

DEALING WITH WASTE AS OBJECT OF ADMINISTRATIVE LEGAL PROTECTION

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The theoretical and practical questions of administrative legal protection in the sphere of dealing with waste are researched in the article.

Administrative legal protection, environmental protection legislation, dealing with waste, administrative responsibility.

A matter of compliance with the requirements of the environmental law on waste management is one of the priorities. However, today total collection, maximum possible recovery, timely neutralization and disposal of wastes are not performed in the state, as a result, they are accumulated, which harms environment and health.

Existence, self-preservation and progressive development of Ukraine as a sovereign state depends on implementation of a goal-oriented policy regarding protection of its national interests. According to the National Security Concept (national policy principles) of Ukraine dated July 18, 1995, ensuring environmentally sound and technologically safe living conditions is one of the basics of the national security.

18 years have passed since the Concept was adopted, but problematic issues connected with ensuring environmentally sound and technologically safe living conditions remain unsolved.

Purpose of the article—to examine theoretical and practical issues of administrative and legal protection in the sphere of waste management.

The issue of legal protection in the sphere of waste management were partly studied by different scientists: V. Babenko, M. Rudenko,

M.Malishko, N.Malyshev, V.Kostytsky, M. Krasnov, S. Kuznetsov, Y. Shemshuchenko et al. However, the issue of administrative and legal protection in the sphere of waste management is scarcely explored, that determines the relevance of the study.

The social relations in the sphere of environmental protection related administrative violations in the sphere of waste management are regulated by the Code of Ukraine on Administrative Offences included to Chapter 7, "Administrative violations in the sphere of environmental protection, natural resources, protection of historical and culture".

Given the subject of our research to the offenses in the waste management we include: "Violation of the requirements for waste management during their collection, transportation, storage, processing, recycling, disposal, removal or disposal"; "Violation of the rules of the primary accounting and control of waste management operations or failure or reporting on the creation, use, disposal and waste management"; "Production from waste or using them without proper legal, technical and technological documentation"; "Hiding, confusion or refusal to provide full and accurate information at the request of officials and citizens and their associations safety and waste handling"; "Mixing or disposal of waste for disposal which Ukraine has a relevant technology without authorization"; "Faulty transfer of waste"; "Violation of the rules and mode of operation of facilities and industries for treatment and recycling of waste"; "Violation of legislation on chemical power sources"; "Disposal of unprocessed (raw) waste".

Along with Code of Ukraine on Administrative Offences act rules that establish administrative responsibility, but they exist in the inter-sectoral legislative instruments, such as the Law of Ukraine "On ensuring sanitary and epidemiological welfare of population".

Legal basis of administrative responsibility are also laws, rules that are not included in the Code of Ukraine on Administrative Offences, but in

which the offense prescribed in the treatment of waste. This is the Law of Ukraine "On Environmental Protection"; "On Waste"; "Radioactive waste".

Analysis of legal regulations in the sphere of waste management suggests to note that administrative and legal protection of relations in the sphere of radioactive waste - is governed by the law social relations that are expressed in a particular communication between authorized and obligated entities - carriers of subjective rights, obligations undertaken with a view to the priority of environmental protection and human health from the adverse impact of waste.