

PRINCIPLES OF GOVERNANCE AND CONTROL IN THE STUDY AND USE OF SUBSOIL REGIONAL LEVEL



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Abstract

The article examines the processes of the transition of the Ukrainian economy to the principles of market management, which call for the need to review and improve the system of nature management relations, including property relations in the field of subsoil use, management, protection and control.

In the article the processes of transition of economy of Ukraine are examined the principles of market manage, that cause the necessity of revision and perfection of the system of relations of using nature, including the relations of property in the field of the use of bowels of the earth, their management, guard and control. Key words: natural resources, subsoil, minerals, management, control, subsoil use, mineral raw materials, state control, legislation, law.

Introduction

World experience shows that the basis of the economy and industrial progress of any state is the extraction and use of mineral resources, which are mainly located in the subsoil.

The main mineral resources of the Earth are contained in its stratum and are united under the common name "subsoil". Some resources are in the upper layers of the globe, some are on its surface. Mineral resources belong to the category of non-renewable resources. Their total stocks decrease as they are used. The non-renewability of mineral resources is relative, since geochemical processes occurring in the Earth's crust lead to the formation of new compounds that can be used by humans, especially after moving them closer to the Earth's surface. However, the creation of new mineral resources is usually so slow that it practically cannot be taken into account.

Therefore, in our opinion, at the current stage, the question of raising the general level of social and economic development of society is relevant, which is inevitably accompanied by an increase in the consumption of non-renewable natural and mineral resources, intensive development of mineral deposits, an effective legal framework for improving the mechanism of regulation, management and control of social relations in the process use and protection of subsoil.

The delay in reforms in the field of legal relations of use and subsoil protection affects the pace of implementation of progressive ideas of environmental legislation. Those changes and additions to the legislation on subsoil, which have already taken place in relation to certain types of subsoil use, compensate for the lag in reforming the mechanisms for realizing the legal rights and interests of subjects of subsoil use, but do not allow to fully resolve legal conflicts, as from the point of view of ensuring the environmental orientation of the legislation on the subsoil, as well as state guarantees of implementation of the opportunities established by this legislation for subsoil users.

Formulation of the problem

Theoretical and practical aspects of state management and control over the study and rational use of minerals that lie in the bowels of Ukraine, and in particular in the Rivne -Volyn region, have been studied in the works of such scientists and economists as Danylyshyn B., Gaman P., Metalidi V., Gubanov S., Koretskyi M., Malanchuk Z., Gurskyi D., Andreytsev V., Gozhik P., Patalakha E., Pinchuk N. and others. However, regardless of the received scientific work on this issue, the main principles of state management in subsoil use at the regional level are insufficiently covered. In this regard, the purpose of this work is the need for a comprehensive study of the problems of state management, control and legal regulation of the use and protection of subsoil in order to improve the legislation on subsoil and the practice of its application, which will ensure the economic sustainability of mining enterprises.

Presenting main material

Modern society is well aware of the extreme importance of protection of the environment, which is carried out at different levels and with involvement numerous mechanisms. Regulation of industri-

al and economic influence human activity on the environment is impossible without the implementation of the management process nature protection, which was separated from the general management structure.

Environment (environment) – the environment in which it functions organization, covering atmospheric air, water bodies objects, land plots, natural resources, flora, fauna, people, as well as interactions connections between them (DSTU ISO 14001:2006).

The specified standard considers the impact on the environment as any change in environment, favorable or unfavorable, which is wholly or partially caused environmental aspects of the organization. At the same time, the environmental aspect of the organization - an element of the organization's activity or its products or services that has or can have a significant impact on the environment.

Environmental protection. Environmental protection, of course environment (environmental protection / control / conservation) is considered as a set of types of protection of the socio-economic and natural environment, which include all their forms surrounding man. They include the complex international, state, regional and local (local) administrative-economic, technological, political, legal and public events aimed at ensuring socio-economic, cultural-historical, physical, chemical and biological comfort, which necessary to maintain human health.

Problems of environmental deterioration and the need for activation activities aimed at reducing the anthropogenic load on the natural environment environment today are relevant and widely discussed in society. Effective management of environmental protection activities in each from the branches of the national economy is a guarantee of environmental safety and economic growth of the state. That is why the topic of improving methods management of environmental protection activities is relevant today.

The purpose of this work is the study of basic management methods environmental protection activities and the formation of proposals regarding them improvement in Ukraine.

Management in the field of nature management is an organizational activity rational use and reproduction of natural resources, protection environment and ensuring the balance of ecological and economic relations.

The main task of management of environmental protection activities is implementation of legislation, control over compliance with environmental safety requirements, ensuring implementation of effective comprehensive measures regarding rational use of natural resources, achieving coherence actions of state and public bodies, as well as subjects management in the field of environmental protection.

To improve the general mechanism of nature protection management activity is necessary to:

1 - review the standards and methodological basis economic mechanism of environmental regulation;

2 - implement the mechanism annual indexing of regulatory indicators in accordance with volume changes production, inflation rate, producer prices;

3 - reform the system payments for waste disposal by introducing a progressive the nature of payments and their distribution to accumulated volumes;

4 - to introduce a system of economic regulators in the near future nature management, which is based on a combination of tools that first of all, they are economically interested and encourage subjects to implement environmental protection measures and resource conservation measures

It was laid as a basis for the formation of the state environmental policy the basic principle according to which the environmental security of the state becomes important element and component of national security. Provisions that develop this principle was established by a number of laws and documents, incl with the Constitution of Ukraine. Developed by the Ministry of Environmental Protection of natural environment and nuclear safety Concept and Main directions of the state environmental policy of Ukraine in the field of environmental protection natural environment, use of natural resources and provision of environmental safety' defined not only the goal and priority tasks, but also mechanisms for the implementation of tasks, areas of harmonization and integration of environmental policies of Ukraine in the European environmental process.

It is on the basis of this document that Government programs are developed the field of environmental protection and environmental safety. It is already functioning today the program Reserves', ap-

proved by the Government of the National Program improvement of the Dnipro River, for the implementation of which international aid was involved amounting to more than \$5 million, a number of regional environmental programs have been developed.

In accordance with the Basics of national environmental policy⁴, it is being improved structure of management of environmental protection activities. Starting with reorganization of the Committee for Nature Protection at the end of 1994 in accordance with the Presidential Decree, a new ministry was formed, whose competence includes all issues of regulation and control in the industry environmental and nuclear safety. For the first time, a modern was formed in Ukraine a management system that corresponds to the experience and practice of developed countries West.

A key place in the system of state management bodies nature management and nature protection is handled by the Ministry of Protection of the natural environment and nuclear safety of Ukraine, the provision of which was approved by the Decree of the President of Ukraine dated February 10, 1995. According to the Regulations, the Ministry of Security of Ukraine is the central body of the state executive power, a sub-department of the Cabinet of Ministers of Ukraine, created for the purpose of implementing state policy in the field of protection natural environment, rational use and reproduction of natural resources, protection of the population and the environment natural environment from the negative impact of economic activity by regulating environmental, nuclear and radiation safety at facilities in all forms of ownership.

The regulations define the tasks, functions, and rights of the Ministry of Health and Safety of Ukraine, the competence of state departments of environmental safety in the regions, in the cities of Kyiv and Sevastopol by specially authorized state bodies executive power in the field of environmental safety of the Autonomous Republic of Crimea, other organizational structures included in its sphere of management, other legal and organizational principles of functioning are foreseen Ministries.

The structure of the central apparatus of the Ministry of Defense. In general reduction of production volumes increases the number of cases of excesses standards for emissions of pollutants into the atmosphere. It is increasing the number of fishing and hunting viola-

tions, as well as the number in cases of soil contamination, regimes are not followed nature management in protected areas, violated technologies and rules for felling forest plantations. Deadlines are exceeded operation of sources of ionizing radiation is allowed excessive accumulation of radioactive waste. All this requires increasing the effectiveness of state control in the field of protection natural environment, correction of the situation when whole a number of ministries and departments themselves control their production activities, and a single integral system of state control in the field of nature protection absent.

Projects are envisaged as objects of environmental expertise legislative and normative legal acts, pre-project, project materials, normative-technical and instructional-methodical projects documents, projects for the creation of new equipment, technology, materials, substances, products, the implementation of which may lead to a violation of environmental norms

safety, negative impact on the environment, creating a threat to people's health, as well as the ecological situation.

The norms of the Law determine the forms of public participation in the process environmental expertise and its subject composition. To take into account public opinions of the person conducting the environmental examination (examination subjects) are obliged to hold public hearings or open meetings with participation people. At the same time, the public is given the right to express its opinion regarding the object of examination in mass media, or to submit written comments, suggestions, recommendations to its customers or subjects expertise, or instruct their representatives to work as part of ecological expert commissions and groups.

They are authorized to conduct environmental expertise accordingly Ministry of Environmental and Nuclear Protection security of Ukraine, its ecological expert units or specially created organizations and institutions, organizations and institutions of the Ministry of Health of Ukraine, other executive authorities and their experts formations, public associations, citizens and various institutions, organizations and enterprises, including with the participation of foreign legal entities and individuals, the charters of which provide for the implementation of ecological expert functions. Conclusions of the state environmental examination after approval relevant management

bodies in the field of environmental protection of the natural environment and nuclear safety are mandatory.

In Ukraine, management of environmental protection activities is carried out a large number of state management bodies in the field nature management and environmental protection, namely: by the Ministry of Protection natural environment; Ministry of Ecology and natural resources; Department of Protection, Use and Reproduction natural resources; Department of Environmental Safety and Permit System; scientific centers of the above-mentioned ministries, etc.

The management of environmental protection activities is regulated by a number of normative legal acts and laws: ZU "On environmental protection Environment" (1991), Land Code of Ukraine (1992), Law "On Nature Reserve Fund" (1992), Law "On Protection of Atmospheric Air" (1992), Law "About the animal world" (2001), Forest Code of Ukraine (1994), Code of Ukraine about the subsoil (1994), Laws of Ukraine "On the use of nuclear energy and radiation safety" (1995), "About ecological expertise" (1995), "About exclusive (marine) economic zone of Ukraine" (1995), Water Code of Ukraine (1995), Laws of Ukraine "On Disposal of Radioactive Waste" (1995), "About waste" (1998), etc. [3].

There are four groups of environmental protection management methods activity:

1. Administrative methods (setting standards, licensing, certification, environmental quality standards; impact standards on the surrounding natural environment of a certain industrial process).

One of the effective mechanisms that can guarantee environmental safety, in the sphere of state management, environmental protection activities are environmental expertise. According to the Law of Ukraine "On Environmental examination", the purpose of environmental examination is to prevent negative impact of anthropogenic activity on the environment, assessment of the level of ecological security of economic activity and the environmental situation in certain territories and objects.

These methods perform the functions of regulation and control. They designed to curb the production of environmentally dangerous products goods and carrying out eco-destructive activities [2].

However, it should note that enterprises that meet the requirements may not to have an incentive to further reduce the burden on the environment natural environment.

2. Organizational methods (provision of legal and business services, assistance in search for partners, conclusion of agreements under state guarantees; informative infrastructure; initiation of demonstration projects by the state; environmental audit; creation of specialized state research institutes, laboratories, centers, agencies for evaluation of development options production, etc.). The essence of this group of methods is to create favorable conditions for the growth of environmentally friendly production volumes products, development of eco-technologies.

3. Economic methods include tools designed for stimulating desirable types of activities and restraining undesirable ones. So benefits for enterprises are determined by the legislation of Ukraine, which is rational use natural resources and carry out protection measures of the natural environment, as well as for enterprises that carry out innovative activity (including environmentally oriented) [3].

The system of payments for environmental pollution, on the contrary, designed to deter offending activity balance of the ecological system.

So it is one of the most important economic tools environmental protection activity is a fee for environmental pollution natural environment. This fee is paid for emissions of pollutants substances into atmospheric air, discharges of pollutants directly in water bodies and for waste disposal. Its value depends on quantity and harmfulness of pollutants entering the environment natural environment, and separate adjustment coefficients [1].

4. Market methods. With market regulation in the environmental sphere markets are formed for business entities that provide an opportunity firms to buy, sell, trade or redistribute rights to pollution (implementation of the "cap" principle). It should be noted that interesting prospects for the application of this have opened up for Ukraine method after signing the Kyoto Protocol, but our country is not too much actively uses this possibility [2].

As the results of the study showed, despite close attention to environmental problems on the part of state and public bodies organiza-

tions and society - management of environmental protection activities in Ukraine is carried out quite inefficiently.

So, for example, according to the Ministry of Ecology, in 2011 on the territory of Ukraine there were 667 solid household waste landfills, of which 36% were not met sanitary standards or were overcrowded. The worst situation on landfills of Kirovohrad, Cherkasy, Chernihiv regions and Sevastopol. Meanwhile, there is not a single waste processing plant in Ukraine, and there are only two incineration plants in Kyiv and Dnipropetrovsk.

In 2011, Ukrainian enterprises emitted 4.4 million tons into the atmosphere pollutants: 95.7 each kg for every Ukrainian. In the European Union this one the indicator is 52 kg [4].

As part of the administrative reform, a reduction in the number of employees is foreseen structures responsible for ecology - the State Agency of Forest Resources and of water management, the State Ecoinspection, the State Sanitary Epidemiological Service with the simultaneous establishment of monitoring environment using space satellites. So convenient monitor deforestation or illegal construction. However, given technology does not allow determining the chemical composition of water or air, which can lead to significant problems related to delayed diagnosis possible violations.

There is almost no economic mechanism in the existing system either there are mechanisms for lending nature protection measures, preferential ones taxation and price incentives.

To improve the general mechanism of nature protection management activity is necessary to:

- 1 - review the standards and methodical base economic mechanism of environmental regulation;

- 2 - implement the mechanism annual indexing of regulatory indicators in accordance with volume changes production, inflation rate, producer prices;

- 3 - reform the system payments for waste disposal by introducing a progressive the nature of payments and their distribution to accumulated volumes;

- 4 - to introduce a system of economic regulators in the near future nature management, which is based on a combination of tools that first of all, they are economically interested and encourage subjects

to implement environmental protection measures and resource conservation measures

State control of compliance with environmental legislation. Improvement of environmental legislation. Standardization and rationing in the field of environmental protection. State ecological monitoring. Environmental and economic reform in Ukraine. Regulation of nuclear and radiation safety in Ukraine/

As the experience of the advanced countries of the world shows, it is quite difficult to carry out an effective environmental policy in the state, even under the conditions of a prosperous economy. The problem of environmental protection in Ukraine seemed all the more difficult to the new state, which is experiencing a deep systemic crisis. Nevertheless, environmental reform in Ukraine began almost simultaneously with the declaration of independence.

The formation of the state environmental policy was based on the basic principle according to which the environmental security of the state becomes an important element and component of national security. Provisions developing this principle were established by a number of laws and documents, including the Constitution of Ukraine.

Developed by the Ministry of Environmental Protection and Nuclear Safety, the Concept and Main Directions of the State Environmental Policy of Ukraine in the Field of Environmental Protection, Use of Natural Resources, and Ensuring Environmental Safety determined not only the goal and priority tasks, but also the mechanisms for the implementation of tasks, the directions of harmonization and integration of environmental policy of Ukraine in the European environmental process.

It is on the basis of this document that Government programs in the field of environmental protection and environmental safety are developed. To date, the Reserves program is already functioning, the Government has approved the National Program for the Improvement of the Dnipro River, for the implementation of which international aid in the amount of more than \$5 million has been involved, and a number of regional environmental programs have been developed.

In accordance with the Fundamentals of the National Environmental Policy, the management structure of environmental protection activities is being improved. Starting with the reorganization of the

Committee for Nature Protection (1991), at the end of 1994, in accordance with the Presidential Decree, a new ministry was formed, which is responsible for all issues of regulation and control in the field of environmental and nuclear safety. For the first time in Ukraine, a modern management system was formed that corresponds to the experience and practice of developed Western countries.

The years 1991-1996 were the years of formation of the basic principles of environmental legislation of an independent state. A number of Laws of Ukraine were developed and adopted in the field of environmental and nuclear safety regulation of the use of natural resources for environmental protection. In general, a separate branch - environmental law - has been formed, on the basis of which the practical implementation of environmental reform is carried out. (From the report of Yu. Kostenko, Minister of Environmental Protection and Nuclear Safety of Ukraine).

The Ministry of Environmental Protection and Nuclear Safety of Ukraine occupies a key place in the system of state bodies for management of nature use and nature protection, the provision of which was approved by the Decree of the President of Ukraine dated 10.02.1995.

According to the Regulation of the Ministry of Safety and Security of Ukraine, it is a central body of state executive power, a sub-department of the Cabinet of Ministers of Ukraine, created for the purpose of implementing the state policy in the field of environmental protection, rational use and reproduction of natural resources, protection of the population and the environment from the negative impact of economic activity by regulating environmental nuclear and radiation security at facilities in all forms of ownership.

The regulation defines the tasks of the legal functions of the Ministry of Safety and Security of Ukraine, the competence of state departments of environmental safety in the regions of the cities of Kyiv and Sevastopol, specially authorized bodies of state executive power in the field of environmental safety of the Autonomous Republic of Crimea, other organizational structures that are included in its sphere of management, and other legal and organizational principles of the functioning of the Ministry are provided for .

Management in the field of protection and use of subsoil is a way of organizing the activities of the relevant bodies in order to ensure

the implementation of the legal norms of the mining legislation and the regulation of social relations in the specified field. It is characterized by the presence of subjects, objects of management, as well as management functions [1].

of subsoil use relations is to ensure reproduction of the mineral and raw material base, its rational use and protection of subsoil.

The tasks of state administration are:

- determination of the volumes of extraction of the main types of minerals for the current period and for the future in Ukraine as a whole and by regions;

- ensuring the development of the mineral and raw material base and preparation of the reserve of subsoil areas, which are used for the construction of underground structures not related to the extraction of minerals;

- setting quotas for the supply of extracted mineral raw materials;

- introduction of fees (payments) related to the use of subsoil, as well as regulation of prices for certain types of mineral raw materials;

- establishment of standards (norms, rules) in the field of geological study, use and protection of subsoil, safe conduct of works related to the use of subsoil.

It is customary to divide state administration bodies in the field of subsoil use and protection into general and special state administration bodies.

Bodies of general state management in the field of subsoil use and protection are authorized bodies of the state executive power, which, along with general powers in the field of socio-economic development of the state, are also entrusted with the functions of ensuring the study, effective use and protection of subsoil. Such bodies, in particular, are: the President of Ukraine; National Security and Defense Council of Ukraine; Cabinet of Ministers of Ukraine; Council of Ministers of the Autonomous Republic of Crimea; regional, district and city state administrations.

Bodies of special state management of subsoil use relations are specially authorized bodies of the central executive power that implement management functions in the field of exploration, use and protection of subsoil, ensuring the safety of work when using subsoil,

protecting the rights of subsoil users, protecting the natural environment from pollution related to subsoil use etc.

Bodies of special competence, which perform the functions of state management in the field of exploration, use and protection of subsoil, are divided into two main types according to the nature of their tasks and activities: inter-branch and branch (departmental).

Such bodies are, in particular, bodies of supra-departmental management and control in the field of ecology — the Ministry of Natural Resources of Ukraine, the Ministry of Health of Ukraine, the Ministry of Emergency Situations and in matters of population protection from the consequences of the Chernobyl disaster; bodies of specialized natural resource and industry management — the State Committee for Natural Resources of Ukraine, the Ministry of Fuel and Energy of Ukraine, etc.

The right to use the subsoil is a type of nature use right. This is one of the institutions of environmental law, which is formed in the system of mining law, has its own characteristics, includes a set of legal norms that regulate the grounds and procedure for the emergence, changes and termination of the right of subsoil use, the rights and obligations of subsoil users [2] .

Subjects of the right to use subsoil according to Art. 13 of the Code of Ukraine on Subsoil can be enterprises, institutions, organizations, citizens of Ukraine, as well as foreign legal entities and citizens. That is, subjects of the right to use subsoil in Ukraine are recognized as persons who have acquired the right to use subsoil in accordance with the procedure established by law and, in connection with this, have the corresponding rights and obligations regarding geological study, rational use of subsoil and their protection.

The objects of the right to use subsoil are specific legally separated (defined) subsoil areas, fixed on the right of use for certain subjects.

All subjects of the right to use subsoil have the right:

- carry out geological study, complex development of mineral deposits and other works in accordance with the conditions of a special permit (license) on the subsoil area provided to them;
- dispose of mined minerals, unless otherwise provided by legislation or the conditions of a special permit (license) and a production sharing agreement;

-to carry out conservation of a mineral deposit or its part provided for use under the terms of a special permit (license);
- the right to a priority extension of the period of temporary use of the subsoil.

The basic duties of subsoil users according to Art. 24 of the Code of Ukraine on Subsoil belong to:

- use of subsoil in accordance with the purposes for which it was provided;
- ensuring the completeness of geological study, rational, comprehensive use and protection of subsoil;
- ensuring the safety of people, property and the natural environment;
- bringing the land plots disturbed during subsoil use into a condition suitable for their further use in public production;
- fulfillment of other requirements regarding the use of subsoil, established by the legislation of Ukraine.

The use of subsoil on the territory of Ukraine, its continental shelf and the exclusive (marine) economic zone is subject to payment.

The payment is made in the form of payments for the use of subsoil; deductions for geological exploration works at the expense of the state budget; fee for issuing special permits (licenses) and excise duty. Payments can be made as one-time contributions or regular payments, determined according to the relevant ecological and economic calculations, depending on the economic and geographical conditions and the size of the subsoil area, the type of minerals, the duration of the work, the state of the geological study of the territory and the degree of risk.

The norms of the fee for the use of subsoil and the procedure for its payment are established by the Cabinet of Ministers of Ukraine.

Fees for the use of subsoil can be paid both in the form of cash payments and in kind (part of mined mineral raw materials or other manufactured products, performance of works or provision of other services), except for radioactive raw materials and products of their processing, precious metals, diamonds and precious stones, materials and services of a defense and military nature, as well as information classified as a state secret (Article 32 of the Code of Criminal Procedure of Ukraine) On approval of the list of materials, products and services that cannot be used as payment for the use of subsoil.

Reasons for the emergence of the right to use subsoil. Subsoils are provided for use by enterprises, institutions, organizations and citizens only if they have a special permit (license) for the use of a subsoil plot. Special permits within specific areas are granted to specialized enterprises, institutions and organizations, as well as to citizens who have the appropriate qualifications, material, technical and economic capabilities for subsoil use. A license is issued upon application by a business entity. The granting of such permits is carried out after prior agreement with the relevant local council on the issue of providing a land plot for the specified needs, except for cases when there is no need to provide a land plot. Licenses for the use of subsoil are granted by the State Committee of Natural Resources of Ukraine in agreement with the relevant ministries and agencies, as a rule, on a competitive basis in accordance with the procedure established by the Cabinet of Ministers of Ukraine On approval of the Procedure for granting special permits for the use of subsoil: Resolution of the Cabinet of Ministers of Ukraine dated October 2, 2003 No. 1540 [3].

Grounds and procedure for terminating the right to use subsoil. The right to use the subsoil may be terminated (in whole or in part), suspended for some time due to the grounds stipulated by the current legislation. The grounds for termination of the right to use the subsoil are provided for in Art. 26 of the Code of Criminal Procedure of Ukraine.

The right to use subsoil is terminated in the event of:

- 1 - if there is no need to use the subsoil;
- 2 - expiry of the established period of subsoil use;
- 3 - termination of activities of subsoil users to whom they were provided for use;
- 4 - the subsoil using methods and methods that negatively affect the state of the subsoil, lead to pollution of the natural environment or harmful consequences for the health of the population;
- 5 - use of subsoil not for the purpose for which it was provided, violation of other requirements provided for by a special permit for the use of a subsoil plot;
- 6 - started using the subsoil for two years, and for oil and gas promising areas and oil and gas deposits - 180 calendar days , without valid reasons ;

7 - removal in accordance with the procedure established by law of the subsoil plot provided for use.

The right to use the subsoil is terminated by the body that provided the subsoil for use, and in the cases provided for in clauses 4, 5, 6 of this article, in case of disagreement of the users, by court procedure. At the same time, the issue of termination of the right to use a land plot is resolved in accordance with the procedure established by land legislation. The legislation of Ukraine may provide for other cases of termination of the right to use subsoil.

Landowners and land users may be deprived of the right to extract minerals of local importance, peat and fresh underground water and the right to use the subsoil for economic and household needs in the event of their violation of the order and conditions of use of the subsoil on the land plots granted to them for ownership or use by local councils or other special by authorized bodies in accordance with the procedure provided for by the legislation of Ukraine.

Environmental legislation also provides for cases of suspension (temporary ban) and restriction of the right of subsoil use . This means a temporary ban on subsoil use until the necessary environmental protection measures are implemented, that is, subsoil use is stopped.

The limitation of the right of subsoil use is cases when for a certain period (before the implementation of the necessary environmental protection measures) reduced volumes of emissions and discharges of polluting substances are established both in the enterprise as a whole and in its individual production units.

Subsoil use is limited or temporarily prohibited (stopped) in the event that subsoil users exceed the limits of subsoil use, violate environmental regulations and standards, as well as environmental safety requirements in specially provided cases. in case of their violation of the legislation on environmental protection [4].

The right to use the subsoil is terminated, limited or stopped by the State Committee of Ukraine for the supervision of labor protection or local councils, which provided the subsoil for use by canceling the mining permit of the act and withdrawal of the mining right-of-way in kind, as well as by the State Committee of Natural Resources of Ukraine by canceling the granted license.

The right of subsoil use is divided depending on the terms according to Art. 15 of the Code of Ukraine on Subsoil: permanent (without a predetermined term) and temporary. The temporary right of subsoil use, in turn, is divided into short-term - up to five years and long-term - up to twenty years.

The period of subsoil use begins from the date of receipt of a special permit for subsoil use, unless otherwise provided for in it.

According to the prescription of Art. 6 of the Law of Ukraine "On the State Geological Service of Ukraine" dated November 4, 1999 No. 1216-XIY, such permits for the use of subsoil areas, decision-making on their termination or cancellation are granted by the authorized central executive body for geological study and use of subsoil. This regime introduced a mechanism for state control to ensure rational, comprehensive use of the subsoil in order to meet the needs for mineral raw materials, other needs of public production, guarantee the safety of people, property and the natural environment [5]. The main classification feature of the division of the right to use subsoil into types is the purpose of their use. The content of the rights and obligations of subsoil users, subject composition and other issues of legal regulation of relevant relations depend on it. According to Art. 14 of the Code of Criminal Procedure of Ukraine distinguish the following types of use:

- geological study, including research and industrial development of minerals of national importance;
- mining of minerals;
- construction and operation of underground facilities not related to the extraction of minerals, including facilities for underground storage of oil, gas and other substances and materials, disposal of harmful substances and production waste, waste water discharge;
- creation of geological territories and objects of important scientific, cultural, sanitary and health importance (scientific training grounds, geological reserves, nature reserves, natural monuments, medical and health facilities, etc.);
- satisfaction of other needs (Article 14 of the Code of Ukraine on Subsoil) [6].

Each type of subsoil use can have corresponding subtypes. For example, the extraction of minerals can be divided into the extraction of common and non-common minerals.

The Ministry of Environmental Protection of Ukraine is a specially authorized body of the executive power for geological study and ensuring the rational use of subsoil. The main tasks of the specified body are to ensure the implementation of state policy in the field of geological study and rational use of subsoil; ensuring the development of the mineral and raw material base, organization of geological, geophysical, geochemical, hydrogeological, engineering-geological and ecological-geological subsoil research, search and exploration of minerals on the territory of Ukraine, within the territorial waters, continental shelf and exclusive (marine) economic zone of Ukraine, rational use of subsoil; implementation of state monitoring of the geological environment and mineral and raw material base, conducting ecological and geological research; implementation of state control over geological study of the subsoil, participation in the implementation of state control and supervision over the protection and use of the subsoil. The Ministry of Emergencies and Protection of the Population from the Consequences of the Chornobyl Catastrophe, the State Supervision and Protection of Labor of Ukraine, which is a specially authorized central body of the executive power, which carries out state normative regulation of issues of ensuring industrial safety on the territory of Ukraine, also belongs to the special bodies that regulate mining relations, as well as special permitting supervisory and control functions. The main task of this body is the organization and implementation on the territory of Ukraine of industrial safety and state supervision of all subsoil users and compliance with the requirements for the safe conduct of work in industry; implementation of mining supervision; development and implementation of measures for the prevention of industrial injuries, etc. Territorial geological administrations and trusts are established in the regions of Ukraine, where prospecting and geological work is carried out, the boundaries of which often do not coincide with the boundaries of administrative districts and regions. The procedure for organizing search and reconnaissance works is determined by the instructions and regulations of the Ministry of Natural Resources of Ukraine. Some functions in the field of management of subsoil use relations in Ukraine are entrusted to departments of extractive industries (coal, oil and gas extraction, etc.) [7].

Control in the field of subsoil use and protection is one of the functions of state management of the quality of the environment, a system of measures aimed at organizing the monitoring of the geological environment, checking compliance by individuals and legal entities with the requirements and rules regarding rational subsoil use, subsoil protection and ensuring environmental safety . State control in the field of protection of subsoil and mineral resources can also be considered as an activity of authorized state bodies to verify compliance by all natural and legal entities with the requirements of natural and mining legislation and the application of measures to prevent offenses in this field. Regarding this kind of activity of state bodies, the term supervisory activity is often used , so the question of distinguishing between supervision and control arises.

In the legal literature, there is no clear separation of control and supervision in the field of public administration. According to A.I. Zhmotova's control is characterized by a deep penetration into operational and service activities and includes the verification of the actual result and the application of measures based on the results of the verification. Supervision is mainly aimed at identifying facts of offenses and implementing measures to eliminate them. Thus, the concept of control is broader than the concept of supervision. Supervision is a constituent part, an element of control. Control in the field of environmental protection and use of natural resources includes supervision of compliance with the requirements of environmental and natural resource legislation. It is possible to separate control and supervision according to the forms of the control process. Informational and warning form corresponds to control, and supervision — warning and punitive [8].

Environmental control is a subsystem in the management of the quality of the natural environment, the elements of which are controlled social relations, control methods and criteria, legal means and control bodies. A type of environmental control is control in the field of use and protection of subsoil. Its specificity is determined by controlled social relations. The most important features of legal relations are determined by their object. Regarding environmental and natural resource legal relations, natural objects with such characteristics as natural origin, existence within natural ecological systems in close relationship with other natural objects act in this capacity. Such signs

also include the ability to perform life-sustaining functions or socio-economic significance [9].

State control over the use and protection of subsoil within their competence is carried out by councils, state executive bodies on the ground, the Ministry of Natural Resources of Ukraine, the Ministry of Emergency Situations and in matters of population protection from the consequences of the Chernobyl disaster and their bodies on the ground (Article 61 of the Code of Ukraine on Subsoil). State control over the geological study of the subsoil (state geological control) is carried out by the Ministry of Natural Resources of Ukraine and its local bodies. The bodies of state geological control check the implementation of state programs of geological exploration works, the use of decisions on the methodological support of works on the geological study of the subsoil, the validity of the use of methods and technologies, the quality, complexity, effectiveness of the works on the geological study of the subsoil, the completeness of the initial data on the quantity and quality of reserves of the main and co-occurring minerals, timeliness and correctness of state registration of works on geological exploration of the subsoil, availability of special permits (licenses) for the use of subsoil and fulfillment of the conditions stipulated by them; implementation of the decisions of the State Commission of Ukraine on Mineral Reserves; compliance during experimental exploitation of mineral deposits with technologies that would ensure the necessary study of them; preservation of exploratory mining works and wells for the development of mineral deposits, as well as geological documentation, rock samples, duplicate samples that can be used during further exploration of the subsoil.

Bodies of state geological control, within their competence, ensure the solution of other issues related to the geological study of the subsoil.

State geological control bodies have the right to: a) stop all types of work on the geological study of the subsoil, which are carried out in violation of standards and rules and may cause deterioration of deposits, a significant decrease in the efficiency of work or lead to significant losses; b) stop the activities of enterprises and organizations engaged in geological exploration of the subsoil without special permits (licenses) or in violation of the conditions stipulated by these permits; c) to issue mandatory instructions (prescriptions) on the

elimination of deficiencies and movements during the geological study of the subsoil. In accordance with the legislation of Ukraine, state geological control bodies may be granted other rights to prevent and stop violations of the rules and norms of geological exploration of the subsoil.

The task of state supervision over the safe conduct of works related to the use of subsoil is to ensure compliance by all subsoil users with the legislation, approved in the prescribed manner, standards, norms, rules for the safe conduct of works, prevention and elimination of their harmful effects on the population, the natural environment, buildings and buildings, as well as on the protection of subsoil.

State supervision over the safe conduct of works related to the use of subsoil is entrusted to state mining supervision bodies, which carry out their activities in cooperation with state geological control bodies, nature protection and other control bodies, and professional unions. State supervision over the conduct of works on the geological study of the subsoil, their use and protection, as well as the use and processing of mineral raw materials (state mining supervision) was carried out by the State Supervision and Protection of Labor of Ukraine and its local bodies in accordance with the Regulation on the Procedure for State Mining Supervision, approved by a resolution of the Cabinet of Ministers of Ukraine dated February 21, 1995. Currently, these functions are the competence of the Ministry of Emergency Situations and in matters of population protection from the consequences of the Chernobyl disaster.

In addition, industrial control over the use and protection of subsoil by enterprises, institutions and organizations (subsoil users) under the jurisdiction of the relevant bodies is carried out.

Subsoil protection is an objective necessity to ensure the interests of the current and future generations of the people of Ukraine.

The main requirements in the field of subsoil protection are: provision of a complete and comprehensive geological study of the subsoil; compliance with the procedure for providing subsoils for use established by law and preventing arbitrary use of subsoils; rational extraction and use of reserves of minerals and their components; prevention of harmful effects of works related to the use of subsoil on the preservation of reserves of minerals, workings and wells that are exploited or conserved, as well as underground structures; protec-

tion of mineral deposits from flooding, waterlogging, fires and other factors affecting the quality of minerals and the industrial value of deposits or complicating their development; prevention of unreasonableness and arbitrary development of areas of mineral deposits and compliance with the procedure established by law for the use of these areas for other purposes; prevention of subsurface pollution during underground storage of oil, gas and other substances and materials, burial of harmful substances and production waste, discharge of wastewater; compliance with other requirements stipulated by the legislation on environmental protection (Article 56 of the Code of Ukraine on Subsoil) [10].

Responsibility for violations of the legislation on subsoil in environmental law is an important component of the legal provision of rational nature management, restoration of ecological objects and environmental protection, which, in turn, aims to punish the guilty, stop and prevent violations of legislation in the field of nature management and environmental protection natural environment, as well as renewal of violated rights of owners of natural resources and nature users , etc.

Violation of the legislation on subsoil entails disciplinary, administrative, civil and criminal liability.

According to Art. 65 of the Code of Ukraine "On Subsoil", liability for violation of legislation on subsoil occurs when:

- arbitrary use of subsoil; violation of norms, rules and requirements regarding the conduct of works on the geological study of the subsoil;
- violations of the rules and requirements for carrying out work on the geological environment;
- selective production of rich areas of deposits, which leads to excessive losses of minerals;
- excessive losses and deterioration of the quality of minerals during their extraction;
- damage to mineral deposits that completely exclude or significantly limit the possibility of their further exploitation;
- violation of the established order of development of mineral deposit areas;
- failure to comply with the rules of subsoil protection and requirements for the safety of people, property and the natural envi-

ronment from the harmful effects of works related to the use of subsoil;

- destruction or damage to geological objects of special scientific and cultural value, observation regime wells, as well as surveying and geodetic signs;

- illegal destruction of surveying or geological documentation, as well as duplicate samples of minerals, necessary for further geological study of the subsoil and development of deposits;

- failure to comply with the requirements for bringing the mine workings of wells that have been liquidated or conserved to a state that guarantees the safety of people, as well as the requirements for preserving the deposits of mine workings and wells during conservation, - are subject to disciplinary, administrative, civil and criminal liability in accordance with by the legislation of Ukraine (Article 65 of the Code of Ukraine on Subsoil).

An important element of the legal regulation of the use and protection of subsoil is environmental liability for violations of the relevant legal framework. There are two forms of such responsibility — economic and legal. The basis of economic responsibility is the fact of causing damage to the surrounding natural environment by lawful activity (emissions of pollutants within the permitted limits), while legal (environmental-legal) responsibility is based on the fact of an offense. However, in the first case, we are talking about the special use of atmospheric air, subsoil, and water for the emission or disposal of pollutants (just as the water legislation — Article 48 of the Water Code of Ukraine — defines special water use as the withdrawal of water from water bodies and discharge into them return waters). The procedure for using natural objects for the specified purposes requires obtaining a special permit (license), compliance with environmental standards for the content of toxic substances in emissions, and charging a fee for special use.

State administration bodies in Ukraine are divided into three branches of government: representative, executive and judicial. By level, state administration is divided into: state (the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Supreme Court of Ukraine), regional (regional councils, regional administrations, regional bodies of justice) and local (district councils and councils of OTG, self-governing bodies of OTG, judicial power at places).

At the state level (CMU), all ministries and agencies related to the management, use, and control of natural resources are involved in the UPC. The Ministry of Environmental Protection and Natural Resources of Ukraine is the central state body of Ukraine, which ensures the coordination of the activities of branch agencies regarding the Code of Civil Procedure. It implements the implementation of the following: the implementation of the state environmental and scientific-technical policy, aimed at preserving the living and non-living nature of the NPS, which is safe for existence, protecting the life and health of the population from the negative impact caused by the pollution of the NPS, achievement of stable socio-economic development and harmonious interaction of society and nature; implementation of administrative and ecological and economic measures with the aim of creating a system for preventing the negative impact of economic and other activities on the NPS, eliminating the consequences of such impact, objectively informing the population about the ecological state of the environment; state control over compliance with environmental safety norms and rules, use, protection and reproduction of natural resources, rules for storage, transportation and use of toxic and other hazardous substances and materials, as well as industrial and household waste; comprehensive management and regulation in the field of environmental safety, protection of natural resources and rational use and reproduction of natural resources, coordination of the activities of central bodies of state executive power, enterprises, institutions and organizations, as well as approval of draft regulations issued by specially authorized central bodies of state executive power regarding regulation of relations in this field; organization of development and substantiation of projects of targeted state programs and formation of a state order, conclusion of contracts for this purpose on behalf of the government and coordination of the activities of enterprises, institutions and organizations related to the solution of this order, implementation of other measures of environmental direction carried out at the expense of the state budget and other sources of funding; ensuring Ukraine's participation in international cooperation on environmental issues and fulfillment of obligations arising from Ukraine's international agreements, as well as protection of Ukraine's environmental interests.

At the regional level, the executive power manages individual natural objects, the size of which exceeds the size of administrative regions. For example, the State Agency for Water Management manages the use of river waters according to the basin principle (through the Dnipro, Dnistrovsk, Yuzhno-Buzka, and other basin water management associations). The Ministry of Environmental Protection and Natural Resources of Ukraine has state inspections for the protection of the Black and Azov Seas. At the local level, on the scale of the oblast, city, and district, a double UPC is carried out - on the one hand, by local units of ministries (and above all, the Ministry of Ecology), on the other - by the executive power of the relevant territory. Control over the implementation of environmental legislation is carried out by environmental protection bodies - courts, prosecutor's office, SBU, police - within the state, regions and other administrative-territorial units.

In local united territorial communities, depending on the number of deputies, there may be commissions or groups of deputies that deal with issues of nature management in their territory. In particular, they develop drafts of territorial resolutions, rules, individual regulations, which are adopted at the session of the relevant Council. For the practical implementation of laws, decisions and other documents adopted by representative (legislative) authorities, it is necessary to develop a number of working documents (resolutions, orders, programs, etc.), organize and control their implementation. These tasks are included in the functional responsibilities of the executive branch of government.

The central special state body responsible for rational nature management is the Ministry of Environmental Protection and Natural Resources of Ukraine (Ministry of Natural Resources of Ukraine), which was restored on May 27, 2020 (<https://cutt.ly/kuS50J00>). It repeatedly changed its name, structure and functional duties. For the first time, such a Ministry was established on the basis of the former Nature Protection Committee of the Ukrainian SSR immediately after the collapse of the Soviet Union and the declaration of Ukraine's independence. Currently, the Ministry of Natural Resources of Ukraine forms and implements state policy in the field of:

- environmental protection,

- environmental and, within the limits of the powers provided by law, radiation, biological and genetic safety,
- in the field of fishing and fishing industry,
- protection, use and reproduction of aquatic biological resources,
- regulation of fishing and navigational safety of fishing fleet vessels,
- forestry and hunting farms.

At the same time, it ensures the formation and implementation of state policy in the field of:

- development of water management and hydrotechnical land reclamation, management, use and reproduction of surface water resources;

- geological study and rational use of subsoil;

- management of the exclusion zone and the zone of unconditional (mandatory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning the Chernobyl nuclear power plant and transforming the "Shelter" facility into an environmentally safe system, as well as the implementation of state management in the field of radioactive waste management at the stage their long-term storage and burial;

- implementation of state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources;

- implementation of state geological control, as well as in the field of preservation of the ozone layer, regulation of the negative anthropogenic impact on climate change and adaptation to its changes, and fulfillment of the requirements of the UN Framework Convention on Climate Change and the Kyoto Protocol to it, the Paris Agreement.

In this area, the Ministry of Natural Resources of Ukraine directs and coordinates the activities of the following central specially authorized bodies of the executive power: the State Geology and Subsoil Service of Ukraine ("Derzhgeonadra"), the State Agency of Water Resources of Ukraine, the State Agency of Forest Resources of Ukraine, the State Agency of Fisheries of Ukraine, the State Service of emergency situations, the State Environmental Inspection of Ukraine and other institutions that have special powers to manage the use of natural resources.

Among the state authorities, the following departments are endowed with separate powers in the field of nature management and environmental protection:

- The State Service of Ukraine for Geodesy, Cartography and Cadastre (State Geocadaster of Ukraine), which is the central body of the executive power in matters of land relations, maintenance of public cadastral digital map, national infrastructure of geospatial data, national geodetic network, topographic digital map, etc.

- The State Agency of Forest Resources of Ukraine – carries out:
 - state administration in the field of forestry and hunting, as well as state control over compliance with forestry legislation (except for state control over harmful organisms and plant protection);

- carries out state management of the territories and objects of the nature reserve fund in the forests of enterprises, institutions and organizations belonging to the sphere of its management;

- organizes forest management and hunting management;
- maintains the state forest cadastre and forest accounting;
- performs soil monitoring for the purpose of growing productive forest plantations, forest vegetation, and hunting animals.

The State Agency of Water Resources of Ukraine (State Water Agency) is the central body of the executive power, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Environmental Protection and Natural Resources and which implements state policy in the field of water management development, management, use and reproduction of surface water resources.

The State Geology and Subsoil Service of Ukraine (Derzhgeonadra) is the central body of the executive power, which implements state policy in the field of geological study and rational use of subsoil.

The State Service for Emergency Situations (SES) is the central body of the executive power, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs and which implements state policy in the field of civil protection, protection of the population and territories from emergency situations.

The State Fisheries Agency of Ukraine (State Fisheries Agency of Ukraine) is the central body of the executive power, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy

The Cabinet of Ministers of Ukraine, in accordance with the Law of Ukraine "On Environmental Protection", implements the environmental policy determined by the Verkhovna Rada of Ukraine and the President of Ukraine with the help of such functional aspects as: development of state environmental programs, ensuring their implementation; coordination of the activities of ministries and other bodies of the central executive power on issues of environmental protection; making decisions on restrictions, temporary prohibition (suspension) or termination of the activities of enterprises, institutions and organizations in case of their violation of environmental legislation; implementation within the framework of its powers of state administration in the field of protection and rational use of land, its subsoil, water resources, flora and fauna, and other natural resources.

State administrations of regions carry out their activities in accordance with the Law of Ukraine "On Local State Administrations". They ensure the implementation of programs for the protection of the natural environment, the implementation of the powers delegated by local self-government bodies on the provision of land plots for urban planning needs, the organization of the protection of territories and objects of the nature reserve fund of local importance, the elimination of the consequences of environmental disasters, cooperation with local self-government bodies in the field management of nature use and environmental protection.

Local self-government bodies manage nature use and environmental protection in the respective region, guided by the laws "On Local Self-Government in Ukraine" and "On Environmental Protection". The administrative functions of these bodies include: organizing the development of local environmental programs; approval, taking into account environmental requirements, of planning and development projects of settlements, general plans and schemes of industrial facilities; organization of environmental expertise; making decisions on the organization of territories and objects of the nature reserve fund of local significance and other territories subject to spe-

cial protection; implementation of control over compliance with legislation on environmental protection.

Finally, let's point out the sectoral (departmental) management of nature use and environmental protection. It is about organizing the activities of individual ministries to ensure proper conditions for the use and protection of natural objects that are operated by enterprises and institutions subordinate to it. In particular, the bodies of interdisciplinary competence include:

The Ministry of Agrarian Policy and Food of Ukraine carries out state testing and registration, determines the list of chemical, biological, plant protection and growth regulators, fertilizers approved for use, taking into account the requirements for their safety for human health and the natural environment; carries out state phytosanitary control over compliance with the quarantine regime at the stages of cultivation, processing and sale of plants and products of plant origin.

The Ministry of Development of Communities and Territories of Ukraine (Ministry of Regions) works to increase the competitiveness of regions, develop local self-government, ensure comfortable and safe living conditions for the population of Ukraine, create and comply with effective rules and conditions for construction activities, a harmonious living environment, and effective use of energy carriers in the field of housing and communal services .

The Ministry of Health of Ukraine - the central body of the executive power of Ukraine in the field of health care: ensures the formation and implementation of state policy in the field of health care, combating HIV infection/AIDS and other socially dangerous diseases, ensures the formation and implementation of state policy in the field of creation, production, quality control and sale of medicines, medical immunobiological preparations and medical products, in the field of circulation of narcotic drugs, psychotropic substances, their analogues and precursors, countering their illegal circulation, and also ensures the formation of state policy in the field of sanitary and epidemic welfare of the population; also provides sanitary and hygienic protection of the environment, contributes to the optimization of the living conditions of the population, prevents harmful effects on the surrounding natural environment and human health. The work of the once extensive system of the Sanitary and Epidemiologi-

cal Service of the Ministry of Health of Ukraine, which carries out appropriate state supervision in accordance with the Law of Ukraine "On Ensuring Sanitary and Epidemic Welfare of the Population", is being resumed.

Administrative methods are a set of techniques, influences based on the use of objective organizational relations between people and the general organizational principles of state management of environmental management on the basis of the current environmental legislation (restrictions, prohibitions, regulations, administrative penalties, etc.).

Along with improving the environmental education and education of the population, an important task of the state is to create such conditions for the activities of enterprises under which they would be forced to comply with environmental legislation, greenize technological processes. One of the important mechanisms for achieving these goals is the administrative mechanism. It is based on the establishment of norms, standards, rules of environmental management and relevant planned indicators for environmental protection enterprises and punishments in case of violations. The latter, in terms of the degree of influence on the components of nature, can be: reprimanding, imprisonment, removal from office, imposing a fine on the enterprise and its managers. However, this path is complex and ineffective, as it requires constant monitoring and a significant number of controllers. The amount of fines should provide conditions under which the violation is unprofitable from the point of view of the economic interests of the nature user. As a rule, penalty payments are set in multiples of in relation to the standard indicators of the fee or relative to the amount of lost profits. Payments for excess and irrational use of natural resources (wild plants, animals, mineral mud, water, etc.) in the form of fines are levied on profits that remains at the disposal of the nature user, and from his own funds. Economic incentives are more effective when the state creates conditions for profitability of compliance with environmental legislation, and unprofitability in case of its violation by applying penalties, tax benefits and penalties, etc.

Economic mechanism of environmental management

Environmental management processes to achieve determined nature protection goals cause the need to ensure purposeful and coordi-

nated activity of relevant structures. For this theoretical and methodological approaches are developed and applied form the basis of the development and regulation of environmental protection activities at different levels of its implementation. Environmental management is based on principles that meet objectives management, determined by ' ties and relationships that take place in the process management. They are the basis for building management and distribution bodies competencies, tasks related to the activities of management bodies.

The principles of management of environmental protection activities are formulated on basis of ecological regularities of interactions connection of society with the environment the environment and are actualized according to the processes that take place at the same time.

The main principles of management of environmental protection activities have legal basis and are reflected in the relevant regulatory documents. WITH from the point of view of legal aspects, the following basic principles of management are highlighted the field of environmental protection [3]:

- ensuring legality in the implementation of management in this area;
- a combination of complex and differentiated approaches inmanagement of environmental protection;
- a combination of state administration with self-governing and public administration management in this field;
- implementation of basin management;
- software and purpose support for the development and implementation of measures in the field of environmental protection, ensuring environmental safety, rational use of natural resources.

The principle of legality in the implementation of state management in the industry environmental protection means that management bodies in this field, their officials must be guided in the course of their activities by the prescriptions of the legislation, which determine their powers, the procedure for adoption relevant management decisions, as well as the provision of management services ecological nature. State administration bodies must comply environmental requirements for the measures they have to develop with the aim ensuring environmental protection, ecological safety, rational use of natural resources.

The principle of combining complex and differentiated approaches in management of environmental protection. Interdependence natural resources, inseparability of connections in natural processes needs implementation of a unified scientific and technical policy, coordination in this field efforts of all executive authorities, enterprises, institutions, organizations and citizens in the development and implementation of environmental protection measures, use of natural resources, ensuring environmental safety. Complexity involves comprehensive consideration of environmental, economic, technical, social, etc. factors that can affect efficiency environmental protection measures.

The principle of combining state administration with self-governing and public administration management in the field of environmental protection.

Solving environmental problems requires coordinated actions by the authorities state administration and local self-government bodies. Under such circumstances a legal mechanism for the interaction of state administration bodies is created of local self-government bodies and public administration bodies making decisions on certain protection issues at the territorial level natural environment, ensuring environmental safety

The principle of basin management. The Water Code of Ukraine states, that the state administration in the field of water use and protection and restoration of natural resources is carried out according to the basin principle. Him introduction is caused by the ecological and economic importance of rivers basins, which can cover the territory of several administrative territorial units. Within the limits of the river basins, the cycle is closed substances, pollutants spread and accumulate, placement of production facilities is carried out. Basin management creates conditions for managing the river basin as a whole, as well as for balanced use, protection and reproduction of water resources, prevention of violation of the conditions for the formation of water flow, manifestation of harmful effects water.

The principle of software-purpose support for the development and implementation of measures in the field of environmental protection, ensuring environmental safety, rational use of natural resources. This principle is key in this field state administration, allows to connect the goals and objectives of environmental protection for a pro-

spective period with concrete measures aimed at their implementation measures of an organizational, technical, scientific and other nature, resource (financial, material and technical) provision of these measures, and also with the bodies responsible for their development and implementation. Software- the target principle is implemented through the preparation of state environmental programs, sections on environmental safety, environmental protection in the composition state programs of economic and social development of the state and in others program documents.

The best results are achieved by combining economic levers with sufficiently effective control and a higher mechanism of administrative coercion (Fig. 1).

The economic mechanism of environmental protection involves the use of a number of other instruments of influence on the economic interests of enterprises and its individual employees, in particular, such as the ilgo taxation, favorable pricing for environmentally friendly products, and, conversely, fines for environmental pollution and violation of limits, norms, standards.

Previously, nature management was generally free, that is, enterprises used natural resources, as well as polluted the environment for free. Penalties were imposed only with catastrophic consequences of environmental impact, which did not contribute to rational environmental management. Under the system of economic assessments of natural resources understand the system of centrally established standards for the maximum allowable costs for the preservation of this natural good and standards for the minimum permissible efficiency of operation natural resources. The economic assessment of natural resources is a monetary expression of the long-term effect of their exploitation. The valuation of natural resources is necessary for the economic justification of investments in the reproduction, protection and rationalization of the use of natural resources and the choice of the most profitable of the popular darsky positions of means of their disposal.



Fig.1. Scheme of combining administrative and economic mechanisms of nature management [4]

Paid nature management, which provides for payment for almost all natural resources and for environmental pollution, was introduced in the early 90s of the twentieth century. Over-limit use fees and pollution is several times higher than the fee for use and pollution within the established standards (limits). At the same time, the payment of fees for use and pollution does not exempt the natural user from the implementation of environmental legislation. One of the important levers of the economic mechanism of nature management is financing, that is, provision of funds for clearly defined environmental measures. Sources of financing can be budget funds, own funds of enterprises, bank loans and various environmental funds, including. international. The creation of environmental funds is also one of the economic links in the mechanism of environmental man-

agement. Environmental funds are formed from the receipt of payments from all environmental enterprises, penalties for violation of environmental legislation, voluntary contributions of enterprises. Funds of environmental funds are used exclusively for their intended purpose for environmental purposes in accordance with the law. A very important factor for solving environmental problems is public opinion, coverage of problems and positive achievements by the media and state support for public initiatives. on the preservation of dundshaft and biological diversity and historical and cultural values.

Carrying out urgent environmental measures, targeted scientific and ecological-educational projects according to the decisions of the Ministry of Environment and representative bodies on the ground. The following economic (incentive and penalty) measures are used:

- establishment of tax benefits (the amount of profit from which the tax is levied is reduced by an amount that fully or partially corresponds to environmental expenditures); exemption from taxation of environmental funds and environmental property;

- application of incentive prices and highs for environmentally friendly products;

- application of preferential lending to enterprises that effectively implement measures in accordance with current environmental legislation;

- introduction of special additional taxation of environmentally harmful products and products manufactured using environmentally hazardous technologies;

- fines for environmental offenses.

Preventive and protective functions in the field of nature management and environmental protection

Control over the use of natural resources and environmental protection is carried out by specially authorized bodies and state executive bodies on ecology and natural resources using the mechanisms of state environmental control (state environmental monitoring), departmental environmental control, public environmental control, environmental expertise, environmental audit, environmental insurance, etc.

1. The function of supervision (monitoring) over the use of natural resources and environmental protection is the activity of authorized state executive bodies on ecology, supervision, collection , pro-

cessing, transmission, preservation and analysis of information on the state of the environment , forecasting its changes and developing scientifically based recommendations for adoption managerial riche

2. Environmental control is the activity of authorized state executive bodies, the purpose of which is to ensure compliance with the requirements of the legislation on environmental protection by all state bodies, enterprises, institutions and organizations, regardless of the form of ownership and subordination, as well as citizens. Depending on the system of bodies exercising environmental control, the following types of control are distinguished : state, departmental, production, public.

State environmental control ensures compliance with the requirements of environmental legislation by all state bodies, enterprises, institutions and organizations, regardless of the form of ownership and departmental subordination and physical persons throughout Ukraine. It is carried out by central and local executive authorities and local self-government bodies.

Departmental control is carried out by ministries and state committees in compliance with the requirements of environmental legislation by enterprises, institutions and organizations subordinate to them.

The implementation of production control is entrusted to special units (departments for nature protection, environmental laboratories) operating in the relevant industrial or other enterprises.

Public environmental control in accordance with Article 36 of the Law of Ukraine "On Environmental Protection" is carried out by public organizations that have responded personnel and equipment or associations of citizens, including. with the scientists involved by them. In addition, environmental control is carried out in certain areas by public hunting inspectors, public inspectors of fish protection, etc.

3. Environmental expertise is the activity of authorized state executive bodies, ecological and expert formations and associations of citizens, based on intersectoral environmental research, analysis and evaluation of pre-design, design and other materials and objects, the implementation or action of which may adversely affect or affect the

state of the environment and human health, directed to prepare conclusions on the compliance of the planned or carried out activities with the norms and requirements of environmental legislation, ensuring environmental safety.

The objects of environmental expertise are draft legislative and other regulatory legal acts, pre-design, design materials, documentation on the creation of new equipment, technology, materials, substances, economic decisions, products, systems and objects, the implementation of which may lead to violation of environmental safety standards, negative impact on the state of the environment. Environmentally hazardous facilities and complexes, including military and defense purposes, as well as environmental situations prevailing in individual settlements, are subject to environmental expertise. points and regions. The list of activities and facilities that pose an increased environmental hazard is established by the Cabinet of Ministers of Ukraine on the proposal of the Ministry of Environment and the Ministry of Health of Ukraine.

According to the Law of Ukraine "On Environmental Expertise" (Article 12), state, public and other types of environmental expertise are carried out. The conclusion of the state environmental expertise after approval by a specially authorized central executive body on environmental protection is mandatory for execution. The conclusions of public and other environmental expertise are of a recommendatory nature and can be taken into account by the bodies that carry out the state environmental expertise, as well as by bodies interested in implementation of design solutions or operate the corresponding object.

4. Environmental audit can be carried out in accordance with the Law of Ukraine "On Environmental Audit" as a function of public administration in the field of environmental management. This is a documented act of verification, including the collection, analysis and objective assessment of materials for compliance with environmental legislation of certain types of activities, activities, conditions, management systems environment. The customer uses the results of such an audit to guide in its activities to comply with current environmental legislation and optimize the impact of activities. Environmental

audit can be voluntary or compulsory, is carried out on the basis of an agreement between the customer and the contractor.

5. Environmental insurance as a management function consists in insuring the liability of business entities (policyholders) whose economic activity poses an increased environmental hazard, in case of causing them damage to third parties due to environmental pollution and deterioration of the quality of natural resources. The basis for the emergence of insurance relations is an environmental insurance contract concluded between the insurer and the insured. The purpose of environmental insurance is full or partial protection of property interests' citizens and legal entities in case of deterioration of the environmental situation as a result of man-made accidents or disasters that caused environmental damage.

Subjects of nature management are specially authorized state bodies, self-government bodies, legal and natural persons-land users, public organizations that actively defend their interests within the framework of nature protection legislation and take responsibility for the use and management of a certain natural component in the specified territory. As for the territories of the nature reserve fund (PZF), which are not disturbed or slightly disturbed by human activity, the legislation prohibits any economic activity in the zones of strict inheritance and allows recreational and limited traditional economic activities of the local population in the buffer zones of the protected areas. In these territories, nature management is carried out by special administrations of protected institutions, which are financed from the state budget.

The management of nature management and protection of the natural environment is practically implemented through the formation of a system of state executive authorities and local self-government in the field of nature management, which ensure the state policy of rational nature management, the achievement of minimizing the negative impact on the natural environment, and ensure the balanced development of the territory. For effective management, information is needed both about the purpose and desired changes in the state of the selected management object, and about real changes

in the state of the object in time and space. The received information is the basis for creating a database of necessary data about the object, it must be processed and analyzed in order to identify the direct impacts and develop scientifically based management decisions. This information is provided by the State Environmental Monitoring System (ESMS). The organization and management of nature management monitoring is a complex and multidisciplinary system with various models for assessing the state of natural resources, modeling and forecasting its changes under certain scenarios of use. Among various alternative solutions, the nature user must choose the one that best meets the selected goals and criteria of the PTS management, as well as corresponds to the development strategy of the territorial united communities within which nature use is carried out. The correctness of the adopted management decision will depend on the reliability of the information about the management object and the technologies that will be used.

Conclusions

According to experts and analysis of literary sources, it was established that:

- The main functions of state administration in the field of geological study, use and protection of subsoil are: planning of use and protection of subsoil; state examination and assessment of mineral reserves; state accounting and cadastre of mineral deposits, reserves and occurrences of minerals and the state balance of mineral reserves; legal regulation of distribution and redistribution of subsoil and minerals; state control and supervision of the conduct of works on the geological study of the subsoil, their use and protection of the subsoil; settlement of disputes on the use of subsoil.

- State management and control in the field of protection and use of subsoil is a system of measures (organizational, technical, technological, socio-economic, ecological, legal, etc.) provided by the current legislation of Ukraine, aimed at ensuring rational use of subsoil and mineral resources, prevention of harmful effects works related to the use of subsoil, for the preservation of reserves of minerals, mined

workings and wells that are exploited or conserved, as well as underground structures, prevention of harmful effects of mining works on the state of the natural environment, life and health of people.

- The problem of control in the state administration over the study, use and protection of subsoil is closely related to the processes characteristic of the modern stage of state development and a new understanding of the role of state administration. In modern conditions, control plays primarily a regulatory role, but it also has preventive significance. The essence of control is that the subject of management takes into account and checks how the managed object carries out its prescriptions in order to block deviations of activity from the given management program, and in case of detection of violations, to bring the managed system, into a stable state with the help of social regulators.

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