

ENVIRONMENTAL SELF-CONTROL IN THE SYSTEM OF ENVIRONMENTAL MANAGEMENT: LEGISLATIVE AND DOCTRINAL APPROACHES

^aTETIANA SHARAIEVSKA, ^bANZHELA SLEPCHENKO

Taras Shevchenko National University of Kyiv, Volodymyrska str., 60, Kyiv, Ukraine

email: ^atetiana_sharaievska@ukr.net, ^banhelika2003@ukr.net

Abstract: The article is devoted to the problems of legal regulation in the field of environmental self-control in Ukraine, which is traditionally considered one of the forms of environmental control by the Ukrainian environmental law doctrine. It is supported by the scientific position that environmental self-control is a function of environmental management and an element of the environmental management system in general. The urgency of improving the efficiency of law in this area is due to the authors' contention, according to which environmental monitoring is one of the most promising guarantees for ensuring environmental safety of the environment and human beings by preventing and minimizing the negative impact of environmental activities on the part of business entities. The authors focus on problematic issues in the field of environmental self-control, which resulted in the conclusion that fragmentation and imperfection of such legislation are in place. The review of normative legal acts in the field of environmental self-control adopted in other countries with related legal systems in Ukraine, as well as an overview of the European Union legal acts in the field of research are provided. Practical value of research results obtained in the article is reflected in a systematic analysis of the regulation of relations in the field of environmental self-control implementation at the present stage. Specific proposals were made to the current legislation of Ukraine and the necessity of obligatory inclusion of environmental self-control to environmental management system as of its necessary element was determined.

Keywords: Environmental Legislation, Environmental Management, Environmental Self-Control, European Union Environmental Law.

1 Introduction

1.1 Statement of the Problem

Environmental self-control is a control carried out within the limits of capacity that is available to a particular business entity. Actually this type of control may be regarded as environmental self-control or internal environmental control of enterprise. In this case, the controlling entity and the entity whose activities are controlled coincide. The distinctive features of the environmental self-control in comparison with other types of control is its potentially high efficiency, possible specialization with regard to specifics of production.

Legal scholars note that the environmental self-control should be aimed at achieving the objectives of business entity, serve as a result of management activities on planning, organization and monitoring of environmental activity of enterprise as a whole and its separate branches. It is carried out inside the enterprise in contrast to such forms of external environmental control, as state, self-governing, regional, departmental or public ones. It is a business owner who must feel and realize the inevitability of moral and legal responsibility to society for industrial impact on the environment.

The purpose of the environmental self-control is verification and enforcement of environmental legislation and other requirements, implementation of environmental plans and programs within the particular enterprise (production, workshop, district, etc.), compliance with emission standards and pollutant emissions into the environment, uninterrupted operation of sewage treatment plants, compliance of products with environmental requirements, etc. In this part, production control has a plenty of common features with other forms of environmental control, which, in general, relates to environmental legal doctrine to the preventive and protective functions of environmental management.

The environmental self-control of various dimensions should be carried out by enterprises, institutions, organizations irrespective of ownership and type of business, as well as individual entrepreneurs who use natural resources in their activities, pollute the environment or create negative impact on life or health of citizens. First of all, such enterprises include industrial, fuel and energy enterprises, agricultural commodity producers, food industry enterprises, transport enterprises and

organizations, mining companies, water users-enterprises and others. In addition to the mentioned enterprises implementation of the environmental self-control would be also appropriate for other entities, although not carrying out environmentally dangerous activities, but using natural resources such as objects of nature reserve fund, forest enterprises, hunting business, etc.

The importance of implementing such an environmental 'self-control' is reasoned by the fact that nowadays bulk of environmentally dangerous activity falls on the industry, primary unit of which is an industrial enterprise. Data from the annual national reports on environment, as well as numerous other sources, databases, registers indicate that enterprises carry out a variety of significant harmful effects on the environment as a whole, on its individual components, as well as on life and health of people in course of their economic activities.

The need for implementation of the environmental self-control is contingent on fact that the bodies of state and departmental environmental control are not able to provide full permanent and continuous control over the environmentally hazardous activities of each enterprise and use of natural resources by them. The scholars suggest that the state should provide control over the most dangerous contaminants, control in emergencies, and selective control of the enterprises' activities, while mostly the burden of current control activities should be imposed on the business entities themselves.

The content and organizational forms of the environmental self-control may have specifics and a separate legal basis, in particular, depending on type of natural resources used by an enterprise, via which sources and in what way the environment is polluted (discharges, emissions, waste placement). It allows to differentiate such types of control, as industrial natural resources, anthropository control (control in the field of environmental safety) and environmental monitoring (in the field of environmental protection).

The specific forms and directions of controlling enterprise units' activity depend on forms of ownership, type of business, as well as on the ways of their negative impact on the environment and life and health of citizens. Thus, considering its forms, methods, objects, the environmental self-control at an industrial plant or nuclear power plant will be significantly different from control at a fishing enterprise, on a site of a natural reserve fund or in a hunting enterprise. It is possible to develop such a classification and differentiate subtypes of the environmental self-control within each of mentioned classes. For example, natural resource management control is divided by its resource orientation to land, water, forest, faunal, atmospheric, mining ones, etc. Depending on methods of controlling entities' activity, chemical and toxicological, physico-chemical, radioecological, geological, environmental and sanitary production control may be outlined.

Thus, for the purposes of this article environmental self-control shall be interpreted as environmental control at the local level is to be carried out at the expense of the resources and means of business entities whose activities have a negative impact on the environment in order to comply with the requirements of environmental legislation, the implementation of measures on environmental protection, environmental security and rational use and restoration of natural resources.

1.2 Overview of Literature

Legal aspects of environmental control as one of the functions of environmental management are an integral part of the Ukrainian environmental law doctrine. Issues of legal regulation of environmental control, including industrial one, were analyzed and considered by numerous scholars in their scientific reports, articles, manuals, textbooks, monographs, dissertations.

One of the first national representatives of environmental law doctrine, who made a significant contribution to development of the environmental management theory (tectoecology) and carried out the classification of environmental control on its species, was V.I. Andreitsev (1996). Thus, its subjects, in addition to the state (general and specialized) and the public (local, regional and interregional) ones, the scholar separately allocated the environmental self-control, which, in turn, was divided into intercommercial and internal commercial environmental control. Such a primary classification of environmental control in general has been preserved in the environmental law doctrine of Ukraine till today.

H.I. Baliuk shared approach of V.I. Andreitsev in her textbook on environmental law (2006) and considered the environmental self-control as a separate type of environmental control in accordance with the generally accepted classification of environmental control.

At one time, A.P. Hetman (1999) analyzed environmental monitoring procedure and identified subjects of the environmental self-control direct implementation at an enterprise. In this paper, the author notes that the choice of the environmental self-control types, forms and methods is one of the basic tasks of organizational and preparatory stage of environmental control.

N.R. Malysheva (2008) examined the legal issues of the environmental self-control through the prism of environmental management. The scholar states that environmental management, which exists on any object whose activity is related to the use of natural resources or may have an impact on the environment, is also manifested in the implementation of environmental control.

A special study of legal problems of the system of environmental management and the environmental self-control implementation in Ukraine in its composition was further reviewed in the dissertation work of Ya.O. Chekavska (2016). This study contains legal analysis of correlation between such related concepts as environmental management, industrial environmental management, object environmental management. The author substantiates the possibility of using all of these terms in parallel, as well as replacing them with the generic term 'environmental management', which, in its opinion, reflects the real nature of legal relations in the field of industrial environmental management (control) and object environmental management.

N.D. Krasilich (2008) focused on issues of necessity to conduct the environmental self-control due to the specifics of enterprises foremost using natural resources in their industrial activities or pollute the environment with waste from their production. In this regard, it was determined that specific content of the environmental self-control depends on what exactly natural resources may be harmed to the activities of a particular enterprise.

These scientific thoughts stimulated further research on the peculiarities of the environmental self-control legal regulation in various areas of natural resources management.

Thus, V. Rybachek (2008) analyzed the implementation of state, public and industrial environmental control in the field of atmospheric air protection. It was noted that business entities carrying out pollutant emissions to the atmosphere are obliged to conduct continuous listing and monitoring of pollutants and adhere to the norms of the maximum permissible emissions, which increases the importance and necessity to carry out the environmental self-control at such enterprises (objects) permanently.

The peculiarities of legal regulation of the environmental control implementation in the spheres of industry, use and protection of mineral resources. V.V. Strelnyk (2017) and O.A. Hrytsan (2017). Thus, Strelnyk V.V. suggested that industrial

environmental self-control will contribute to the formation of environmental policy and environmental management system in accordance with the standards of the ISO 14000 series at the level of each enterprise. O.A. Hrytsan formulated a series of proposals in his work aimed at improving the legislative regulation of control activities in the field of subsoil use.

The problems of legal regulation of management and service legal relations in the field of use and protection of land, including industrial land control, are analyzed in the dissertation of D.V. Busuiok (2018). The author substantiates the necessity of adopting a special Law of Ukraine 'On Control over Use and Protection of Land'. This Law is proposed to consolidate various types of environmental control, including the environmental self-control, and elaborate provisions on it and measures for its implementation. The author also determined the need to regulate the relationship regarding land self-control between owners of land plots and relevant public authorities in a special contract on industrial control.

One of the most recent works in the doctrine of environmental law is the monograph by A.S. Yevstihnieiev (2018), which addresses the legal issues of environmental control in the field of environmental safety of special use of natural resources. The author's contribution to the development of theory on the environmental self-control legal regulation is development of grounds on necessity to introduce effective legal procedures for the implementation of various types of environmental control, including industrial one.

In most of the revised works environmental self-control is mainly analyzed through prism of the environmental law system that is more than acceptable. Meanwhile, on the other hand, the implementation of a permanent operational environmental self-control is an integral element of economic relations, if it is carried out by enterprises - business entities. Consequently, the object of environmental control in this case is business activity itself, which may have a negative impact on the environment, or is associated with the use of nature.

It brings us to the conclusion that conduct of such control is simultaneously the subject of business law as of branch of Ukrainian law. The issue of legal nature of environmental self-control in enterprises of different forms of ownership, i.e. state, communal or private, remains unresolved.

Despite complexity of the analyzed legal phenomenon, the general approach in most scientific works is its interpretation as of one of the types of environmental control that is carried out directly by the business entity, i.e. as of an environmental control of the local level. Currently environmental self-control has become a separate area of legal relations, the participants of which is the enterprise itself as a legal entity that is responsible for providing environmental safety in course of its activities, as well as public administration in the field of environment, analytical and other laboratories.

The abovementioned preconditioned the topic of this paper, the aims of which is the definition and characterization of the environmental self-control legal features, its peculiarities, scope, requirements and legal regulation of its implementation. We will separately admit the urgency and necessity of the comparative legal analysis of the environmental self-control implementation on the example of states with similar legal systems (Republic of Belarus, Republic of Kazakhstan and the Republic of Uzbekistan), as well as of the European Union.

When writing this article, the authors used the traditional legal doctrinal methods. The methodological basis of the study comprises general scientific and special cognitive methods. In addition, formal-logical and logical-semantic methods and a method of system analysis were used. Using the method of interpretation of legal norms contributed to substantiating proposals for improving the provisions of the current Ukrainian legislation in the field under study.

2 The Main Characteristics of Legal Regulation in the Field of Environmental Self-Control in Ukraine

The legal framework of the environmental self-control in Ukraine includes: the Law of Ukraine 'On Environmental Protection'¹ dated June 25, 1991; Code of Civil Protection of Ukraine² dated October 2, 2012; the Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030'³ dated February 28, 2019; the Commercial Code of Ukraine⁴ on January 16, 2003; the Law of Ukraine 'On Protection of Atmospheric Air'⁵ dated June 21, 2001; the Law of Ukraine 'On Objects of Increased Danger'⁶ dated January 18, 2001; the Law of Ukraine 'On Waste'⁷ dated March 5, 1998; the Mining Law of Ukraine⁸ dated October 6, 1999; the Law of Ukraine 'On Ensuring Sanitary and Epidemiological Welfare'⁹ dated February 24, 1994; the Code of Ukraine about Subsoil¹⁰ from 27 July 1994 and other legal acts.

The basic legal norms for implementation of environmental control in Ukraine as of an integral part of environmental management system are enshrined in the Law of Ukraine 'On Environmental Protection'¹¹, which has been the primary, system-forming act of environmental legal act in Ukraine since 1991. Art. 16 of this Law establishes that control is one of the functions of management in the field of environmental protection, but there are no special requirements for direct action on the environmental self-control.

Separately, in this list the Law of Ukraine 'On Environmental Impact Assessment'¹², adopted on May 23, 2017, may be highlighted. This Law establishes the legal and organizational principles of environmental impact assessment, aimed at preventing harm to the environment, environmental security, environmental protection, rational use and reproduction of natural resources in the process of decision-making on the conduct of economic activity, which may have a significant impact on the environment during the activity of a particular business entity. This Law provides requirement of implementing environmental control in industrial enterprises (objects) whose activities may affect the environment and which should be subject to environmental impact assessment.

The Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030'¹³ (hereinafter - the Strategy) dated February 28, 2019, that enters into force from January 1, 2020. The Strategy explicitly states that one of the root causes of environmental problems in Ukraine is the ineffective system of public administration in the field of environmental protection and regulation of the use of natural resources. At the same time, it is emphasized that introduction of international standards of environmental management systems at

enterprises and companies will contribute to development of the environmental management system and implementation of international environmental initiatives in Ukraine (Section I).

The strategic goals and objectives of state environmental policy, defined by the Strategy for the next 10 years, include, in particular, the promotion of the introduction of environmental management systems at the enterprises, as well as improving the environmental characteristics of products, including on the basis of international certification and labeling systems; introduction of environmental management systems, development of voluntary environmental certification, product labeling, environmental audit (Section III).

This Strategy directly acknowledges the inability of the state environmental management to ensure environmental control at the level to be ensured by special bodies of general and special competence in the field of environment. It entails necessity of search for and implementation of other approaches and effective alternatives in this area. One of them should be the environmental self-control for business entities activities of which directly or indirectly affect the environment or associated with the use of natural resources.

At the same time, it should be noted that the Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030'¹⁴ has a prognostic character and does not have a direct regulatory influence on the public relations, including environmental ones. As it is known from previous experience, failure to fulfill implementation of various environmental strategies, doctrines, plans fully or partially does not entail legal responsibility for public officials or any negative consequences for state authorities. In this regard, there is an urgent issue regarding adoption of a special law, which at the state level would regulate the issue of introduction and implementation of environmental self-control by all business entities.

As we have already noted, in certain areas of activity, the objects, forms and methods of the environmental self-control may have some specifics and are regulated by relevant sectoral legislation, for example, natural resources law and environmental safety legislation.

In particular, Art. 29 of the Law of Ukraine 'On Protection of Atmospheric Air'¹⁵ stipulates that industrial control over the protection of atmospheric air should be carried out by enterprises, institutions, organizations and individual entrepreneurs in the process of their economic and other activities, if they have harmful effect on the state of atmospheric air. It should be noted that industrial control is recognized as one of the essential means to ensure compliance with requirements for protection of atmospheric air by enterprises, institutions, organizations and individual entrepreneurs. At the same time, as some scholars admit, the lack of legal regulation in this area lies in the fact that this Law contains non-specific, general provisions, does not refer to any specific sub-legal acts, which may adversely affect the obligation to perform norms of the Law.

The legislation of Ukraine also provides rules of the environmental self-control in the sphere of use and protection of mineral resources. Art. 56 of the Code of Ukraine about Subsoil¹⁶ establishes the basic requirements in the field of mineral resources protection, which, in our opinion, are legal preconditions for establishment of a system of production control at the relevant enterprises. Real observance of all the specified requirements by mentioned users is possible only in case of proper functioning of the environmental self-control at

¹ Law of Ukraine 'On Environmental Protection' dated June 25, 1991 available on: <https://zakon.rada.gov.ua/laws/show/1264-12> (accessed 23.12.2019)

² Code of Civil Protection of Ukraine dated October 2, 2012 available on: <https://zakon.rada.gov.ua/laws/show/5403-17> (accessed 23.12.2019)

³ Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030' dated February 28, 2019 available on: <https://zakon.rada.gov.ua/laws/show/2697-19> (accessed 23.12.2019)

⁴ Commercial Code of Ukraine dated January 16, 2003 available on: <https://zakon.rada.gov.ua/laws/show/436-15> (accessed 23.12.2019)

⁵ Law of Ukraine 'On Protection of Atmospheric Air' dated June 21, 2001 available on: <https://zakon.rada.gov.ua/laws/show/2707-12> (accessed 23.12.2019)

⁶ Law of Ukraine 'On Objects of Increased Danger' dated January 18, 2001 available on: <https://zakon.rada.gov.ua/laws/show/2245-14> (accessed 23.12.2019)

⁷ Law of Ukraine 'On Waste' dated March 5, 1998 available on: <https://zakon.rada.gov.ua/laws/show/187/98-%D0%B2%D1%80> (accessed 23.12.2019)

⁸ Mining Law of Ukraine dated October 6, 1999 available on: <https://zakon.rada.gov.ua/laws/show/1127-14> (accessed 23.12.2019)

⁹ Law of Ukraine 'On Ensuring Sanitary and Epidemiological Welfare' dated February 24, 1994 available on: <https://zakon.rada.gov.ua/laws/show/4004-12> (accessed 23.12.2019)

¹⁰ Code of Ukraine about Subsoil dated July 27, 1994 available on: <https://zakon.rada.gov.ua/laws/show/132/94-%D0%B2%D1%80> (accessed 23.12.2019)

¹¹ Law of Ukraine 'On Environmental Protection' dated June 25, 1991 available on: <https://zakon.rada.gov.ua/laws/show/1264-12> (accessed 23.12.2019)

¹² Law of Ukraine 'On Environmental Impact Assessment' dated on May 23, 2017 available on: <https://zakon.rada.gov.ua/laws/show/2059-19> (accessed 23.12.2019)

¹³ Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030' dated February 28, 2019 available on: <https://zakon.rada.gov.ua/laws/show/2697-19> (accessed 23.12.2019)

¹⁴ Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030' dated February 28, 2019 available on: <https://zakon.rada.gov.ua/laws/show/2697-19> (accessed 23.12.2019)

¹⁵ Law of Ukraine 'On Protection of Atmospheric Air' dated June 21, 2001 available on: <https://zakon.rada.gov.ua/laws/show/2707-12> (accessed 23.12.2019)

¹⁶ Code of Ukraine about Subsoil from 27 July 1994 available on: <https://zakon.rada.gov.ua/laws/show/132/94-%D0%B2%D1%80> (accessed 23.12.2019)

enterprises. The implementation of the environmental self-control in this area is explicitly provided in the Typical Agreements on the Use of Mineral Resources, which are concluded with the users in accordance with the Procedure for Granting Special Permits on Use of Mineral Resources, approved by the Resolution of the Cabinet of Ministers of Ukraine dated May 30, 2011 No. 615¹⁷. In accordance with the above mentioned Agreements, in course of carrying out works the user undertakes to conduct various types of production control, as well as control over the execution and quality of works carried out by the contractor.

Unlike the Code of Ukraine about Subsoil¹⁸, the Mining Law of Ukraine¹⁹, which deals with the sphere of activity of mining enterprises, institutions, organizations, mining objects engaged in exploration, development, extraction and processing of minerals and mining (Art. 2), regulates the issue the implementation of the environmental self-control in more detail. Workers of mining enterprise are obliged to carry out certain functions of production environmental control, for example, to maintain constant control over the conditions of atmospheric air at these enterprises (Art. 41), prevent violations of norms on control over the state of the aerospace environment in particularly dangerous underground mines (Art.42), etc.

The basic norms regarding the environmental self-control in the field of drinking water supply are laid down in the Law of Ukraine 'On Drinking Water and Drinking Water Supply'²⁰ dated January 10, 2002. Art. 44 of this Law provides that production control over drinking water and drinking water supply is carried out by drinking water supply companies. In addition, in the event of threat of technological or natural emergency that is related to the harmful effects on sources or systems of drinking water supply, special production control is carried out on indicators of drinking water quality, which are additionally determined by the central executive body in the field of health care in each particular case. More detailed environmental monitoring in this area is regulated by the order of the Ministry of Health of Ukraine dated May 12, 2010 No. 400 'On Approval of State Sanitary Norms and Rules 'Hygienic Requirements for Drinking Water Intended for Human Consumption'²¹, which contains specific section IV 'Production Control over Safety and Quality of Drinking Water Intended for Human Consumption'.

The Law of Ukraine 'On Waste'²² establishes the basis for the environmental self-control implementation in the field of waste management, which is also one of the environmentally hazardous activities. It should be noted that the legislative definition of 'waste management' includes not only specific waste operations, but also control over these operations and supervision over the places of their removal (Art. 1). This Law consolidates the legal obligation of business entities to monitor the status of places or facilities for placement of their own waste (Art. 17), and also establishes that waste producers carry out primary production control in the field of waste management.

The legal principles of the environmental self-control are also established by the Law of Ukraine 'On By-Products of Animal Origin not Intended for Human Consumption'²³ dated April 7, 2015, the scope of which extends to activities of natural and

legal persons in the area of handling of by-products of animal origin, products of cultivation, processing of animal by-products. According to Art. 23 of this Law, market operators should conduct internal inspections of their capacities (objects) based on the principles of the risk analysis system at critical control points, when conducting activities such as processing, processing of animal by-products; conversion of by-products into biogas or compost.

At present, the environmental self-control at an enterprise may become an integral part of the environmental management system (or industrial safety management) introduced in Ukraine by adopting a number of state standards harmonized with international standards ISO 9000. For example, the State Standard of Ukraine ISO 14004: 2016 'Environmental management systems. General Guidelines on implementation'²⁴, approved by the order of the Technical Committee for Standardization dated March 13, 2006 No. 71. This system of environmental management and environmental safety provides for introduction of the environmental management at an enterprise (object), elements of which is the formation of environmental policy, coordination and organization, valuation, licensing, environmental planning, development of perspective plans and programs, the environmental self-control and others.

Environmental control at hand is closely intertwined with other elements of the environmental management system - the functions of environmental management in the enterprise, such as environmental analysis, monitoring, accounting, audit, planning, but to a certain extent and "dissolves" from them. In practice, it's sometimes difficult to separate one function of environmental management from others. As a result, in our opinion, the preventive and controlling role of environmental control in practice can be reduced.

3 The Legal Basis for the Environmental Self-Control Implementation in the EU States as a Landmark for Ukraine

The environmental legislation of the European Union constitutes significant scientific interest for us, in the first place - by virtue of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand²⁵ (ratified by the Law of Ukraine dated September 16, 2014²⁶).

In particular, Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (revised) provides for environmental inspections²⁷ (Article 23). In particular, it is established that Member States shall ensure that all plants are covered by a plan of environmental inspections at the national, regional or local levels, and that they regularly review the plan and, where appropriate, update it (paragraph 3).

The criteria for systematic risk assessment for the environment are defined: 1) the potential and actual negative impact of plants on human health and the environment, taking into account levels and emissions, local environmental sensitivity to the risk of accidents; 2) registration of compliance with the conditions stipulated in the permit; 3) the participation of the operating organization in the EMAS Scheme for the implementation of Regulation (EC) No 1221/2009²⁸.

¹⁷ Resolution of the Cabinet of Ministers of Ukraine 'On procedure for Granting Special Permits on Use of Mineral Resources' dated May 30, 2011 No. 615 available on: <https://zakon.rada.gov.ua/laws/show/615-2011-%D0%BF> (accessed 23.12.2019)

¹⁸ Code of Ukraine about Subsoil from 27 July 1994 available on: <https://zakon.rada.gov.ua/laws/show/132/94-%D0%B2%D1%80> (accessed 23.12.2019)

¹⁹ Mining Law of Ukraine dated October 6, 1999 available on: <https://zakon.rada.gov.ua/laws/show/1127-14> (accessed 23.12.2019)

²⁰ Law of Ukraine 'On Drinking Water and Drinking Water Supply' dated January 10, 2002 available on: <https://zakon.rada.gov.ua/laws/show/2918-14> (accessed 23.12.2019)

²¹ Order of the Ministry of Health of Ukraine 'On Approval of State Sanitary Norms and Rules 'Hygienic Requirements for Drinking Water Intended for Human Consumption' dated May 12, 2010 No. 400 available on: <https://zakon.rada.gov.ua/laws/show/z0452-10> (accessed 23.12.2019)

²² Law of Ukraine 'On Waste' dated March 5, 1998 available on: <https://zakon.rada.gov.ua/laws/show/187/98-%D0%B2%D1%80> (accessed 23.12.2019)

²³ Law of Ukraine 'On By-Products of Animal Origin not Intended for Human Consumption' dated April 7, 2015 available on: <https://zakon.rada.gov.ua/laws/show/287-19> (accessed 23.12.2019)

²⁴ State Standard of Ukraine ISO 14004: 2016 'Environmental management systems. General Guidelines on implementation', approved by the order of the Technical Committee for Standardization dated March 13, 2006 No. 71 available on: http://ecolog-ua.com/sites/default/files/dstu_iso_14004-2016.pdf (accessed 23.12.2019)

²⁵ Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand dated 27.06.2014 available on: https://zakon.rada.gov.ua/laws/show/984_011 (accessed 23.12.2019)

²⁶ Law of Ukraine 'On the ratification of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand' dated September 16, 2014 available on: <https://zakon.rada.gov.ua/laws/show/1678-18#n2> (accessed 23.12.2019)

²⁷ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) available on: <https://eur-lex.europa.eu/eli/dir/2010/75/oj> (accessed 23.12.2019)

²⁸ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and

The scope of this European legal act extends to all enterprises and organizations that carry out hazardous emissions to the natural environment and requires carrying out at least one environmental inspection per year at the most threatened enterprises. Thus, in our opinion, the legislative introduction of such practices in Ukraine may be a factor in increasing the environmental self-control at enterprises.

In Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances²⁹, as amended by Directive 2003/105/EC and Regulation (EC) No. 1882/2003 along with state environmental monitoring, it is envisaged to carry out production environmental monitoring. Thus, according to Art. 18 (2) of this Directive, where appropriate, each inspection by the competent authority must be supplemented by an inspection of the management of the relevant institution within an appropriate period after the first inspection.

Attention is drawn to the provisions of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC³⁰.

The main objective of the EMAS development was to assess and improve the environmental performance of industrial enterprises, and create conditions for obtaining environmental information by interested parties. The main components of the environmental management and audit system (EMAS) include the development of enterprise environmental policy and its implementation; assessment of the enterprise conditions and efficiency of further functioning of the environmental management system; formation of specific tasks of environmental policy of the enterprise; conduct of environmental audit in order to continuously assess the environmental performance of the enterprise. Consequently, the EMAS system was first established to facilitate the improvement of environmental activities of business entities in all sectors of the economy, which causes an increase in both state (external) environmental control and internal control.

An interesting example of real impact by the EMAS is an establishment of church environmental management systems for various types of church institutions in Europe. About 300 church institutions have already work in this system successfully and selflessly. The project 'Management for Sustainable Development' at the European level is called 'Sustainable Churches'. The purpose of this project is to bring the church's institutions to the level of certification according to the European Parliament EMAS directive³¹.

One of the elements of church environmental management is environmental control, in particular, the primary internal environmental inspection is compulsory carried out by the staff and the project team. Creation of environmental management system takes place precisely on the basis of initial verification of environment and environmental policy in the church institution. An obligatory environmental program is being developed, which specifies the specific objectives, measures planned, identifies the responsible persons, develops a plan of measures for the protection of the environment.

Thus, as a result of signing the Association Agreement with the European Union, provisions of the environmental legislation of the European Community, including the regulation of relations in the analyzed sphere, became relevant for our country. It is important that the provisions of the analyzed EU legal acts are mandatory for Ukraine, as stipulated in Annex XXX of Chapter 6 'Environment'³² to the aforementioned Association Agreement. Ukraine undertakes to bring its environmental legislation into line with the legislation of the European Union gradually but within the prescribed timeframe. This stipulates the further implementation of the analyzed Directives of the European Union, which, of course, should contribute to improving the legal regulation of the environmental self-control field in Ukraine.

4 Legislation in the Sphere of Environmental Self-Control in Some States with Related Legal Systems

Considering urgency of the problems in improving the environmental self-control legal regulation in Ukraine, it is advisable to study the experience of some countries which, although not the EU members, but have legal systems close to Ukraine, and in which relations in the environmental self-control field are regulated in detail at the level of law.

Thus, in the Law of the Republic of Belarus 'On Environmental Protection'³³ dated November 26, 1992, Art. 94 the environmental self-control legal foundations in the field of environmental protection are fixed, which, in the future, find their detail in the by-laws of normative-legal acts. Art. 1 of the Law establishes a general definition of environmental control, which refers to a system of measures aimed at preventing, detecting and terminating violations of the Belarusian legislation on environmental protection, ensuring compliance with environmental protection requirements by legal entities and citizens engaged in economic and other activities.

The environmental self-control implementation issues are regulated in the special Chapter 15 of the Law devoted to environmental control, which defines its institutional, organizational, procedural and other principles. A fundamental element in the environmental self-control legal regulation is the imposition of a legal obligation for its implementation on individuals whose activities affect the environment. According to Art. 94-96 legal entities and individual entrepreneurs in carrying out activities that have a detrimental effect on the environment are obliged to ensure the environmental self-control implementation. For this purpose, it is mandatory to create a special environmental service within the company or appoint a respective specialist with specific knowledge.

The Guidelines for Implementation of Industrial Control in the Field of Environment and Natural Resources, approved by Decree of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated 11 October 2013 No. 52³⁴ stipulate that companies are required to specify the list of objects subject to the environmental self-control, which can be natural resources, methods and technological processes, sources of waste products, emissions and discharges of pollutants and their sources, especially protection or territory, landscapes, habitats, and finished products (Section 6).

Another important legal act in the system of the environmental self-control legislation in the Republic of Belarus is the Model

Commission Decisions 2001/681/EC and 2006/193/EC available on: <https://eur-lex.europa.eu/eli/reg/2009/1221/oj> (accessed 23.12.2019)

²⁹ Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances available on: <https://eur-lex.europa.eu/eli/dir/1996/82/2008-12-11> (accessed 23.12.2019)

³⁰ Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC available on: <https://eur-lex.europa.eu/eli/reg/2009/1221/oj> (accessed 23.12.2019)

³¹ Foht M.: Church Environmental Management: Evidence of Faith in Creation, that Economically Viable, In: The Church and the Environment: European Experience and Ukrainian Perspectives, Uzhhorod, Publisher Graphics, 2007, 100 p.

³² Annex XXX of Chapter 6 'Environment' to the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand available on: https://www.kmu.gov.ua/storage/app/media/ugoda-pro-associaciyu/30_Annex.pdf (accessed 23.12.2019)

³³ Law of the Republic of Belarus 'On Environmental Protection' dated November 26, 1992 available on: <http://pravo.by/document/?guid=3871&p0=v19201982> (accessed 23.12.2019)

³⁴ The Guidelines for Implementation of Industrial Control in the Field of Environment and Natural Resources, approved by Decree of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated October 11, 2013 No. 52 available on: http://pravo.by/upload/docs/op/W21328090_1385499600.pdf (accessed 23.12.2019)

Regulation on the Service of Environmental Protection, approved by the decision of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated May 5, 2016, No. 15³⁵. This Regulation refers the environmental self-control implementation to the main tasks of the Environmental Protection Service, which is directly under the ferule of the head of an enterprise (para. 6, 8). The Model Regulation provides a list of the rights and obligations of the Service, in particular, its employees have the right to obtain any necessary information, written explanations from employees who have violated the requirements of environmental legislation, the right to indicate the need to eliminate violations of environmental requirements and use natural resources, as well as the right to make proposals to the head of a legal entity to bring the perpetrators to justice, to suspend (prohibit) the activities of shops (sections), equipment production, operation of vehicles in the event of a threat of environmental damage.

In the Republic of Uzbekistan, the environmental self-control legal basis is provided in the Law of the Republic of Uzbekistan 'On Environmental Control'³⁶ dated November 12, 2013. This Law establishes a general definition of environmental control as a system of measures aimed at preventing, detecting and eliminating violations of environmental legislation (Art. 3), establishes the main tasks, principles, types, objects and a list of subjects of environmental control (Art. 4, 5, 7-9). The environmental self-control is defined as one of the types of environmental control, and the subjects of its implementation are economic entities (Art. 19). The law consolidates only the most general aspects of the environmental self-control implementation without detailing the procedures, methods, forms and legal implications of such controls. In particular, it has been established that the environmental self-control forms include verification of compliance by the relevant entities with the requirements in the field of environmental protection and rational use of natural resources, implementation of environmental programs, as well as environmental monitoring (Art. 20). The Law gives business entities the right to create a special environmental service in accordance with the Model Regulation on such service (Art. 19). In the same dispositive way, the Law regulates the issue of processing the environmental self-control results, which may take place by drawing up an act or certificate based on the results of the inspection, information or report on the results of monitoring, or in other ways (Art. 21). Form of the environmental self-control realization is a submission of proposals to the authorized person to carry out the environmental monitoring of the person to the head of the business entity in order to take measures to detect violations of environmental legislation (Art. 22). A characteristic feature of this Law is that the environmental self-control implementation in it refers not to the obligations, but to the rights of business entities (Art. 14).

More imperative in its content, the rules on the implementation of industrial environmental monitoring in the Republic of Uzbekistan are enshrined in acts of subordinate level, namely the Model Regulation on the Procedure for the Implementation of Industrial Environmental Control (Annex 2 to the Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated October 8, 2015, No. 286³⁷). In particular, it establishes that the implementation of industrial environmental monitoring is a prerequisite for use of natural resources and is carried out by the environmental service of an enterprise, which may consist of either a department or administration, or one employee (paragraphs 2, 3). Forms of industrial environmental monitoring are monitoring itself, inspection, environmental audit (para. 10-13). The right to set the duration, periodicity and other

conditions of inspection as the environmental self-control forms, this Regulation provides to the entity itself, and also allows public environmental inspectors to be invited (para. 17-20). If violations of environmental legislation are detected, an act or certificate is to be drawn up with recommendations directed to the head of the entity, as well as a report (para. 21-22). Legitimate guarantees of independence and impartiality of the environmental self-control subjects are important for the environmental self-control effective implementation. In this regard, the Model Regulation prohibits interference with the implementation of environmental monitoring; the influence in any form on authorized persons carrying out environmental monitoring and obstructing their activities (Art. 23). At the same time, norms that would envisage the legal consequences of such interference, the responsibility of individuals who tried to influence the implementation of industrial environmental control, are absent both in the Law of the Republic of Uzbekistan 'On Environmental Control'³⁸ and the Model Regulation³⁹.

At the same time, in the Republic of Kazakhstan procedure for the environmental self-control implementation is regulated by the Environmental Code of the Republic of Kazakhstan⁴⁰ dated January 9, 2007, which clearly states that natural and legal persons who carry out special use of natural resources are obliged to carry out the environmental self-control (Art. 1). This Code also establishes the environmental self-control purpose, its procedure, rights and responsibilities of the environmental user in the environmental self-control implementation, in particular, requirements for organization of internal inspections regarding compliance with environmental legislation. In addition, the natural resources user is obliged to develop the environmental self-control special program, which should contain well-defined information specified in this Code, including the procedure for elimination of violations of environmental legislation, and internal instruments for responding to non-compliance with the law (Art. 131). Art. 134 of the Environmental Code is devoted to organization of regular internal inspections by resources user. The rights and obligations of an employee who performs such checks are clearly defined. In particular, such person is obliged to consider the report on the previous inspection, to inspect each object, where emissions are made to the environment, and to write a written report to the head, where necessary, if necessary, include requirements for implementation of measures for correction of detected non-conformities, terms and the procedure for their elimination.

The experience of the mentioned states in the field of study may serve as a good example in the process of improving the environmental legislation of Ukraine. This applies to issues related to the introduction of the obligation to conduct the environmental self-control for all enterprises that use natural resources and pollute the environment, as well as to regulate the forms, methods and legal consequences of the results of such control. At the same time, it is important to take into account the features and necessity of the environmental self-control implementation at enterprises, whose activities can lead to the emergence of environmental hazards for the environment and human life and health.

5 Conclusion

In recent years, the Ukrainian state has been deliberately pursuing a policy aimed at deregulating business activity and minimizing administrative pressure on the economy, first and foremost, for small and medium businesses. In these conditions, answer to the question regarding completeness and effectiveness

³⁵ Model Regulation on the Service of Environmental Protection, approved by the decision of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated May 5, 2016 No. 15 available on: <http://extwprlegs1.fao.org/docs/pdf/blr163269.pdf> (accessed 23.12.2019)

³⁶ Law of the Republic of Uzbekistan 'On Environmental Control' dated November 12, 2013 available on: <https://www.lex.uz/acts/2304949> (accessed 23.12.2019)

³⁷ Decree of the Cabinet of Ministers of the Republic of Uzbekistan 'On Model Regulations on the Procedure for the Implementation of Industrial Environmental Control' dated October 8, 2015 No. 286 available on: <https://www.lex.uz/docs/2784432> (accessed 23.12.2019)

³⁸ Law of the Republic of Uzbekistan 'On Environmental Control' dated November 12, 2013 available on: <https://www.lex.uz/acts/2304949> (accessed 23.12.2019)

³⁹ Model Regulation on the Service of Environmental Protection, approved by the decision of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated May 5, 2016 No. 15 available on: <http://extwprlegs1.fao.org/docs/pdf/blr163269.pdf> (accessed 23.12.2019)

⁴⁰ Environmental Code of the Republic of Kazakhstan dated January 9, 2007 available on: http://continent-online.com/Document/?doc_id=30085593#pos=4;-139 (accessed 23.12.2019)

of the legal regulation of environmental self-control becomes important for the sustainable development of society and the state, ensuring environmental safety and environmental rights of citizens.

Deregulation in the field of management should have its limits and not extend to the areas of nature protection and environmental security. After all, according to Art. 16 of the Constitution of Ukraine⁴¹, Ukraine as a state is committed to ensure environmental safety and balance in the territory of Ukraine. One of the means of ensuring environmental safety is the implementation of environmental self-control. Like all legal relations in society, such control should be the subject to state legal regulation, despite the fact that it is actually carried out within the scope of business activity. There is a public interest in introducing at the level of the law the necessity of the environmental self-control and the adoption of all necessary by-law normative acts.

Thus, it should be recognized that the legal regulation of implementation of environmental self-control in Ukraine is not satisfactory and subject to improvement. The review of normative legal acts shows that the Ukrainian legislator only partially regulates the issues of environmental self-control without establishing at the legislative level a clear definition of this concept, its forms and methods of implementation, obligatory character, and the proper procedure for its implementation. There is no special law in the Ukrainian legislation on environmental self-control that would directly regulate the relations in this sphere.

In addition, the Ukrainian legislation does not define the notion of environmental self-control, its binding nature and criteria for its distinction from other related elements in the system of environmental management, namely environmental monitoring, accounting, information; a list of subjects of environmental self-control and their competence, in particular, their possibility to enforce the means of administrative coercion or measures of legal responsibility, primarily disciplinary ones, to violators; procedures for the implementation of environmental self-control and possible legal consequences of non-compliance.

The current legislation also lacks provisions on legal liability for absence of environmental control system in the enterprise. Failure to conduct or improper conduct of environmental self-control should be qualified by the courts and state authorities as an environmental offense. For example, wrongful actions in this area could include improper management of environmental self-control; improper documentation, etc. Offenses in the field of environmental self-control should be grounds for criminal, administrative, civil or disciplinary liability of responsible violators. Nevertheless, neither the Criminal Code of Ukraine⁴² nor the Code of Administrative Offenses of Ukraine⁴³ contain any separate provisions regarding offenses on non-implementation of environmental self-control.

In this regard, we propose to amend the Law of Ukraine 'On Environmental Protection'⁴⁴ via supplementing it with a separate article "Environmental Self-Control". In our opinion, in order to improve the effectiveness of such control, it is necessary to consolidate its concept, forms and obligation for all enterprises that have a negative impact on the environment and use natural resources.

The next step is the adoption of the Environmental Code of Ukraine, where the issue of environmental self-control should be regulated in a separate section. In addition to the issues

mentioned above, it would be appropriate to determine the objectives of the environmental self-control, requirements for entities that are required to carry out such control, their duties and responsibilities, a list of information that should be contained in the program of environmental self-control, etc. Obligations for subjects carrying out business and other activities that have a negative impact on the environment should also be obligated by law to document information and store data obtained on the basis of the results of environmental self-control, to provide information on management and results of environmental self-control over authorized bodies of executive power of Ukraine.

Literature:

1. Andreitsev V.I.: *Ekolohichne pravo: Kurs lektzii* [Environmental Law: a Course of Lectures]. Kyiv: Venturi, 1996. 208 p. ISBN 5-7707-9603-0.
2. Annex XXX of Chapter 6 'Environment' to the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand. Available at: https://www.kmu.gov.ua/storage/app/media/ugoda-pro-associaciyu/30_Annex.pdf (accessed 23.12.2019)
3. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand dated 27.06.2014. Available at: https://zakon.rada.gov.ua/laws/show/984_011 (accessed 23.12.2019)
4. Baliuk H.I.: *Ekolohichne pravo Ukrainy: Konspekt lektzii u skhemakh (Zahalna i osoblyva chastyna)* [Environmental Law of Ukraine: Lecture Notes in Charts (General and Special Part)]. Kyiv: Yurinkom Inter, 2006. 192 p. ISBN 966-667-204-9.
5. Busuiok D.V.: *Pravove rehulivannia upravlynskykh ta servisnykh vidnosyn u sferi vykorystannia ta okhorony zemel: problemy teorii ta praktyky* [Legal Regulation of Management and Service Relations in the Field of Land Use and Protection: Theory and Practice Problems]. Kyiv: V. M. Koretskyi Institute of State and Law, 2018. 38 p.
6. Chekavska Ya.O.: *Pravovi zasady vprovadzhennia v Ukraini system ekolohichnoho menedzhmentu* [Legal Basis of Environmental Management Systems Implementation in Ukraine]. Kyiv: Kyiv National Taras Shevchenko University, 2016. 18 p.
7. Code of Administrative Offenses of Ukraine dated December 7, 1984 as amended. Available at: <https://zakon.rada.gov.ua/laws/show/80731-10> (accessed 23.12.2019)
8. Code of Civil Protection of Ukraine dated October 2, 2012. Available at: <https://zakon.rada.gov.ua/laws/show/5403-17> (accessed 23.12.2019)
9. Code of Ukraine about Subsoil dated July 27, 1994. Available at: <https://zakon.rada.gov.ua/laws/show/132/94-%D0%B2%D1%80> (accessed 23.12.2019)
10. Commercial Code of Ukraine dated January 16, 2003. Available at: <https://zakon.rada.gov.ua/laws/show/436-15> (accessed 23.12.2019)
11. Constitution of Ukraine dated June 28, 1996. Available at: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> (accessed 23.12.2019)
12. Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances. Available at: <https://eur-lex.europa.eu/eli/dir/1996/82/2008-12-11> (accessed 23.12.2019)
13. Criminal Code of Ukraine dated April 5, 2001. Available at: <https://zakon.rada.gov.ua/laws/show/2341-14> (accessed 23.12.2019)
14. Decree of the Cabinet of Ministers of the Republic of Uzbekistan 'On Model Regulations on the Procedure for the Implementation of Industrial Environmental Control' dated October 8, 2015 No. 286. Available at: <https://www.lex.uz/docs/2784432> (accessed 23.12.2019)
15. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control). Available at: <https://eur-lex.europa.eu/eli/dir/2010/75/oj> (accessed 23.12.2019)

⁴¹ Constitution of Ukraine dated June 28, 1996 available on: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> (accessed 23.12.2019)

⁴² Criminal Code of Ukraine dated April 5, 2001 available on: <https://zakon.rada.gov.ua/laws/show/2341-14> (accessed 23.12.2019)

⁴³ Code of Administrative Offenses of Ukraine dated December 7, 1984 as amended available on: <https://zakon.rada.gov.ua/laws/show/80731-10> (accessed 23.12.2019)

⁴⁴ Law of Ukraine 'On Environmental Protection' dated June 25, 1991 available on: <https://zakon.rada.gov.ua/laws/show/1264-12> (accessed 23.12.2019)

16. Environmental Code of the Republic of Kazakhstan dated January 9, 2007. Available at: http://continent-online.com/document/?doc_id=30085593#pos=4;-139 (accessed 23.12.2019)
17. Foht M.: *Church Environmental Management: Evidence of Faith in Creation, that Economically Viable*, In: The Church and the Environment: European Experience and Ukrainian Perspectives, Uzhhorod, Publisher Graphics, 2007, 100 p.
18. Hetman A.P.: *Procedural Order of Environmental Control // Environmental Control: Theory and Practice Issues*. Kyiv: V. M. Koretskyi Institute of State and Law, 1999. pp. 17-31.
19. Hrytsan O.A.: *Pravovi zasady ekolohichnoho kontroliu za vykorystanniam ta okhoronoiu nadr* [Legal Framework for Environmental Control Over the Use and Protection of Subsoil]. Ivano-Frankivsk: Symfonia Forte, 2017. 175 p.
20. Krasilich N.D.: *Ekolohichni kontrol* [Environmental Control] // Environmental Law of Ukraine. Kyiv: Publishing House "Yurydychna Dumka", 2008. pp. 270-289. ISBN 978-966-8602-56-6.
21. Law of the Republic of Belarus 'On Environmental Protection' dated November 26, 1992. Available at: <http://pravo.by/docum ent/?guid=3871&p0=v19201982> (accessed 23.12.2019)
22. Law of the Republic of Uzbekistan 'On Environmental Control' dated November 12, 2013. Available at: <https://www.lex.uz/acts/2304949> (accessed 23.12.2019)
23. Law of Ukraine 'On By-Products of Animal Origin not Intended for Human Consumption' dated April 7, 2015. Available at: <https://zakon.rada.gov.ua/laws/show/287-19> (accessed 23.12.2019)
24. Law of Ukraine 'On Drinking Water and Drinking Water Supply' dated January 10, 2002. Available at: <https://zakon.rada.gov.ua/laws/show/2918-14> (accessed 23.12.2019)
25. Law of Ukraine 'On Ensuring Sanitary and Epidemiological Welfare' dated February 24, 1994. Available at: <https://zakon.rada.gov.ua/laws/show/4004-12> (accessed 23.12.2019)
26. Law of Ukraine 'On Environmental Impact Assessment' dated on May 23, 2017. Available at: <https://zakon.rada.gov.ua/laws/show/2059-19> (accessed 23.12.2019)
27. Law of Ukraine 'On Environmental Protection' dated June 25, 1991. Available at: <https://zakon.rada.gov.ua/laws/show/1264-12> (accessed 23.12.2019)
28. Law of Ukraine 'On Fundamentals (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030' dated February 28, 2019. Available at: <https://zakon.rada.gov.ua/laws/show/2697-19> (accessed 23.12.2019)
29. Law of Ukraine 'On Objects of Increased Danger' dated January 18, 2001. Available at: <https://zakon.rada.gov.ua/laws/show/2245-14> (accessed 23.12.2019)
30. Law of Ukraine 'On Protection of Atmospheric Air' dated June 21, 2001. Available at: <https://zakon.rada.gov.ua/laws/show/2707-12> (accessed 23.12.2019)
31. Law of Ukraine 'On the ratification of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other hand' dated September 16, 2014. Available at: <https://zakon.rada.gov.ua/laws/show/1678-18#n2> (accessed 23.12.2019)
32. Law of Ukraine 'On Waste' dated March 5, 1998. Available at: <https://zakon.rada.gov.ua/laws/show/187/98-%D0%B2%D1%80> (accessed 23.12.2019)
33. Malysheva N.R.: *Osnovni funktsii upravlinnia v haluzi okhorony navkolyshnoho pryrodnoho seredovyscha* [Basic Functions of Environmental Governance] // Environmental Law of Ukraine. Kyiv: Publishing House "Yurydychna Dumka", 2008. pp. 187-241. ISBN 978-966-8602-56-6.
34. Mining Law of Ukraine dated October 6, 1999. Available at: <https://zakon.rada.gov.ua/laws/show/1127-14> (accessed 23.12.2019)
35. Model Regulation on the Service of Environmental Protection, approved by the decision of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated May 5, 2016 No. 15. Available at: <http://extwprlegs1.fao.org/docs/pdf/blr163269.pdf> (accessed 23.12.2019)
36. Order of the Ministry of Health of Ukraine 'On Approval of State Sanitary Norms and Rules 'Hygienic Requirements for Drinking Water Intended for Human Consumption' dated May 12, 2010 No. 400. Available at: <https://zakon.rada.gov.ua/laws/show/z0452-10> (accessed 23.12.2019)
37. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC. Available at: <https://eur-lex.europa.eu/eli/reg/2009/1221/oj> (accessed 23.12.2019)
38. Resolution of the Cabinet of Ministers of Ukraine 'On procedure for Granting Special Permits on Use of Mineral Resources' dated May 30, 2011 No. 615. Available at: <https://zakon.rada.gov.ua/laws/show/615-2011-%D0%BF> (accessed 23.12.2019)
39. Rybachek V.: *Derzhavnyi, hromadskiy i vyrobnychiy kontrol za okhoronoiu atmosferneho povitria* [State, Public and Industrial Control in the Field of Air Protection]. Kyiv: Pidpryemstvo, Hospodarstvo i Pravo. 5 Issue, 2008. pp. 88-90.
40. State Standard of Ukraine ISO 14004: 2016 'Environmental management systems. General Guidelines on implementation', approved by the order of the Technical Committee for Standardization dated March 13, 2006 No. 71. Available at: http://ecolog-ua.com/sites/default/files/dstu_iso_14004-2016.pdf (accessed 23.12.2019)
41. Strelnyk V.V.: *Pravovi pytannia zdiisnennia ekolohichnoho kontroliu ta nahliadu u sferi okhorony nadr* [Legal Issues of Environmental Control and Supervision in the Field of Subsoil Protection]. Kharkiv: Yaroslav Mudryi National Law University, 2017. 18 p.
42. The Guidelines for Implementation of Industrial Control in the Field of Environment and Natural Resources, approved by Decree of the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus dated October 11, 2013 No. 52. Available at: http://pravo.by/upload/docs/op/W21328090_1385499600.pdf (accessed 23.12.2019)
43. Yevstihnieiev A.S.: *Ekolohichna bezpeka spetsialnoho pryrodokorystuvannia v Ukraini u konteksti staloho rozvytku: teoretyko-pravovi aspekty* [Ecological Safety in the Field of Special Nature Resources Usage in Ukraine in the Context of Sustainable Development: Theories and Legal Aspects]. Kyiv: MPBP "Hordon", 2018. 494 p. ISBN 978-966-8398-52-0.

Primary Paper Section: A**Secondary Paper Section: AG, EH**