about the scientific management of living resources. The country should widely apply the means of environmental protection under the capabilities of this country. If there is a threat of causing serious irreparable damage to the environment, then the lack or insufficiency of scientific information cannot be a reason for postponing or not taking measures to protect the environment. It is

necessary to reorient from the fight against the consequences to their warning and prevention.

In Conclusion: These principles should be considered as a doctrine for the world community. Each country must bear full and differentiated responsibility for causing damage to the environment within the framework of national territorial jurisdiction, as well as carry out international environmental cooperation. It is impossible to cause harm to the environment outside of national jurisdiction, and if this happens, then it is necessary to completely eliminate the consequences in accordance with the "polluter pays" principle. This principle should coexist with monitoring the state of the environment and provide the public with information about its state and participation in decision-making.

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#### **Анотація**

*На сьогоднішній день договір 1995 року «Проект міжнародного пакту з навколишнього середовища та розвитку» максимально повно кодифікує принципи міжнародного екологічного права. У статті розкриваються 9 основних принципів міжнародного екологічного права та надається приклад застосування цих принципів у міжнародному проекті країнами Чорноморського басейну.*

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## **MONEY LAUNDERING FROM ENVIRONMENTAL CRIME**

Environmental crime covers a wide range of activities, from illegal extraction and trade of forestry and minerals to illegal land clearance and waste trafficking. Actors involved in these crimes vary from large organized crime groups to multinational companies and individuals.

Perpetrators of environmental crime rely on both the financial and non-financial sector to launder their proceeds. The «low risk, high reward» nature of environmental crime makes for a lucrative and safe source of revenue for criminals. This is partly due to a regulatory and legal environment that is not always consistent

globally and does not fully address the financial aspects and money laundering (ML) risks of these crimes.

UN studies show that the proceeds from environmental crimes are in the same order of magnitude as other financial crimes. However, actions by government and private sector to identify, investigate and prosecute related laundering have been limited. This FATF report shows the significant role of trade-based fraud and misuse of shell and front companies to launder gains from illegal logging, illegal mining, and waste trafficking. It also shows that criminals frequently comeingle legal and illegal goods early in the resource supply chains to conceal their illicit source. This can make it difficult to detect suspicious financial flows later in the value chain, to an extent not previously examined by the FATF. This highlights the need for anti-money laundering authorities to build working relationships with non-traditional partners, including environmental crime investigators and environmental protection agencies, and to establish multi-stakeholder dialogues [1].

Three things countries and companies must do to address illegal financial flows from environmental crimes:

First, proper assessments of financial crime risks arising from environmental crimes, by governments and the private sector.

Second, more proactive cooperation across sectors and countries, through public-private partnerships and similar mechanisms.

Third, applying good ideas and effective tools from other areas of financial crime-fighting to the challenge of environmental crime.

Most of all, everyone everywhere dealing with financial services, crime and risk needs to start working proactively together, because the challenge is tremendous. By many estimates, illegal financial flows from environmental crime surpass those of other serious and organised crimes like drugs, arms and human trafficking, which are often committed by the same actors [2].

Yes, it is a complex and fluid topic. Compared to other crimes there is less information and more grey areas where legal and illegal activity merge. Yes, there are hurdles, like differences in national laws on predicate offences and data protection. But the panellists, representing the views of both the public and the private sectors, were clear: these are not an excuse to wait and watch.

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## **Анотація**

*У тезах розглянуто фінансові потоки, пов'язані із екологічною злочинністю. Екологічна злочинність є серйозною злочинною діяльністю, яка щороку приносить мільярди незаконних прибутків. Це включає незаконний видобуток корисних копалин, вирубку лісу, розчистку землі та торгівлю відходами. Органи державної влади та приватний сектор вживали не значних заходів щодо виявлення, розслідування та притягнення до кримінальної відповідальності за відмивання доходів, отриманих від цих злочинів. Як результат, екологічні злочини перетворились на діяльність із низьким ризиком та високою винагородою, яка забезпечує безпечне джерело доходу для злочинців, одночасно завдаючи руйнівних збитків екосистемі світу. У звіті наголошується на необхідності співпраці органів протидії відмиванню коштів зі слідчими органами з питань екологічної злочинності, природоохоронними установами та іншими нетрадиційними та іноземними партнерами.*

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## **RECHTSGRUNDLAGEN DER UMWELTAKTIVITÄTEN DER NATIONALEN POLIZEI DER UKRAINE**

Die Gewährleistung eines angemessenen Umweltschutzes auf dem gegenwärtigen Stand der gesellschaftlichen Entwicklung ist nach wie vor ein akutes und umstrittenes Thema im allgemeinen Spektrum der Hauptaufgaben moderner staatlicher Politik. Die Häufigkeit und das Ausmaß Verstöße gegen die Umweltsicherheit sind auffallend und regen daher zu einem immer breiteren Einsatz wirksamer Mechanismen zur staatlichen Regelung dieses Bereichs an. Die wissenschaftliche und normative Begründung von Umweltproblemen ist kein entscheidender Schritt im umfassenden Kampf gegen Eingriffe in die Sicherheit unserer Umwelt. Sein Hauptbestandteil ist die Zusammenarbeit der staatlichen und lokalen Regierungsbehörden auf allen Ebenen, qualitativ hochwertiges Personal und die Logistik sowie eine ständige Überwachung und Kontrolle. Unter den Organen, die die Kontrolle und Überwachung der Umweltsicherheit bewachen, sind auch Einheiten der Nationalen Polizei der Ukraine. Daher entsteht die Aufgabe, die Grundlagen ihrer Tätigkeit bei der Gewährleistung der Umweltsicherheit festzustellen.

Die Relevanz des Themas ergibt sich aus der Tatsache, dass die Gewährleistung der Umweltsicherheit ein globales Problem unserer Zeit ist. Gleichzeitig gibt das komplexe und mehrdeutige System der Problemregulierung eine unzureichende Antwort auf Umweltherausforderungen. Es ist wichtig zu

verstehen, wie die nationalen Polizeieinheiten dieses Problem auf der Grundlage ihrer Befugnisse lösen. Um die Rolle der Polizei bei der Gewährleistung der Umweltsicherheit zu verstehen, ist es zunächst notwendig, die Bedeutung dieses Begriffs, der im Art. 50 des Gesetzes der Ukraine „Über den Umweltschutz“ definiert ist, festzustellen. Die Umweltsicherheit wird dort als „ein solcher Zustand der Umwelt verstanden, der die Verhinderung von Umweltzerstörung und das Entstehen einer Gefahr für die menschliche Gesundheit sicherstellt“ [6].

Es entsteht die Frage: „Wie löst die Nationale Polizei entsprechende Probleme?“ Im Einklang mit dem Gesetz der Ukraine „Über die Nationale Polizei“, besteht die Arbeit der Polizeibehörden auf dem Gebiet des Umweltschutzes in „der Aufklärung und Bekämpfung von Ordnungswidrigkeiten, Durchführung der Ermittlungen, dem Entscheidungsfällen hinsichtlich der Bestrafung, der Heranziehung der Rechtsbrecher zur Verantwortung, Gewährleistung der Rechtenwahrnehmung durch die Naturnutzer, ... Beseitigung von entstandenen Hindernissen; Festnahme von Personen, die eine Ordnungswidrigkeit auf dem Gebiet des Naturschutzes und der Nutzung natürlicher Ressourcen begangen haben usw.“ [1].

„Die Nationale Polizei der Ukraine ist ein Organ, das befugt ist, Aktivitäten im Bereich der Aufrechterhaltung der Umweltsicherheit und Rechtsordnung in unserem Staat durchzuführen“ (L. V. Mezhevskya, M. K. Chelahol) [2]. Es ist hinzuzufügen, dass die Beachtung und Kontrolle der Umweltsicherheit einen wertvollen Beitrag zur Entwicklung des Staates, der Gesellschaft und der Wirtschaft und zur Befriedigung der eigenen Lebensbedürfnisse der Menschen leistet. Das alles stellt einen absoluten Wert in einem demokratischen Staat dar.

Die überwiegende Mehrheit der Umweltschutzfunktionen wird von den Einheiten der präventiven Tätigkeit der Polizei, insbesondere von der Streifenpolizei und den Einheiten des Erlaubnissystems, wahrgenommen. Darüber hinaus werden den Kontaktbereichsbeamten bestimmte Aufgaben im Umweltbereich übertragen. [5] Sie sollen die Interessen eines Menschen, der Gesellschaft und des Staates im ganzen vor gesellschaftsgefährlichen Handlungen und den negativen Auswirkungen von Notlagen, die durch Naturkatastrophen, Unfälle, Brände, Epidemien und andere Notfallereignisse hervorgerufen sind, schützen. Zu ihrem Aufgabenkreis gehört auch die angemessene Unterstützung von Umweltbehörden bei der Lösung der Probleme zur Gewährleistung der Umweltsicherheit und des Naturmanagements.

Zusammenfassend kann folgende Schlussfolgerung gezogen werden: Die Erreichung der Ziele und die Bewältigung der Aufgaben der Nationalen Polizei der Ukraine erfolgt durch die Umsetzung einer Reihe von Funktionen, deren Art und Umfang durch die Ziele und Aufgaben bestimmt werden, die von den Polizeibeamten erfüllt werden sollen. Die Umweltsicherheit befindet sich auf der gleichen Prioritätsebene wie andere Pflichten der Nationalen Polizei der Ukraine, denn der Schutz der Umwelt eines Staates bedeutet den Schutz der Umwelt der ganzen Welt.

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*У статті розглядаються питання, пов'язані із проблемами забезпечення екологічної безпеки правоохоронними органами. Автором аналізуються основні завдання Національної поліції України у забезпеченні екологічної безпеки та дається оцінка діяльності поліції у сфері застосування природоохоронного законодавства.*

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### **LAW ENFORCEMENT ACTIVITIES IN THE FIELD OF ENVIRONMENTAL SAFETY IN UKRAINE**

Ensuring environmental safety is an extremely important topic in today's world. The environment is constantly changing, including due to human activities. Even small changes in the ecosystem can cause huge catastrophes and tragedies - now and in the future. To respond effectively to danger, we need to understand what we are dealing with.

According to Art. 2 of the Law of Ukraine "On the National Police" the tasks of the police are to provide police services in the areas of:

- 1) ensuring public safety and order;

2) protection of human rights and freedoms, as well as the interests of society and the state;

3) combating crime;

4) provision, within the limits established by law, of services to assist persons who, for personal, economic, social reasons or as a result of emergencies, need such assistance [2].

Police units are closer than others in contact with the population, which will allow them to implement a variety of methods and forms of a system of measures related to the provision of environmental human rights [1].

In addition, the powers of the police, in particular, include ensuring the legal regime of the state of emergency, the zone of environmental emergency in the event of their declaration throughout Ukraine or in a particular area. According to the Law of Ukraine "On the Legal Regime of State of Emergency", the legal regime of the state of emergency is aimed at ensuring the safety of citizens in case of natural disasters, accidents and catastrophes, epidemics and epizootics, as well as protecting the rights and freedoms of citizens [3].

According to the legislation of Ukraine, environmental security should be considered as:

the direction of state policy;

the constitutional duty of the state and the subjective right of a man and a citizen;

the state of the environment, which ensures the prevention of deterioration of the ecological situation and the emergence of danger to human health.

One of the main reasons for inadequate environmental security is the legal uncertainty of the forms of interaction between the National Police of Ukraine and other law enforcement agencies, including units of the State Emergency Service of Ukraine and public institutions, including local governments. In this case, it is useful to study the positive foreign experience of police cooperation with government and non-government institutions in the field of environmental security. In some EU countries, the police have broad powers in the field of environmental protection. So, in our opinion, the formation of an effective system of environmental security by the police in Ukraine will contribute to the introduction of leading international experience of law enforcement agencies (police), as well as the development of international environmental legal initiatives and standards of integrated environmental management. Of course, this implies the regulation of forms of interaction between the police and state and public institutions at the legislative level, because it is impossible to ensure environmental safety without proper legal consolidation and the establishment of a mechanism for implementing effective measures [4].

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### Анотація

*Поліція відіграє досить велику роль у здійсненні політики в сфері охорони навколишнього природного середовища. Міністерство внутрішніх справ, зокрема поліції, треба звернути увагу на налагоджені взаємозв'язки між державними органами.*

*Враховуючи актуальність екологічних проблем для України, на нашу думку, треба застосовувати практику із створення екологічної поліції в деяких регіонах. Отже, це ті важливі кроки, які потрібно зробити українській державі щоб сформувати сучасну екологічну політику, яка діє в країнах Європейського Союзу.*

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## POLLUTION OF THE WORLD OCEAN: CAUSES AND CONSEQUENCES

The World Ocean is the main "organ" of the Earth, which determines its climate. It interacts with the atmosphere, controls the water cycle in nature, emits and absorbs heat, forms clouds and precipitation, produces oxygen, and even mitigates the effects of global warming. The oceans are suffering from uncontrolled human activity.

Intensive agriculture has led to the uncontrolled use of fertilizers based on nitrogen and phosphorus. The ingress of a colossal volume of these substances into the oceans caused the appearance of "dead" zones - most often along the coasts, where many rivers flow. Nitrogen and phosphorus enrich the seas with nutrient compounds - so much that unicellular algae (including toxic ones) begin to multiply intensively and block sunlight from other plants and animals. Dying and decomposing, the algae sink to the bottom and consume all oxygen dissolved in the

water. The seas become muddy and lifeless - flora and fauna are forced to migrate to other areas, some organisms die.

Before the adoption of the London Convention on the Prevention of Pollution of the Seas in 1972, everything was dumped into the world's waters – from domestic sewage to sludge, acids, and heavy metals from factories. Nowadays, deep-sea inhabitants have found high concentrations of polychlorinated biphenyls and other hazardous substances of long decay, despite the fact that their discharge has long been prohibited. They accumulate in the bodies of animals and are passed along the food chain. Even single pollution is sufficient for a long-term destructive effect on ecosystems.

The first offshore drilling platform was launched in 1949; today there are already more than 1,330 such platforms in the ocean. The construction of these facilities rarely takes into account their impact on the environment, and in some developing countries, there is little control over the activities of drilling platforms. Information about the disaster becomes known only when hiding them is impossible to scale.

One of the largest sea tragedies occurred in 2010 in the Gulf of Mexico on the Deepwater Horizon platform – its consequences have not yet been washed off the face of the oceans. The water poured out about 5 million barrels of oil - spot spread over 75 thousand sq. km, more than 2 thousand km of the coastline were polluted. Hundreds of thousands of marine life have died, and the fishing and tourism industries in coastal states have suffered tremendous damage.

In 1946, in the USA, off the coast of California, they were first packed in metal containers, poured with concrete, and dumped into the sea with radioactive waste. This practice began to develop along with the atomic era. This method was also used in Great Britain, Japan, the Netherlands, and other countries developing the nuclear industry. In 1950-1991, the Soviet Union alone dumped nuclear waste with a total activity of 2.5 million curies in the Arctic Ocean. More than 40 thousand tons of waste were dumped to the bottom of the Atlantic Ocean, more than 560 thousand radioactive containers were sent to the waters of the Pacific.

Long-lived plastic has built entire islands in the oceans. The largest of them is located in the Pacific Ocean - its area has reached 1.6 million square meters. km, which is three times the territory of France. According to various estimates, from 1 to 2.5 million tons of plastic waste gets into the world's waters every year - most of it is floated along the rivers of Asia and Africa. Wrappers from candy and plastic bags are found even at the bottom of the Mariana Trench and in the ice floes of polar seas, traces of 17 types of polymers. Microplastic has long been "walking" along the food chains, got to your table, and penetrates the body. In the last year, Italian scientists have found the first traces of the polymers in the placenta. Prior to this, traces of microplastics were seen only in the human gastrointestinal tract.

To reduce the environmental load, it is necessary to allocate deep-water areas of the ocean with a slow current, where you can dump certain waste, causing minimal

damage to the environment. New research on the effects of pollutants on the ocean and its life should be encouraged, and biological water treatment should be given priority.

More rational frameworks need to be developed for decisions on how to recycle waste and how to dispose of it. Purposeful and well-thought-out actions will be needed to radically improve the situation. A responsible and effective policy on the aquatic environment will be possible only if we receive reliable data on the current state of the environment, sound methods to reduce and prevent damage to nature by man.

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#### Анотація

*Розглянуто проблематику забруднення Світового океану, причини його забруднення та наслідки, висвітлено чинники через які забруднюється океан, а саме: стоки добрив із полів, хімічні відходи від побутових господарств та промисловості, видобуток корисних копалин та розливи нафти, поховання радіоактивних відходів, пластикові відходи. Виходячи із зазначеного, сформувано висновки та шляхи вирішення проблеми забруднення Світового океану.*

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#### **DETERMINATION OF THE VALUES EMISSIONS OF HEAT ENERGY AND MOTOR FUEL VAPORS FOR APPLICATION IN THE CRITERIA-BASED ASSESSMENT OF THE ECOLOGICAL SAFETY LEVEL OF EXPLOITATION PROCESS OF VEHICLES WITH RECIPROCATING ICE**

The mathematical apparatus of the complex fuel-ecological criterion  $K_{fe}$  of Prof. Parsadanov is described in [1] and improved in [2].

In its structure there is the value of the total reduced mass hourly emission of the considered pollutants (in kg/h)  $\Sigma(A(k) \cdot G(k))$ , which is the sum of the products of the mass hourly emission of the  $k^{\text{th}}$  legislative normalized pollutant  $G(k)$  in the EG flow and the ponderability coefficient  $A(k)$  of the pollutant.

To solve the problem of taking into account the emission of motor fuel vapors in the study, it is proposed to supplement the formula for determining  $\Sigma(A(k) \cdot G(k))$  by the component  $A(\text{RB}) \cdot G(\text{RB})$ , and to take into account thermal energy – by the component  $A(\text{Q}) \cdot G(\text{Q})$ .

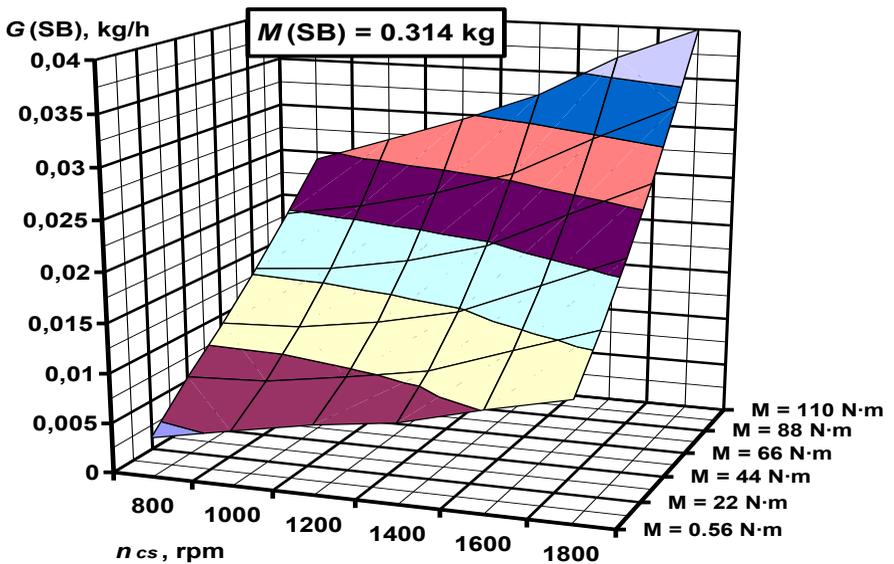
The distribution of the values of fuel vapor emissions caused by phenomena of large and small reservoir (vehicle fuel tank) breathing –  $G(\text{SB})$  and  $G(\text{IB})$  – on field of operating regimes of the 2Ch10.5/12 autotractor diesel engine is shown in Fig. 1.

The ponderability of thermal pollution of components of environment as the ES factor in the exploitation process of PP with RICE in this study is proposed to quantify by formula (1).

$$A(\text{Q}) = A_{\text{fuel}} \cdot k_E = A_{\text{fuel}} \cdot E_{\text{RICE}} / E_W, \quad (1)$$

where  $A_{\text{fuel}} = 38.4$  – ponderability coefficient of the fuel component of the  $K_{fe}$  criterion;  $k_E$  – energy coefficient;  $E_{\text{RICE}}$  and  $E_W$  – total amount of energy produced by RICE and anthropogenic PP in the world energy balance (WEB), MJ.

The value of the energy coefficient  $k_E = 0.75$  was used in this study, then the value of the dimensionless coefficient  $A(\text{Q}) = 28.8$ .



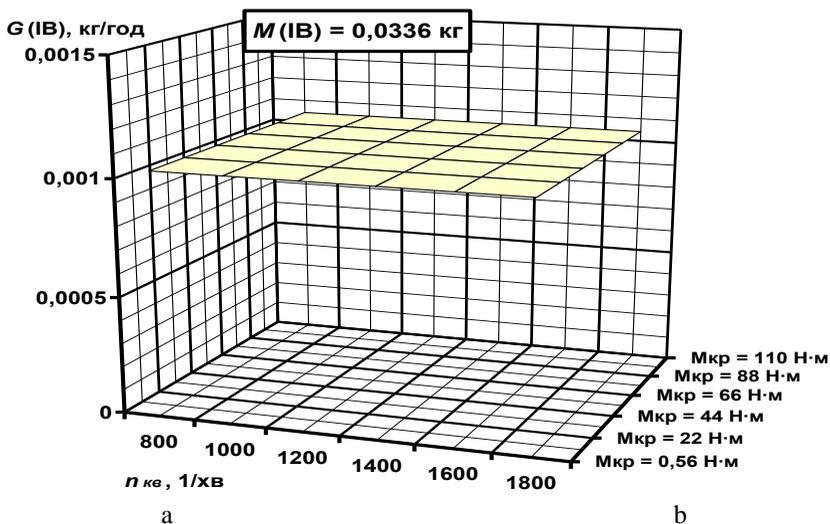


Figure 1 – Distribution of the values of  $G(SB)$  (a) and  $G(IB)$  (b) on field of operating regimes of the 2Ch10.5/12 autotractor diesel engine

The value of the mass hourly emission of motor fuel  $\vec{G}_{fuel}$  as the indicator of thermal pollution of environment in this study is proposed to be determined by formula (2), in which  $\eta_e$  is the effective efficiency coefficient of the engine.

$$G(Q) = G_{fuel} \cdot (1 - \eta_e), \text{ kg/h.} \quad (2)$$

The distribution of the values of  $G(Q)$  on the field of exploitation regimes of the autotractor diesel engine 2Ch10.5/12 at  $k_E = 0.75$  is illustrated in Fig. 2,a.

Graphs of the dependence of the values of the  $K_{fe}$  criterion and the effect  $\delta K_{fe}$  on the value of the coefficient  $k_E$  in Fig. 2,b and are described by the method of least squares by formulas (4) and (5) ( $R^2 = 1,0$ ).

$$K_{fe} = 1,931 \cdot 10^2 \cdot k_E^4 - 5,168 \cdot 10^2 \cdot k_E^3 + 5,143 \cdot 10^2 \cdot k_E^2 - 2,433 \cdot 10^2 \cdot k_E + 6,250 \cdot 10, \%, \quad (4)$$

$$\delta K_{fe} = 3,051 \cdot 10^2 \cdot k_E^4 - 8,203 \cdot 10^2 \cdot k_E^3 + 8,201 \cdot 10^2 \cdot k_E^2 - 3,893 \cdot 10^2 \cdot k_E + 3,015 \cdot 10^{-10}, \%, \quad (5)$$

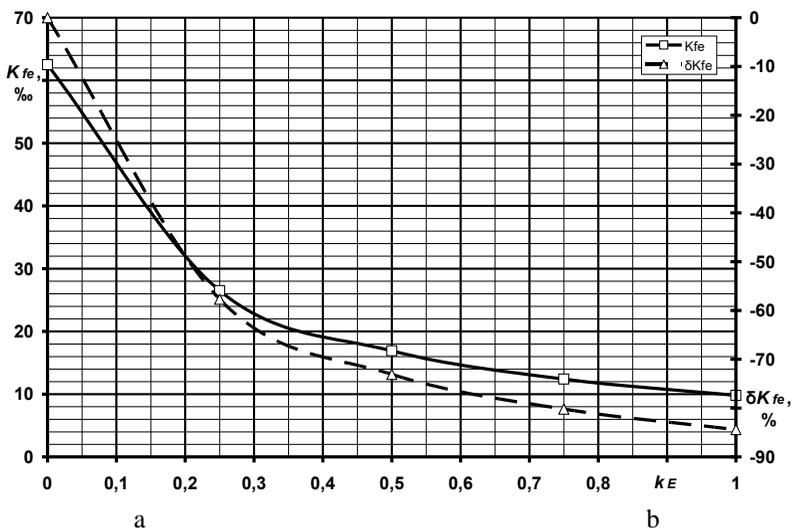
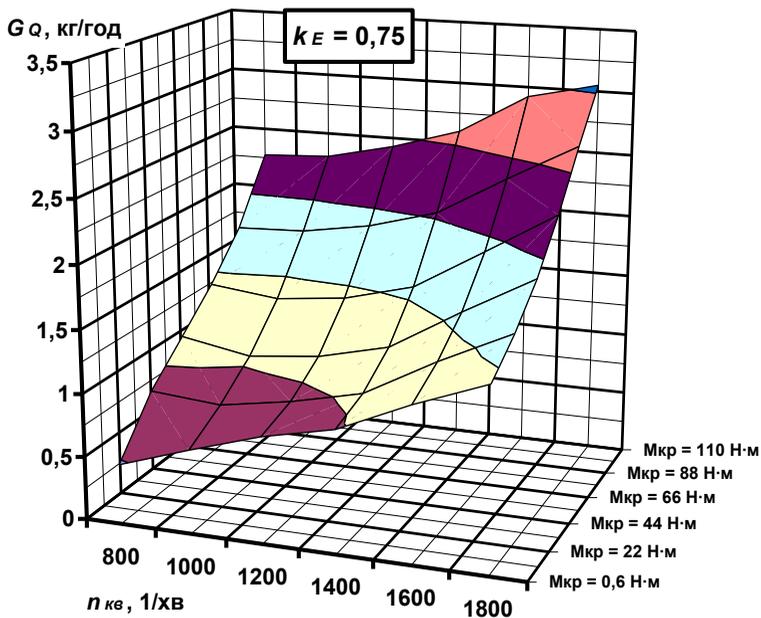


Figure 2 – distribution of the values of  $G(Q)$  on the field of exploitation regimes of the 2Ch10.5/12 autotractor diesel engine at  $k_E = 0.75$  (a) and graphs of the dependence of the values of the  $K_{fe}$  criterion and the effect  $\delta K_{fe}$  on the value of the coefficient  $k_E$  (b)

**Conclusions.** The study proposes and applies approaches to take into account the mass hourly emissions of motor fuel vapor and heat energy in the criteria-based assessment of the ecological level of exploitation process of power plants with reciprocating internal combustion engine.

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*У дослідженні пропонуються та застосовуються підходи до врахування масових годинних викидів парів моторного палива та теплової енергії при критеріальному оцінюванні рівня екологічної безпеки процесу експлуатації енергоустановок з поршневим ДВЗ.*

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## **ENVIRONMENTAL ISSUES IN UKRAINE**

Human population size has grown enormously over the last hundred years. This means increase in demand for food, water, home, electricity, roads, automobiles and numerous other commodities. These demands are exerting tremendous pressure on our natural resources, and are contributing to pollution of air, water and soil. The need of the hour is to check the degradation and depletion of our precious natural resources and pollution without halting the process of development.

The word environment refers to all ecological units, which are naturally present on earth in the form of land, water, air, soil, forest, sunlight, minerals, living organisms etc. This earth is full of natural surroundings, some are biotic and some are non- biotic. Biotic elements are those elements like human, birds, animals, plants, and microorganisms. Whereas non-biotic elements are those which have no life like air, sunlight, water, land, soil, minerals etc. further it is also divided among four different sphere viz. biospheres, lithosphere, atmosphere and hydrosphere. In which hydrosphere is the largest part on the earth among all life on earth has become

possible due to some kind of action and reactions between different kinds of resources that are present in environment.

Currently, the situation of environment is very poor that could never be imagine by our ancestor in previous time. We have endlessly spoil our environment by using its resources in very wrong way. We can see that every day and everywhere pollution is rapidly increasing on earth where it is air, land, water or soil pollution, deforestation, acid rain, and other dangerous disasters created by the human beings through technological advancement. Use of natural resources should be carefully planned and executed. For providing a better and healthy life to our forth coming generation.

Ukraine is characterized by a temperate continental climate, with precipitation that is disproportionately distributed and decreasing in the country's south and east. Its terrain is mostly rolling upland plain, and the mountains cover approximately 5% of the country's area. Three main ecological zones may be recognized: mixed forests (Polissia), forest steppe, and steppe in the south (40 percent) in addition to the highlands. The country has vast natural resources, including rich agricultural soil, timber, metals and minerals, and rich biodiversity resources.

Air emission charges account for approximately 70% of total environmental taxes, most of them from stationary sources. At the same time, air quality and climate represents only 10% of current environmental expenditures during 2010–2013.

The main causes of surface water pollution is the discharge of contaminated municipal and industrial waste water directly into the water body or through the sewage system; polluted runoff water from buildup areas and farmland; and soil erosion in water recharge areas. Donetsk, Dnipropetrovsk, Luhansk, and Odesa oblasts account for approximately 75% of all discharges into surface waters. Key sectors contributing to discharge of polluted waters are industrial enterprises (894 million cubic meters), followed by housing and the communal sector (538 million cubic meters), and the agricultural sector (71 million cubic meters). Due to the low quality of wastewater treatment, wastewater flow of contaminated surface reservoirs is not reduced [1].

Almost 70% of the drinking water supply relies on surface water sources, which increases the importance of reducing pollution of these water sources, including through adequate treatment of wastewater and limiting the discharge of polluted water into surface and ground water bodies.

Wastewater treatment accounts for 43% of Ukraine's current environmental expenditures during 2010-2013, which puts it at highest category of expenditure. This is in addition to the 6% expenditure for the protection and rehabilitation of soil, and of ground and surface waters. However, it should be noted that a large proportion (65% nationally) covers operational costs, which may indicate under-investment in key wastewater collection and treatment infrastructure [2].

Policy makers must incorporate the cost of some of these negative environmental consequences of energy production and use into prices. At a bare minimum they should place a price on carbon and preferably other things like sulfur dioxide, nitrogen oxide, particulate matter, and water. A preponderance of evidence suggests that pricing energy more accurately will greatly improve the efficiency of the electricity industry, provide customers with proper price signals, reduce wasteful energy use, and most importantly, improve household incomes since they no longer have to waste as much time and money dealing with debilitating health issues caused by pollution [3].

If policy makers desire to truly promote cleaner forms of energy, feed-in tariffs seem the best method to rapidly accelerate their adoption. One study analyzed renewable portfolio standards, green power programs, public research and development expenditures, system benefit charges, investment tax credits, production tax credits, tendering, and feed-in tariffs, and found that only feed-in tariffs met the criteria for a truly effective policy tool [4].

At the end, we must accept that current patterns of energy production and use have widespread and widely known negative impacts on the environment. As President Jimmy Carter once remarked when addressing the US Congress in 1976, to avoid a cycle of energy and climate crises: “We must face the prospect of changing our basic ways of living. This change will either be made on our own initiative in a planned way or forced on us with chaos and suffering by the inexorable laws of nature.” It would be far better to implement carbon taxes, to incorporate the cost of negative environmental consequences into energy prices, to pass feed-in tariffs, and to harness the powers of energy efficiency now in a proactive way rather than a few decades from now when forced to by crises.

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*Чисельність людської популяції надзвичайно зросла за останні сто років. Це означає збільшення попиту на продукти харчування, воду, будинок, електроенергію, дороги, автомобілі та багато інших товарів. Ці потреби чинять величезний тиск на наші природні ресурси, а також сприяють забрудненню повітря, води та ґрунту.*

*Потреба часу полягає в тому, щоб перевірити деградацію та виснаження наших дорожочінних природних ресурсів і забруднення, не зупиняючи процес розвитку.*

*До відома, навколишнє середовище відноситься до всіх екологічних одиниць, які природно присутні на землі у вигляді землі, води, повітря, ґрунту, лісу, сонячного світла, мінералів, живих організмів тощо.*

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### **POLLUTION OF RIVERS IN UKRAINE**

The water resources of Ukraine are the basis of our life. Drinking water reserves are not distributed evenly across the territory, and it is this fact that requires people to use them rationally and protect them from pollution. But, unfortunately, some people do not care about the environment at all, and therefore, because of their selfishness, they seek to satisfy their own water needs, as a result of this they pollute, destroy and destroy natural heritage. Previously, this problem was less noticeable, but today it has become global.

The main sources of river pollution are:

- sewage, industrial and household waste, rubbish (fill reservoirs with various impurities of inorganic and organic composition);
- leakage of oil products (oil leaks accumulate on the water surface, blocking access to light and oxygen for fish and other inhabitants of water bodies);
- solid waste (including plastic bottles, bags, gravel, which turn water bodies into large rubbish dumps).

In addition, the reason is the large-scale activity and rapid development of cities today. So, A. S. Mukharevich notes the impact of urbanization on the state of rivers in Ukraine. She explains that urbanization is quite clearly shown at the maximum water flow: spring and autumn low water, floods and rain floods, which, as you know, are extremely dangerous for the environment [1, p. 31].

An example of river pollution with industrial waste is the catastrophic environmental situation that occurred in 2016, namely, the pollution of the Khomora and Sluch rivers with an unknown substance, which led to the mass death of living

organisms: fish, crayfish and others. As a result, the use of water from the rivers, watering of livestock, the release of feathered birds into the rivers, catching fish and crayfish were prohibited, and local residents are suffering from such a disaster at the present time [2, p. 194].

The causes of water disasters in Ukraine also include atmospheric pollution, which means that due to precipitation, soot, ash and various gases that are in the air get into the river; acid rain also causes incredible damage to the natural environment.

We have cited only some sources of pollution, but, as studies and statistics show, the problem is acquiring a nationwide scale.

Finally, let's pay attention to the general consequences of water pollution, which in recent years have become the most dangerous and all-encompassing. It must be remembered that the dirtier the drinking water, the more it distorts the emergence of new diseases. In our opinion, one of the most important consequences of such pollution is deterioration in the taste, colour and smell of water, a decrease in the species diversity of flora and fauna, overgrowth and disappearance of water bodies, infectious and intestinal diseases, infection with parasites, deterioration of hair and skin, destruction of tooth enamel due to excess fluoride and others. In general, this list can be continued, and if no action is taken to improve the water, then in the future the situation will become even worse.

If we consider the solution to this problem, some experts consider it necessary to provide an optimal combination of forest plantations around water bodies and to carry out the reclamation of disturbed lands [3].

Therefore, people need to understand that only they can help the rivers become clean again as quickly as they were polluted. Any measure, however small, is a way to improve and purify water. To solve the above problem, we propose to carry out the following actions:

- stop dumping waste into water bodies;
- improve the extraction from wastewater and the utilization of substances;
- reduce the volume of wastewater with the help of technical equipment.

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## **Анотація**

*Розглянуто масштабну проблему забруднення водних об'єктів України, а саме річок. Висвітлено основні джерела та наслідки такого забруднення, а також зазначено думки науковців щодо становища водних ресурсів на даний момент. Виходячи із зазначеного, сформовано та запропоновано заходи щодо покращення якості та стану водних об'єктів України.*

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## **POLICE RESPONSE TO VIOLATION OF TRANSPORTATION RULES BY RADIO VEHICLE OF RADIOACTIVE MATERIALS**

In order to improve the regulations on the regulation of nuclear and radiation safety during the transportation of radioactive materials by the order of the State Inspectorate for Nuclear Regulation of Ukraine from 27.10.2020 № 436 approved Rules for the safe transportation of radioactive materials (PBPRM-2020) [1]. The purpose of these Rules is to establish uniform requirements, compliance with which is mandatory to ensure the safety and protection of people, property and the environment from the harmful effects of ionizing radiation during the transportation of radioactive materials.

According to the requirements of the Rules, protection is achieved by mandatory application of measures to:

- retention of radioactive content;
- control of external dose rate;
- prevention of criticality;
- prevention of damage as a result of thermal exposure [1].

It should be noted that compliance with the requirements set out in the Rules is ensured by:

- application of a differentiated approach to the limits of activity of the contents of packaging and means of transport, as well as to the regulatory characteristics of the design of packaging kits depending on the danger posed by the radioactive content;
- establishing requirements for the design and operation of packaging, as well as maintenance of packaging kits, including taking into account the nature of the radioactive content;
- mandatory application of all types of control measures, including, when necessary, approval procedures carried out by the SNRCU;
- planning and preparation of emergency response measures for the protection of people, property and the environment [1].

Therefore, the Rules apply to the transport of radioactive materials by all types of land, water and air transport. Direct transportation includes all operations and conditions related to the movement of radioactive material, and constitutes this process, in particular:

- design, manufacture, maintenance and repair of packaging;
- preparation, loading, dispatch, transportation, including transit storage, transportation after storage, unloading and acceptance at the final destination of cargoes of radioactive materials and packaging [1].

In our opinion, the approach used in the Rules is correct, according to which a differentiated approach is applied taking into account the following conditions of transportation: normal conditions of transportation (without any incidents); normal conditions of carriage (minor events); emergency conditions of transportation.

It should be noted that during the transportation of radioactive materials, reliable measures must be taken to ensure the preservation of these materials to prevent their illegal removal or damage and to prevent improper weakening of control over the material. In addition, when transporting radioactive materials that pose an additional hazard, as well as radioactive materials that are transported together with other dangerous goods, the relevant rules for the transport of dangerous goods are additionally applied [2].

According to the subject of this study, it is necessary to focus on the analysis of the response of police units to incidents related to violations of the rules of transportation of radioactive materials. Thus, the order of the Ministry of Internal Affairs of Ukraine dated 06.09.2017 № 754 approved "Instruction on the procedure of police bodies (units) in case of detection of radioactive, chemical and nuclear materials or information about violations or illegal treatment" [3], which determines the procedure actions of police bodies (subdivisions) of the police in case of detection of suspected objects that may harm human life or health, pollute the environment, or obtain information about violations of rules or illegal handling of hazardous radioactive, chemical and nuclear materials.

Therefore, in case of receiving a report of violation of the rules of transportation of radioactive materials or illegal handling or in case of direct detection of a suspected object, police officers must immediately take measures to ensure individual and public safety, prevent further contact of people and animals with them. It is obligatory to inform the operative duty officer of the police body (subdivision) about this fact [3]. Directly operational duty, having received notification of violation of the rules of transportation of radioactive materials, must immediately:

- 1) register the report in the unified register and report the event to the head of the police body (unit), his deputy head of the investigative department (division), deputy head of preventive activities, head of the patrol police response sector, responsible for the police body (unit) and operational duty officer higher level;

2) send to the scene properly equipped police and SOG teams that will ensure public safety and order, as well as the surroundings of the scene before the arrival of emergency services. If necessary, directs to the scene and b emergency (ambulance) brigade.

3) inform the territorial bodies of the SES or subordinate subdivisions, as well as territorial bodies (subdivisions) of the SBU, the State Coinspection, the State Food and Consumer Services, the SNRCU, local state administrations and local self-government bodies, etc.

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### **Анотація**

*В даній роботі розглянуто загальну характеристику та актуальні проблеми, які виникають у поліцейських при реагуванні на порушення правил перевезення радіоактивних матеріалів.*

*Актуальність вивчення теми у процесі в рамках правової системи визначається, перш за все, зміною пріоритетів державної політики, її цільової спрямованості. Зміна офіційної ідеології публічної влади, проголошення в якості вищої цінності людини, її прав і свобод, а головним завданням держави - їх визнання, дотримання і захист вимагає наукового пошуку шляхів досягнення зазначених цілей.*

## **IMPLEMENTATION OF THE EUROPEAN GREEN DEAL AND THE COVID-19 PANDEMIC: CHALLENGES AND PROSPECTS**

With the spread of coronavirus infection COVID-19 (SARS-CoV-2, 2019-nCoV), most countries are seeking to address health and safety issues. The main resources are designed to solve, first of all, the mentioned problem. At the same time, the issue of direct implementation of the provisions of the EU Green Deal (hereinafter - the Green Agreement) recedes into the background. It is worth noting that the financial market is suffering significant losses along with the decline in economic activity, which is another factor that threatens the implementation of the European Green Course. The situation in the world due to the spread of coronavirus infection is such that the implementation of large-scale projects such as European Green Course may be complicated by quarantine measures.

We are convinced that the pandemic of coronavirus infection COVID-19 has affected the implementation of European Green Course, because for different countries it appeared in one of two perspectives: as a catalyst for change or obstacle.

In April 2020, the European Parliament called for the inclusion of the European Green Course in its economic recovery program. In their final statement at the summit, EU leaders called for a "coordinated exit strategy, a comprehensive recovery plan and unprecedented investment" to rebuild the economy once the pandemic is brought under control [1]. Ten countries have called on the European Union to adopt a "green recovery plan" amid growing fears that the economic shock of the COVID-19 pandemic could weaken climate change.

However, some Member States have called for the abolition of, inter alia, climate action. For example, the Deputy Minister for State Assets of Poland

Kowalski proposed ending the EU's emissions trading system next year, while Czech Prime Minister Babis called for the abolition of the Green Agreement. The First Vice-President of the Romanian ruling party also asked all Romanian MEPs to support the abandonment of the Green Course and the redirection of funds to support the national economy and health care systems [2]. Opposition positions were taken by leaders of other countries, for example, in April 2020 Ireland, Slovakia, Slovenia and Malta joined the call of 13 countries to put the European Green Course at the heart of the economic response to Covid-19 [3].

The European Parliament has called for the European Green Course to be included in its economic recovery program. It should be noted that despite the urgency of the need to continue this policy, a number of measures are being implemented to support it. The European Commission is conducting public

consultations in order to create objective and balanced proposals for the revision of existing policies and mechanisms. The results of the public consultation in the form of specific adjustments to existing targets for 2030 were previously expected to be presented in the third quarter of 2020, although there were some delays due to the spread of COVID-19 and quarantine restrictions.

An example is the REACT-EU program, adopted in December 2020, as it partially provides investment in green exchange rate policy. In fact, it is one of the largest programs using the next generation of EU instruments worth 47.5 billion euros. These additional resources are used for projects that help strengthen crisis opportunities in the context of the coronavirus crisis, as well as investments in operations that contribute to the preparation of environmental, digital and sustainable economic recovery [4]. The European Parliament has voted in favor of the above-mentioned political agreement, which was reached in order to allow EU member states to use the money from the aid package for the reconstruction of European territories in the near future. The EU program provides opportunities to overcome the social and economic consequences of the coronavirus pandemic.

The impact of quarantine restrictions can be traced in various areas of implementation of the Green Course. In particular, the direct consequence of measures to combat the spread of the virus is to reduce energy consumption and greenhouse gas emissions, but this has been due to economic difficulties, unemployment and the temporary closure of companies. For example, leading experts claim that CO<sub>2</sub> emissions in many countries have temporarily decreased by about a quarter during the pandemic, but are now rising again as economic activity resumes<sup>116</sup>. This shows the impact of the pandemic and the relationship of the economic situation of foreign countries with the implementation of the European Green Course.

We can identify the main problems and prospects for the implementation of European Green Deal in the context of the COVID-19 pandemic based on the above analysis of recent trends.

Regarding issues: 1. public sphere - the media's focus on health care and the fight against the pandemic, which puts the issue of environmental protection in the background; 2. political sphere - opposition of influential officials (leaders of public opinion) of some foreign countries and actions, in particular, to block the implementation of the European Green Course; 3. Economic sphere - lack of sufficient funding due to economic difficulties caused by quarantine restrictions.

Regarding prospects: 1. public sphere - publications of expert research by foreign publications that update the issues of implementation Green Agreement in the context of the COVID-19 pandemic; 2. Political sphere - association of countries wishing to continue the European Green Course; 3. economic sphere - integration of European Green Course into the plan of restorative economic measures, formation and implementation of international investment programs; 4. progressive changes -

at least a temporary reduction in energy consumption and greenhouse gas emissions from developed countries - pollutants.

Thus, it is difficult to predict the development of events that will affect the implementation of the European Green Course, as an unequivocal position on this, is absent even in expert circles. Of course, efforts should be made to address the implementation of the Green Pact during the David-19 pandemic. We are convinced that, despite the temporary difficulties, the implementation of the European Green Course should continue in order to achieve the planned results for the protection of the environment. We consider it expedient to ensure greater compatibility of economic recovery and stimulus measures with the EU's priorities in the direction of the European Green Course.

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### **COMBATING ILLEGAL LOGGING: MEASURES TO ADDRESS THE PROBLEM**

Illegal logging is a pervasive and widespread problem, causing enormous damage to forests, forest peoples, and the economies of producer countries. No exact figures exist, but reliable estimates suggest that about half of the tropical-timber

imports into the EU are illegally sourced, as are a substantial part of timber imports from the boreal region. Costs to producer countries are high, with the World Bank (WB) estimating that illegal logging costs developing nations close to 20 billion US Dollars (USD) in lost assets and revenue annually [1]. Concern about the extent of illegal logging around the world has grown significantly in past years, with new legislation to address the problem being developed and implemented in the EU and the US. Their awareness and attention have developed out of a series of interlinked factors: the growing evidence of the link between forest destruction and the accompanying serious loss of government revenues, the growing emphasis on ‘good governance’ in international policy, and the increasing recognition of the role of consumer countries in fueling demand for illegal products. In addition, there is an increasing consciousness of the crucial role played by forests in mitigating climate change – with forest loss contributing to between 17 and 20 per cent of annual global carbon dioxide emissions [2].

Illegal logging causes enormous damage to forests, forest peoples, and the economies of producer countries. Some estimates suggest that the illegal timber trade comprises over a tenth of the total global timber trade, worth at least 150 billion USD a year [3]. Although exact figures are difficult to obtain, given the illegal nature of the activity, reliable estimates indicate that more than half of all logging activities in particularly vulnerable regions – the Amazon Basin, Central Africa, Southeast Asia, the Russian Federation, and some of the Baltic states – is illegal [4]. Activities constituting illegal logging include the harvest, transportation, purchase, and sale of timber in violation of national laws. The harvesting procedure itself may be illegal, including the use of corrupt means to gain access to forests, extraction without permission or from a protected area, the cutting of protected species, and the extraction of timber in excess of agreed limits. Illegal activities may also occur during transport, such as illegal processing and export, fraudulent declaration to customs, and the avoidance of taxes and other charges, with as much as 5 billion USD lost annually to governments because of evaded taxes [5].

Effective control of illegal logging requires action across many policy areas: the promotion of good governance, action to tackle corruption, land reform, industrial and fiscal policy reform, development assistance, and so on. We focus principally on the control of imports of illegally produced timber and the financial transactions surrounding the illegal timber trade. Even when thus narrowing the focus, governments and civil-society organisations face many hurdles when attempting to address the problem. These include: proving illegality and cooperation with enforcement authorities in the countries of origin, which in many cases is poor or non-existent; entrenched political positions; collusion between the timber industry and the government, and a political climate that makes exposing illegalities dangerous.

The globalisation of international trade has contributed greatly to international initiatives to address corruption across governments and within

industries, and in the past decade-and-a-half such initiatives have gathered momentum. As illegal logging involves bribery in a number of instances, the Economic Co-operation and Development (OECD) Convention clearly has a role to play in controlling illegal logging. The problem often lies in proving that bribery has taken place. The Convention's effectiveness would increase if all parties to the Convention implemented the recommendations made by the OECD, such as excluding companies that have been found guilty of unrightfully bidding for public contracts. It is recognised that, to be effective, the fight against corruption must be undertaken on a multilateral basis.

The instrument is, however, imperfect. A weakness of the Convention is that foreign subsidiaries of companies are not explicitly covered. This is a serious omission, since payments are often made through subsidiaries. In sum, one of the Convention's strengths lies in the self-interest that generated it: the will of the industries affected to eliminate the unfair competitive advantage gained and/or the cost of bribery from business transactions. The initiative should be supported by the non-governmental organisations, since in the absence of addressing the rampant corruption in the forestry sector, any other measures adopted to do so will fail. Increased efforts to encourage more timber-producing countries to become parties could be useful. Furthermore, a peer-monitoring framework exists, covering implementation on paper and on the ground, in which civil society can hope to participate actively. With genuine monitoring and participatory procedures in place, even where substantive implementation is lacking, it can be hoped that lessons learned from experience will be incorporated into measures and used to improve performance.

As seen in the article, illegal logging is a vast problem with considerable negative economic, social, and environmental consequences. Despite growing international concern, the problem is far from being solved. However, there has been some progress, notably that the problem is being recognised, which was far from the case ten years ago. This recognition has meant that tailored legislation now exists in the US and the EU. As a general consideration, many existing forest and conservation laws have an unacceptable negative impact on local communities. There is a clear danger, then, that focusing blindly on law enforcement has a negative impact on local peoples' livelihoods. Efforts to ensure that loggers and other entities in the forestry industry comply with (forestry) regulations must go well beyond the chain-of-custody system and examine the general legal environment. Furthermore, without addressing the existing pervasive corruption in the logging industry, efforts in almost any domain to combat illegal logging or any other illegal activity will be thwarted. The forestry industry does not exist in a vacuum. If the underlying system is corrupt, it is likely that forest governance is corrupt as well, showing that tackling illegal logging requires a systemic reformation.

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### **CERTAIN ASPECTS OF ENVIRONMENTAL SAFETY PROVIDED BY THE NATIONAL POLICE FORCES IN LARGE INDUSTRIAL CITIES**

Based on the analysis of current legislation of Ukraine and scientific concepts, the specifics of the powers of the National Police of Ukraine in the field of environmental safety are considered, as well as the features of security in large industrial cities.

The realities of today show that one of the factors that determines the development of a democratic state governed by the rule of law is a stable state of environmental protection and strengthening environmental security as an important component of national security [1, p. 176], and related processes that increase the efficiency of all spheres of state and public life. An analysis of legislative activity in Ukraine in recent years shows that the state of legal regulation of relations in the field of environmental security is closely linked to the expansion and deepening of European integration ties in the development of a comprehensive system of international environmental security.

The activity of the National Police as a whole and its individual subdivisions is a condition for the state to ensure adequate environmental security, protection of individual rights and freedoms. In this regard, research and practical work aimed at forming a domestic legal system of European standard, improving the administrative and legal support of the police in the field of environmental protection is an urgent need today, as its solution will ensure the development of environmental security in the country.

Theoretical basis for the study of environmental safety and law enforcement of Ukraine were the scientific works of such scientists as V.I. Andreytsev, O.F. Andriyko, G.I. Balyuk, O.M. Bandurka, A.P. Getman, V.A. Zuev, R.A. Kalyuzhny, L.P. Kovalenko and others.

The aim of the thesis is to reveal the content of tasks and powers of the National Police of Ukraine in ensuring environmental safety in large industrial cities.

A special place among the executive authorities in the field of environmental safety in the country is occupied by the National Police of Ukraine. The legislator referred to them as general-purpose bodies, because the implementation of activities and the exercise of power in the field of environmental safety for the National Police is not essential.

According to the Law of Ukraine "On the National Police", the police can perform a number of actions that can be attributed to the field of environmental safety in large industrial cities, such as [4]: preventive activities aimed at preventing offenses; measures to ensure public safety and order in the streets, squares, parks, squares, stadiums, railway stations, airports, sea and river ports, and other public places; fulfilling the requests of law enforcement agencies of other states or international police organizations in accordance with the law and international treaties of Ukraine.

It should be recognized that the activities to ensure environmental safety and nature protection are mainly carried out by the patrol police and other units of preventive activities. In particular, certain responsibilities in this area are assigned to district police officers.

Legal norms form the legal basis of state guarantees designed to regulate the powers of police bodies to ensure environmental human and civil rights, namely [6, p. 126]: a) creation of favorable conditions for safe for life environment; b) reliable environmental information; c) the possibility of compensation for damages caused by violations of environmental rights; d) protection of environmental rights from offenses; e) implementation of actions provided by the legislation and normative acts of the Ministry of Internal Affairs of Ukraine regarding the reproduction of violated constitutional environmental rights and compensation for damage caused by illegal actions.

Thus, it can be said that the police carry out environmental security activities both directly and indirectly. Thus, an example of direct participation in environmental safety is the activity of a district police officer in the control and accounting of permitting activities (for example, compliance with the established rules of transportation of explosives).

As for the indirect method of environmental protection of the police, it is carried out by assisting the state environmental authorities in the exercise of their powers in this area.

It should be noted that today there is a problem of duplication of regulations governing the relationship of public authorities between themselves and society in

general in the field of environmental protection. There is a mismatch between the actions and the content of the powers of the executive authorities at different levels in this area. However, environmental protection is a complex issue, and it requires coordination of efforts of all members, their active participation in this important matter.

Thus, in our opinion, there is a great need to: reform the current system of environmental protection and ensure environmental safety is extremely important; clear definition of the place and role of the police in the system of environmental protection bodies and delineation of the limits of their competence; improve the legal framework for the activities of police bodies in the field of environmental protection, taking into account European norms and standards; establish new criteria for assessing their environmental performance.

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## **ECOLOGICAL SAFETY PROVIDING BY NATIONAL POLICE IN LARGE INDUSTRIAL CITIES**

Nowadays the national police began to fight criminals against ecology because of the current problems with ecology. But first of all, the complexity of proving these evils in such cases collided with them. According to the transgression of guilt, understand that such wickedness is against the environment. Malicious things against the environment can be designated by the criminal law of action, which infringe on the environment and its components, rationally using that protection of such people will ensure the life of the people, and as well as on the environmental safety of the population and territories, and they are attacked by the unlawful usage of natural objects, or by the unlawful influx on them, which will lead to negative changes and problems of the environmental quality. The major aim of this is caused by the destruction of ecology, making the soil bad for planting, or even living on it. The protection of the environment is regulated by the norms that are covered by the environmental and natural resource legislation, which is even more inclusive. In such cases, during the time of investigation of environmental crimes, it is necessary to protect the provisions that are to be avenged in the offensive laws of Ukraine: “About the protection of the most important natural environment”, “About the protection of atmospheric weather”, “About the achievement of nuclear energy and radiation safety”, “About the protection of nuclear energy and radiation safety”, “About ecological expertise”, “About creaturely world”, “About the natural reserve fund of Ukraine”, “About hunting state and watering”, “About growing world”, “About the red book of Ukraine”, “About the security of sanitary and epidemiological welfare Population”, Land Code, Forest Code, Water Code, as well as normative acts of the Cabinet of Ministers of Ukraine: "Rules for the protection of surface waters from stray waters", "A change of types of activity of objects, to establish an increased environmental concern", cPPVSU dated December 10, 2004 [1]. No. 17 “On judicial practice in the right about mischief and other law enforcement against the environment” and numerous of other regulatory legal law acts. Qualifying crimes against the environment, then the subjective side is characterized by an unimportantly careless form of guilt.

As a result of guilt damage to the statutes c with the intent to cause the death of people, their health, or other serious consequences, so you can establish a foundation of crimes against the foundations of the national security of Ukraine, the health of Ukraine , against authority, against public security, and so on.

Now we must understand what environmental safety is: Environmental safety is a component of national security, which guarantees the protection of the life of the important interests of people, society, power and the environment in the cases of real and potential threats that natural and anthropogenic officials create.

In addition to that, the ecological part of every type of safety mentioned - can become an integrator that integrates them into the national security system, to help you know their optimal relation in this system. Moreover, today there is no doubt that any aspect of national security, whether economic, technological or defense, loses its meaning in the event of unsuitability of the environment for human life and activity.

That is why environmental security should be considered not as one of the components of national security, but as an integrator which is able to consolidate society, and to ensure its progress. Preventive measures against environmental crimes remain the main goal of the police.

These are usually large factory enterprises that have a negative impact on the environment and the task of the police to ensure that they do not violate the rules established by environmental law. After all, for each production set special standards according to which they must be installed at the enterprise means of less pollution. Now the most relevant topic is waste. Their disposal is very expensive and people throw them in large batches into the forest or into water, which leads to environmental pollution and the extinction and poisoning of wild animals.

Finally we can conclude that the national police is doing everything possible. But our laws against the environment are not strict enough. If a factory or enterprise violates environmental regulations, they pay a small fine according to their incomes. And when they are going to pay a penalty of 50% of their profits, they will think about whether to break the rules or better to follow them. And we must understand that the legislator now does not want to increase the responsibility for environmental crimes.

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### **Анотація**

*У тезах розглянуті великі заводські підприємства, які негативно впливають на навколишнє середовище, і завдання поліції стежити за тим, щоб вони не порушували норм, встановлених екологічним законодавством. Для кожного виробництва встановлюються спеціальні нормативи, згідно з якими на підприємстві мають бути встановлені засоби меншого забруднення. Найактуальніша тема – відходи. Їх утилізація дуже дорога, і люди викидають їх великими партіями в ліс або у воду, що призводить до забруднення навколишнього середовища та вимирання та отруєння диких тварин.*

## **INTERACTION OF LAW ENFORCEMENT AGENCIES AND PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

In the light of the implementation of the Ukraine 2020 Development Strategy, the process of further reforming the law enforcement system, improving the legal regulation of policing, especially in the security vector, is gaining special importance. The implementation of European norms and standards in the activities of the National Police in the field of environmental security is of great importance in ensuring the security complex.

In addition, the powers of the police, in particular, include ensuring the legal regime of the state of emergency, the zone of environmental emergency in the event of their declaration throughout Ukraine or in a particular area. According to the Law of Ukraine "On the Legal Regime of State of Emergency", the legal regime of the state of emergency is aimed at ensuring the safety of citizens in case of natural disasters, accidents and catastrophes, epidemics and epizootics, when there is a threat to life and health of citizens and it is aimed at protection of their rights and freedoms. [2].

According to the legislation of Ukraine, environmental security should be considered as: the direction of state policy; the constitutional duty of the state and the subjective right of man and citizen; sphere of national security; the state of the environment, which ensures the prevention of deterioration of the ecological situation and the emergence of danger to human health.

Thus, in some EU countries, the police have broad powers in the field of environmental protection. It should be noted that the importance of preventive measures in the mechanism of protection of the rights and legitimate interests of citizens in a favorable environment has prompted governments of some European countries to create separate units of environmental police to ensure environmental safety at regional level and implement preventive and preventive measures. In fact, the preventive direction is included in the context of the priority environmental policy of the Austrian government. In Belgium there is the High Prevention Council, in the UK the main body in this area in the city police departments is a warning service, which advises the public and companies on environmental safety [5], which indicates the relevance of this area not only at the national but also at the regional level. Interesting in this context is the experience of Japan, where local government is responsible for strategic planning, policing, fire services and action in emergencies and natural disasters, which is very important at the national level [6]. In view of this, we believe that in the context of reforming the system of public authorities,

decentralization, delegating the number of powers to them, it is possible to consider giving them a set of powers related to environmental security. This primarily concerns the development of theoretical and legal approaches to providing opportunities for innovative e-government in local communities. In particular, Kirovohrad region was the first region to test an interactive system of public monitoring of urban landscaping, e-government and proper response to environmental challenges and threats, which meets European standards. .

The development and implementation of joint plans and measures to ensure environmental security by territorial police bodies and the public within the framework of social partnership, development of practical approaches to forming a system of innovative, legal, financial mechanisms of natural resources management based on good governance in the context of decentralization is important. Associations of local governments, public organizations and associations of citizens play an important role in establishing partnerships between public authorities and citizens, provided they are representative and the legislative definition of functions, principles of relations with public authorities, which needs to spread in Ukraine.

The key to the success of the implementation of a comprehensive policy of cooperation with the population, the introduction of social dialogue in the field of environmental security can be: involving citizens in planning activities and drawing up plans and implementing environmental measures.

Summarizing all the above, it should be noted that issues related to environmental security should be an integral part of public policy, as its state determines such an important security aspect as national security. Today in Ukraine ensuring public safety is not a unified activity, some areas of its provision are attributed to the competence of state and non-state institutions of different levels. Instead, the development of a single strategy for interaction and coordination of actions of all actors in environmental security would contribute to the consolidation and establishment of effective social dialogue aimed at improving the standard of living; protection and defense of environmental rights and legitimate human interests; introduction of an effective mechanism for protection of the population in case of any emergencies; crime prevention and prevention; protection against committing offenses in the field of environmental protection. Also, in our opinion, the formation of an effective system of environmental security by the police in Ukraine will contribute to the introduction of leading international experience of law enforcement agencies (police), as well as the development of international environmental legal initiatives and standards of integrated environmental management. Of course, this implies the regulation of forms of interaction between the police and state and public institutions at the legislative level, because without proper legal consolidation and the establishment of a mechanism for implementing effective measures to ensure environmental safety is impossible. Thus, these are the important steps that the Ukrainian state should take towards the formation of a

modern environmental policy that operates in the member states of the European Union.

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### **Анотація**

*У статті розглянуто проблеми щодо прав громадян, громадських об'єднань у сфері охорони довкілля; основні форми реалізації цих прав у процесі взаємодії з правоохоронними органами. Акцентовано увагу на недоліках законодавства в регулюванні відносин, що виникають між громадськістю та правоохоронними органами при здійсненні екологічного контролю, притягненні до юридичної відповідальності порушників екологічного законодавства, судовому захисті екологічних інтересів суспільства.*

## **INFORMATION TECHNOLOGIES IN ENSURING ENVIRONMENTAL SAFETY**

The information technologies are not only implemented in all spheres of public life, but also create new professions, activities and people's self-realization. They are also used to facilitate the work or improve the performance of public authorities and non-governmental organizations. Since environmental security is one of the most important spheres of public life, the development of innovative methods of maintaining is an important task for progressive states.

Scientists identify several technological tools that need to be implemented in environmental protection: introduction of unified registers, installation of technical means of quality control of natural resources, introduction and updating of expert and geographic information systems.

The creation of unified data registers is caused by the fact that in our country there are no unified databases on environmental safety, such as the percentage of deforestation in some areas, data on breeding and fishing, the number of enterprises that may threaten the optimal environment and waste their production. However, most of this data is collected in Ukraine or by state control bodies, or transmitted directly by business entities, but uniform registers are still missing. Their implementation would allow more comprehensive in relation to the territory to monitor and regulate the state of the environment.

The general purpose of information support of the environmental research is to study information flows and prepare materials for decision-making at all levels of governmental management in the implementation of environmental research, justification of individual research, as well as the distribution of funding.

Introduction of technical means of quality control of natural resources is necessary for automatic processing of indicators and data transmission in case of deterioration of indicators, prompt intervention of responsible persons in the situation, minimizing the consequences of failure.

The importance of establishing such means is also recognized by the legislature. Thus, in 2019, the Cabinet of Ministers adopted a resolution in Ukraine, which established the procedure for state monitoring in the field of air protection. It stated, in particular, that the air pollution monitoring point (hereinafter referred to as the observation point) is a complex that includes a fixed area with installed measuring equipment and equipment that provides automatic registration of pollutants and meteorological parameters or regular sampling of atmospheric air for their further analysis.

The location and number of observation points for the assessment are determined in the program of state monitoring in the field of air protection for each zone and agglomeration in accordance with the procedure established by the Ministry of Internal Affairs in coordination with the Ministry of Environment. To ensure the accuracy of measuring instruments, all subjects of atmospheric air monitoring, monitoring the levels of pollutants, assess the quality of atmospheric air, provide regular calibration and maintenance of measuring instruments used by them to monitor the ambient air [1].

As for expert and geographic information systems, the Geographic Information System (GIS) is a modern computer technology for mapping environmental objects, as well as real events that take place herein. Computers and GIS software make it possible to store, analyse and skilfully use images obtained by satellites. This information, along with ground-based observations and other data, can help researchers to study pollution and other environmental hazards, locate resource-rich regions, and model changes in the environment. It can also help those who plan and make decisions to better build our relationships with the environment. In addition, researchers are using computers to study a variety of environmental scenarios, from alternative vehicles for urban transportation to burning fossil fuels around the world. With unique capabilities for full analysis and management of geographic information, GIS is a real tool that can provide an information basis for making the best management decision. The ability to process spatial information presented on maps, fundamentally distinguish GIS from other information systems [2].

Geographic information systems are usually designed to install and connect a large number of automated workstations that have their own databases and outputs. Environmentalists in the automated workplace on the basis of spatially linked information are able to solve issues of different spectrum: analysis of environmental change under the influence of natural and man-made factors; rational use and protection of water, land, atmospheric, mineral and energy resources; reduction of losses and prevention of man-made disasters; ensuring safe living for people, protection of their health.

All the above means must form a single system of control and protection of environmental safety. International experience proves the effectiveness of the latest technologies: the launch of satellites into the Earth orbit has helped to identify many environmental problems, such as declining ozone density over Antarctica, desertification, declining water levels in the Aral Sea.

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### **Анотація**

*В статті розглядається питання вивчення та розробки технологічних засобів, які потребують впровадження в сферу охорони довкілля. Загальною метою інформаційного забезпечення екологічних досліджень є вивчення інформаційних потоків та підготовка матеріалів для прийняття рішень на всіх рівнях управління у питаннях виконання екологічних досліджень, обґрунтування окремих науково-дослідних робіт, а також розподілу фінансування.*

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## **PREVENTION OF ENVIROMENTAL OFFENSES BY LAW ENFORCEMENT AUTHORITIES**

Ensuring environmental security is an important aspect of maintaining the integrity of the planet. Environmental offenses are considered insignificant in society until such problems become global. Therefore, it is the duty of law enforcement agencies not only to detect the completion of offenses, but also to detect them at the early stages.

First of all, you need to define a few concepts for better understanding, namely:

**Environmental safety**, which according to Art. 50 of the Law of Ukraine «On Environmental Protection» is defined as a certain state of the environment, when the prevention of deterioration of the environmental situation and human health is guaranteed [1].

The concept of «**environment**» covers a wide range of elements related to the conditions of human existence. They are divided into three groups of objects:

- objects of natural (living) environment (flora, fauna);
- inanimate objects (sea and freshwater basins – hydrosphere), air basin (atmosphere), soil (lithosphere), near-Earth space;
- objects of «artificial» environment created by man in the process of his interaction with nature [2].

Such concepts as protection and safety of the environment are also known, however, ordinary citizens hardly distinguish them, although these are completely

different concepts. Protection is constant as distinct from safety, because the latter is needed only when threatened. That is, not only law enforcement officers, but also citizens can protect the environment, but only law enforcement agencies can resist «attacks» on the integrity of the ecological system.

Let's consider in more detail the prevention of environmental crime, which involves taking a number of measures to neutralize and eliminate the causes and conditions that determine it and, as a consequence, to reduce the level of this type of crime.

Prevention of crimes in the field of ecology involves the use of general social and special criminological measures.

Special criminological measures to prevent crime is a set of measures to combat crime, the content of which is a variety of government agencies work, social groups and citizens activity, aimed at eliminating the reasons and conditions that cause and influence crime, as well as preventing crime at various stages of criminal behavior [3].

Such measures can be varied, for example, in cultural and educational sphere, it is necessary to conduct general educational work on ecology and safety of life, to form a special environmental awareness of citizens; this can be done by law enforcement officers while providing information on the rules establishing responsibility for environmental crimes, increasing social activity of citizens, their intolerance and combating these crimes.

Thus, it can be concluded that it is necessary to ensure safety of the environment, prevention of different violations in the sphere of environmental, public health and any object of nature protection. Law enforcement agencies can ensure the protection of the environment in various ways and stop the offense at the earliest stage.

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## **DEFORESTATION**

Nowadays the problem of deforestation is actual for all continents of the earth, however, this problem stands most actual in the countries of Western Europe, South America, Asia. Intensive elimination of the forests results in the problem of deforestation. Territory free of trees grows into a poor landscape, becomes useless for life. Ukraine did not become an exception also.

Among widespread reasons of deforestation, it costs to name such: wood has a high value as building material and raw material for a paper, cardboard, making of domestic objects; quite often destroy the forests for the sake of expansion of new agricultural lands; for the gasket of ways of report and roads.

Except it, plenty of trees suffer as a result of forest fires that constantly take place through a mishandling with a fire. Also, fires happen in the season of drought.

Fires destroy more forests than tree felling and agriculture together annually. The reason is the interference of man with the natural cycle of fires. Some forest ecosystems evolved and adapted themselves to the fires on the benefit, others - as well as before remain extremely vulnerable. When through the fault of man there is a fire on such maladjusted wood lots, consequences of deforestation can be catastrophic. In addition, the forest fires caused by anthropogenic factors take place more often and more intensive than natural analogs. All of it annually results in scale deforestation.

At present, the problem of deforestation is relevant for all continents of the world, but it is most important in the countries of Western Europe, East America, and Asia. Intensive deforestation is leading to the problem of tree depopulation. An area free of trees is transformed into a deprived landscape and becomes uninhabitable. Ukraine is no exception.

Among the widespread causes of tree damage are the following: wood has a high value as a building material and a material for papermaking, cardboard, making household items; often the forests are destroyed for the expansion of new agricultural land; for the construction of connecting roads and paths.

In addition, a large number of trees suffer as a result of forest fires, which constantly occur through improper fire management. Fires also occur during the dry season.

Fires destroy more forests every year than forestry and agriculture together. The reason is human involvement in the natural fire cycle. Some forest ecosystems have evolved and adapted to fire for their own benefit, while others have remained

highly fragmented in the past. When humans are responsible for burning such unmaintained forested areas, the consequences of devastation can be catastrophic. Moreover, forest fires caused by anthropogenic factors are more frequent and intense than their natural counterparts. All this frequently leads to large-scale forest degradation and extinction.

**Illegal logging of forests.** The illegal logging of trees is not uncommon. It is a widespread problem in many parts of the world and there are not enough institutions or people to control the logging process. For their part, the enterprises in this field sometimes commit violations, increasing the volume of wood logging on an annual basis. It is also believed that timber supplied by poachers who do not have a permit to operate is also entering the market. There is a perception that the introduction of a high tax on timber would significantly reduce the sale of timber abroad and hence the number of trees felled.

**Impacts of tree viruses.** The main result of tree viruses is loss of forests, which has many consequences: climatic changes; contamination of the natural environment; ecosystem change; destruction of a large number of plants; animals are forced to abandon their usual habitats; the devastation of the atmosphere; disruption of water cycling in the environment; milling which leads to soil erosion; the emergence of ecological disaster.

**Ways to solve the problem.** Such a state of affairs cannot remain unnoticed. The most developed and now under-deforested countries are already implementing conservation and forestry expansion programs. In Japan and Australia, for example, as well as in some Western European countries, the area covered by forests remains stable.

Ways to combat deforestation include conservation, reforestation, support to poor countries in enriching their land, and the development of domestic industries and food aid.

We have several options that are likely to solve this problem:

1. Conceiving a new mechanism for creating inclusive finance to combat deforestation and degradation, i.e. a global mechanism for the regulation of carbon levels in forests.

2. Experimental inclusion of deforestation and degradation of forests in carbon markets.

3. To prohibit tree planting in forests with a conservation function (this includes protection of water resources, anti-erosion forests, state forestry embankments, forests of protected areas and national parks, forests of sanitary and hygienic value.).

4. In forests of protected or limited exploitation value (forests in densely populated areas and areas with scarce forest resources), only so-called sanitary cuttings are permitted in case of diseased or withered trees.

5. The exploitable forests are to be used for timber felling - taiga and tropical forests.

6. Adhere to the good old rule: "If you cut down a tree, plant two new ones". As a result, we call on everyone to preserve our forests and our planet!

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### **Анотація**

*Розглянуто масштабну проблему вирубки лісів в Україні та в усьому світі. Описані основні причини цієї проблеми та способи її вирішення. Висвітлене прохання зберегти ліса, та заклик до обережного ставлення з ними.*

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## **REVIEW OF ENVIRONMENTAL SAFETY IN INTERNATIONAL MARITIME LAW**

In the modern world, the resources of rivers, seas and oceans are the most used by maritime companies. It is this industry that provides over 80% of global trade, as well as passenger transport to their destination on ferries and sends millions of tourists on cruises. Each year, more than 50,000 ships carry around 10 billion tonnes of goods in demand, including raw materials, fuels, materials and consumer goods [1].

An industry of this size has a lot of nuances and should be monitored and protected. It is here that an intergovernmental organization that is a specialized agency of the United Nations — the International Maritime Organization - comes into effect. The IMO has primary responsibility for measures aimed at enhancing the safety and security of international maritime transport and preventing pollution from ships; in this capacity, it plays an essential role in achieving the targets set out in the United Nations Sustainable Development Goal «Conservation and rational use of oceans, seas and marine resources for sustainable development» [2].

The IMO was established on 6 March 1948 in Geneva with the adoption of the Convention on the Intergovernmental Maritime Consultation Organisation. The Convention itself entered into force on March 17, 1958, and at the 9th session of the Assembly of this organisation, its name was changed, and since May 22, 1982, the current name has been applied [3, p.221].

Currently, 174 States are IMO members and three other States are associate members (Faroe Islands, Hong Kong, Macau). Other intergovernmental organisations, as well as non-governmental organisations representing a wide variety of marine, legal, industrial and environmental communities, participating as consultants, take part in the IMO's work as observers.

The headquarters are located in London (UK).

IMO's task in the environmental field is to promote the universal adoption of the highest practicable standards in matters related to maritime safety and efficiency of navigation, prevention, and control of marine pollution from ships. Although maritime safety was and remains the most important task of IMO, in the mid-60s of the XX century, a new problem began to come to the fore — environmental pollution, primarily marine. The increase in the number of petroleum products transported by sea, and the size of the vessels transporting these petroleum products, have raised particular concerns. In this regard, the IMO has taken a number of measures to prevent tanker accidents and to minimize the consequences of such accidents. The organisation also addressed the issues passive pollution caused by actions such as cleaning oil tanks, dumping waste into machinery rooms — by tonnage, they cause more damage than pollution due to accidents [4].

Throughout its activities, the IMO has drawn up and adopted over 40 conventions and amendments to them, as well as some 800 international codes and manuals. The most important agreements for environmental safety include:

1) The International Convention on Intervention on the High Seas in Cases of Accidents Resulting in Oil Pollution, 1969 (entered into force in 1975). It implies that the signatories to the Convention may take such measures on the high seas as may be necessary to prevent, reduce or eliminate a serious and real threat to their coast or related interests of the risk of pollution or threat of pollution of the sea by oil as a result of a marine accident or actions related to such an accident, which, as reasonably can be assumed, will entail harmful consequences on a large scale [5].

2) International Convention on Civil Liability for Damage Caused by Oil Pollution, 1969 (entered into force in 1975) — convention, providing for civil liability of the registered owner of the vessel for pollution and aimed at ensuring adequate compensation for damage caused by pollution of the sea from tankers carrying oil [6].

3) International Convention for the Prevention of Pollution from Ships, 1973 (entered into force in 1984); provides for a set of measures to prevent operational and transboundary pollution of the sea by ships with oil, liquid substances in large quantities, harmful substances in packaging, sewage [7].

IMO's experience in minimising pollution of the seas, oceans, and atmosphere from ships speaks for itself. The Organisation is determined to continue, through its Member States and partners, to develop, maintain and implement a set of global norms to ensure the sustainable use of the oceans for navigation.

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6. [https://www.iopcfunds.org/uploads/tx\\_iopcepublications/](https://www.iopcfunds.org/uploads/tx_iopcepublications/)
7. <https://www.imo.org/en/About/Conventions/Pages/International>

### **Анотація**

*Від судноплавної галузі залежить близько 80% світової торгівлі. Не дивлячись на те, що за статистикою, морські судна є найменш шкідливим для навколишнього середовища видом транспорту та, на відміну від наземної промисловості, суднопластво в цілому, вносить порівняно незначний внесок у забруднення морського середовища в результаті діяльності людини, ця діяльність не позбавлена ризиків.*

*Спочатку мандат ІМО головним чином був пов'язаний з морською безпекою. Організація в якості зберігача Міжнародної конвенції про запобігання забруднення моря нафтою (OILPOL) 1954р., незабаром після 1959р., взяла на себе відповідальність за питання, що стосуються забруднення навколишнього середовища. За минулі десятиліття прийнято широкий спектр заходів щодо недопущення і контролю забруднень, викликаних судами і пом'якшенням будь-яких наслідків, які можуть виникнути в результаті морських операцій і нещасних випадків.*

*Ці заходи, як показує практика, є результативними в зниженні суднових джерел забруднення і демонструють прихильність ІМО і судноплавної галузі в напрямку захисту навколишнього середовища. З 51 договірних документів, прийнятих ІМВ для координації діяльності міжнародного суднопластва, 21 – безпосередньо стосується навколишнього середовища.*

### **3 LEVELS OF ENVIRONMENTAL LAW ENFORCEMENT**

Enforcing environmental laws and regulations is an important ingredient in protecting the environment and reducing environmental harm. This is generally achieved by various international, regional and local environmental law enforcement agencies. Environmental law enforcement agencies utilize various enforcement methods to ensure compliance to environmental legislation.

One of the main international law enforcement institutions is the International Criminal Police Organization (INTERPOL) which in its present form was created in 1956. Criminal enforcement is now seen as an essential factor in preventing and deterring environmental crime. Interpol has been actively involved in this area since 1993 when the first meeting on environmental crime was organized upon the request of some member countries. Interpol also works in cooperation with the United Nations Environmental Program (UNEP) [1]. This cooperation includes the UNEP providing resources for implementation and compliance efforts, facilitating communication and data exchange through liaison.

The example of regional environmental law enforcement is EUROPOL aiming at preventing and combating terrorism, unlawful drug trafficking, and other serious forms of organized crime, particularly environmental crime. The objectives of the task force are to facilitate trans-national understanding of the incidence of environmental crime in the member states and develop cooperative enforcement structures to combat organized environmental criminals [2]. Although Europol is not actively engaged in policing environmental laws in member states of Europe at present, there are examples of enforcement operations in which Europol was engaged.

The occurrence of environmental crimes within national territories have created the need for much greater cooperation between national and state police organizations. For example, countries like the USA, Australia, Germany and Indonesia all have federal police services that are responsible for investigating crime in their respective countries. Many of these federal police organizations also cooperate with internal state police services to deal with crime at a national and state level. The Environmental Protection Agencies/Authorities (EPA) are law enforcement bodies that are mandated to enforce environmental laws and regulations.

In the USA the Environmental Protection Agency is tasked to ensure that all states implement the minimum standards of the various federal environment protection laws. The EPA has particular enforcement roles in ensuring that

industries, individuals and governments adhere to minimum environmental standards and prosecute any violations of these laws. The EPA's Criminal Investigation Division (CID) Special Agents are federal law enforcement officers with the authority to conduct investigations, make arrests for any federal crime and to execute and serve warrants.

In Australia the AFP (Australian Federal Police) enforces Commonwealth criminal laws, and protects the national interests from crime in Australia. In responding to offences that are committed against the environment the AFP federal agents work with the assistance of other state police forces and such environmental regulatory agencies as: the Department of the Environment, Australian Border Force, Australian Fisheries Management Authority, Australian Maritime Safety Authority, Australian Quarantine and Inspection Service and State government agencies ensuring the protection of the environment.

There are enforcement agencies dealing with the implementation and enforcement of environmental laws at a local level. Their environmental protection officers have the power to investigate, assess and control environmental factors that could pose a risk to health or wellbeing. Environmental protection (environmental health) officers administer and enforce legislation related to environmental health. They also ensure that any protective measures are in place and that the risk level is as low as is reasonably possible. Officers have to perform a great deal of their job: to carry out inspections, sampling, investigations and other such duties ensuring compliance with current legislation; to investigate complaints and give professional advice to complainants; to be the technical specialist providing advice and training on contaminated land and air quality to colleagues, other professionals, businesses and members of the public in accordance with appropriate internal and external standards and guidance; to develop publicity material and promotion of their work [3].

### **Література:**

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2. Environmental Crime/Europol. <https://www.europol.europa.eu> >
3. Environmental protection officer. <https://www.kenyonblock.com/job/environmental-protection-officer/9>

### **Анотація**

*Надана робота описує дотримання екологічних законів і нормативних актів з захисту навколишнього середовища, яке досягається правоохоронними органами навколишнього середовища міжнародного, регіонального та місцевого рівнів, приклади яких надані в роботі. Інтерпол, визнаючи Програму ООН з навколишнього середовища, стежить за дотриманням екологічного законодавства у світі. Публікація описує другий, транс-національний або регіональний рівень правоохоронної діяльності у*

*захисті навколишнього середовища, який представлений країнами Європолу. Особливу увагу робота приділяє виконанню екологічного законодавства на місцевому рівні, описує повноваження працівників охорони навколишнього середовища/працівників охорони здоров'я з дотримання діючого законодавства, а також того, що всі захисні заходи діють і що рівень ризику є настільки низьким, наскільки це можливо.*

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## **MECHANISM OF LEGAL SUPPORT OF ECOLOGICAL SAFETY**

Mechanism of legal support of ecological safety represents a set of state-legal means aimed at regulating activities able to enhance the level of ecological safety, prevent the environmental degradation and the occurrence of danger to the population and natural systems, and localize the manifestations of environmental hazard.

Organizational and preventive measures represent a set of legally significant actions aimed at the identification of environmentally hazardous objects, zones, territories and types of activities, the implementation and use of levers in order to prevent the occurrence of environmental hazard.

Forms.

Accounting and determining.

- 1) Determination of environmentally hazardous sources, objects, areas.
- 2) Inventory of environmentally hazardous sources, objects, zones, territories.
- 3) Classification of environmentally hazardous sources, objects, zones, territories.

Registration and licensing.

1. Registration of environmentally hazardous sources, objects, zones, territories.
2. Passportization of environmentally hazardous enterprises.
3. Certification of environmentally hazardous products.
4. Licensing of environmentally hazardous activities.
5. Enhanced regulation of emissions and discharges of adverse physical impacts of environmentally hazardous objects.

Expert and assessing.

1. Environmental assessments of objects dangerous to the environment condition, human health and life.
2. Preliminary environmental impact assessment of those objects.

3. Open public hearings.
4. Discussion by the population of projects of environmentally degrading activities to be implemented.

Informative and forecasting.

1. Systematic informing of state bodies about the ecological state and the state of human morbidity.
2. Periodic informative environmental support of the population.
3. Modeling, programming and forecasting of changes in the ecological state due to the action of environmentally hazardous sources and objects.

Regulatory and incentive measures represent a system of legal norms and regulations aimed at regulating relations, ensuring compliance with priorities, regulations, standards, limits and other requirements in the field of ecological safety.

Regulatory and technical means

1. Standards in the field of ecological safety.
2. Ecological safety standards.
3. Rules for the design and operation of environmentally hazardous objects.
4. Ecological safety radio standards.
5. Rules for handling environmentally hazardous substances and sources.

· Legal and regulatory means (Legislative acts)

1. Imperatives.
2. Priorities.
3. Principles.

Regulatory and economic means (Bylaws)

1. Regulatory fees (Contractual targeted funding for the development of environmentally friendly technologies and industries)
2. Payments (Insurance for environmental risk).
3. Privileges (Credit, loan, tax)

Regulatory and restrictive (organizational means)

1. Standardization of environmentally hazardous activities.
2. Limitation of environmentally hazardous activities.
3. Issuance of permits for environmentally hazardous activities.
4. Regulation of environmentally hazardous objects.
5. Zoning of environmentally hazardous territories.

Administrative and executive measures represent purposeful activities of specially authorized bodies with regards to the implementation of measures and functions in the field of ecological safety support.

Structural and functional support.

1. The Verkhovna Rada of Ukraine (determines the powers of local government authorities, governing bodies in the field of ecological safety support).
2. Commission on Nuclear Ecological Safety Policy under the President of Ukraine (Development of scientifically grounded proposals on the formation of state nuclear policy and ecological safety).

3. National Commission for Radiation Safety of the Population of Ukraine (Independent body for radiation safety of the population, develops and approves radiation safety standards).

4. Cabinet of Ministers of Ukraine (Standing Government Commission on Technogenic and Ecological Safety and Emergencies). (Organization, coordination and control over activities with regards to the support of technogenic and ecological safety).

5. Department of integration in the use of natural resources and ecological safety.

System of bodies in the field of ecological safety.

1. President of Ukraine (Takes measures in order to ensure national security).

2. National Security Council of Ukraine under the President of Ukraine (ensuring national security).

3. Ministry of Health of Ukraine (Develops, approves and implements ecological safety standards, radiation safety standards).

4. Coordination Committee for Food Quality and Safety under the Ministry of Health of Ukraine (coordination and control over the work of the bodies of the system of state control of food quality and safety).

5. State Committee for Consumer Protection (Carries out radiological, chemical, toxicological and physicochemical control of food).

6. Ministry of Transport of Ukraine (Formation of the principal directions of ecological safety in transport, safety provision).

7. Ukrderzhkhimkomisiia is a state interdepartmental commission of Ukraine for testing and registration of plant protective means and regulators (Considers the issues of prohibition to use of environmentally hazardous preparations).

8. Main department of veterinary medicine with the state veterinary inspection of the Ministry of Agriculture and Food. (Carrying out of ecological control of products of vegetable and animal origin).

9. Procuracy bodies of Ukraine (Supervision of compliance with ecological safety standards).

Monitoring-oversight and other organizational-legal forms.

1. Ministry of Ecological Safety of Ukraine (Control over compliance with ecological safety).

2. State Ecological Inspection

3. Main State Inspectorate for Nuclear and Radiation Safety Supervision

Precautionary measures represent a system of legally significant actions aimed at preventing environmental offenses, protecting the human right to ecological safety and related environmental rights and applying the means of state-legal coercion to persons in the event of violation of ecological safety requirements and regulations.

Precautionary and tort measures (restriction of environmentally hazardous activities and cessation of environmentally hazardous activities)

1. For systematic violation of ecological safety standards.
2. For violation of regulations and requirements of ecological safety.

Arbitral measures.

1. Consideration of cases on protection of citizens' rights to ecological safety.
2. Consideration of cases on the claims of the Prosecutor's Office for cessation of environmentally hazardous activities
3. Consideration of cases arising from administrative offenses, requirements and regulations of ecological safety.
4. Consideration of cases on environmental crimes that violate the requirements and regulations of ecological safety.
5. Consideration of cases on compensation for damage caused by violation of the requirements and rules of ecological safety.

Legal liability for violation of ecological safety requirements and regulations.

1. Disciplinary liability.
2. Administrative liability.
3. Criminal liability.
4. Financial liability for damage to health and property of persons.

Protective and restorative measures represent a set of organizational and legal tools aimed at the localization of manifestations of environmental hazard, the implementation of liquidation works, the determination of legal status of territories in accordance with the level of environmental risk and the establishment of status of victims of environmental hazard.

Regulatory and security measures

1. Determination of the degree of environmental hazard.
2. Preparation of materials for the declaration of areas of increased environmental hazard.
3. Transfer and consideration of materials.
4. Environmental assessment of materials for substantiation of projects of zones of the increased ecological hazard.
5. Making decision on declaring the regime of zones of the increased ecological hazard.

Program and liquidation measures.

1. Urgent emergency operations
2. Passportization of environmentally hazardous industries.
3. Research of the nature and consequences of the impact of environmental hazard.
4. Assessment of the consequences of the ecological hazard.

Establishment of the status of victims

1. Determination of the category of victims of the consequences of ecological safety.
2. Establishment of a causal link of the ecological safety impact.
3. Registration of victims.

4. Preparation and consideration of draft documents.
5. Publication of entitling documents.

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### **Анотація**

*В роботі розглянуто механізм правового забезпечення екологічної безпеки України. А саме визначення правового забезпечення екологічної безпеки, форми правового забезпечення екологічної безпеки та заходи, які використовуються для забезпечення екологічної безпеки України.*

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## **TYPES OF ENVIRONMENTAL CRIMES**

Abuse of the environment is the fourth largest criminal activity in the world. Worth up to USD 258 billion, it is increasing by five to seven per cent every year and converging with other forms of international crime [5]. It is, therefore, a growing threat to peace, security and stability. This report assesses that threat and recommends solutions that we can pursue through international cooperation. The many crimes related to the exploitation of the environment and its natural resources are insidious, with implications for every aspect of our lives. They rob governments of much needed revenues, people of livelihoods, and communities of peace and security. This report provides evidence that armed groups are benefitting from such crimes and engaging with wider criminal networks. The combined consequences are dangerous: forcing women and children into labour; putting habitats and biodiversity at risk; and undermining attempts to control global warming. The scale, scope and

complexity of this growing area of international crime are clear. Therefore, the scale, scope and force of the joint response from the United Nations, member states and key partners must be just as clear. It must include better information sharing, civilian protection and law enforcement, as well as a deeper understanding of what creates and spreads conflict. Environmental crime is a serious and growing international problem, and one which takes many different forms.

Environmental law enforcement agencies increasingly invest in initiatives to cooperate with each other on a sub-national, national, regional or global level. These initiatives have led to the establishment of a number of environmental law enforcement networks (ELENs). The objective of this directory is to provide initial information on more than 50 of these environmental law enforcement networks [1].

Human activities are largely responsible for climate change, notably by damaging environmental quality. Societies are slowly turning to more sustainable ways to live, consume, and trade.

However, environmental quality continues to be the victim of a range of illicit activities, which contribute to air pollution and land degradation, and adversely affect water resources.

Air pollution is an economic, social, and environmental issue. As a serious health risk, it is responsible for approximately 7 million premature deaths per year and constitutes an economic drain. Human activities responsible for air pollution cause the release of air pollutants, in particular greenhouse gases (GHG), suspended particulate matter, and tropospheric ozone. According to the International Energy Agency, industrial activities account for almost a third of the global energy consumption and 36 per cent of carbon dioxide emissions. In this context, a marketbased carbon pricing system (“cap-and-trade”) aimed to decrease carbon emissions was developed. Under this emissions trading scheme, companies can emit carbon set to a certain limit (cap). If they exceed it, they can offset their surplus emissions by purchasing carbon credits from another company. Alternatively, spare carbon credits can be sold to those requiring more trade [2, p.101-116].

The world’s population is more than 7 billion people and is expected to exceed 9 billion by 2050. With a constantly growing urbanization rate,<sup>28</sup> the pressure put on land is tremendous. Land degradation results from excessive land use (e.g. agriculture, construction) and land pollution, caused mainly by anthropogenic activities deteriorating the earth’s surface and soil, which eventually leads to land exhaustion. This degrades the ecosystem, which fails to provide for our common needs, such as agriculture. From desertification to soil erosion and nutrient depletion, the effects of land degradation are of great concern. Criminal activities causing land degradation mainly relate to the trafficking in waste.

Although illegal mining also contributes to damaging the soil and polluting the environment, it is dealt with more extensively in section of minerals. Trafficking in waste is understood as the improper management of waste (collection, transport, storage, disposal), as well as the illegal trade and movement of waste [3].

Water is one of the most plentiful resources on our planet. Although it is a key factor for development, some populations still suffer from water deprivation. As a scarce commodity, states and institutions are facing pressing challenges to ensure water security, as they aim to provide access to clean water and sanitation. In cases of pollution (e.g. illegal waste discharge and oil spill), water is not considered as a commodity, which can be traded. In other words, water pollution is not about obtaining water as a raw product and trafficking in it: water suffers collateral damage of negligence or criminal behavior. Water pollution not only affects environmental quality but it also disrupts business activities. Oil spills contaminate an area which can sometimes be very large (e.g. BP oil spill in 201438), thereby destabilizing other sectors, such as fisheries, and disrupting the supply chain of the companies active in the polluted region. Criminals involved in other water-related crimes, such as water fraud and water theft, jeopardize the integrity of the existing supply chain [4].

Environmental crime is a growing and devastating threat destabilizing our entire ecosystem. Criminals damage environmental quality, hasten biodiversity loss, and deplete natural resources, all of which result in challenging and destructive consequences, such as climate change. The variety of players involved at all stages, and the convergence with numerous types of crime – such as organized crime or corruption – allow criminals to traffic in environmental commodities on a transcontinental basis.

In addition to its repercussions on environmental quality, biodiversity, and natural resources, environmental crime is also responsible for undermining local and regional stability.

Its main consequence is to jeopardize the development of vulnerable communities as well peace and security.

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#### **Анотація**

*В даній науковій роботі нами було досліджено галузі кримінальних правопорушень проти довкілля, а саме основні природні ресурси, які стають об'єктами злочинів: повітря, надра та вода. В тезах доповіді нами представлено види злочинів проти довкілля, способи їх втілення та визначено чому, на сьогоднішній день цей напрям діяльності правоохоронних органів є важливим не тільки з точки зору захисту суспільних відносин та дотримання діючого законодавства, а й в глобальній перспективі добробуту природної екосистеми нашої планети.*

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#### **SAFETY OF NATIONAL POLICE EMPLOYEES IN EMERGENCY CONDITIONS**

The current situation in Ukraine with regard to dangerous natural phenomena, accidents and catastrophes is characterized as very difficult. Recently, up to 300 emergencies of natural origin and up to 500 emergencies due to man-caused disasters occur in Ukraine every year. Most such emergencies occur in Zaporizhzhia, Donetsk, Dnipropetrovsk, Luhansk, Lviv and Odessa regions. Every year in Ukraine more than 70 thousand people die from emergencies (natural disasters, traffic accidents, industrial accidents, drownings and poisonings). The growing number of natural and, especially, man-made disasters, the complexity of these consequences make them a serious threat to the safety of the individual, society and the environment, as well as the stability of the economy. The work in an emergency area requires a significant amount of human, material and technical resources.

The safety of the National Police employee in the event of an emergency considers the problems of his or her safe stay in the environment during official activities in emergencies and aims to study the patterns of dangers, their properties, their impact on life, basics of health and life protection of the police officer from dangers during the time of his or her work, as well as to develop and implement the appropriate means and measures in regard to creation and maintaining of healthy and safe living conditions and activities of police officers in emergencies.

Based on this, it can be determined that the safety of police employees in emergencies is a characteristic of life and activities that reflects the balance of factors that threaten the life of the police officer and factors that prevent the consequences

of such threats. The main factors that threaten the life and health of a police officer in an emergency are hazards and safety factors.

The safety is a state of life and activity in which the appearance of dangers is excluded with a certain probability. The safety is a goal, and the safety of life is the means, ways, methods of its achievement.

The hazards are components of any process or phenomenon that is characterized by physical, chemical and biological actions with adverse impacts on humans and the environment. They have the following features: threat to the functioning of organs and the human body as a whole (threat to life), changes in mental health, behavioral reactions, material loss, damage to health, environmental pollution.

### **Factors, which determine the safety of the National Police employees in the emergency conditions**

The safety of life and health of employees in emergencies depends on the following factors:

- 1) professional and psychological training;
- 2) physical and technological training;
- 3) ability to use equipment and firearms.

Professional and psychological training of police officer is determined by its three main elements:

- a) the optimal individual professional concept of the activity in dangerous situations;
- b) a sufficient level of development of the necessary psychological qualities;
- c) the presence of a personal attitude to "survival" in emergencies. The individual professional concept of the employee's activities in emergency situations requires the necessary knowledge and experience, effective and safe methods of work and awareness of one's own role, defined both by law and one's own responsibility to address it.

The danger of many situations during official activities in emergencies is determined by the risk factors of the situation and the risk of making decisions about professionally determined and life-saving actions of the employee. When determining the riskiness of the situation and making appropriate decisions, the probability of failure (harmful consequences) is taken into account. The risk must be appropriate. If there is an increased risk of endangering life and health, another solution should be found. Self-belief, self-control, specific advice and recommendations for action in such situations are of great importance in the formation of a stable personal attitude to the survival in emergencies.

The perfect calm and maximum concentration of attention is the optimal psychological state in the event of an emergency. The employee should not lose the temper, make any provocations and panic. The safety of life and health of National Police employees in emergencies also depends to a large extent on their physical condition and technological training.

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### **Анотація**

*Особиста безпека працівників поліції наразі є одним з важливих чинників для успішного вирішення їхніх службових завдань, особливо в умовах виникнення надзвичайних ситуацій. Особисту безпеку працівників поліції слід розглядати як їх обов'язок, а не право. Забезпечення особистої безпеки – одна з основних функцій, яку виконують працівники поліції та яка може врятувати їм життя в умовах виникнення надзвичайних ситуацій. Тому забезпечення безпеки працівників поліції в умовах виникнення надзвичайних ситуацій є пріоритетним завданням як для самих працівників поліції, так і для суспільства та держави.*

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## **ENSURING ENVIRONMENTAL SAFETY AND COUNTERACTION TO DELINQUENCY IN AREA OF THE ENVIRONMENT**

The issues of legal regulation of environmental safety are now particularly relevant and important. It is necessary to take into account the latest trends, which indicate the significant concerns about the effectiveness of environmental safety provision not only at the level of scientists, public organizations, some concerned institutions, but above all at the highest state level, which is embodied mainly in interstate, consolidated, legally significant decisions with the formation of appropriate financial funds. Therefore, the solution to this issue lies primarily in the field of legal regulation of environmental requirements and standards.

The environmental safety can be considered not only within the conceptual and categorical mechanism of the relevant industry, but also in other legal disciplines and other fields of public knowledge. In particular, in the natural and social aspects, the environmental safety is defined as follows: 1) provision of a guarantee of prevention of environmentally significant disasters and accidents due to the set of actions, states and processes that do not directly or indirectly lead to these events; 2)

the degree of compliance of existing or imaginary (forecasted) environmental conditions with the tasks of maintaining public health and ensuring long-term and sustainable social and economic development; 3) a set of states, phenomena and actions that ensure the ecological balance on Earth and in any of its regions at a level to which the humanity is ready in physical, social and economic, technological and political way; 4) a set of scientific knowledge and principles that define such models of social consciousness and behavior that are able to counteract the negative anthropogenic impacts on the environment. These definitions of environmental safety cannot be used to formulate the legal category of “environmental safety”, primarily because they do not reflect ways to establish (mediate) the relevant phenomenon in the field of legal regulation. They also do not reveal the social role of environmental safety as a legal concept. The category of “environmental safety” was enshrined in the Constitution of Ukraine when it appeared in Ukrainian legislation in the Declaration of State Sovereignty of Ukraine July 16, 1990. Thus, Art. 16 states that ensuring the environmental safety and maintaining the ecological balance on the territory of Ukraine, overcoming the consequences of the Chernobyl disaster - a catastrophe on a global scale, preserving the gene pool of the Ukrainian people is the duty of the state. According to the Art. 50 [1, c.2] of the Constitution, everyone has the right to the environment, which is safe for the life and health, and to compensation for damage caused by violation of this right. Everyone is guaranteed the right to free access to information on the state of the environment, the quality of food and household items, as well as the right to distribute it. Such information cannot be classified by anyone. In addition, our state has ratified the Aarhus Convention, thus committing itself to the world community and the Ukrainian people to provide environmental information to the public. One of the reasons for the unsatisfactory state of the environment is the lack of constant objective information for the citizens of Ukraine about its pollution, the causes, the perpetrators of pollution and measures taken to improve the situation [2, c.2].

General provisions in the field of environmental safety are enshrined in a separate section of the Law of Ukraine “On Environmental Protection” under the title: “Measures on ensuring of environmental safety”, in which the Article 50 defines the category of “environmental safety” very succinctly and the Articles 51-59 define the requirements on ensuring environmental safety in various activities. [3, c.2].

The importance of the environmental component in EU policy is constantly growing. There is a clear trend towards integrating environmental policy into the development and implementation of all other EU policies. In the context of European integration processes, in order to ensure environmental safety, it is necessary to achieve an optimal balance between the harmful effects on the environment, which in any case arise under the influence of anthropogenic activities, enhanced by scientific and technological development, and the potential opportunities for natural resources self-regeneration [4, c.3].

Thus, the environmental safety is a set of relations, mediated by sources of increased environmental danger (as well as altered and unfavorable environment). These relations are regulated by the legal, technical and organizational norms of environmental safety law to prevent and eliminate the threats to human life and health, material assets and environment. Such a definition can be accepted, but provided that the relevant legal, technical and organizational regulation will be absolutely effective, i.e. it should be not only about the availability of relevant rules, but also about their implementation, i.e. regulation.

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#### **Анотація**

*В даній роботі розглянуто визначення екологічної безпеки, забезпечення правового регулювання екологічної безпеки, розгляд економічної безпеки в юридичних дисциплінах та інших галузях суспільного знання. Визначена правова основа екологічної безпеки в Україні, значення екологічної складової в країнах ЄС.*

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### **PREVENTION OF OFFENSES BY LAW ENFORCEMENT BODIES IN THE FIELD OF ENVIRONMENTAL SAFETY**

By ratifying the Association Agreement with the European Union, Ukraine has entered a new era of its development. In accordance with the provisions of the Decree of the President of Ukraine "On Sustainable Development Strategy" Ukraine - 2020 "dd. January 12, 2015, one of the priority vectors of the movement is to maintain the proper state of environmental protection and environmental safety in the country [1]. According to the Constitution of Ukraine, namely Art. 50 people have the right for a safe environment for life and health, and the implementation of this right belongs to the jurisdiction of the National Police of Ukraine [2]. Effective

activity of law enforcement bodies in the field of environmental protection is a qualitative pre-requisite for protection of environmental rights of citizens of Ukraine and maintaining a stable ecological state of the environment in Ukraine.

In general, among the most common areas of the activity of the National Police in the field of environmental protection are the following: preventive activities; administrative supervision; carrying out permitting activities; interaction with state bodies and public environmental organizations, etc. Thus, it is safe to say that the police carry out environmental protection activities both directly and indirectly. Thus, an example of direct participation in the field of environmental protection may be the activities of the police to monitor compliance with the established rules of transportation of explosives [3, p. 14]. As for the indirect method of environmental protection of the police, it is carried out by assisting state (environmental) bodies in performing their environmental functions to ensure environmental safety [4, p. 13] (in particular, during natural disasters, etc.). In the European Union, "Clean air" monthly campaigns are held every year to prevent air pollution. During raids on urban roads, environmental police officers inspect thousands of vehicles of legal entities and individuals by means of special equipment to detect cars whose exhaust gases emit more carbon and smoke than the norm [5]. Taking into account the experience of European countries, according to scientists, we can conclude that it is appropriate to create an environmental police. Its activities may be aimed at implementing measures to stop violations in the field of environmental safety, namely: 1) pollution of the territory adjacent to enterprises, organizations, construction sites, trade facilities, streets, yards, parks, boulevards, squares, shafts, ravines, water protection zones of reservoirs, green plantations with all types of industrial and household waste; 2) landfills for household and industrial waste, snow in unforeseen places; 3) pollution of the road surface due to violation of the rules of transportation of goods and operation of vehicles that are in a state of technical failure; 4) contamination of garbage collection sites and areas around them, accumulation (storage) of goods near trade kiosks, tents, pavilions of retail trade; 5) implementation of all types of work, including emergency, related to violations of landscaping, closure or restriction of traffic, pedestrians without the permission of relevant organizations; 6) operation of vehicles with high content of toxic substances in exhaust gases; 7) washing vehicles in places not designated for this purpose; 8) entry of vehicles to lawns, flower beds, sidewalks, parks, squares, green areas; 9) damage to greenery; 10) damage to greenery, which caused their death; - 11) unauthorized seizure and development of land; 12) lighting bonfires, burning garbage.

In conclusion, it should be noted that in order to more effectively prevent offenses, law enforcement bodies in the field of environmental safety may establish the environmental police unit within the National Police of Ukraine with a clear definition of its powers. The experience of European countries indicates the effectiveness of the above unit. It is also logical to clearly define the competence of

the National Police, to establish new criteria for assessing the effectiveness of their environmental activities, taking into account international standards.

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### **Анотація**

*В статті визначаються поширені напрямки здійснення діяльності органів Національної поліції у природоохоронній сфері. До такої діяльності належать: профілактична і превентивна діяльність; адміністративний нагляд; здійснення дозвільної діяльності; взаємодія з державними органами і громадськими екологічними організаціями, тощо.*

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## **SPECIFICITIES OF THE NATIONAL POLICE'S ACTIVITIES TO PREVENT LAWBREAKING UNDER CONDITIONS OF AN INCREASING SANITARY AND EPIDEMIOLOGICAL SITUATION**

The global scale of the COVID-19 pandemic and its consequences have a profound impact on the economy, education, culture, social relations - in general, on the development of society.

In this context, the number of atrocities is growing and there is a tendency towards their transformation: traditional atrocities are being replaced by new ones. Specifically, there are crimes related to the significant increase in the consumption of commodities and hygiene products associated with COVID-19. There have also been various manifestations of cybercrime and other schemes of malicious

appropriation of the property of citizens and organizations. A special focus is placed on a certain "imposition" of telephone fraud, etc.

As it turned out, this is by no means the limit of extreme conditions of state functioning. The year 2020 marked the beginning of equally challenging conditions for society and the state on a global scale. The spread of coronavirus infection (COVID-19) in the world forced governments to introduce unprecedented quarantine, organizational and legal measures. The world has not seen such a pandemic in the last 100 years [1, p.18].

The legal basis for preventive activities of the National Police in conditions of increased sanitary and epidemic situation is a set of legal acts that regulate public relations that arise in the sphere of ensuring sanitary and epidemic well-being, The Law on Sanitary and Epidemiological Surveillance in Ukraine establishes the relevant rights and duties of state bodies, enterprises, institutions, organizations and citizens and establishes the procedure for the state sanitary and epidemiological supervision in Ukraine and the specific features of the National Police in conditions of an aggravated sanitary and epidemiological situation.

The system of regulations governing the preventive activities of the National Police under conditions of an increasing sanitary and epidemiological situation is governed by the Constitution of Ukraine as the Basic Law of our state [3, p.8].

Article 18 of the Law of Ukraine "On the National Police" sets out the main duties of a police officer.

Thus, a policeman is obliged to: 1) to ably enforce the provisions of the Constitution of Ukraine, laws of Ukraine and other legal acts regulating the activities of the police force, the Oath of Police Officer; 2) professionally perform their duties in accordance with the requirements of regulations, service (functional) duties, orders of the management; 3) respect and not violate human rights and freedoms; 4) to provide urgent, including long-term and medical aid to persons who have suffered as a result of lawlessness, accidents, as well as to persons who have found themselves in a disorderly or life- or health-threatening situation; 5) to keep restricted information that has become known to him in connection with the performance of service duties; 6) to inform the immediate superior about the circumstances that preclude his further service in the police or the position he holds [2].

In general, both the public and the police need to understand that there are no quarantine algorithms developed for the coronavirus infection (COVID-19), they are only being developed, and the quarantine regime is new and not typical for all current generations of the Ukrainian population. The tasks entrusted to the National Police of Ukraine are the first time its officers are familiar with them and they have no experience of carrying them out and could not have any.

In conclusion, it should be noted that on the side of the police, both the regular functions and tasks related to the implementation of quarantine measures should be taken into account: atypical for the population nature of the pandemic

situation; lack of experience of behaviour in quarantine conditions; relatively low incidence of the disease, resulting in a still unbalanced attitude towards quarantine measures; Lower incomes and emergence of social pressure; change in the psychological and emotional state of the population as a result of the induced change in the environment.

In general, it would be advisable to change administrative practices in the activities of police structures in such cases and to update and eliminate gaps in legislation in this area.

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#### **Анотація**

*Розглянуто особливості діяльності Національної поліції щодо запобігання правопорушень в умовах загострення санітарно-епідемічної ситуації, висвітлено теорію і практику діяльності підрозділів превентивної діяльності Національної поліції.*

*Виходячи із зазначеного, сформовано висновки й окреслено перспективи подальших наукових пошуків.*

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## **INTERACTION OF LAW ENFORCEMENT BODIES AND THE PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

Environmental safety is perhaps the most important issue in the world today. The development of industry brought about positive changes in people's lives, such as the transition from manual labour to machine production, the construction of industrial factories and plants that needed workers to work, as a result of the growing

working population moving from rural to industrial centres, due to which new large cities emerged. Humanity has experienced and is still experiencing negative changes. Most of them are the fault of the people themselves. Failure to comply with the requirements for prevention of environmental pollution is a great danger to life and health. Compliance with these requirements should be monitored not only by the state through public authorities, but also by the public itself.

Ensuring environmental safety is an important element in the activities of law enforcement bodies to guarantee the constitutional rights of citizens for a safe environment, for life and health (Article 50 of the Constitution of Ukraine). At the same time, in this area the relevant rights and powers are granted to citizens themselves (Article 9 of the Law of Ukraine "On Environmental Protection") and public organizations (Article 21 of the Law of Ukraine "On Environmental Protection"). Implementation by citizens and public organizations stipulates close cooperation with law enforcement bodies such as court, prosecutor's office, police, and state environmental inspection. Such cooperation allows the public to express their views on environmental safety and environmental protection, and law enforcement agencies to monitor compliance with environmental legislation.

Interaction of the police with the public, including in the environmental sphere is carried out in accordance with Articles 2, 11 of the Law of Ukraine "On the National Police" [1]. Perhaps, in order to more effectively monitor the implementation of environmental legislation and prevent its violation, it makes sense to create a separate unit within the National Police of Ukraine, which powers would include the tasks related solely to ensuring environmental safety. This would make it possible to counteract and respond more quickly to violations of environmental legislation.

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### **Анотація**

*В статті розглядається питання забезпечення екологічної безпеки як важливого елементу у діяльності правоохоронних органів для гарантування конституційних прав громадян на безпечне життя і здоров'я. У роботі запропоновано створити окремий підрозділ в складі Національної поліції України, в повноваження якого входили би завдання пов'язані виключно із забезпеченням екологічної безпеки.*

## **ENSURING ENVIRONMENTAL RIGHTS OF HUMANS AND CITIZENS**

Currently, in the context of social development, much attention is paid to ensuring environmentally friendly living conditions of citizens and society. There is already a direct link between human health and environmental pollution. In such circumstances, the relevance and importance of the right of citizens to a safe environment for life and health becomes particularly acute. Protection and restoration of the environment, as a general system of human life, is becoming a task of paramount importance in terms of preserving the gene pool of the people of Ukraine, as well as prospects for economic and social development [4].

The Constitution of Ukraine enshrines a number of human rights and freedoms that allow every citizen to feel protected choose their behavior, enjoy socio-political, economic freedoms and benefits in their own interests and in the interests of society. Citizens of Ukraine have equal rights and freedoms, which is the basis of equality of all before the law. But, unfortunately, there are many cases of human rights violations every day.

For example, violation of the right of citizens to a safe environment for life and health, which belongs to the fundamental, natural rights and is enshrined in Article 50 of the Constitution of Ukraine. Such a right is enshrined not only by the law having the highest legal force, but also by Article 293 of the Civil Code of Ukraine, as the right to a safe environment for life and health, which belongs to the personal intangible rights of individuals, the second part of the same article stresses that activities of individuals and legal entities that lead to destruction, spoilage, pollution of the environment are illegal. Everyone has the right to demand the cessation of such activities [1].

The Law of Ukraine "On Environmental Protection" establishes the environmental rights of citizens, which include a safe environment for his life and health [2].

Thus, many industries of Ukraine remain strategically important for the future development of the domestic economy. On the other hand, they often have a low level of environmental friendliness, which violates the fundamental human rights to a safe life and health. Violation of this type of human rights to life and health shows us that the guarantees provided by the Constitution of Ukraine, a particular law is vulnerable to compliance, which in turn is a serious violation of human rights and inability to respect certain human rights, namely:

- the right of everyone to life;
- the right to adequate, safe and healthy working conditions;

- the right to health care, medical assistance and medical insurance, etc.

With these views we want to consolidate that in order to ensure the rule of law in the protection of our rights, it is important to have effective courts, which is a guarantee for the protection of our rights.

For example, by recognizing the case law of the European Court of Human Rights (ECtHR) as a mandatory source of law in Ukraine, the Ukrainian legislator has in fact changed the legal system to include European standards of human rights protection. ECtHR decisions shape case law, which recognizes that environmental pollution is a violation of fundamental rights of citizens, such as the right to life, respect for private and family life [3].

This issue needs further study, but we can conclude that an important step in ensuring human rights is to remove barriers to access to justice in the field of protection of the right to a safe and healthy environment, which can already be the rule of law.

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### **Анотація**

*Нині в умовах суспільного розвитку велика увага приділяється забезпеченню екологічно безпечних умов життєдіяльності громадян і суспільства. Вже є доведеною пряма залежність між здоров'ям людини та забрудненням довкілля. В таких умовах актуальність і значимість права громадян на безпечне для життя і здоров'я навколишнє природне середовище набуває особливої гостроти. Охорона і відновлення довкілля, як загальної системи життєзабезпечення людини, перетворюється в задачу першорядної важливості з точки зору збереження генофонду народу України, а також перспектив економічного і соціального розвитку. Своїми думками ми хочемо закріпити, що задля забезпечення верховенства права у захисті своїх прав є важливим ефективна діяльність судів, що для людини є гарантом захисту своїх прав.*

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## **LEGAL ISSUES OF ENSURING ENVIRONMENTAL SECURITY BY LAW ENFORCEMENT AGENCIES**

Illegal deforestation, water pollution, subsoil use violations and destruction of nature reserves are an inexhaustible list of crimes against the environment that are recorded in Ukraine. Their investigation should be a priority, in my opinion.

According to Article 50 of the Constitution of Ukraine, a person has the right to a safe life and health of the environment and reimbursement of damage caused by violation of this right [1].

Article 293 of the Civil Code of Ukraine declares:

- An individual has the right to a safe environment for life and health, the right to reliable information about the state of the environment, the quality of food and household items, and the right to collect and distribute it [2].

I believe that an integral part of the powers of law enforcement agencies is the powers in the field of environmental protection and environmental control.

Proclaimed environmental rights and human responsibilities are increasingly of practical importance and the current state of natural resources and the environment is forcing to change the opinion on the further environmental policy of the state. Environmental rights and environmental safety of people have become an integral part of the declared values of personal development in society [3, c. 207].

Today there is a resolution of the Cabinet of Ministers № 275, which approves the Regulation on the State Environmental Inspection of Ukraine. The State Environmental Inspection of Ukraine is the central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Environmental and Natural Resources Protection and which implements the state policy on the implementation of state supervision in the field of environmental protection, rational use, reproduction and protection of natural resources [4].

I consider this a significant contribution to the regulation of environmental protection, rational use, reproduction and protection of natural resources.

Investigating this issue, I concluded that law enforcement agencies should pay more attention to the protection of public law enforcement in the field related to the conduct of inquiry and preliminary investigation into environmental offenses and other authorities related to actions to ensure environmental rights [5, c. 93-97].

Collecting information on this topic, I have compiled a list of techniques that could help law enforcement officers to provide ecological guarantees:

1. Legal regulation, explanation of the essence of laws and legal policy of the state in the environmental sphere.

2. Constant informing the population about the state of law enforcement in the field of environmental safety.

3. Stimulation of citizens initiative in providing assistance in ensuring environmental order.

4. Carrying out preventive measures to prevent anti-public manifestations of environmental law.

5. Encouragement of citizens who have actively discovered themselves in the fight against environmental offenses.

Conclusion: law enforcement agencies and the state as a whole play a very important role in the implementation of policies in the field of environmental protection. The tasks relying on law enforcement agencies are very difficult and therefore I believe that the citizens of Ukraine should not only condemn and give advice, but also participate in the protection of the environment, which is most often polluted by our own actions.

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#### **Анотація**

*Незаконна вирубка лісу, забруднення води, порушення та знищення природних заповідників – неперехоронений перелік злочинів проти довкілля, які фіксуються в Україні. Я вважаю, що їхнє розслідування має стати пріоритетом.*

*Керуючись чинним законодавством, зазначено права осіб та відшкодування за порушення цих прав. Вважаю, що невід'ємною частиною повноважень правоохоронних органів є повноваження у сфері охорони навколишнього природного середовища та екологічного контролю.*

*Проголошені екологічні права та обов'язки людини набувають все більшого практичного значення, а сучасний стан природних ресурсів і навколишнього середовища змушує змінити погляди на подальшу екологічну політику держави. Досліджуючи це питання та збираючи інформацію щодо вагомих шляхів вирішення екологічних проблем, складено перелік засобів забезпечення екологічних гарантій.*

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## **LEADING AGENCIES IN THE SERVICE OF ENVIRONMENTAL PROTECTION**

The practice of protecting the natural environment is widely implemented by individuals, organizations and governments all over the world. World hunger, global warming, increasing natural disasters, polluted air, water and soil, pesticide use in the fields, species extinction, crop failures – these problems are of greatest concern by living beings on Earth who want remain healthy or even to survive on the sick planet.

In the UK the two main agencies for environmental protection are the UK department for the Environment, Food and Rural Affairs (DEFRA), a ministerial department, supported by 33 agencies and public bodies. This is a government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland. The main areas in which the DEFRA is responsible for British Government policy are: air quality, biodiversity, fishing, water management, waste management, food, sustainable development, and many others [1].

One more vital organization is the Environment Agency (EA) with its stated purpose – “to protect or enhance the environment, taken as a whole” so as to promote “the objective of achieving sustainable development”. EA is a non-departmental public body, established in 1995 and sponsored by the United Kingdom government’s Department for Environment, Food and Rural Affairs (DEFRA), with responsibilities relating to the protection and enhancement of the environment. The agency is the main regulator of discharges to air, water, and land – under the provisions of a series of Acts of Parliament. It does this through the issue of formal

consents to discharge or, in the case of large, complex or potentially damaging industries by means of a permit [2]. Failure to comply with such a consent or permit or making a discharge without the benefit of a consent is controlled by the board of the agency which has the independent power to prosecute set out in law and resulting in the criminal prosecution. A magistrates' court can impose fines of up to £50,000 or 12 months imprisonment for each offence of causing or knowingly permitting pollution. If prosecuted in the Crown Court, there is no limit on the amount of the fine and sentences of up to five years imprisonment may be imposed on those responsible for the pollution or on the directors of companies causing pollution.

The Environmental Protection Agency (EPA) is an independent executive agency of the United States federal government tasked with environmental protection matters [3].

On July 9, 1970 President Nixon proposed an executive reorganization that consolidated many environmental responsibilities of the federal government under one agency, a new Environmental Protection Agency which officially was established on December 2, 1970. This organization was set up to respond to environmental problems in a manner beyond the previous capability of government pollution control programs: to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment; to monitor biological as well as physical conditions of the environment; to establish quantitative "environmental baselines" to measure the success or failure of pollution abatement efforts. In concert with the states the EPA conducts monitoring such vital environmental topics as: air quality, Coronavirus, drinking water, emergencies, environmental justice, enforcement and many others.

Any violations of environmental laws are investigated by EPA's Criminal Investigation Division (EPA CID). Its special agents are fully authorized law enforcement officers empowered to enforce the nation's environmental laws as well as any other federal laws in accordance with the guidelines established by the Attorney General of the United States [4].

Solving problems environmental protection is not the task by the agencies mentioned above. To live at a safety planet or not depends on every of us. Environment is "the Common Heritage of Mankind" which concept is that all human beings have to preserve the environment to maintain their livings in a good and proper environment.

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#### **Анотація**

*Сучасне життя породило багато проблем у відносинах людини з природою, вирішенням яких повинна займатися велика кількість організацій у всьому світі. Публікація наводить приклади таких організацій – Департамент у справах навколишнього середовища, продовольства та сільського господарства Об'єднаного Королівства Великобританії (DEFRA) та Управління з охорони навколишнього середовища США (US EPA). У роботі міститься інформація про історію виникнення цих організацій, їхню структуру та основні напрямки діяльності у вирішенні проблем навколишнього середовища. У роботі виділяється правоохоронний напрямок діяльності цих організацій, який забезпечується необхідністю дотримання законодавства країн США та Великобританії.*

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### **INTERACTION BETWEEN LAW ENFORCEMENT BODIES AND THE PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

The relevance of the topic is that due to violations of environmental safety rules, the problem associated with environmental pollution is growing. However, according to Art. 50 of the Constitution of Ukraine, everyone has the right to a safe environment for life and health and to compensation for damage caused by violation of this right. This right is further enshrined in environmental legislation and the Central Committee of Ukraine.

According to scientists, environmental rights and environmental security have become an integral part of the proclaimed values in Ukraine, and environmental protection is one of the main directions of public policy. Solving this problem requires the joint efforts of both law enforcement and the public. This may be due to the fact that the system of state environmental control in Ukraine is subject to significant public criticism and needs to be reformed. A specially formed body of state environmental control - the State Ecological Inspectorate of Ukraine today is small and territorially represented only at the regional level, with a small budget, so

its bodies can not fully ensure environmental control of individual areas: cities, towns, villages. With this in mind, one of the forms of optimizing environmental control is to expand the system of interaction between the State Environmental Inspectorate of Ukraine and the National Police of Ukraine as well as with the public. The normative and legal basis for interaction with the public is the Regulation on Public Inspectors for Environmental Protection approved by the order of the Ministry of Ecology and Natural Resources of Ukraine dated 27.02.2002 № 88. This provision regulates the issue of public control in the field of environmental protection which is carried out by public environmental inspectors. And the law of Ukraine "On the National Police" for the first time defines the need to establish a partnership between the police and the community. Legislation of this principle obliges the police to work closely with the community, local communities and public associations on a partnership basis. Thus, a characteristic feature of this interaction is the prevention of violations in the field of public administration in the field of environmental protection through the means of social influence. The basis of such interaction is the public's trust in the police which includes assessing the effectiveness of its work. If the police officers cooperate with the community, it will certainly ensure the success of its activities. The introduction of social dialogue in the field of environmental security can be, for example, the involvement of citizens in the planning of activities and drafting plans and implementation of environmental measures; implementation of joint patrols and raids, implementation of programs to improve environmental and legal culture among young people, etc.

The police officer should promote an effective social dialogue aimed at improving the standard of living; protection and defence of environmental rights and legitimate human interests; introduction of an effective mechanism for protection of the population.

Thus, environmental problems are an integral part of our lives that need to be addressed systematically. Law enforcement agencies, on the basis of partnership, can through interaction and joint efforts with the population, territorial communities and public associations, influence the objects of environmental law in order to improve the lives of citizens living in Ukraine.

#### **Анотація**

*Автор обґрунтовує питання щодо актуальності взаємодії правоохоронних органів та громадськості у сфері забезпечення екологічної безпеки. Вбачається, що ефективність взаємодії залежить від спільних зусиль та довіри населення до поліції.*

## **TRADE IN ILLEGAL PRODUCTION OF AMBER**

Amber - this stone of plant origin has a great value and first talked about it in the 10th century BC. The times are changing, but the role and value of this stone does not minorize. This is believed that in the one who has such a stone, he has a certain status and wealth. So, in Egypt, the burners were made from it, for conducting various ceremonies. In Greece, he served as a talisman - he took him in battles and believed that he would bring luck. In Rome, this stone spoke about the status of a family - only rich could afford to wear an ornament of amber. Amber has both therapeutic and magical properties. Used in jewelry industry, cosmetology, medicine, art, agriculture and shipbuilding. The deposits of this fossils are located on the territory of Romania, Poland, Ukraine, the USA, Germany and Canada.

On the illegal amber market, especially high-quality, large sizes, homogeneous mass containing interruption in the form of plants, insects, etc., is valued very high. Despite the fact that amber is actively used in industry, he represents the greatest value in the jewelry market. Amber is traditionally used in the manufacture of jewelry in Europe, the Middle East, but in recent years, this market was especially intensified in China, where amber products are among the most respected jewelry [2, p. 14].

At present, amber mining is regulated by the Criminal Code of Ukraine. Thus, in accordance with Article 240-1 of the Criminal Code of Ukraine, an illegal mining of amber, as well as sales, acquisition, storage, transfer, forwarding, transportation, amber processing, the legality of which is not confirmed by the relevant documents - shall be punishable by a fine of three thousand to ten thousand Non-taxable minimum incomes of citizens or restrictions for a term of two to three years, or imprisonment for the same time [1]. The object of this crime is state ownership in the depth within the territory of Ukraine, the subject of the offense is amber himself.

In carrying out an illegal extraction of an amber, the person should be aware of the fact that these subjects are extracted without a license or violation of its conditions and want to remove these subjects from the subsoil. In this case, there are no nuances. For example, the head of a mining company or an individual entrepreneur who conducts natural resources development may have several different licenses. If the amber mining license will end, and the person will continue to carry out such activities, or mistakes in a license, we can attribute to an offense. This is due to the fact that the conditions of licensing of natural resources extraction activities are brought to the attention of a responsible person, and compliance with

these conditions for it is mandatory. The person must have an approved plan for the production of such resources and follow him.

Previously, mining of amber "black mines" was timid, now - absolutely brazen. Dig in the afternoon, absolutely not hiding, dozens of people. They are dug with a depth of more than 6 meters. All the shore in such pump pits. This magnification is similar to industrial development. In the center of this site there are "black mines", which closely monitor the extraction and by approaching foreign individuals [2, p. 15]. In the event of danger, all "workers" hide booming amber and inventory, and they themselves are hiding in the nearest bushes. An illegally extracted by a barbaric method of amber is sold to a gray inaccumulator and smuggled abroad. The state undergoes enormous losses, and the strongest damage is applied to ecology.

In Ukraine for many years there were controversy around how to legitimate the chaotic mining of amber in the country. For twenty years, the sunny stone was extracted from under the earth barbaric method: the soil was blurred, and the light stone popped up on the surface of an artificial puddle. In this case, the fertile top layer of soil was washed down, plants, trees - all flora.

Due to the unautical use of subsoil, annually in large areas, the possibility of further exploitation of soil and as a result, there are significant losses to the state [3]. Every year, as a result of illegal amber extraction, dozens of hectares and land are destroyed. In particular, mining of amber by a pompo method causes significant damage to groundwater. Fauna suffered, as the "lunar landscapes" remained after the formers: sand with the pit, remembering the craters of volcanoes - beasts, birds, insects left disastrous places. Starators received profits to harm the nature. The problem is not only in the soil spoil. In carrying out illegal amber extraction, there is a likelihood of creating a danger to life and health of the most "statutes" themselves directly occupied by the process of its extraction.

Amber extractors tried to catch law enforcement officers, picked up amber. At the same time, the acquisitions were taken under burns - under the "roof" - security forces and criminality, exposed to tribute. The olderators complained and asked to legrange extraction. An illegal amber extraction is mostly occupied by representatives of large business structures, as well as organized criminal groups [3]. An illegal mining of amber continues on a large scale than two years and a year ago. At the same time, well-organized and protected "black mines" ceased to be afraid of sudden inspections. The beaches and agricultural land are destroyed by them. After them there are tens of pits, scattered in the field covered with dirt and small tubercles [3]. Today there is a struggle with illegal digger mines in an amber market, against which the destruction of criminal groups for control over amber flows also intensified. However, this struggle does not lead to significant positive results to reduce the number of criminal offenses in the field of amber extraction.

The issue of termination of illegal amber extraction requires solving many problems: regarding permit procedures, rational and modern methods of extraction

of amber, the allocation of land for extraction of amber, their further reclamation, compliance with claims for labor legislation, environmental protection, occupational safety, regulatory requirements for proper transportation , storage, protection and sales of amber, etc.

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### **Анотація**

*Кожен виробний камінь має свої особливості, що визначають його цінність і придатність для використання. Не став винятком і бурштин. Його видобувають з давніх часів - прикраси з нього також знаходили в гробницях єгипетських фараонів. В імператорському Римі мінерал активно використовувався для внутрішнього оздоблення. Незважаючи на поширеність, вважається, що за всю історію Стародавнього Світу було зібрано менше 100 тонн сонячного каменю. Тепер дорогоцінний камінь витягується з надр землі в набагато більших обсягах. Тому видобуток бурштину є важливим державним завданням і ведеться на рівні промислових розробок.*

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## **HOW TO COMBAT ENVIROMENTAL CRIMES**

Environmental crimes are infringements of relevant legal obligations that can cause significant harm or risk to the environment and human health and are or can be addressed through criminal law.

Offences like the illegal emission or discharge of substances into air, water or soil, illegal trade in wildlife, illegal trade in ozone-depleting substances and the

illegal shipment or dumping of waste can have devastating effects on the environment and human health but often remain invisible. Environmental crime often affects society as a whole rather than individuals. It rarely involves victims informing the police or the courts of the committed crime. That is why environmental crime is an underestimated phenomenon.

The impact of environmental crime on the natural environment in Europe and the world manifests itself in increasing levels of pollution, a degradation of wildlife, a reduction in biodiversity and the disturbance of ecological balance.

Environmental crime is a growing concern causing significant damage also to citizens' health and the economy within and beyond the Union. According to Interpol and the United Nations Environment Programme, environmental crime is the fourth largest criminal activity in the world after drug trafficking, human trafficking and counterfeiting, growing at a rate between 5%-7% per year, two to three times the pace of global economic growth [3].

Environmental crime is highly lucrative but it is hard to detect, prosecute and punish it. These factors make it highly attractive for organized crime groups. Very often, environmental crimes have a cross-border aspect.

Combating environmental crimes can be understood as discovering environmental crimes and related infringements that have been committed; imposing sanctions on or taking other action against the perpetrators; preventing environmental crimes from being committed and preventing the harm that they can cause. In the EU, the main binding instrument is the Directive 2008/99/EC on the protection of the environment through criminal law. Find out more about this Directive and its history. Work to support effective combating environmental crime is also undertaken under the Environmental Compliance and Governance Forum which was established as a high-level Commission Expert Group by Commission Decision C(2018)10 on 18 January 2018 at the same time as the adoption of the Commission's Action Plan on environmental compliance assurance – see Communication on EU actions to improve environmental compliance and governance COM (2018)10. In 2021, a Forum sub-group on sanctioning of environmental offences was established. Its work will focus, inter alia, on developing common views and on collecting good practices on environmental enforcement and sanctioning [2].

Preventing crimes which harm our natural resources is critical to protecting these species, but so too is reacting when these crimes occur to catch the perpetrators and ensure they face justice. INTERPOL therefore coordinates and supports regional and global operations designed to dismantle the criminal networks behind environmental crime, offering support to member countries during both the planning and operational phases.

Targeting the trafficking of elephant ivory in West and Central Africa, Operation Wendi in 2013 led to the seizure of nearly 4,000 ivory products and 50 elephant tusks, as well as 148 animal parts and derivatives and 88 firearms. In

INTERPOL first international operation focused on large-scale illegal logging, Operation Lead resulted in 194 arrests and the seizure of US \$8 million worth of timber and some 150 vehicles across Latin America. Operation Cage saw more than 8,700 birds and other animals—including reptiles, mammals and insects—seized and nearly 4,000 people arrested across 32 countries in 2012 [1].

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### **Анотація**

*В даній науковій роботі нами було досліджено шляхи подолання кримінальних правопорушень проти довкілля, які на сьогоднішній день, є проблемою глобального масштабу. Слід констатувати, що для України ця проблема є актуальною також, але напрацьованих практичних навичок та рекомендацій наші правоохоронні органи досі не надбали. Втім, хочемо звернути увагу на позитивні тенденції, які є результатом запозичення міжнародного досвіду та методів боротьби з кримінальними правопорушеннями проти довкілля, а саме: проведення спеціальних контр-операцій, застосування можливості розвідки та превенції. В науковій роботі зосереджені найбільш масштабні та визнані приклади вищезазначених заходів.*

## **SPECIFIC ISSUES OF CRIME PREVENTION IN THE FIELD OF THE ENVIRONMENT**

One of the most important environmental problems today is the problem of environmental protection, namely the reduction of forest plantations. Today, mass illegal logging and the related trade in illegal timber are recognized worldwide as a significant threat to forests, causing irreparable damage to the environment.

Uncontrolled, illegal and unauthorized deforestation causes not only material but also irreparable environmental damage to the state and society. That is why in many countries around the world much attention is paid to the protection of forests from illegal logging. This problem is also very relevant for Ukraine, as illegal logging has recently become particularly criminal in the country.

To prevent the depletion of Ukraine's forest resources, modern law establishes not only requirements for their rational use, but also liability for illegal encroachments on this natural object, which can cause irreversible negative changes in the environment in general. Thus, the act of illegal logging as one of the criminal encroachments on forest resources is relevant, especially today, when the environmental situation in Ukraine is characterized by a deep crisis.

It should be noted that the state of possession of natural resources amounted to about 3 thousand crimes per year, about 50% of which - is illegal logging - 1487 crimes. According to the State Judicial Administration of Ukraine, out of 1,798 people convicted in 2019 for crimes against the environment, 579 people were convicted of illegal logging (Article 246 of the Criminal Code of Ukraine) [1].

Analysis of statistical data on the number of illegal deforestation shows that their share in the structure of environmental crime remains consistently one of the largest [2; with. 136]. At the same time, it should be noted that the struggle in this area is not carried out effectively enough.

Therefore, in order to reduce crime in the field of environmental protection, we propose to take a number of measures, including:

1. Strengthen the role of criminal law by partially changing and strengthening sanctions for illegal logging. At the same time, in addition to criminal, administrative and other environmental legislation should be improved in the part related to environmental protection;

2. Adopt a special program for the development of environmental education among the population and promote the improvement of law enforcement and other state bodies that protect the forest complex;

3. Within the structure of the National Police of Ukraine to create a specialized unit of environmental police with special tasks. Among which we propose to include: prevention, detection and cessation of environmental offenses; investigation of crimes against the environment; implementation of other measures for environmental protection [3].

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### **Анотація**

*Однією з найбільш важливих на сьогоднішній день залишається проблема охорони навколишнього середовища. Раціональне використання природних ресурсів та екологічна безпека населення, поряд з економічними, адміністративними, виховними та іншими заходами, регулюється засобами кримінально-правового характеру. Саме кримінальне законодавство, будучи покликаним забезпечувати збереження сприятливого для існування суспільства природного середовища – гарантує охорону і недоторканість у встановлених державою межах найбільш цінних природних багатств.*

*Знищення лісів шляхом незаконних порубок та інтенсивне споживання лісів і лісової продукції, що перевищує відтворювальний потенціал природи, заподіює серйозну шкоду лісовому господарству. При теперішніх темпах лісопромисловості, відбувається значне зменшення лісового комплексу, навіть з урахуванням зроблених спроб більш раціонального використання лісу, його відновлення та мораторієм на продаж деревини закордон. Водночас, варто зазначити, що боротьба у зазначеній сфері здійснюється недостатньо ефективно. Тому, нами були запропоновані ряд заходів попередження злочинності у сфері охорони довкілля.*

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## NATURAL RESOURCE DEPLETION

The depletion of natural resources is increasing with the development and progress of society, so at this time it is necessary to solve the problem of preventing this process.

Resource depletion can be divided into several types:

1) non-renewable fossil energy resources of biogenic origin. Coal and oil - are depleted, although their reserves are still quite large, but as they say everything ever ends, everything has an end. The biosphere also has alternative inexhaustible sources of energy: wind, ebb and flow, solar radiation, etc.

2) renewable resources like soil and forests also are depleted. The soil cover of the planet suffers from erosion, as a result of which the fertile layer is catastrophically decreasing. Many ancient civilizations have disappeared from the face of the Earth. Why it is happened? Because precisely because of the immoderate plowing of the soil layer. Take, for example, the current Sahara desert, as it was once the richest granary of the Roman Empire. And now, sad as it is, desertification is taking place in various parts of the world, this is primarily due to deforestation, the removal of shrubs and grass cover. Continuous plowing of soils leads to dust storms, wind and water erosion of the fertile soil layer.

People have become so merciless that they do not pay attention to such a problem as the depletion of natural resources. They are greedy for our nature. Modern technology has become so powerful that it destroys everything in its path. Along with the numerous advantages inherent in industrial societies, they are characterized by both the emergence of new and exacerbation of existing environmental and resource problems. In terms of the scale of their spread, these problems that threaten human well-being can be divided into:

- local: pollution of groundwater by toxic substances;
- regional: damage to forests and degradation of lakes as a result of atmospheric deposition of pollutants;
- global: possible climatic changes due to an increase in the content of carbon dioxide and other gaseous substances in the atmosphere, as well as the depletion of the ozone layer.

Causes of natural resource depletion:

- overpopulation of the planet. More people, more consumption of resources;
- water pollution leads to less drinking water and the extinction of many aquatic animals;

- air pollution leads to the extinction of many living organisms;
- soil pollution leads to the suppression of vegetation.

The consequences of the depletion of natural resources:

1) Depletion of resources, their removal from the nature (even if only in certain regions) leads to the disruption of the natural cycle. This causes a number of other small changes, including changes to the biosphere.

2) The destruction of entire ecosystems. Which is associated with the pollution of nature or complete destruction of a certain type of natural resources in a certain area (for example, deforestation or drainage of wetlands).

- Soil degradation. It arises from the pollution of the soil or the removal of minerals from it.

- Destruction of living organisms. Explains the mass extinction of animals by pollution or destruction of the ecosystems in which they live.

- A decrease in the fertility of plants, or their complete inability to grow and develop properly. This is due to pollution of the soil or the depletion of land resources.

- Lack of food and water. Many people on this planet (mostly in third world countries) are already experiencing this problem.

Ways to solve the problem. We offer you three main options for solving the problem:

Firstly. Development of technologies that allow the use of natural resources previously considered unprofitable. Low mineral content deposits could be used as an example.

Secondly. Transition to other types of resources whose levels are still far from exhaustion, including the use of renewable energy sources.

Thirdly. Attempting to restore some biologically renewable resources, such as replacing hunting in the forest with hunting in special game farms.

Depletion of natural resources is an important environmental problem. We must start doing something now to avoid catastrophic consequences.

### **Анотація**

*Розглянуто глобальну проблему виснаження природних ресурсів у всьому світі. Висвітлено основні джерела та наслідки такого явища, а також можливі шляхи вирішення проблеми. Виходячи із зазначеного, сформовано та запропоновано заходи щодо покращення природного становища та можливості запобігання вичерпанню природних ресурсів.*

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## **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

In Ukraine the state of environmental safety is negatively affected by a number of factors including the imperfection of the existing system of public administration in the field of environmental protection and environmental security since the early 90s of the last century duplication of environmental and economic functions. in this area; making individual management decisions without taking into account their environmental consequences; Insufficient activity of civil society institutions in the processes of formation of environmental legislation and control over its observance by both subjects of management in the field of environmental safety, and subjects of industrial and transport infrastructure, etc. In view of this, it is important to increase the level of environmental safety by strengthening the role of environmental management in the public administration system using an arsenal of administrative and legal means. Thanks to the management carried out by the relevant entities, the environmental safety system of the state is not only maintained in good condition, but also becomes much more stable and more resistant to any natural or man-made hazards.

The state of the environment and environmental security is the most acute socio-economic problem in our country. According to Article 16 of the Constitution of Ukraine, ensuring environmental security and maintaining ecological balance in Ukraine is the responsibility of the state [1]. It is entrusted to the relevant authorities, local governments and public organizations that carry out environmental protection, rational use of natural resources, environmental safety and human life.

The main functions of the executive branch in the field of nature protection are implementation of environmental legislation, control over compliance with environmental safety requirements, ensuring effective and comprehensive measures for environmental protection, rational use of natural resources, achieving coherence of state and public organizations in environmental protection. [2]. Environmental safety bodies are divided into bodies of general and special competence [3].

The main forms of cooperation are joint patrols and posts together with law enforcement agencies, environmental authorities and public organizations.

It was found that the internal structure of management in the field of environmental security of the state consists of its object, subject and means of management. Thus the object of management by the authorized bodies as its subjects in the field of environmental security of the state is the environment, its state and behaviour (activity) of the participants of environmental relations. The

organizational form of functioning of the subjects of management in the field of environmental security of the state is the administrative and legal mechanism of management in the field of environmental security. The means of management in the field of environmental security of the state by the subjects of government is the implementation of a wide range of interrelated political, economic, technical, organizational, state and legal measures.

In addition to joint environmental actions, the active involvement of public environmental organizations and individuals in the implementation of environmental functions, which are within the competence of the police at both regional and national levels, is of great importance. In this regard it should be noted that citizens of Ukraine or their associations can be involved in joint activities, programs and projects in the field of public order, as well as environmental protection, combating environmental offenses and strengthening environmental security in the region. In particular, the organization and conduct of joint environmental activities of the police with public environmental organizations may be carried out on the basis of the Law of Ukraine "On Citizens' Participation in the Protection of Public Order and the State Border" (2000) [3]. This Law regulates not only the procedure for the establishment and functioning of public formations, but also their interaction with law enforcement agencies in the direction of combating crime and administrative offenses in the field of environmental protection. Thus, the tasks of public formation in the field of environmental safety and strengthening of environmental order include assistance to the National Police in the prevention of offenses and crimes in the field of environmental protection and nature management, waste management; informing the units of the National. Comparative and analytical law of the police on committed or planned crimes; protection of the interests of the state, enterprises, institutions, organizations and citizens from criminal encroachments; assisting the National Police in detecting and detecting crimes, searching for the perpetrators.

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#### **Анотація**

*Стан навколишнього природного середовища та екологічна безпека є найгострішою соціально-економічною проблемою в нашій країні. Відповідно статті 16 Конституції України, забезпечення екологічної безпеки і підтримання екологічної рівноваги на території України є обов'язком*

*держави. Основними функціями виконавчої влади у сфері охорони природи є реалізація екологічного законодавства, контроль за додержанням вимог екологічної безпеки, забезпечення проведення ефективних і комплексних заходів щодо охорони навколишнього природного середовища, раціонального використання природних ресурсів, досягнення узгодженості дії державних і громадських організацій у галузі охорони навколишнього природного середовища. Основними формами взаємодії є проведення спільних патрулювань та постів разом з органами внутрішніх справ, екологічними органами громадськими організаціями.*

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## **INTERNATIONAL STANDARDS FOR LAW ENFORCEMENT IN THE SPHERE OF ENVIRONMENTAL SAFETY**

International environmental law is the set of agreements and principles that reflect the world's collective effort to manage our transition to the Anthropocene by resolving our most serious environmental problems, including climate change, ozone depletion and mass extinction of wildlife.

Environmental enforcement is the set of actions that a government takes to achieve full implementation of Environmental requirements (compliance) within the regulated community and to correct or halt situations or activities that endanger the environment or public health [3].

The Environmental Police is a specialized People's Public Security force having the function of preventing, detecting, stopping and combating environmental crimes and environment-related administrative violations; and taking the initiative and coordinating with other forces in preventing and combating crimes and environment-related administrative violations [5].

Environmental Law plays a very crucial and important role in regulating the use of natural resources and in protecting the environment. The success of environmental legislations mainly depends on the way they are enforced. Legislation also serves as a valuable tool for educating masses about their responsibility in maintaining healthy environment [2, p.141].

There are national laws that are enacted to implement international environmental agreements; and others that are enacted to manage the environment which are not implementing international environmental agreements. It is therefore important at the outset to understand the relationship between international and national law. States enter into international agreements (also called conventions or treaties) in terms of which they agree to enforce certain obligations within their own

national legal systems. States are the main drivers for implementing international rules because international agreements must be incorporated within national legal systems if they are to have any chance of being effective. Whether national legal systems will prove effective depends, in turn, on a range of factors – such as the extent to which society accepts the rationale for laws regulating the environment; the extent to which the State has the willingness to enact the required national environmental legislation and the capacity to enforce such laws; and the extent to which actors within both the international and national spheres consider the costs of abiding by such laws to outweigh the advantages that might be gained by disobeying them. It is important to note that the core multilateral environmental agreements, such as the Rio Conventions,<sup>1</sup> provide facilities and support to countries to enable them to enforce their laws more effectively at the national level [1, p.2-3].

Among the important instruments for transforming environment and development policies into action are laws and regulations suited to country specific conditions – but much of the law-making in many countries seems to be ad hoc and piecemeal, or has not been endowed with the necessary institutional machinery and authority for enforcement and timely adjustment; and many developing countries have been afflicted by shortcomings of laws and regulations.

Effective legislation is needed in order to prevent misuse and degradation of the environment. To curb the destructive practices of unscrupulous people, forest mafia groups, poachers, polluters and over exploitation of environmental resources, effective legislation is necessary. Pollution is an important factor and it does not observe political territories or legislative jurisdictions. Thus environmental problems are intrinsically global in nature. Therefore, to prevent such problems environmental legislation is not needed only at the national level but also at the international level [2, p.142].

Once the legislation is made at the global, national or state level, it has to be implemented. For environmental legislation to be successfully implemented there has to be an effective agency to collect relevant data, process it and pass it on to a law enforcement agency. If the law or rule is broken by an individual or institution, this has to be punished through the legal process. That is why law enforcement agencies play an important role in protecting the environment.

Sources of international law include treaties, international customs, general widely recognized principles of law, the decisions of national and lower courts, and scholarly writings. They are the materials and processes out of which the rules and principles regulating the international community are developed [4].

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### **Анотація**

*У роботі розглянуто актуальну тему у сьогоденні та великі проблеми нинішнього світу: міжнародні стандарти правоохоронної діяльності у сфері забезпечення екологічної безпеки, засади міжнародного екологічного права, забезпечення виконання екологічного законодавства. Саме забезпечення екологічної безпеки та протидія правопорушенням у сфері навколишнього середовища бентежать суспільство починаючи з постіндустріального розвитку і до сьогодення.*

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### **INTERACTION OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

Success in combating environmental offenses depends to a large extent on the proper organization of interaction between the public and the law enforcement agencies involved. This allows you to respond in a timely manner to the commission of offenses in the field of nature management, environmental protection, promptly identify those who have committed such offenses, and bring them to justice.

Environmental protection of state bodies is an important element in ensuring the constitutional right of citizens to a safe environment for life and health (Article 50 of the Constitution of Ukraine) [5].

In particular, according to Art. 9 of the Law of Ukraine "On Environmental Protection", every citizen of Ukraine has the right to: participate in the development and implementation of measures for environmental protection, rational and integrated use of natural resources; association in public environmental formations; filing lawsuits with state bodies, enterprises, institutions, organizations and citizens for compensation for damage caused to their health and property as a result of negative impact on the environment; appealing in court against decisions, actions or omissions of public authorities regarding the violation of environmental rights of citizens in the manner prescribed by law. Relevant powers in this area are given to public environmental organizations, which, according to Art. 21 of the Law of Ukraine "On Environmental Protection" [3].

Implementation of environmental rights granted to them by citizens and public environmental organizations involves close contact, cooperation with government agencies. Among the state bodies with which individual citizens and their public associations should interact, a special place is occupied by law enforcement agencies (courts, police, etc.), whose activities are aimed at ensuring law and order in nature protection, environmental safety, nature management.

The basis on issues of public control in the field of environmental protection is Art. 36 of the Law of Ukraine "On Environmental Protection" [3].

The nature of public control activities in the field of environmental protection also requires them to establish cooperation with the police. This may be the case, in particular, in cases where public environmental groups organize measures to combat illegal deforestation, illegal sale of early flowering plants, Christmas trees, fishing and hunting poaching, and other environmental offenses. Police support in such cases enhances the effectiveness of appropriate measures, ensures the safety of participants in illegal operations, allows to identify quickly the violator on the spot, to carry out administrative detention of violators of the law on protection and use of wildlife, to ensure rapid transportation of environmental groups to certain places, etc.

Cooperation of the police with relevant public formations is carried out in accordance with the provisions of the Law of Ukraine "On National Police", which defines the tasks of the police in public safety and order and the legal basis of its "interaction with the population, local communities and public associations on a partnership basis". which also apply to the environmental sphere of public life [2].

A new impetus to the interaction of the police with public environmental protection should be given by a positive solution to the issue of reforming the system of state environmental control in Ukraine, which is ineffective, through the creation of the Environmental Police [6].

An important aspect of cooperation between the public and law enforcement agencies is the fight against corruption. Forms of such cooperation, including in the environmental sphere, are defined in the Law of Ukraine "On Prevention of Corruption" [1].

To protect the ecological interests of society, it is important for public environmental associations to cooperate with courts on compensation for damage caused by violations of environmental legislation and the cessation of activities that lead to destruction, damage, pollution.

The effectiveness of interaction of citizens, their associations with law enforcement agencies on environmental protection directly depends on the clarity and completeness of the legislative provision of environmental powers of these entities. Assessing the legislation from this point of view, it can be stated that there are gaps and some shortcomings that need to be addressed.

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### Анотація

*У роботі розглянуто права громадян, громадських об'єднань у сфері охорони довкілля, основні форми реалізації цих прав у процесі взаємодії з правоохоронними органами. Акцентовано увагу на прогалинах у законодавстві в регулюванні відносин, що вникають між громадськістю та правоохоронними органами при здійсненні екологічного контролю, притягненні до юридичної відповідальності порушників екологічного законодавства, судовому захисті екологічних інтересів суспільства.*

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### **ENVIRONMENTAL PROTECTION IN AFRICA AND ASIAN COUNTRIES: JOINT EFFORTS OF LAW ENFORCEMENT AGENCIES AND THE PUBLIC**

Civil enforcement measures can provide important support mechanisms for administrative and criminal enforcement, but what is really significant, is that civil society, the public and individuals are aware of the measures available to them, and they must feel engaged with the issues to be willing to use such measures.

Such countries as the republic of Ghana (West Africa) and the People's Republic of China (East Asia) have public interest organizations which have been set by law to fight for the interests of citizens whose environmental rights may have been violated. They are made up of environmental technical experts and lawyers

who work together to represent the people in court on environmental violations. In the Republic of Kenya (East Africa) a National Environmental Tribunal was set up by an Act of Parliament (the Environmental Management and Coordination Act of 1999) and appears to be successful in the years since then. In 2011 a dedicated Environmental and Land Court were created to hear matters related to land and environment. The Environmental and Land Court Act of 2011 provides that the Court will have the power to hear and determine disputes relating to environment and land, including disputes relating, amongst other things, to environmental planning, land use planning, minerals and other natural resources; compulsory acquisition of land; land administration and management; land and contracts; and any other disputes relating to environment and land. In the Kingdom of Swaziland (South Africa) in January 2013 an initiative of an NGO (the Regional Agricultural and Environment Innovations Network Africa) held a two-day ‘jury sitting’ at the University of Swaziland, at which evidence was presented for and against the question of ‘whether modern biotechnology is an answer to food security in Swaziland’ [1, p.23]. Expert witnesses were ‘summonsed’ to give testimony before a ‘jury’ of legal and non-legal experts, and a verdict finally given. Similar projects were pursued in such countries as the Republic of Botswana (South Africa) and the Republic of Zambia (South Africa). Local community members in Uganda (East-Central Africa) were given mandates to monitor environmental crimes, especially in the forestry sector, using cellphone-based technology. Uganda is losing large amounts of forest cover annually, and the good practice is the creation of a Community-based Monitoring system for environmental crime, especially forest-related illegalities, with the monitoring done by relevant communities. It is done through the cooperation with civil society organizations, particularly the organization CARE International together with the Anticorruption Coalition of Uganda and Kampala-based NGO (non-governmental organization) Joint Effort to Save the Environment. CARE is one of the world’s leading international humanitarian agencies working to help people achieve social and economic well-being. Training of selected monitors includes basic CBM (Condition-based maintenance) System tools including forestry laws, rights and obligations of citizens. The duty bearers and the monitors are provided with smartphones connected to the closed phone user group system to ensure communication between them. The ICT (Information and Communication Technologies) System is set and it allows reporting via SMS from the standard phones and via application from the smartphones. The ICT system also receives and stores reports, provides access to users and transforms data into statistics for later use in evaluations. An SMS alert system receives reports and forwards them to the list of the duty bearers who are expected to take action on the report. Online meetings are held every month on live television to allow citizens to voice concerns over environmental issues in the Republic of the Philippines (South Asia) and the Socialist Republic of Vietnam (South-East Asia). “There is no lack of legislations on environmental laws in

Malaysia. There are at least 34 Acts related to the environmental matters and various regulations, rules and orders passed for the purpose of environmental protection” [2, p.3]. Regular public availability of information pertaining to air quality has proved a good practice in Malaysia (South-East Asia). New media technology is used in the United Republic of Tanzania (East Africa). There is an environmental media group which collaborates with personnel from the National Environmental Management Committee to ensure that environmental information is obtained. Blogs and mobile phones are used, and there is annual reporting. In Malaysia Automatic Air Quality Monitoring Stations (AQMS) were installed throughout the country many years ago. The air quality data is transmitted hourly and then published through various media (including television, newspapers and billboards) as an Air Quality Index. This has proved a good practice, contributing to awareness and civil society engagement, and ultimately to improved enforcement of air quality-related laws. ‘A Real Time Air Quality Index Visual Map’ is available at the website <http://aqicn.org/map/malaysia/>.

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#### **Анотація**

*У тезах розглянуті питання охорони навколишнього середовища в країнах Африки та Азії та спільні зусилля правоохоронних органів і громадськості в боротьбі з погіршення навколишнього середовища у країнах. Розглянута позитивна практика деяких держав у сфері забезпечення екологічної безпеки в умовах глобалізаційних викликів.*

## **ENVIRONMENTAL POLICY IN THE UNITED STATES**

The United States began to actively address environmental issues in the second half of the twentieth century. The main principles of environmental policy have been formed in the country and are still relevant today. Laws on nature conservation are being passed, ministries, departments and non-governmental organizations in the field of ecology are being created.

“At least 10 major federal laws deal with protecting the environment and the health and safety of U.S. residents. This is in addition to the multitude of other federal acts, rules, and administrative environmental regulations” [2, p.1].

These are laws such as Clean Air Act (1955), the National Environmental Policy Act (1969), The Occupational Safety & Health Act (1970), The Safe Drinking Water Act (1974), The Toxic Substances Control Act (1976), the Clean Water Act (1977), and the Pesticides Control Act (1972), Wildlife Act (1964); Endangered Species Act (1973), Law on Land Policy and Administration (1976), the Comprehensive Environmental Response, Compensation and Liability Act (1980), The Resource Conservation and Recovery Act (1984), The Emergency Planning & Community Right-to-Know Act (1986), The Pollution Prevention Act (1990), and many others.

“Environmental policy can include laws and policies addressing water and air pollution, chemical and oil spills, smog, drinking water quality, land conservation and management, and wildlife protection, such as the protection of endangered species” [1, p.1].

The US environmental law system includes general laws concerning environmental assessment and special laws aimed at protecting specific natural resources, surface and groundwater, or preventing certain types of pollution, especially hazardous wastes and toxic substances. In the United States, along with local environmental control services, there is a federal agency – the US Environmental Protection Agency (EPA).

In 2019, the US Environmental Protection Agency voluntarily remedied violations at 1,900 sites, invested \$ 4.4 billion in modernizing businesses to enhance their environmental safety, collected \$ 472 million in fines, and opened 170 criminal cases.

Criminal liability for environmental crimes is provided primarily by federal law, and in some cases by state law. Almost all major federal environmental laws contain articles on criminal liability for their commission.

Legislation on criminal liability for environmental crimes is so detailed that each area of the environment could be the subject of special consideration. Depending on their nature and public danger, they are divided into two categories: serious, for which criminal law provides for a term of one year imprisonment to life imprisonment and even the use of capital punishment; and others, not related to the grave, for which, along with the imposition of a fine and the application of other measures of responsibility, imprisonment for up to one year.

Environmental crimes that belong to the category of serious crimes, these are actions committed with intent; other environmental crimes are committed intentionally or negligently.

The most serious environmental crime is the crime when the perpetrator realizes that other persons are in imminent danger as a result of a deliberate violation of the rules in force. Criminal liability for this type of crime, which could be classified as particularly serious, is established for intentional water pollution; intentional release into the atmosphere of harmful or especially harmful pollutants specified in special lists; deliberate transportation, storage, processing and export of hazardous waste, waste oil and petroleum products, as well as medical waste specified in the special lists.

For committing these crimes, a fine of up to \$ 250,000 or imprisonment for up to 15 years, or both at the same time. If the perpetrator is also a legal entity, the fine can be increased to \$ 1 million. If this crime is committed again, the amount of the fine and the term of imprisonment may be doubled. The right of courts to double sentences is also provided for in the recurrence of a number of other environmental crimes.

Federal crimes, the object of which is the direct life and health of people, include such illegal actions as damage to drinking water by discharging or otherwise introducing pollutants into the public water supply system to harm people, as well as attempt or threat this. For committing such a crime, along with the imposition of a fine, imprisonment for up to 20 years, and for attempted or threatened to commit up to 10 years.

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2. Overview: Key Federal Environmental Laws. URL: <https://www.findlaw.com/smallbusiness/business-laws-and-regulations/overview-key-federal-environmental-laws.html>

### **Анотація**

*Актуальною проблемою сьогодення є зміни в навколишньому середовищі, в тому числі внаслідок діяльності людини та зміни в екосистемі, що можуть спричинити величезні катастрофи й трагедії зараз і в*

*майбутньому. В тезах розглянуті деякі питання правової системи екологічного права США. Підкреслена важливість існування та застосування законів, які регулюють порядок природокористування та охорони об'єктів довкілля.*

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## **ENSURING ENVIRONMENTAL SAFETY BY THE NATIONAL POLICE OF UKRAINE**

One of the main tasks of central state bodies and local self-government in shaping Ukraine's domestic and foreign policy is to preserve the environment, which is vital for the proper functioning and development of society. Environmental security is interrelated with the economic development of the regions and the state of Ukraine as a whole.

Ukraine has very rich natural resources. Many Ukrainian cities have been built at the expense of local industrial infrastructure consisted of factories, factories, plants, enterprises etc. For example, the city of Yuzhne in Odessa region is one of the most powerful industrial port city in Ukraine. There are many companies in the city that are taxpayers for emissions of pollutants into the atmosphere. In addition, the geographical location of the city is very economical because it is located in the South of Ukraine, on the Black Sea coast. At the same time, harmful emissions into the Black Sea are added. In summer the Black Sea coastal area is a wonderful resort. Therefore, it is vital to ensure environmental safety, because pure water is necessary for the existence of both humans and animals. [1]

Article 16 of the Constitution of Ukraine specifies that ensuring environmental security and maintaining ecological balance in Ukraine, overcoming the consequences of the Chernobyl disaster - a catastrophe on a global scale, preserving the gene pool of the Ukrainian people is the responsibility of the state [2].

The law enforcement agencies in charge of ensuring environmental safety also include units of the National Police of Ukraine. According to Art. 1 of the Law of Ukraine "On the National Police" - the National Police of Ukraine is a central executive body that serves society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order.

The activity of the police in the field of environmental safety is to identify and stop administrative or criminal offenses in the field of nature protection and use of natural resources [3,192].

The environmental protection function is mainly performed by the units of preventive activities and the permitting system. In addition, local police officers have

some powers to ensure environmental safety, which should protect people's interests from the negative impact of emergencies, including environmental ones.

Analyzing the legislation, we can identify the following main directions of police activity in this area. One of such areas is maintaining public order and implementation of protected, preventive and rescue measures in case of emergencies, including environmental under the Code of Civil Protection of Ukraine [4], the Law of Ukraine "On Environmental Emergency Zone" [5 ], The Law of Ukraine "On the Legal Regime of the State of Emergency"[6] and other regulations.

Rich natural and ecological resources of Ukraine should be used rationally and safely for the environment. Environmental protection must be observed by all business entities, and control over compliance with the law is entrusted in a separate part to the units of the National Police of Ukraine.

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### **Анотація**

*Актуальність даної роботи полягає в тому, що на сьогоднішній день важливу роль відіграє екологічна безпека і кожен повинен докласти максимум зусиль, щоб зберегти навколишнє середовище. Національна поліція України є одним із органів виконавчої влади, який забезпечує екологічну безпеку. Діяльність поліції спрямована на виявлення та припинення адміністративних або кримінальних правопорушень у сфері охорони природи та використання природних ресурсів.*

*Автори у своїй роботі зазначили одне із міст, яке є одним із найпотужніших промислових міст. Проблема полягає в тому, що на території міста є багато підприємств, які забруднюють атмосферу та здійснюють шкідливі викиди в Чорне море, чим шкодять флорі та фауні.*

*Наша країна дуже багата на природний та екологічний ресурс, але використовувати його потрібно раціонально та безпечно для навколишнього середовища.*

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### **THE ROLE OF LAW ENFORCEMENT BODIES IN PROTECTING ENVIRONMENT**

The environmental function of law enforcement agencies is understood as their activities in the application of environmental legislation, identifying the causes of environmental offenses and developing measures to address them prevention and elimination [1, с. 87].

The main reason for the latency of the growth of environmental offenses is the lack of an effective mechanism for interaction and coordination of activities of law enforcement and environmental organs.

In the field of environmental protection, internal affairs bodies carry out the following activities:

- 1) carry out work to prevent and suppress environmental offenses;
- 2) supervise jointly with structural territorial departments for sanitary and hygienic conditions in populated areas;
- 3) provide assistance in the implementation of measures for the protection against pollution of natural objects and conservation of natural resources;
- 4) participate in the fight against poaching and violation of hunting rules and fisheries;
- 5) carry out the service for the protection of objects;

6) ensure the holding of special events for rational use of natural resources [2, p. 119].

The protection of natural resources has been and remains at the present time one of the most important tasks that the internal affairs bodies solve together with other state and public formations. There is a need in each area for the bodies of local self-government to develop regulatory and legal documentation for the protection of rare species of flora, fauna and their conditions of existence, preservation of rare or most typical landscapes, other natural facilities, to create environmental police units, which, in addition to protection of the above objects should ensure environmental safety and environmental law and order in the jurisdictions territories.

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### **Анотація**

*Охорона природних ресурсів була і залишається на сьогоднішній день одним із найважливіших завдань, які органи внутрішніх справ вирішують разом з іншими державними та громадськими формуваннями. Але для того, щоб ця робота була максимально цілеспрямованою, у кожній області необхідно розробити органами місцевого самоврядування нормативно-правову документацію щодо охорони рідкісних видів флори, фауни та умов їх існування, збереження. рідкісних або найбільш типових ландшафтів, інших природних об'єктів створюють підрозділи екологічної міліції, які, окрім охорони зазначених об'єктів, повинні забезпечувати екологічну безпеку та екологічний правопорядок на територіях підвідомчості.*

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## **INTERACTION BETWEEN LAW ENFORCEMENT AUTHORITIES AND THE PUBLIC IN THE FIELD OF ENVIRONMENTAL SAFETY**

Today, the development of Ukrainian society is characterized by democratization of society, decentralization of power, which is reflected in a more detailed focus on the practical protection of human rights and freedoms by National

Police and bringing Ukrainian law enforcement closer to European standards. Currently on the list of global planetary problems, humanity has such an issue as environmental security, because it is one of the main places, because its effective solution depends on the future of the world. The principle of equal ecological security for each person and the state is conditioned by the impossibility of forming ecological security due to the restriction of ecological rights, interests of population groups inside the ecosystem and outside it. The global interconnection of social, natural phenomena and processes does not give an advantage to any nation, state, territorial community in solving environmental problems at the expense of others [1].

According to the Law of Ukraine "On the National Police", namely Art.2 notes that the tasks of the police are to provide police services in the areas of: 1) ensuring public safety and order; 2) protection of human rights and freedoms, as well as the interests of society and the state; 3) combating crime; 4) provision, within the limits established by law, of services to assist persons who, for personal, economic, social reasons or as a result of emergencies, need such assistance [2]. But in addition, the powers of the police also include ensuring the legal status of the state of emergency, the zone of environmental emergency in the event of their declaration throughout Ukraine or in a particular area, as specified in the Law of Ukraine "On Legal Status of State of Emergency". to ensure the safety of citizens in the event of natural disasters, accidents and catastrophes, epidemics and epizootics, as well as to protect the rights and freedoms of citizens, the constitutional order in mass violations of law and order, threatening the lives and health of citizens. Therefore, we understand that in the event of a state of emergency, the National Police must ensure the protection of public order, monitor the implementation of officials and citizens of the established requirements within its competence, take administrative measures against violators of the regime.

According to the legislation of Ukraine, environmental security should be considered as: the direction of state policy; the constitutional duty of the state and the subjective right of man and citizen; sphere of national security; the state of the environment, which ensures the prevention of deterioration of the ecological situation and the emergence of danger to human health [3]. Environmental protection functions are mainly performed by units of preventive activities, in particular, patrol police, units of the permitting system. In addition, certain responsibilities in the field of environmental protection are assigned to district police officers, who must protect the interests of man, society and the state from socially dangerous acts and the negative impact of emergencies caused by natural disasters, catastrophes, accidents, fires, epidemics and other emergencies. events; provide appropriate assistance to environmental authorities in addressing issues of environmental safety and nature management at the site [1]. In the context of reforming the system of public authorities, decentralization of power, it is possible to consider the issue of granting the National Police powers in the field of environmental security. This primarily

concerns the development of theoretical and legal approaches to providing opportunities for innovative e-government in local communities.

In particular, Kirovohrad region was the first region to test an interactive system of public monitoring of urban landscaping, e-government and proper response to environmental challenges and threats, which meets European standards. Thus, Kropyvnytskyi City Council is one of the first in Ukraine to open detailed and up-to-date data on the management of works with greenery, and city residents will receive an effective tool for public control and communication with the authorities. Of course, the creation of such a system is possible at the initiative of local communities. In this aspect, it is also desirable to regulate at the legal level the issue of access to military-defense industrial complex facilities for appropriate supervision and control over compliance with environmental legislation, prevention of pollution of surface and groundwater by petroleum products, destruction of natural landscapes to minimize consequences of activities at these facilities, which will contribute to reforms in the security sector and, in particular, in the field of environmental security.

The development and implementation of joint plans and measures to ensure environmental security by territorial police bodies and the public within the framework of social partnership, development of practical approaches to forming a system of innovative, legal and financial mechanisms of natural resources management based on good governance in the context of decentralization is important. Associations of local self-government bodies, public organizations and associations of citizens play an important role in establishing partnerships between public authorities and citizens, provided they are representative and the legislative definition of functions, principles of relations with public authorities, which needs to spread in Ukraine. The key to the success of the implementation of a comprehensive policy of cooperation with the population, the introduction of social dialogue in the field of environmental security can be: involving citizens in planning activities and drawing up plans and implementing environmental measures; implementation of joint patrols and raids, implementation of programs to improve environmental and legal culture among young people, etc. Such activities can be promising in the direction of prevention of environmental offenses by the joint efforts of law enforcement agencies, local governments, public associations, professionals and ordinary citizens in a given area [3]. And, first of all, due to the inconsistency of cooperation between local governments, police and civic groups, which should respond immediately to violations of environmental legislation and develop preventive and preventive measures 116 to prevent such manifestations. Local self-government bodies, performing the tasks assigned to them on environmental protection, use the forces and means of the National Police in their environmental activities.

The process of further reforming the law enforcement system, improving the legal regulation of the police, especially in the field of security are of particular

importance and we can conclude that the police should work closely with environmental organizations to jointly address environmental problems and increase public confidence in its activities. The key tasks of public environmental associations are their participation in the formation of a strategy for the development of environmentally safe natural environment of territorial communities, public control over compliance with environmental legislation, practical environmental work to solve environmental problems, participation in environmental projects and grants for environmental information and implementation of educational and upbringing work in order to form the ecological awareness of the population [4].

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### **Анотація**

*В роботі висвітлюється важливість взаємодії правоохоронних органів та громадськості у сфері екологічної безпеки. В умовах реформування системи правоохоронних органів набирає актуальності питання щодо надання Національній поліції повноважень в сфері екологічної безпеки. Зроблено висновок про необхідність тісної співпраці з природоохоронними організаціями задля спільного вирішення екологічних проблем населення та підвищення рівня довіри громадян до діяльності правоохоронних органів.*

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## **ON APPROACHES TO QUALIFICATION OF MASS FOREST FIRE IN LUHANSK REGION**

Large-scale forest fires in Luhansk region in 2020 have led to the massive destruction of forests, which are an important part of the environment. One of the main principles of state policy is to ensure the right of citizens to a safe environment for life and health and to compensation for damage caused by violation of this right, which is guaranteed by the Constitution of Ukraine. The basis of such a policy is the legal impact on environmental crime, which includes both the creation of criminal remedies to combat it, and their effective application, which depends entirely on the correctness of the qualification of the offense.

A large number of scientific works are devoted to the issue of qualification and systematization of environmental crimes. The works of recent years by such scientists as O. Dudorov, D. Kamensky, M. Komarnytsky, V. Komarnytsky, R. Movchan, Y. Turlov, G. Polishchuk, L. Kozlyuk, O. Penyazkova, are of great theoretical and practical importance. Based on the conclusions of these and other scientists, we will try to find out approaches to the qualification of environmental offenses – forest fires.

Despite a number of state acts adopted in recent years, including the Law of Ukraine "On Basic Principles (Strategy) of State Environmental Policy of Ukraine until 2030" of 28.02.2019 [1], the situation regarding environmental protection in the country is only getting worse according to both official data and personal observations. In addition, based on the report of the Temporary Commission of Inquiry of the Verkhovna Rada of Ukraine on Investigation of the Causes of Large-Scale Fires in Luhansk Oblast in 2020, the Resolution of the Verkhovna Rada of Ukraine of June 3, 2021 № 1529-IX according to which the state of pre-trial investigation of criminal proceedings on the facts of large-scale forest fires was considered unsatisfactory [2]. According to the analysis, the consequences of mass forest fires in Luhansk region in 2020 were record-breaking: ecosystems in an area of more than 20,000 hectares were affected, the atmosphere received huge amounts of smoke, soot, carbon monoxide, etc., lost about 2 MT of wood, burned entire fixed properties and, as already mentioned, people died [3].

Scientists draw attention to the problematic issue of systematization of environmental crimes. Thus, according to the Special Part of the Criminal Code of Ukraine, most of the criminal law on environmental security, including forest protection, is contained in Section VIII "Criminal Offenses against the

Environment". At the same time, the Code provides a number of rules that, according to scientific sources, are indirectly aimed at protecting nature from criminal encroachment [4]. Actually, the investigative units of the Main Directorate of the National Police of Ukraine in Luhansk region are involved in numerous criminal proceedings initiated on the facts of large-scale forest fires in Luhansk region in 2020, qualified by part 2 of art. 270 of the Criminal Code of Ukraine. The direct object of this criminal offense is public safety in terms of fire safety. The objective side contains three features: 1) action (action or inaction) – violation of fire safety requirements established by law; 2) two consecutive consequences: fire (uncontrolled burning, endangering human life) and death or direct property damage in a particularly large amount (direct damage is an amount that is a thousand times more than the tax-free minimum income), other severe consequences (other serious consequences may include, in particular, the infliction of grievous bodily harm, the loss of homes or livelihoods etc.); 3) causation. Subjective side is careless or mixed form of guilt (as for the act-intent, as for the consequences – negligence). Subject is general (a person who has reached 16 years) [6, pp. 364].

Note that forest fires can be the subject of various legal relationships. Thus, if they occurred as a result of terrorist attacks (art. 258 of the Criminal Code of Ukraine) or violation of the requirements of fire or man-made safety established by law (art. 270 of the Criminal Code of Ukraine), they are offenses against public safety. In the case of intent to destroy forest stands, actions should be classified by art. 245 of the Criminal Code of Ukraine, and if the territory where the forest plantations were destroyed, belongs to the nature reserve fund, – by art. 252 of the Criminal Code of Ukraine.

Therefore, criminal offenses against public safety, the environment and property have a fine line on the legal classification of forest fires, as many lawyers point out. The issue itself as for the statement of the problem of classification of criminal offenses against the environment needs to be resolved, based on the latest achievement in scientific-legal, and scientific-technological nature, which must fulfill the latest requirements.

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### **Анотація**

*У статті порушено проблему щодо підходів до кваліфікації лісових пожеж. Автор подає стислий аналіз складу правопорушення та зосереджує увагу на проблемах його кваліфікації, а також необхідності їх розв'язання з урахуванням сучасних науково-правничих і науково-технічних досягнень.*

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## **THE MAIN FEATURES OF ENVIRONMENTAL PROTECTION**

The relationship between man and nature has always been difficult. But they became especially acute at the end of the XX century, when the economic-transforming activity of mankind in scale and intensity was equal to natural geological processes and actually put earthly civilization on the brink of ecological catastrophe.

The environmental crisis has become truly comprehensive. All natural ecosystems (atmosphere, hydrosphere, lithosphere and biosphere) have undergone strong anthropogenic pressure. Poisonous air and aquatic environment, erosion, salinization and depletion of soils, deforestation, acid rain, ozone hole, the threat of changes in the energy balance of the planet, depletion of minerals, desertification, hundreds of thousands of extinct species of animals and plants, various kinds and scales of man-made accidents have become widespread. . Chemical, radioactive and other pollution of the natural environment causes various, often incurable diseases, irreversible changes in the genetic structure of cells, which leads to an increase in the birth rate of defective generations.

The socio-ecological situation in Ukraine is no less threatening, where the gene pool of the autochthonous nation has been significantly undermined over the last century. A prosperous and fertile land in the recent past with optimal natural conditions and significant potential was declared a "zone of ecological disaster" by

the Verkhovna Rada. Ukraine's economy, which for decades was formed without taking into account the objective needs and interests of its people, proper assessment of environmental opportunities of individual regions, has become one of the most "environmentally polluted", oversaturated with chemical, metallurgical and mining industries with outdated technologies. The vast majority of industrial enterprises are associated mainly with the extraction of minerals and the initial stages of processing of raw materials, i.e. are unprofitable, burdensome and polluting. Material and energy consumption of such industries is 6-7 times higher than in industrialized countries. Eroded, saturated with pesticides and pesticides lands and reservoirs, radionuclide radiation (after the Chernobyl accident) are a toxic burden on the nature and population of Ukraine. Therefore, it is not surprising that in Ukraine the natural reproduction of the population has stopped - more people die than are born, the birth rate of physically and mentally handicapped children has increased significantly. It is becoming increasingly clear that a significant deterioration in the level and quality of life has a defined environmental context.

This is an extremely difficult issue for modern Ukraine, but it needs to be addressed. Unfortunately, ecology has become a bargaining chip for most political party leaders, a "beautiful word", and we need real practical action, we need state managers with a comprehensive vision of the problems, spiritual enthusiasts of the "new formation", committed to environmental protection and human health. because only they will be able to implement the principle "economically - only what is environmentally friendly", which will give the nation a chance to survive. The growing scale of society's influence on nature, the further development of the economy, science and technology can no longer be carried out without taking into account the consequences of such influence, without educating high responsibility for the state of natural ecosystems. That is, there is a problem to strictly compare and reconcile their daily activities with the fundamental laws of life on Earth.

Due to the great variety of environmental problems, society is forced to establish the order of their solution and, accordingly, investment. This does not mean that some environmental issues should be absent indefinitely, but it still seems necessary to prioritize. Priorities should reflect how immediate and important it is to solve certain environmental problems. Based on the low quality of all natural ecosystems of Ukraine, the state of human health (which is deteriorating), the need for significant expenditures on environmental programs in a total socio-economic, including budgetary and financial crisis, annexation of Crimea and occupation of certain territories by the Russian Federation Donbass - identifying priority areas for working out realistic, effective and cost-effective solutions is not an easy task, but necessary.

#### **Анотація**

*У роботі розглядаються різні екологічні проблеми, встановлюються пріоритети при їх вирішенні за допомогою інвестування. Але це не означає,*

*що деякі екологічні проблеми повинні бути відкладені на невизначний термін, але все одно здається необхідним визначити пріоритети. Пріоритети мають відображати, наскільки невідкладним і важливим є вирішення певних екологічних проблем. Виходячи з низької якості всіх природних екосистем України, стану здоров'я людей (яке погіршується), необхідності значних витрат на екологічні програми.*

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## **INTERACTION OF STATE LAW ENFORCEMENT AUTHORITIES ENSURING ENVIRONMENTAL SAFETY**

According to the current environmental legislation, environmental management is subject to control over public law, in which public authorities, local governments and public companies aim to efficient use of natural resources, environmental protection and environmental safety; Legal and human rights, observance of the laws of the country, prevention of environmental violations and protection of environmental rights of citizens. This management is carried out on the basis of the Constitution of Ukraine, the Law of Ukraine "On Environmental Protection", natural resources, other environmental laws, as well as laws related to the activities of the state, its government and state administration in general [2].

The tasks of management in the field of nature, environmental protection and environmental protection are:

- law enforcement;
- property in accordance with issues related to security requirements;
- implement effective and comprehensive measures for the protection and rational use of natural resources; coherence of state policy and state bodies in the field of environmental protection.

Certain characteristics of economic security of environments and conditions created by the proposed human activity, under which, taking into account economic, social and scientifically justified permissible limitations of the biosphere, the impact of anthropogenic changes on the environment and negative consequences; at least in order to ensure the preservation of human health and to ensure the long-term consequences of this impact in the present and future world, does not exclude the possibility. The problems of preserving the human gene pool, survival, rights to life, and preservation of the natural environment were important.

The goals of environmental security are all vital subjects of security: rights, material and spiritual needs of the individual, natural resources and the environment

as the basis of material condition and social development [1]. The basis of environmental security is the individual, society, biosphere and state.

The main goal of Ukraine's environmental security is to develop a program of higher policy in the areas of environmental management and protection, as well as practical implementation to maintain economic and social status [2]. It focuses on the development of new technological processes, social organization and governance, the ability to address environmental issues and any environmental risks that may pose a significant threat to Ukraine's national security. Creating an economic security system together with the existing social security system is a new component of national economic security.

The foundation of this system should be a consistent organizational and legal, socio-political, economic mechanism of nature management, based on quantitative data, mathematical models and forecasting, modern knowledge technologies, opportunities to combat anthropogenic and natural destruction of the biosphere.

Environmental security is a negative environmental threat that manifests itself at the local, regional and global levels as environmental disasters, social hazards and man-made disasters. Ensuring environmental safety is the main way to solve environmental problems that ensure the development and life of citizens of Ukraine in a biosphere-compatible format [3]. Creating an environmental security system means meeting the requirements of the environment and ecosystems, which must go ahead with other aspects of traditional national security [4]. In order to gain economic activity in Ukraine that has not only environmental roots, but also economic and political (in the past) to prevent significant social problems, the strategic goal of the state should be to eliminate systematically lagging behind in developed countries measures to protect environment and quality of life at a high level. It should be noted that in modern situations, the independent achievement of such a goal is unrealistic. We need the support of developed countries, close cooperation and cooperation with all countries of the world.

The environmental health system is developing as a policy measure (legal, economic, technological, humanitarian and medical) aimed at maintaining a balance between its ecosystems and anthropogenic and natural pressures. The system of ecological health is created and developed in accordance with the Constitution of Ukraine, decrees of the President of Ukraine, government decrees and state programs in this area.

The basis of this system is the bodies of all governments, which measure the political, legal, economic, force or any other nature that must be ensured for the security of people, society and the state. The powers of the bodies of Ukraine in relation to environmental protection, their composition, principles and procedure are determined by the relevant legislation of Ukraine. The Constitution of Ukraine defines the functions of environmental safety and rational use of natural resources by the Verkhovna Rada, the President, the Cabinet of Ministers of Ukraine and the

executive bodies of various corporations. The Verkhovna Rada participates in various elections on the planning development and evaluation of legislation at the environmental level, such as the Committee on Environmental Policy, Nature Management and Elimination of Subsequent Chornobyl Disasters, and other committees of the Verkhovna Rada.

So, this problem is relevant in our time, because our environmental sphere is being constantly interfered with. All natural resources are being depleted, and the planet is gradually becoming depleted. This is influenced by both the state and all of us, using everything that nature gives us, in return we do not give anything. To some extent, these are manifestations of greed, the devaluation of the environment and the decline of the entire Earth. Everyone should appreciate, protect and enrich the exhaustive riches of the environment.

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#### **Анотація**

*В даній роботі ми торкнулися таких питань як управління екологічної сфери, контроль органів місцевого самоврядування та охорона навколишнього середовища. Розглянули й наголосили на екологічних проблемах, які виникли через руйнівну діяльність людства. Зазначили цілі та основну мету екологічної безпеки, підкреслюючи необхідність взаємодії правоохоронних органів та природоохоронних організацій.*

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## **TO THE QUESTION OF THE ENVIRONMENTAL SECURITY ISSUES**

Nowadays, environmentalists are facing a new problem: the human consumption of natural resources is faster than their restoration. The population is growing, needs are growing, and resources are being formed over the centuries,

regardless of population growth. Humanity's annual rate of resource consumption is currently far beyond the planet's ability to sustainably regenerate itself. Countries would need 1.75 Earths to sustain the current rate of resource consumption around the world. [4]

Among the most influential scientists unite to study the topic of the of Earth's protection we can name Y. S. But, O. Dobrov, Y. V. Yehorov, O. V. Fedun, Carl Linnaeus, Gregor Mendel, Ernst Haeckel, James Watson, Stephen Hawking, Ian Wilmut, Fedor Konyukhov.

Natural resources are divided into two categories: renewable and non-renewable. However, the present consumption shows that the resources are all becoming non-renewable. World oil production in 2015 was about 4.4 billion tons per year or 32.7 billion barrels per year. Thus, proven oil reserves will be sufficient for about 50 years; estimated reserves will last another 10-50 years [3].

The European Union is one of the main conductors of legal activity concerning international standards of providing ecological safety. All acts issued by the EU are the merit of all member states. When a new act comes in, no member country has the right to delay its adoption.

The UN Secretary-General also published his report in 1969, which served as the basis for the Stockholm Conference in June 1972, attended by representatives of 113 countries. The UN Secretary-General published his report, leading up to a conference in Stockholm in June 1972, attended by representatives of 113 countries. It decided on a precise vision for environmental policy.

The two main thrusts that developed after 1972 were rapid: environmental security and openness to information about the state of the environment.

The US also set up an environmental protection agency in 1970 and passed such laws: Air Pollution Control Act 1955; Clean Air Act 1956; National Environmental Policy Act 1970; Clean Water Act 1972; Endangered Species Act 1973; Safe Drinking Water Act 1974; CAFE Standards 1975; Acid Rain Program 1990 [6, c.4-12].

Developing countries and countries with economies in transition have varying experiences in the enforcement of national environmental law. For example, Singapore is a country with an environmental governance structure in which the national government plays a strong central role – the government is the leading protagonist in driving environmental policy and enforcing environmental laws. Strong environmental regulation has led to the 'city-state' of Singapore even being labeled the 'Garden City' [5].

Environmental policy is the main criterion in the structure of the environmental security of Ukraine. The main strategic document on state environmental policy in Ukraine is "Basic Principles (Strategy) of State Environmental Policy of Ukraine for the Period up to 2030". One of the strategic documents of the country is – Sustainable Development Strategy "Ukraine – 2020", which determines a roadmap and priorities of the Strategy [2].

The solution of ecological and social issues of both global and regional scale is possible only with the creation of a new type of ecological culture, ecologization of education in accordance with the current needs of the individual and civil society. The need for environmental education is determined by the need for awareness of society to provide a favorable environment for human life activity, as the destruction of the system of environmental relations and lack of responsibility to future generations is one of the components of the global environmental crisis [1, с.8].

In conclusion, nowadays people are just at the beginning of awareness of the policy of ecology. Though there are norms and laws, resources are not used rationally. However, the countries and people can reach the goal and save our planet.

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### **Анотація**

*Актуальною проблемою сьогодення щодо екологічної безпеки є швидке споживання природних ресурсів у порівнянні з їх відновленням. Європейський Союз є одним з основних провідників правової діяльності щодо міжнародних стандартів забезпечення екологічної безпеки. Екологічна політика є основним критерієм у структурі екологічної безпеки України. Вирішення екологічних та соціальних питань як глобального, так і регіонального масштабу можливе лише за умови створення нового типу екологічної культури, екологізації освіти відповідно до актуальних потреб особистості та громадянського суспільства.*

## **ECOLOGICAL CRIMINALITY IN UKRAINE AND FOREIGN COUNTRIES**

There are about 200 countries in the world. They have a different level of economic development, different state of welfare, have different approaches to solving environmental problems. At the same time they share the responsibility for preserving and renewing the favorable state of the environment for the benefit of today and future generations. Let`s briefly review the experience of the law of the environment in economically developed countries.

The approach of Spanish criminal law to the problem of conservation of flora and fauna is noteworthy. Art. 334 The Spanish Criminal Code provides for liability if a person destroys species threatened with extinction as a result of hunting or fishing, as well as carry out activities that disrupt or hinder their reproduction or migration, violating the laws or general provisions for the protection of species of forest animals. This norm prohibits trade or transportation of these species or their remains. Such actions are punishable by imprisonment for six months to two years or a fine of eight to twenty-eight months' wages.

On the 18th of November 2000 the French Environmental Code was adopted. The law is ranked first in the hierarchy of domestic law after the Constitution. The French Environmental Code consists of General and Special Parts (975 articles). The General part includes principle, goals and environmental responsibility. The special part regulates the protection of nature, water and air. According to the French Criminal Code of 1992, criminal liability for environmental offenses is borne by all legal entities, except for the state, administrative and territorial entities and its associations. The main types of punishment for them are fines and limitation of their activities. The maximum amount of the fine imposed on the legal entity is equal to nine times the amount of the maximum fine imposed on the natural person.

Under U.S. law, a criminal fine of up to \$25,000 per day of violation, or imprisonment up to one year, or both, may be imposed for a criminal violation of specific provisions of the Water, Air, and Waste Management Act. In case of repeated violation - a fine of up to \$50,000 per day of the violation or imprisonment for up to 2 years. Criminal responsibility for environmental offenses in the United States is imposed for a criminal violation of the law.

One of the most environmentally friendly countries in the world is the United Arab Emirates. The new UAE Code, which is entirely dedicated to environmental offenses, includes 105 articles and reportedly includes penalties for water pollution, soil pollution, damage to nature reserves, green spaces, and so forth. For a

particularly grave crime against nature - the contamination of nuclear waste - the Code may consider the possibility of conviction.

The system of environmental legislation of Ukraine is created by the Law "On environmental protection" (1991); the Land Code (1990); the Law "On natural reserve fund of Ukraine" (1992); the Law "On land fee" (1992); the Law "On air protection" (1992); the Law "On animals" (1993). Laws "On Land Fee" (1992), "On Protection of Atmospheric Air" (1992), "On Wildlife" (1993), Forest Code (1994), Environmental Code (1994), Law "On Ecological Expertise" (1995), and Water Code (1995).[1, c.1].

Land, its surface, atmosphere, water and other natural resources, which are within the borders of territory of Ukraine, natural resources of continental shelf, Inner (marine) economic zone are the objects of property rights of the Ukrainian people, which the right of ownership is exercised by state power and local self-government within the competence defined by the Constitution (art. 13). Thus the Constitution of Ukraine enshrines the environmental function of the state.

So a comparative analysis of foreign legislation on environmental protection is very interesting to study, and the positive experience can be used to improve the Ukrainian legislation. Some legislative norms are of particular scientific interest and deserve follow-up, for example, the introduction of penalties for persons who report cases of poaching, introduction of norms stipulating the liability of legal persons for environmental crimes (e.g. France, the USA), adoption of the Environmental Code. On the basis of analysis of the current legislation, Ukrainian and foreign legal experience in the sphere of ensuring the implementation of the right to favorable environmental conditions it is necessary to enshrine this laws in the Ukrainian legislation as a law-guarantee, as well as social, economic and other laws of citizens.

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### **Анотація**

*Екологічна злочинність є складним соціально-правовим явищем, яке складається із сукупності екологічних злочинів і підриває біологічні основи існування людського суспільства. На даний момент існує понад 300 міжнародних договорів про охорону навколишнього середовища. До них належать як випадки, відповідальність за які лежить на державі, так і міжнародні кримінальні правопорушення окремих осіб, такі як забруднення навколишнього середовища нафтопродуктами, радіоактивними та іншими шкідливими реагентами в результаті їх діяльності. Для забезпечення загальної екологічної безпеки та розвитку міжнародного екологічного законодавства необхідна співпраця принаймні більшості країн усієї планети.*

## **PEOPLE’S LIABILITY FOR ENVIRONMENTAL POLLUTION**

Since childhood, at kindergartens, schools and on, we’ve been told about nature and how important it is to preserve it. The ecology of the earth is an integral part of our lives. We must not forget that we are all part of nature.

First of all, human existence depends on the environment and ecology, so everyone has a responsibility to preserve the riches of the planet, that the ecology will be depends only on us and our attitude. Many people do not understand that when they pollute the environment they harm both nature and themselves. People try to create better conveniences for themselves, but they do not think that most of the resources they use will soon run out. It turns out that we primarily think only of ourselves, but do not try to think about what will be left to our children.

For this reason, every year world industry pollutes the atmosphere with tons of dust and other harmful things. As the result many species of animals and plants disappear forever including fish and birds. Many large cities suffer from factory smog. Their activity pollutes the air, the water, the forest and the land.

A striking example from history is the 1986 Chernobyl accident. The destruction was overwhelming and a large number of radioactive substances were released into the environment, which greatly damaged it not only in Ukraine but also in our other neighbouring countries. Currently, the negative environmental consequences of the Chernobyl disaster manifested in large-scale radioactive contamination of the environment, the presence of a large number of radioactive materials and radioactive waste on the territory of the Chernobyl industrial site and the exclusion zone need safe handling. As before, the problem is how the areas outside the exclusion zone that also suffered from radioactive contamination as a result of the Chernobyl accident can return to normal life.

The Law of Ukraine “On Environmental Protection” develops and specifies the constitutional environmental rights and responsibilities of citizens. According to Article 50 of the Law of Ukraine on Environmental Protection, environmental safety is a state of the environment when the prevention of deterioration of the environmental situation and human health is guaranteed. In Art. 10 of this Law it is stated that the environmental rights of citizens are ensured by conducting large-scale state measures to maintain, restore and improve the environment.

The human right to a safe environment is a legal opportunity to live in an environment that does not harm people’s health and life and in case of violation of this right to demand its protection in the manner prescribed by law. This general definition covers all the main features of this subjective right: first, the right to live

in a favorable natural environment, safe for human health and life. Secondly, the right to demand the removal of various obstacles to the exercise of this right in the manner prescribed by law. Thirdly, the right to apply to the relevant authorities for protection of the violated right in order to restore it.

As an industrial country, Ukraine contains some of the most polluted landscapes in Eastern Europe. Pollution became evident in Ukraine with industrial development in the 19th century. Air pollution is especially severe in many of the heavily industrialized cities and towns of southeastern Ukraine, notably in Kharkiv, Luhansk, Donetsk, Dnipropetrovs and Zaporizhia. Coal-using industries, such as metallurgical coke-chemical plants, steel mills, and thermal power plants are major sources of high levels of uncontrolled emissions of sulphur dioxide, dust, unburned hydrocarbons, and other harmful substances.

What can we do to save our planet? First of all, people should switch to alternative forms of power, such as solar power or wind power. Secondly, the use of atomic power must be banned. Thirdly, we need to recycle. It's the art of turning waste into new products. It would be a good idea if people started riding bicycles instead of driving cars. We are obliged to protect nature. If everybody cares, it will make a difference.

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#### **Анотація**

*В даній роботі ми говоримо про відповідальність людей за забруднення навколишнього середовища та відповідні негативні наслідки від цього. Ми наводимо приклади статей закону «Про захист навколишнього середовища», які надають правову інформацію щодо порушень у сфері екології та уточнюють екологічні права громадян. В тезах також зазначаються деякі індустриальні регіони України, які найбільше завдали шкоди своєму екологічному середовищу.*

## **UKRAINE-EU COOPERATION IN PROMOTING INTERNATIONAL ENVIRONMENTAL LAW**

Ukrainian's measures to prevent environmental deterioration and to respond to climate change are increasingly driven by commitments under multilateral environmental agreements on the one hand and domestic needs of the state on the other hand. This requires government officials to not only understand how to implement existing international commitments, but also how to contribute to the negotiation of new international commitments. As a prerequisite, a sound understanding of the development, features, functioning and implementation of multilateral environmental agreements is necessary.

International Environmental Law is the set of agreements and principles that reflect the world's collective effort to manage our transition to the Anthropocene by resolving our most serious environmental problems, including climate change, ozone depletion and mass extinction of wildlife. International Environmental Law covers many areas of the environment and is essentially designed to protect and improve the environment as a whole [1].

Throughout most of the last century, international environmental law primarily reflected bilateral or regional disputes over shared resources, such as rivers or lakes that cut across national boundaries. These disputes led to diplomatic tensions that either resulted in an international legal case or were settled through relatively narrow regional or bilateral treaties.

There are numerous areas of the environment that need protecting and this is why local, national and International Environmental Laws have been passed. There are so many different important areas of our environment that need help to be protected such as: air quality, climate change, contaminated land, environmental permitting, waste management, water pollution, nature conservation, environment assessment, etc. [2]

Since 1998, cooperation between Ukraine and the EU in the environmental protection sphere has aimed to combat the deterioration of environmental conditions. Today, Ukraine-EU cooperation in the field of environmental protection is regulated by the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States. In particular, Chapter 6 "Environment" of the section "Economic and Industrial Cooperation" of this Agreement provides that the parties shall develop and strengthen cooperation on environmental issues and thus contribute to the realization of the long-term goals of sustainable development and the green economy.

The main objectives of Ukraine-EU cooperation in this area include development of an overall strategy on environment, covering planned institutional reforms (with timetables) for ensuring implementation and enforcement of environmental legislation; division of competence for the environmental administration at national, regional and municipal levels; procedures for decision-making and the implementation of decisions; procedures for promotion of integration of environmental issues into other policy areas; identification of the necessary human and financial resources and a review mechanism; development of sector strategies on air quality; water quality and resource management, including marine environment; waste and resource management etc [3].

Thus, both Ukraine and EU countries follow the principles of peaceful resolution of environmental conflicts, according to the International Environmental Law they also make efforts rely on to balance the planet's ecological limits with the world's ever-growing economy to prevent irreversible environmental harm in the first place. Today, our governments regularly meet to address the general sustainability of the planet or to negotiate one of the literally hundreds of bilateral, regional and global treaties aimed at managing a specific environmental challenge before it's too late.

#### **Література:**

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#### **Анотація**

*Стаття присвячена питанням співробітництва України та ЄС у сфері охорони навколишнього середовища, цілям і напрямкам цієї співпраці. Розкрито поняття міжнародного екологічного права та сучасну трансформацію його завдань.*

Наукове видання

**ЗАБЕЗПЕЧЕННЯ ЕКОЛОГІЧНОЇ БЕЗПЕКИ ТА  
ПРОТИДІЯ ПРАВОПОРУШЕННЯМ У СФЕРІ  
НАВКОЛИШНЬОГО СЕРЕДОВИЩА:  
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