

FUNCTIONAL LEGAL FRAMEWORK FOR THE RIGHT TO CARRY OUT OF FISHING

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In the article the analysis of system functional legal framework permitting the regulation of fishing in Ukraine.

Fishing, legal framework, licensing regulation, permit, quota limits.

The system is functionally and legal frameworks special nature branched enough and includes a set of licensing, registration, control and supervisory bodies of the executive power. Is no exception and the scope of legal regulation of fishing in Ukraine. Therefore, the aim of this study is to analyze the permissive regulation of this activity.

The legislation provides for a variety of licensing documents, depending on the type of fishing. Issue of permits various organs. Thus, in accordance with Art. 23 of the Law of Ukraine "On fisheries, industrial fisheries and conservation of aquatic biological resources", the central executive authority in the field of fisheries and its territorial bodies of persons who are planning to carry out commercial fishing issue such documents permits: permit for the special use of water biological resources in the fishery water objects (or parts thereof); permit for the special use of water biological resources outside the jurisdiction of Ukraine; of catch (re-export) of the Antarctic and Patagonian iklach; permission for the import and export of specimens of species of wild fauna and flora, certificates for traveling exhibitions, re-export and introduction from the sea of these samples, which are subject to regulation of the Convention on International Trade in Endangered Species of Wild Fauna

and Flora, in terms of sturgeon and produced of these products; confirmation of the legality of the seizure of living aquatic resources and their habitats products processing gear; other documents allowing character provided for in international treaties of Ukraine.

In use, the natural objects, primarily economic satisfied consumer interests. However, the process of human use of nature must take into account environmental protection requirements of nature, carried out economically, efficiently, not to disturb the ecological balance of the state. Accordingly, the requirement of law of nature is rational from an ecological point of view, the nature of nature. It is with fisheries management as a form of exploitation of aquatic living resources related setting limits and quotas in this endeavor. Limits are set on the species of aquatic biological resources, in respect of which the relevant fishery in the water bodies, except for isolated objects and objects of fishing stocks are formed exclusively by artificial breeding of aquatic biological resources.

In accordance with Part. 5, Art. 14 Commercial Code of Ukraine, where appropriate, the state uses quotas, setting the maximum volume (quota) of production or trafficking of certain goods and services. The order quota production and circulation, as well as the distribution of quotas established by the Cabinet of Ministers of Ukraine in accordance with the law.

Thus, analyzing the system functional and legal frameworks permitting regulation of fishing in Ukraine come to the conclusion that such a system includes not only the immediate issuance of permits for commercial and recreational fishing, but also determines the appropriate limits and quotas of aquatic biological resources.