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LEGAL ENVIRONMENTAL PROTECTION AGAINST WASTE POLLUTION

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Vinnitsa National Agrarian University, Vinnitsia, Ukraine*DOI: [10.24412/9215-0365-2021-59-4-34-40](https://doi.org/10.24412/9215-0365-2021-59-4-34-40)**Abstract**

The article considers certain components of the legal provision of environmental protection from waste clogging. It is determined that among the problems of today is and remains a problem of the improper state of the environment and its individual elements due to pollution, waste clogging. Attention is paid to the scientific unification of the term "waste", legal regulation of waste management, regulatory consolidation of environmental measures in the field of waste management.

The need to improve the legislation in the field of waste management is determined taking into account the specifics of waste management and taking into account the provisions of international and European legislation. Based on the results of the research, the article formulates conclusions that are based on the provisions of legal doctrine and current legislation.

Keywords: waste, waste management, waste disposal, household waste recycling, landfill, waste management strategy, regional landfills, low-waste production.

Introduction. One of the multifaceted problems of today is the problem of ensuring the rational use of natural resources, protection of the environment from adverse anthropogenic impacts, which can lead to ecological imbalance and adversely affect human life and health. One of the factors of negative impact on the environment is the field of waste management as a factor of pollution, contamination and environmental pollution.

Significant amounts of accumulated waste in Ukraine and the lack of effective measures to prevent their generation, processing, disposal, environmentally safe disposal, deepen the environmental crisis and become a brake on the development of the national economy. Significant resource potential is lost, and at the same time the already unfavourable ecological situation worsens [1]. That is why the situation caused by littering and pollution of the environment with waste, required and requires the implementation of environmental and legal principles in the field of waste management.

Problems of environmental protection from negative anthropogenic impact and legal regulation in the field of waste management, development of waste management infrastructure have been the subject of research at the scientific level. In the legal literature, significant contributions to the development of these issues have been made by such scholars as G.I. Balyuk, Yu.L. Vlasenko, A.P. Getman, V.A. Zuev, M.V. Krasnova, B.V. Rozovsky, V.O. Jureskul and others. However, legal issues of environmental protection from pollution, waste pollution do not lose their relevance and prospects for further scientific development and research.

In view of the above, the purpose of this publication is to implement the legal characteristics of the legal provision of environmental protection from the negative impact in the field of waste management.

Research results. According to the current legislation of Ukraine, waste is any substances, materials and objects formed in the process of production or con-

sumption, as well as goods (products) that have completely or partially lost their consumer properties and have no further use at the place of their formation or detection. and from which their owner gets rid of, intends or must get rid of by disposal or disposal (Article 1 of the Law of Ukraine "On Waste" of March 5, 1998 № 187/98-VR) [2].

The problem of waste management is important and is key to solving the strategic objectives of state environmental policy, taking into account the European position on waste management. To this end, the order of the Cabinet of Ministers of Ukraine of November 8, 2017 № 820-r approved the National Waste Management Strategy in Ukraine until 2030 [3], which is based on the provisions of: Framework Directive № 2008/98 / EU of the European Parliament and of the Council of 19 November 2008 "On waste and repeal of certain directives"; Council Directive 1993/31 / EC of 26 April 1996 on the landfill of waste; Directive № 2006/21 / EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35 / EC; Directive 94/62 / EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste; Directive 2012/19 / EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) and others. Therefore, legal documents on the legal regulation of relations in the field of waste management should be based on the principles and provisions of European legislation.

At the same time, the basic principle of EU legislation in the field of waste management is to reduce the amount of waste destined for final disposal through the application of a hierarchy of waste management, namely: prevention of generation; preparation for reuse; recycling; other utilization, in particular energy recovery; removal [4, p. 103].

Thus, the Framework Directive № 2008/98 / EC on waste provides for: 1) emphasis on maximum reuse of waste, resource conservation, replacement of pri-

mary natural resources (extraction of minerals) - secondary; 2) introduction into legislation and implementation of a five-level waste hierarchy, categories of by-products, end-of-waste criteria; 3) regulation of classification of waste as hazardous, development of a list of waste (List of waste), their classification; 4) introduction of extended producer responsibility; 5) planning of waste management and prevention of their generation; 6) introduction of public registers of business entities in the field of waste management [5].

Note that the current trend of development of legal regulation of waste involves the unification of the basic term "waste" with subsequent internal differentiation of individual concepts. Terminological unification is the refusal to search for a universal concept of waste, which could cover all components of this dynamic category, by identifying and normative consolidation of only the main characteristics: 1) external form (objects, materials or substances); 2) the impossibility of using them for their original purpose or further use at the place of formation; 3) the obligation to take certain actions for their reuse, processing, disposal or disposal [6, p. 99].

Therefore, in order to develop and implement measures to prevent the negative impact of waste on the environment at the legal level, their classification is carried out. In accordance with the provisions of the National Waste Management Strategy in Ukraine until 2030 [3], the following classification can be distinguished: 1) household waste; 2) industrial waste, the main volumes of which are generated in such industries as: mining and mining and chemical industry; ferrous and non-ferrous metallurgy; machine-building and metal-working industry; forestry and woodworking industry; energy; chemical, petrochemical and related industries; Food Industry; Light industry; 3) wastes of construction and repair works, which are formed during the implementation of such activities as construction of new buildings and structures, their reconstruction, etc. ; 4) hazardous wastes that have such physical, chemical, biological or other hazardous properties that create or may create a significant danger to the environment and human health and require special methods and means of handling them; 5) wastes from agricultural production: organic crop wastes; organic waste from livestock and poultry; biowaste (animal and poultry carcasses); 6) residual amount of fertilizers, chemical and biological plant protection products, veterinary drugs; 7) specific waste such as: packaging waste; waste electrical and electronic equipment; used batteries, accumulators and accumulators; medical waste.

According to the current legislation of Ukraine (Article 31 of the Law of Ukraine "On Waste") in order to prevent or reduce waste generation and stimulate the introduction of low-waste technologies, the Cabinet of Ministers, ministries and other executive bodies within their competence carry out: 1) development and implementation of scientific reasonable standards for waste generation per unit of output, performance of works and provision of services, regulating their quantitative and qualitative composition, in accordance with advanced technological achievements; 2) periodic revision of the established standards of waste generation, aimed at re-

ducing their volume, taking into account the best domestic and foreign experience and economic opportunities; 3) development and implementation of a system for handling packaging materials and packaging; systems for collection, removal, disposal and utilization of waste oils; systems for collection, procurement and disposal of worn tires, rubber products and waste rubber production; systems for procurement and disposal of unusable vehicles; systems for collection and disposal of electrical and electronic equipment; systems for collection, removal, disposal, utilization of waste generated in the process of medical care, veterinary practice, related research; 4) development of general requirements for household waste management; 5) development of a system of information, scientific and methodological support of waste producers with information on technological and other opportunities to reduce the volume of waste generation and disposal.

It should be noted that waste is a significant source of pollution, pollution, contamination of the environment and pose a threat to human life and health, which necessitates the existence of a legal regime in the field of treatment.

According to scientists, one of the criteria for internal differentiation of waste may be the source of their origin, environmental and sanitary hazards, the possibility of reuse and recycling, ways of dealing with them [6, p. 99]. In particular, according to the law, household waste is waste generated in the process of human life and activity in residential and non-residential buildings (solid, large, repair, liquid, except for waste associated with the production activities of enterprises) and is not used at the place of accumulation.

The rate of household waste generation in Ukraine averages 250-300 kilograms per person per year and tends to increase, and the dominant method of household waste management is its removal and disposal in landfills and landfills, which often do not meet European requirements. At the same time, a significant part of the landfills is overloaded and does not meet environmental and environmental standards.

Thus, modern methods of household waste management in Ukraine are: 1) focused on landfill waste disposal, their placement in landfills and / or natural landfills, most of which do not meet the requirements of environmental safety; 2) have a low technological level; 3) limited approaches to integrated management decisions and financial resources; 4) have a low level of implementation of innovative technologies [3]. Therefore, solving problems in this area of public relations should be considered one of the key tasks in addressing the issues of resource independence of the state and the task of state environmental policy on waste management and environmental protection from pollution.

As noted in the legal literature, landfills lead to pollution of surface and groundwater, soil and air, so the legislation contains a specific goal aimed at reducing them. Member States should endeavour to ensure that, from 2030, all waste suitable for recycling or other recycling, in particular municipal waste, is not accepted at the landfill. The only exception concerns waste for which the landfill is the best environmental result. In

addition, Member States will ensure that by 2035 the amount of municipal waste is reduced to 10% or less of total household waste. In general, Member States believe that these goals at the EU level create a minimum scale for EU industry to invest in new methods and technologies of processing [4, p. 105].

Therefore, this requires immediate action towards the implementation of European standards and special measures in this area. Thus, special measures in the field of household waste may be the adoption of regulations governing the promotion of recycling of household waste, the creation of an efficient and environmentally friendly system of collection, removal and disposal of household waste and many others. It also requires regulatory and economic support for the establishment and operation of a network of regional landfills in accordance with the requirements of Council Directive 1999/31 / EC of 26 April 1999 on landfills [7].

Thus, in accordance with paragraph 1.1 of Annex I to Council Directive № 1999/31 / EC, the location of the landfill must take into account the requirements for: a) distance from the site boundary to residential and recreational areas, waterways, water bodies and other agricultural and urban territories; d) the existence of groundwater, surface water or protected natural areas; c) geological and hydrological conditions; d) the risk of flooding, landslides or avalanches on the site; e) protection of natural or cultural heritage sites.

According to paragraph 1.2 of Annex I to Council Directive № 1999/31 / EC, waste disposal may be legalized if the site characteristics meet the above requirements, or corrective measures are taken to indicate that the landfill does not pose a risk to the environment. In this case, the landfill must be located and designed in such a way as to provide the necessary conditions to prevent contamination of soil, groundwater and surface water and to ensure efficient leachate collection, as required by Section II of Council Directive 1999/31 / EC.

It should also be noted that the criteria for waste acceptance at landfills should be: 1) protection of the environment (especially groundwater and surface water); 2) protection of the environmental protection system (for example, leachate treatment systems, etc.); 3) prevention of danger to human health (paragraph 2 of Annex II to Council Directive 1999/31 / EC).

Thus, the identification of local executive bodies and local governments, taking into account the mechanisms of their cooperation, the optimal areas for the location of regional facilities in the field of waste management will enhance the role of regions and civil society in reforming waste management.

According to scientists, proper municipal waste management requires an extremely complex system, including an effective scheme for collecting and sorting various household waste, active participation of citizens and businesses, appropriate infrastructure adapted to the specific composition of waste, and the availability of the necessary funding. Also, the introduction of a mandatory system of separate collection and sorting of waste through an effective system of recycling of household waste will significantly affect the state of environmental pollution and address a number of social and environmental issues, which will eventually reduce

landfills, which necessitates a gradual transition. from the accumulation of waste to their industrial processing using modern technologies and experience of European countries [8, p. 130].

In addition, from the point of view of legal protection of the environment from pollution and waste pollution, certain legal provisions of Directive 2008/98 / EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives [5] require: preparation of waste management plans in accordance with the established hierarchy (five stages) and programs to prevent waste generation; establishing a mechanism to fully cover costs in accordance with the principle of "polluter pays" and the principle of expanding the responsibility of the manufacturer; establishment of a permit system for enterprises and institutions engaged in waste removal or disposal operations, especially for hazardous waste management; introduction of a register of institutions and organizations that collect and transport waste, etc.

The provisions of EU Directive 2018/851 of 30 May 2018 provide for the use of a waste management system, where municipalities have general responsibility for municipal waste collection, or there are systems where such services are provided by private operators, or any other type of division of responsibilities. between public and private entities. In this case, Directive 2018/851 / EC defines municipal waste as: a) mixed waste and separately collected household waste, including paper and cardboard, sulo, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical equipment, spent batteries and batteries, as well as large waste; b) mixed wastes and separately collected wastes from other sources, when such wastes are similar in nature and composition to household wastes (Article 1 of the Directive) [8, p. 129].

Note that the EU's approach to waste management is based on the following principles: 1) waste reduction: if we can, first, reduce waste and reduce its hazard by reducing the concentration of hazardous substances in products, then waste disposal automatically becomes easier; 2) recycling and reuse: if waste cannot be prevented, even with the use of non-waste technologies, as many materials as possible should be recycled. The European Commission has identified several priority specific areas for waste management and waste categories, including waste packaging, waste disposal containers, used vehicles, batteries, waste electrical appliances and electronics. EU directives require EU member states to enact legislation on the collection, recycling, reuse and disposal of these categories of waste; 3) improvement of waste disposal technologies and monitoring: where possible, non-recyclable and reusable waste should be incinerated in a safe environment and burial should be used only if there is no other alternative. Both of these methods need meticulous monitoring, as they can potentially cause serious damage to the environment [9, p. 697-698].

Therefore, the legislation in the field of waste management needs further improvement and differentiation taking into account the specifics of waste management and the establishment of their separate legal

regimes both within the system of national waste legislation and within international and European Union law.

According to the Law of Ukraine "On the basic principles (strategy) of state environmental policy of Ukraine for the period up to 2030" [1], one of the main principles of state environmental policy is to prevent emergencies of natural and man-made nature, which provides analysis and forecasting of environmental risks based on the results of environmental impact assessment. This raises the question of the need for environmental impact assessment as a component of legal support for environmental protection in the decision-making process of conducting economic activities in the field of waste management as such, which can have a negative impact on the environment.

It should be noted that the choice of the path of European integration and fulfilment of Ukraine's commitments by ratifying the Association Agreement with the European Union necessitates focusing on the implementation of the European model of environmental impact assessment, as well as the development and improvement of environmental legislation. compliance, including the approximation of Ukrainian legislation to the EU *acquis*. In particular, Directive 2011/92 / EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (as amended by Directive 2014/52 / EC of the European Parliament and of the Council of 16 April 2014) sets out requirements regarding the environmental impact assessment of public and private projects, which can cause any negative consequences for the safety of the environment, its individual elements and human life [10, p. 163], including in the field of waste management. That is why in the process of deciding on the implementation of planned economic activities that may have a significant impact on the environment, taking into account public, public and private interests, it is mandatory to conduct an environmental impact assessment.

Planned activities in the field of waste management, which may have a significant impact on the environment and are subject to environmental impact assessment in accordance with the Law of Ukraine "On Environmental Impact Assessment" [11] include: 1) operations in the field of hazardous waste management , processing, recycling, utilization, removal, disposal and disposal); 2) operations in the field of household and other waste management (treatment, processing, utilization, disposal, disposal and disposal) in the amount of 100 tons per day or more; 3) warehouses and transshipment bases of scrap metal with an area of 0.5 hectares or more or at a distance of not more than 100 meters to the coastal protection strips; 4) storage of sludge at a distance of not more than 100 meters to the coastal protection strips; 5) utilization, removal, treatment, disposal, disposal of household waste.

At the same time, economic activities, operation of facilities, other interventions in the natural environment and landscapes are prohibited, unless full compliance with the environmental conditions provided for in

the conclusion of the environmental impact assessment is ensured.

Note that environmental impact assessment should be considered as one of the measures aimed at forming environmental values in society, ensuring sustainable (balanced) development of natural resource potential of Ukraine, as well as increasing environmental awareness of society [10, p. 166]. At the same time, sustainable development is a development of society that meets the needs of the current generation without compromising the ability of future generations to meet their needs as a form of interaction between society and nature, which preserves the biosphere and ensures the survival and development of mankind [6, p. 695].

Given that environmental protection is a system of state measures and obligations of legal entities and individuals for the efficient use of natural resources, preservation of environmental quality, environmental safety [6, p. 569], an important factor in the legal provision of environmental protection from pollution, waste pollution, in our opinion, is the establishment at the regulatory level of the list of activities related to environmental measures, approved by the Cabinet of Ministers of September 17, 1996 № 1147 (with changes and additions) [12].

In particular, at the regulatory level, the following types of activities are included in environmental protection measures in the field of rational use and storage of industrial and household waste: 1) construction, technical re-equipment and reconstruction of waste processing and incineration plants; 2) construction, expansion and reconstruction of buildings, purchase and implementation of installations, equipment and machines for collection, transportation, processing, disposal and storage of household, agricultural and industrial production waste, waste from clearing green areas, bottoms; 3) construction, expansion and reconstruction of installations, production, shops for obtaining raw materials or finished products from industrial waste and household waste; 4) construction, expansion and reconstruction of complexes, specialized landfills and other facilities for disposal and disposal of unusable pesticides, harmful and toxic industrial and other wastes; 5) extinguishing burning waste heaps and reforming them; special storage of coal mining and coal beneficiation waste, which prevents their spontaneous combustion; reclamation and landscaping of waste heaps; 6) special works to prevent dust formation in the adjacent areas of sludge accumulators and tailings; 7) construction, expansion and reconstruction of sludge disposal shops at sewage treatment plants and water supply complexes; 8) construction and reconstruction of sludge disposal and utilization facilities; 9) ensuring environmentally safe collection, transportation, storage, treatment, utilization, removal, disposal and disposal of waste and hazardous chemicals, including unsuitable or prohibited for use chemical plant protection products, solid rocket fuel (paragraphs 67 - 74-1 List of activities related to environmental measures).

It should be noted that the legal provision of environmental protection from littering and waste pollution

should be based on certain principles based on the provisions of current environmental legislation. Such principles should be classified into general and special.

The scientific legal literature draws attention to the fact that environmental protection is based on principles that can be divided into the following groups:

1) principles of ecologically safe and preventive maintenance of environmental protection, their prevention and legality: priority of ecological safety requirements, obligatory observance of ecological standards, norms and limits of use of natural resources at implementation of administrative, economic and other activity: guarantee of ecologically safe environment for human life and health; precautionary nature of environmental protection measures;

2) scientific validity and forecasting: coordination of ecological, economic and social interests of society on the basis of a combination of interdisciplinary knowledge of ecological, social, natural and technical sciences and forecasting of the state of the environment; standardization of the impact of economic and other activities on the environment;

3) economic feasibility of environmental protection: payment for special and free general use of natural resources; compensation for damage caused by violation of environmental legislation; a combination of measures to stimulate and apply legal liability in the field of environmental protection;

4) greening, innovation, publicity and democratization of environmental protection measures: greening of material production on the basis of comprehensive solutions for environmental protection, widespread introduction of new technologies; publicity and democracy in decision-making, the implementation of which affects the state of the environment;

5) landscape, energy approach and international cooperation: solving issues of environmental protection and use of natural resources, taking into account the degree of anthropogenic mixing of territories, the cumulative effect of factors that negatively affect the environmental situation; solving environmental problems on the basis of broad international cooperation [6, p. 569-570].

For example, the principle of greening of material production in the field of agriculture is manifested through the main directions of greening of agricultural production, namely: the use of soil protection technologies for agricultural production; minimization of technogenic impact on agricultural land; implementation of measures to protect agricultural lands and soils from pollution and spoilage; optimization of land use structure [13, p. 137].

At the same time, a special danger to the environment, the quality of land and soils, as well as the safety and quality of agricultural products is soil contamination by radionuclides, heavy metals, pathogens, as well as littering of agricultural land. In order to prevent these negative trends, the legislation of Ukraine sets requirements for the protection of land, including agricultural land and soils from contamination by hazardous substances, wastewater and waste [13, p. 137].

The principle of publicity of environmental protection is implemented through the provision of timely,

adequate and effective information to citizens about the state of the environment, including the field of waste management and their impact on the environment.

Ecological publicity as an ecological and social phenomenon is a full, open and reliable awareness of the population and government bodies in the prescribed manner about the state of the environment, the use of natural objects, their reproduction and protection, the morbidity of the population caused by environmental pollution, other environmental factors, as well as measures to eliminate the negative consequences [9, p. 42].

According to the current legislation of Ukraine (Article 5 of the Law of Ukraine "On Waste") the main principles of state policy in the field of waste management are priority protection of the environment and human health from the negative impact of waste, ensuring economical use of raw materials and energy resources, scientifically substantiated coordination of ecological, economic and social interests of society on waste generation and use in order to ensure its sustainable development.

Therefore, in order to implement these principles, as well as to ensure environmental protection from waste, at the legislative level defines the basic principles of state policy in the field of waste management, which are as follows: 1) ensuring complete collection and timely disposal and disposal of waste, and compliance rules of ecological safety at their handling; 2) minimization of waste generation and reduction of their danger; 3) ensuring the integrated use of material and raw material resources; 4) promotion of the maximum possible waste utilization through direct reuse or alternative use of resource-valuable waste; 5) ensuring the safe disposal of non-recyclable waste by developing appropriate technologies, environmentally friendly methods and means of waste management; 6) organization of control over places or objects of waste disposal to prevent their harmful impact on the environment and human health; 7) implementation of a set of scientific, technical and marketing research to identify and determine the resource value of waste for their effective use; 8) assistance in the creation of waste management facilities; 9) ensuring social protection of employees engaged in waste management; 10) mandatory accounting of waste on the basis of their classification and certification; 11) creation of conditions for realization of separate collection of household waste by introduction of the social and economic mechanisms directed on encouragement of generators of these wastes to their separate collection; 12) assistance in attracting non-state investments and other extra-budgetary sources of financing in the field of waste management (Part 2 of Article 5 of the Law of Ukraine "On Waste").

For example, in the Vinnytsia region a systematic approach to solid waste management is being introduced, which envisages the division of the region into clusters-territories, within which it is possible to optimize costs, coordinate logistics and technological solutions. The cluster should unite several regions or united territorial communities with a total population of at least 150 thousand people, where a waste sorting line, transshipment station, a single or coordinated system of

waste collection and disposal, as well as its own waste management system and landfill [14, p. 5]. This will help to improve the infrastructure of the territory and increase the legal awareness of the inhabitants of the settlements about the responsible attitude to environmental protection.

It should be noted that an integral factor in the legal protection of the environment from waste pollution is the establishment of legal liability for violation of the requirements of environmental protection from pollution and pollution. However, legal liability in the field of environmental protection should be primarily preventive in nature, i.e. it is necessary to implement statutory environmental measures aimed at preventing violations of the quality of the environment by waste and preventing offenses in this area.

This is due to the fact that in case of violation of environmental legislation there is environmental damage, which can be avoided only by maintaining environmental links.

Note that liability for environmental offenses is related to general law enforcement issues, i.e. it has the basic features and principles that characterize legal liability in general. At the same time, legal liability in the environmental sphere has its own specifics, which is determined by the peculiarities of the environmental offense as a mandatory basis for the application of sanctions to violators of environmental legislation. It should be noted that such features stem from the specifics of the rational use of natural resources, environmental protection and environmental safety [15, p. 8].

Given the legal provision of environmental protection from waste pollution, the Law of Ukraine "On Waste" establishes that the offenses in this area are the following: 1) violation of the established procedure for waste management, which has led or may lead to environmental pollution, direct or indirect harmful impact on human health and economic losses; 2) unauthorized disposal or disposal of waste; 3) non-compliance with orders and instructions of the bodies exercising state control and supervision over waste management operations and at the places of their disposal; 4) concealment, distortion or refusal to provide complete and reliable information at the request of officials and citizens and their associations regarding the safety of waste generation and management, including emergency discharges and related consequences; 5) non-compliance with the requirements for waste management (during their collection, transportation, storage, treatment, disposal, removal and disposal), which led to negative environmental, sanitary and epidemic consequences or caused material or moral damage; 6) violation of the established rules and mode of operation of installations and productions for treatment and utilization of waste, as well as landfills for storage or disposal of industrial, household and other waste (landfills, sludge storage, ash dumps, etc.); 7) violation of the requirements for safe transportation of hazardous waste, etc. (Article 42).

Persons guilty of violating waste legislation are subject to disciplinary, administrative, civil or criminal liability. In particular, administrative liability in the form of a fine on officials and citizens for such offenses

as: violation of requirements for the protection of territorial and internal sea waters from pollution and littering (Article 59-1 of the Code of Ukraine on Administrative Offenses [16]); damage to the forest by sewage, chemicals, oil and oil products, harmful emissions, waste (Article 72 of the Code of Ukraine on Administrative Offenses); littering of forests with waste (Article 73 of the Code of Ukraine on Administrative Offenses); violation of the requirements for waste management during their collection, transportation, storage, treatment, disposal, removal or disposal (Article 82 of the Code of Ukraine on Administrative Offenses); violation of the established rules and mode of operation of facilities and production for treatment and disposal of waste (Articles 82-6 of the Code of Ukraine on Administrative Offenses); disposal of unprocessed (untreated) household waste (Articles 82-8 of the Code of Ukraine on Administrative Offenses) and others.

Criminal liability in this area of public relations may occur for the illegal importation into Ukraine of waste and secondary raw materials under Art. 268 of the Criminal Code of Ukraine [17]. The qualifying feature is the import into the territory of Ukraine or transit through its territory of substances or materials belonging to the category of hazardous waste, which are prohibited for import, ie waste that creates or may create a significant threat to the environment and human life and health, and which require special ways of dealing with them.

Also, criminal liability for environmental pollution by waste is provided by other articles of the Criminal Code of Ukraine in terms of establishing criminal liability for waste pollution of certain elements of the environment. For example, land pollution by waste (Article 239 of the Criminal Code of Ukraine); air pollution by waste or other materials of industrial or other production (Article 241 of the Criminal Code of Ukraine); marine pollution by waste (Article 243 of the Criminal Code of Ukraine) and others.

Legal bases of compensation of the damage caused as a result of violation of the legislation on the waste regulated by provisions of Art. 43 of the Law of Ukraine "On Waste", according to which, enterprises, institutions, organizations and citizens of Ukraine, as well as foreigners and stateless persons, foreign legal entities are obliged to compensate for damage caused by them in violation of waste legislation, in the manner and amount, established by the legislation of Ukraine.

In this case, if the procedure for compensation is not regulated by environmental legislation, the general provisions of civil law of Ukraine on compensation, i.e. in compensation for environmental damage should be guided by civil law in cases where these issues are not regulated by environmental legislation [15, p. 80-81]. For example, the Methodology for determining the amount of damage caused by pollution and littering of land resources due to violations of environmental legislation (as amended by the order of the Ministry of Environment of March 4, 2007 № 149 [18]) establishes the procedure for calculating the amount of compensation for legal entities and citizens their activities due to chemical pollution of lands, their pollution with industrial, household and other wastes.

Conclusion. In view of the above, the provisions of current legislation and legal doctrine, legal protection of the environment from waste pollution should be carried out within:

- 1) legal regulation of relations in the field of waste management, taking into account the principles and provisions of European and international law;
- 2) prevention or reduction of waste generation, ensuring sanitary and epidemic well-being of the population;
- 3) waste reuse, resource conservation, improvement of waste disposal technologies;
- 4) creation and operation of a network of regional landfills for the location of facilities in the field of waste management;
- 5) creation of an effective and ecologically safe system of collection, removal and utilization of household waste;
- 6) improvement of legislation in the field of waste management by establishing separate legal regimes taking into account the specifics of waste management and taking into account the requirements of relevant European directives;
- 7) stimulation of business entities on the introduction of low-waste production technologies, as well as production activities using non-waste and environmentally friendly technologies;
- 8) publicity in decision-making, the implementation of which affects the state of the environment, as well as information support in the field of waste management, information on the location of waste management facilities and their impact on the environment and human health;
- 9) establishment of legal responsibility for violation of the legislation on waste, requirements of environmental protection from waste pollution and ensuring ecological safety of life and health of people in the field of waste management.

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