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INSTITUTIONAL BASIS AND TRENDS OF MANAGEMENT OF THE USE OF THE SUBSOIL IN UKRAINE

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Abstract

In the conditions of overcoming the consequences of the economic crisis in Ukraine, effective subsoil use becomes of fundamental importance. Ukraine is one of the few countries in the world provided with its own natural resources, with the vast majority of required minerals. However, so far there is no reason to say exactly about all resources, perhaps not so much about already explored deposits, but about potential reserves. For example, it is the presence of native copper in the Rivne-Volyn region, which is reasonably predicted in the territory of Polissya. Activating

these resources by identifying specific fields and organizing their development is an urgent task today.

Scientists have determined the content of relations between state bodies that make and implement decisions and consumers of subsoil resources. The implementation of management decisions is carried out at the regional level, which necessitates the increase of responsibility and certain autonomy of territorial authorities. The regional level of utilization of MRs (mineral resources) is largely determined by the implementation of management functions to achieve strategic goals by performing operational tasks and types of work [2].

The main task of state regulation of subsoil use relations is to ensure the reproduction of the mineral base, its rational use and the protection of subsoil.

Introduction

Activity in the field of exploration, use and protection of mineral resources is an institutional activity based on the legislative and legal norms of activity of the relevant bodies of the Ukrainian state in the organization of the study of rational use of mineral resources to meet the needs of mineral resources and other needs of the economic complex, protection of the mineral resources in their close interaction and other natural objects and ensuring the safety of work when using the subsoil, as well as protecting the rights of businesses, organizations, institutions and citizens in this field.[3].

Relations arising from the study, use and protection of subsoil, and the use of waste from the mining complex and related processing industries (peat, sapropels and other specific mineral resources, including groundwater, salt lakes and seas), called mining relationships [2]. They are regulated by the Constitution of Ukraine, decrees of the President of Ukraine, as well as by resolutions of the Cabinet of Ministers of Ukraine on the study, use and protection of subsoil, the State Committee of Ukraine for Industrial Safety, Labor Protection and Mining Supervision, the Law on Environmental Protection, the Code of Ukraine on Subsoil, The Mining Law of Ukraine, the Laws of Ukraine “On the State Geological Service Ukraine”, “About concessions”, “About production sharing agreements”, “About oil and gas”, “About rent payments for oil, natural gas and gas condensate”, “About state regulation of production, production and use of precious metals and precious metals stones and control over operations with them”, “About the extraction and processing of uranium ores”, orders and other acts of the legislation of Ukraine [4-7].

The main task of institutional management of subsoil use relations is to ensure the reproduction of the mineral resource base, its rational use and the protection of subsoil.

The institutional system for the management of subsoil users is based on thorough scientific research conducted in different regions of Ukraine, which have their own specific features and peculiarities in these regions[8].

Overcoming the crisis in the Ukrainian economy on the basis of its structural restructuring is possible. Overcoming the crisis in the economy of Ukraine on the basis of its structural restructuring can be done in a short time only based on the state resources: labor and natural, basic production funds, communications, etc. relying on state resources: labor and natural, fixed assets, communications, etc.

The mechanism of regulation in the field of subsoil use and environmental protection is a system of management measures, environmental legislation and economic incentives aimed at the rational use of nature.

The regulation of subsoil use is a real mechanism for incorporating environmental policy into the functioning of the economic system. There are several such regulators: regulatory and legal; organizational and managerial; economic (Fig.1.1).

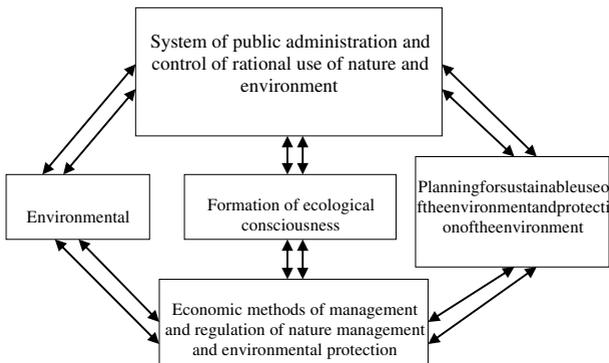


Fig. 1.1. The main levers of regulation of the process of rational use of nature and the protection of subsoil [1]

An important direction of increasing the efficiency of management activities in the field of environmental management and protection of the environment is the harmonization of economic and envi-

ronmental interests of enterprises, institutions, organizations, society as a whole and individuals. In order to ensure the economic and environmental interests of society, the state had to create the necessary and optimal conditions for combining economic development with rational use of nature and environmental protection, which is possible only through a combination of measures of administrative and legal influence on nature users and measures of economic regulation of nature use and environmental protection.

In order to methodologically correctly consider the issues of subsurface users' activities in the field of greening, it is necessary to define specific categories related to mining.

The public and community associations and organizations are also part of the institutional system for managing the greening of subsoil users. Citizens and their associations assist the Local Councils of People's Deputies and specially authorized bodies of the state executive in carrying out measures for the rational use and protection of subsoil. Enterprises, institutions, organizations, citizens of Ukraine, as well as foreign legal entities and citizens can be users of subsoil.

Actively cooperate with national subsoil users and international organizations, which are an integral part of institutional governance.

Exploring the institutional prerequisites for managing subsoil users, it is necessary to distinguish the levels of regulation of relations in this area. Depending on the object of regulation, mining can be divided into: mining for geological prospecting; mining on the use of subsoil; mining relations for the protection of subsoil.

The legislative segment of institutional support for subsoil users' activities is based on a number of legal acts and regulations. The Subsoil Code of Ukraine provides an approximate list of legal facts that give rise to mining relationships, that is, may be grounds for their occurrence, change and termination. In particular, in the course of implementation by the Councils of all levels, the Cabinet of Ministers, and other authorities in the field of geological exploration, use and protection of subsoil, which are envisaged by the Code on subsoil, they make decisions that are the basis for the emergence, change and termination of mining legal relations [5].

According to Article 4 of the Subsoil Code, subsoil is the exclusive property of the people of Ukraine and is provided only for use [3]. Agreements or actions that directly or covertly violate the own-

ership of the subsoil of the people of Ukraine are invalid. The people of Ukraine exercise their right to subsoil through the Verkhovna Rada of Ukraine and local councils of people's deputies. Separate powers regarding the disposal of subsoil by the legislation of Ukraine may be conferred on the relevant bodies of the state executive power (Fig. 1.2).

The main task of state regulation of subsoil use is to ensure the reproduction of the mineral base, its rational use and the protection of subsoil.

Subsoil use and protection control is one of the functions of the state environmental quality management, a system of measures aimed at organizing the monitoring of the geological environment, checking the compliance of individuals and legal entities with the requirements and rules for rational use of subsoil, protection of subsoil and environmental safety.

State regulation and control over the use and protection of subsoil within their competence in Ukraine is carried out by councils, state executive bodies on the ground, the Ministry of Nature of Ukraine, the Ministry of Emergencies and in matters of protection of the population against the consequences of the Chernobyl disaster and their bodies on the ground (Article 61 of the Code of Ukraine on bosom). State control over geological prospecting (state geological control) is carried out by the Ministry of Natural Resources of Ukraine and its bodies on the ground. State geological control bodies check the implementation of state programs of geological prospecting, the use of decisions on the methodological support of geological prospecting works, the validity of the use of methods and technologies, the quality, complexity, efficiency of work on the geological prospecting, the completeness of baseline data and the quality of reserves and jointly mineral resources.

Violation of subsoil legislation entails disciplinary, administrative, civil, criminal and criminal responsibility, and it is proposed to revitalize the activities of territorial executive bodies in planning the development of a regional mineral resource base.

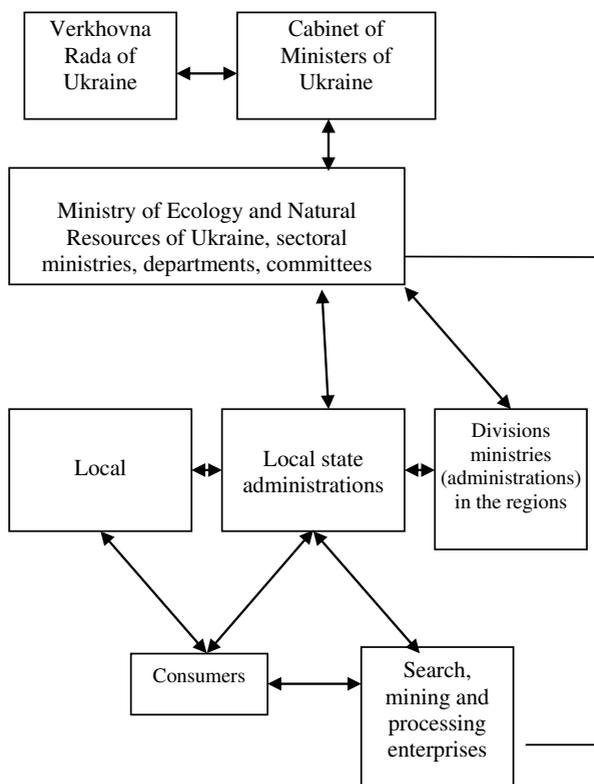


Fig. 1.2. Interaction of subsoil users with management bodies

The expediency of development of the strategy of subsoil utilization with the purpose of qualitative improvement and expansion of mineral resources base, reduction of raw material dependence of Ukraine, strengthening of ecological and energy security, determination of further ways of utilization of mineral resources of the country is proved.

The directions of its realization are as follows: determination of rational production volumes; creation of conditions for economically justified and technically possible increase of extraction of mineral resources; increasing the volume of investments in the mining sector; taking into account the tendency of changes in the internal and external markets of the MR, the environmental component of subsoil use;

diversification of energy supply sources of MR; transition to energy-saving technologies; creation of conditions for effective development and implementation of scientific and technical programs, introduction of high technology, including those that use man-made fields.

Public administration bodies in the field of use and protection of subsoil are divided into general and special government bodies.

Bodies of general government in the field of use and protection of subsoil are authorized bodies of the state executive power, which in addition to the general powers in the sphere of socio-economic development of the state also have functions to ensure the study, effective use and protection of subsoil. Such bodies, in particular, are: President of Ukraine; National Security and Defense Council of Ukraine; Cabinet of Ministers of Ukraine; regional, district and city state administrations [6].

Bodies of special state management of relations of subsoil use - specially authorized bodies of the central executive power, carrying out the functions of management in the field of study, use and protection of subsoil, ensuring the safety of works in the use of subsoil, protection of rights of subsoil users, protection of the environment from pollution associated with subsoil use etc.

Bodies of special competence, which perform the functions of public administration in the field of study, use and protection of subsoil, by nature of their tasks and activities are divided into two main types: intersectional and sectorial (departmental).

Special bodies that regulate mining relations also include the State Service for Mining Supervision and Industrial Security of Ukraine, which is a specially authorized central body of executive power, which carries out state regulatory regulation of industrial safety issues in the territory of Ukraine, as well as special permits, supervision and control functions. The main task of this body is: organization and implementation in the territory of Ukraine of industrial safety and state supervision of all subsoil users and observance of requirements on safe conducting of works in industry; mining supervision; development and implementation of measures for the prevention of occupational injuries, etc.

In the regions of Ukraine, where prospecting and geological work is being done, territorial geological offices and trusts are created, boundaries of competence, which often do not coincide with the

boundaries of administrative regions and oblasts. The organization of prospecting and exploration operations is determined by the relevant instructions and regulations.

State control over the rational use and protection of subsoil is aimed at ensuring that all subsoil users comply with the established rules for the use of subsoil, legislation approved in accordance with the established standards, rules and regulations in the field of geological exploration, use and protection of subsoil, the rules of public accounting and reporting. It is carried out by bodies of state geological control in cooperation with bodies of state mining supervision, nature conservation and other control bodies [4,7].

State geological control bodies, within their competence, provide solutions to other geological prospecting issues and grant the right to; a significant reduction in the efficiency of work or lead to significant losses; to suspend the activities of enterprises and organizations engaged in geological exploration without the special permits (licenses) or in violation of the conditions stipulated by these permits; to give obligatory for execution of the instruction (prescriptions) on the elimination of defects and violations during the geological exploration of subsoil.

State geological control bodies in accordance with the legislation of Ukraine may be granted other rights to prevent and stop violations of rules and norms of geological prospecting. The task of state supervision of the safe conduct of work related to the use of subsoil is to ensure compliance with all subsoil users legislation approved in accordance with the established order standards, rules, rules for safe conduct of works, prevention and elimination of their harmful impact on the population, the environment and structures, as well as for the protection of subsoil [6].

State supervision of the safe conduct of work related to the use of subsoil is entrusted to the state mining supervisory authorities, which carry out their activities in cooperation with the state geological control bodies, nature protection and other control bodies, trade unions. In addition, industrial control over the use and protection of subsoil is carried out by enterprises, institutions and organizations (subsoil users), which are under the control of the relevant bodies.

The correctness of the development of mineral deposits is controlled by surveying, geological and other services. But the most ex-

tensive and comprehensive supervision of the correctness of exploitation and protection of subsoil, which includes the supervision of all uses of subsoil, is state mining supervision.

Conclusions

Institutional policy of subsoil use in Ukraine should have a sound legal basis. Regulatory legislative documents and by-laws of Ukraine, as a sovereign and independent state, have significant under-development, which are long-term use and are not able to fully protect natural resources from the mining and geological intervention of neighboring states. Each region (region) of Ukraine should have a “Concept of integrated industrial development of natural resources assigned to a given region”, since after the collapse of the USSR the legal regime of nature management was violated, which caused considerable damage to the economy of the state and mineral dependence of Ukraine [7, 8].

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