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THE ADMINISTRATIVE-LEGAL REGIME OF USE AND PROTECTION OF TECHNOGENIC DEPOSITS

Monograph

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The research presents a theoretical generalization and a new solution to the scientific problem, which lies in determination of the essence of administrative and legal regime of man-made deposits, establishment of problems of their normative specification and practical implementation. Scientific tendencies in the field of administrative and legal regime of man-made deposits are determined. The expediency of the legislative separation of the regime of use of man-made deposits from adjacent regimes is argued.

It is established that there is no special comprehensive legislation in the studied field. The content of administrative procedures in the field of use of man-made deposits is disclosed. The expediency of introduction of positive experience of foreign countries is grounded. It is determined that an effective implementation of state functions on assurance of requirements of environmental safety is possible due to the improvement of legal regulation of the regime of use of man-made deposits.

It is aimed at scholars, lecturers, students and audience of faculties of law and educational institutions.

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INTRODUCTION

The main principles (strategy) of the state environmental policy of Ukraine for the period up to 2020 are that the anthropogenic and technogenic load on the environment in Ukraine is several times higher than the corresponding indicators in the developed countries of the world. A shining example of the region where the largest technogenic deposits in Ukraine formed and, at the same time, a complex of environmental problems related to the extraction and processing of natural minerals created, is Dnipropetrovsk, Donetsk, and Zaporizhzhia regions. The database of technogenic objects as of January 1, 2017, includes 15 officially registered technogenic deposits, over 650 potential deposits arising as a result of the production activities of mining, processing, metallurgical, machine-building, energy industries, and more than 1000 advanced technogenic objects. Ukraine ranks first among the European countries in terms of the amount of accumulated waste, almost 97% of which is formed on the territory of industrial cities (Dnipro, Donetsk, Zaporizhzhia, Kryvyi Rih, and Luhansk).

At the same time, the decision on the issue of extraction of minerals from technogenic deposits will allow solving a whole range of energy and environmental problems, an urgent solution of which Ukrainian society needs. As a result, issues of the implementation of environmental rights are constantly becoming the subject of scientific research. Now due to developments of V. B. Averianov, K. K. Afanasiev, V. M. Bevzenko, Yu. P. Bytiak, M. Yu. Vikhliaiev, I. P. Holosnichenko, L. P. Kovalenko, N. V. Kovalenko, I. B. Koliushko, T. O. Kolomoiets, V. K. Kolpakov, A. T. Komziuk, V. T. Komziuk, O. V. Kuzmenko, P. S. Liutikov, R. S. Melnyk, V. P. Tymoshchuk, and other scholars, a number of problematic aspects of activities of public administration actors in various spheres of society, including environmental ones, are investigated. However, issues of the administrative-legal regime of the

use of technogenic deposits separately were almost not studied. The specified circumstances caused the choice of the topic of this paper.

The monographic research is aimed at implementing the Decree of the President of Ukraine “On Approval of the National Strategy for Human Rights” on August 25, 2015, № 501/2015, a number of government programs for reforming the system of public administration – the Concept of the National Environmental Policy of Ukraine and the Concept of the National Program on Waste Management for 2013–2020.

A clear regulation of the legal regime for the use of technogenic deposits and technogenic mineral formations will provide an appropriate level of environmental safety that will positively affect the lives and health of people, animals, on the state of the soil on which these wastes are located. The solution to the issue of storage, processing, and utilization of technogenic deposits and technogenic mineral formations is extremely relevant and has become the main scientific task of this monographic study.