

закріплено у відповідних адміністративно-правових нормах. Виділено такі структурні елементи адміністративно-правового статусу, зокрема, сімейного лікаря: публічні суб'єктивні права та юридичні обов'язки, обсяг і характер правосуб'єктності (дієздатності та правоздатності), адміністративна, у деяких випадках – дисциплінарна, відповідальність. Автор підтримує позицію про необхідність прийняти Закон України «Про права медичних і фармацевтичних працівників», який би містив положення про засади діяльності медичних працівників.

Як підсумок, констатується відсутність кодифікації норм права з даного напрямку. Акцентується дана проблема на тлі оперативного реагування первинної ланки на загрози при спалаху епідемій та пандемій. Саме визначення прав, обов'язків то особливостей відстоювання прав лікарів створить належне підґрунтя для мобілізації сил та засобі по охороні здоров'я громадян.

Ключові слова: правовий статус, медичний працівник, лікар загальної практики, охорона здоров'я, сімейний лікар.

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PERMITS OF ADMINISTRATIVE AND LEGAL ENVIRONMENTAL SECURITY: ESSENCE, TYPES FOR IMPROVEMENT

Abstract. The article, based on the analysis of current legislation, available scientific, journalistic and methodological sources, including foreign experience, defines the concept, clarifies the essence and importance of administrative remedies in ensuring air safety.

It is established that the essence of legal protection of atmospheric air is to limit those anthropogenic impacts on atmospheric air that have negative consequences for humans and the environment. Carrying out protection of atmospheric air, the state in the person of the authorized nature protection bodies proceeds from a task to prevent harm to the person and environment in the course of interaction of a society and the atmosphere.

The importance of administrative and legal means of air protection is emphasized, which are proposed to be considered as legal phenomena expressed in instruments (institutions) and administrative and legal actions of the subjects of administrative and legal protection of this important natural component, aimed at preserving and restoring its natural state, living conditions, environmental safety and prevention of harmful effects of atmospheric air on human health and the environment.

The specific features inherent in the administrative and legal means of air protection are outlined, including: the special sphere of influence of these means, which is associated with the sole use to preserve, improve and restore atmospheric air, prevent and reduce its pollution and chemical compounds, physical and biological factors; exclusive application only within the scope of administrative and legal relations arising during the protection of this natural component; availability of a wide range of subjects of application; dominance among them of application of measures of control-supervisory and preventive-coercive character; predominant detailing and development in departmental regulations and decisions of local authorities and local self-government; use in the application of technical and legal content and nature.

Keywords: atmospheric air, atmospheric air safety, administrative remedy, legal protection, administrative legal protection.

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Relevance of the study. The state, as the main subject of atmospheric protection activities, establishing a system of permits for environmentally hazardous activities, not only puts the subjects responsible for such activities, but also takes the risk: allowing such dangerous types of environmental development, the state, at the same time recognizes their necessity and usefulness for the development of society and legitimizes them on terms of acceptable risk. The state receives fiscal revenues from such entities as: license fees, pollution fees, resource taxes, differentiated mono-resource rents, etc. By allowing such risky activities, the state simultaneously undertakes to create and develop a system of control, supervision and regulation of such activities, which is not only a right but also a duty that corresponds to the absolute constitutional right of citizens to environmental safety [1, p. 83].

The purpose of permitting activities in the study area is to regulate emissions of pollutants into the atmosphere by stationary sources, carried out in accordance with Article 11 of the Law of Ukraine "On Atmospheric Air Protection" to ensure environmental safety, create a favorable living environment, prevent harmful effects of air on human health and the environment [2].

Recent publications review. Important aspects of administrative and legal security of air safety have been studied by many well-known lawyers. Domestic scientific research is not fragmentary and in this aspect we should pay tribute to the scientific works of scientists of the Soviet period (monographs by M. Malyshko "State control over air protection" (1982) and M. Brynchuk "Legal protection of air" (1985) and modernity (dissertations of O. Ilyina "Organizational and legal measures for the protection of the ozone layer in Ukraine" (Kharkov, 2004), S. Vorushylo "Administrative and legal protection of atmospheric air" (Kyiv, 2011), which, although of undeniable scientific interest, are prepared in other legal realities. At the same time, the issue of applying the necessary set of administrative and legal remedies, primarily of a permitting nature, has not been comprehensively studied. The vast majority of scientists in their works either cover it in fragments, or do not touch at all.

The article's objective. Therefore, the **purpose** of the article is to determine on the basis of analysis of current legislation, available scientific, journalistic and methodological sources, including foreign experience, the nature and importance of administrative and legal means of ensuring the safety of atmospheric air permits.

Discussion. According to the Law of Ukraine "On Atmospheric Air Protection" emissions of pollutants into the atmosphere by stationary sources may be carried out only after obtaining a permit for emissions issued to the business entity by the permitting authority in coordination with the central executive body implementing state policy in the field of sanitation and epidemic well-being of the population [2].

To date, in the field of environmental safety, which is part of environmental activities, there are dozens of different permits and registration documents, the specificity of which depends on the type of activity in the field of environmental protection and nature management, including: disinfection of quarantine materials and facilities moving across the state border and quarantine zones; retail trade in pesticides and agrochemicals; collection, procurement of certain types of waste as secondary raw materials (according to the lists determined by the Cabinet of Ministers of Ukraine); operations in the field of hazardous waste management; extraction of precious metals and precious stones, precious stones of organogenic formation, semi-precious stones; production of precious metals and precious stones, production of products from them and semi-precious stones, collection, primary processing of waste and scrap of precious metals and precious stones; centralized water supply and drainage; construction activity; design, construction of new and reconstruction of existing reclamation systems and individual engineering infrastructure facilities; production of especially dangerous chemicals (according to the list determined by the Cabinet of Ministers of Ukraine), activities related to the production of cars and buses; transportation of oil, oil products by main pipeline, transportation of natural and oil gas by pipelines and its distribution, supply of natural gas at regulated and unregulated tariff, storage of natural gas in excess of the level established by the license conditions; provision of services for the carriage of passengers and goods by rail; provision of services for transportation of passengers and cargo by air, performance of aero-chemical works; provision of services for transportation of passengers and goods by public road transport; provision of services for transportation of passengers and goods by river, sea transport; activities related to commercial fishing; search (exploration) of minerals; execution of topographic-geodetic and cartographic works; production, storage, transportation, use, disposal, destruction and utilization of toxic substances, including biotechnology products and

other biological objects; activities in the field of nuclear energy use [3].

Scientists consider the permitting activity as a legal regime of beginning and implementation of certain legally recognized activities, which provides for state confirmation and determination of the limits of the right to conduct business, state control over the activities, possibility of termination on special grounds by state authorities [4, p. 17]. Despite some volume, the above definition sufficiently reflects the purpose of not only the licensing activity, but also the components derived from it - registration, licensing, certification, etc.

There are also many different types of permits in the field of air protection. Given the specificity of activities in this area of environmental protection and nature management, these permits are extremely diverse not only in content and form, but often in name. In the field of atmospheric air use, these are, first of all, permits for emissions of harmful (polluting) substances and for harmful physical impact on atmospheric air.

There are two types of activities in environmental law that require a special permit: the actual environmentally significant activities, which are not limited by quantitative criteria and are ongoing (for example, air pollution as a result of economic activities) and certain depleted business transactions single action and have quantitative characteristics (in other areas of environmental activity).

Mechanism of control for these activities is also different. In the first case, the control, as well as the activity itself, is ongoing and aimed mainly at ensuring compliance with the actual environmentally significant activities to the conditions of the permit, the implementation of measures to protect the atmosphere. And the control over observance of conditions of the permission for performance of separate operations comes to the end with the termination of the operation and provides check of quantity and conformity of object of the operation specified in the permission.

In general, the issuance of permits for the release of harmful (polluting) substances into the atmosphere and the harmful physical impact on it is a state activity carried out in the interests of environmental and economic security, aimed at ensuring citizens' favorable air quality, preserving its properties for the current and future generations. These interests are realized through a set of organizational and legal measures related to the issuance of permits and control over the implementation of the requirements and conditions contained therein.

The activity of issuing permits for emissions of harmful (polluting) substances into the atmosphere is carried out within the administrative and legal relations between the State Ecological Inspectorate of Ukraine and its officials, regional, Kyiv, Sevastopol city state administrations, the executive body of the Autonomous Republic of Crimea natural environment on the one hand, and individual or collective entities wishing to obtain a permit to carry out a specific type of environmentally significant activities, on the other hand.

The value of activities for the issuance of permits for air emissions in the mechanism of state control is determined by the functions it performs in the field of air protection. Yes, V. Petrov notes that the permits concentrate two control functions: first, on legality, and secondly, on the rationality of activities on the use of natural resources, compliance with environmental and sanitary norms and normalized consumption of the natural resource [5].

M. Brynchuk points out that the range of functions of permitting environmental activities is much wider. It identifies the following main functions: preventive (preventive), which is expressed in the prevention and prevention of irreparable environmental damage to the environment and human health, ensuring the rational use of natural resources; information, within which information is collected, accumulated and disseminated on the scale, types and limits of ecologically significant activities, measures that must be performed by a particular nature user for environmental protection; control - is manifested in the fact that issuing a certain environmental permit, specially authorized bodies in the field of environmental protection monitor compliance with environmental requirements under current legislation, or if necessary, public authorities may suspend such documents [6, pp. 342-343].

The general principles of permitting activities in the field of atmospheric protection are laid down in the Law of Ukraine "On Atmospheric Air". In particular, licensing activities in the research area are implemented by:

1) issuance of permits for emissions of pollutants into the atmosphere by stationary sources (Part 5 of Article 11 of the Law). Such permits are issued on condition of: not exceeding the established environmental safety standards during their validity period; not exceeding the standards of permissible emissions of pollutants from stationary sources; compliance with the requirements for technological processes in terms of limiting emissions of

pollutants;

2) issuance of permits for emissions of pollutants for which the relevant environmental safety standards have not been established (Article 14 of the Law of Ukraine "On Atmospheric Air");

3) issuance of permits for activities aimed at artificial changes in the state of the atmosphere and atmospheric phenomena for economic purposes (Article 16 of the Law of Ukraine "On Atmospheric Air");

4) approval of projects for construction, construction and reconstruction of enterprises and other facilities that affect or may affect the state of atmospheric air;

5) consideration and approval of materials on the selection and allocation of land for construction of facilities and participation in state commissions created to address issues of construction of a facility [7].

The activity of issuing permits in the environmental sphere is regulated mainly by numerous by-laws of a nature department. The only legislative act, the norms of which determine the legal and organizational principles of the permitting system in the field of economic activity and establish the procedure for permitting bodies authorized to issue permitting documents and state administrators, is the Law of Ukraine "On the permitting system in the sphere of economic activity" [8].

According to the Law of Ukraine "On the permit system in the sphere of economic activity" the term of issuance of the permit document, the list of documents for its issuance, the grounds for refusal of issuance and its cancellation are established exclusively by law. Similarly, the terms of providing administrative services, the list and requirements for documents required to obtain administrative services are determined in accordance with the Law of Ukraine "On Administrative Services" [9]. Such, for example, in accordance with Article 11 of the Law of Ukraine of 12 December 2019 Law of Ukraine "On Principles of Monitoring, Reporting and Verification of Greenhouse Gas Emissions" [10], entitled "Administrative services in the field of monitoring, reporting and verification of greenhouse gas emissions installations located on the territory of Ukraine" such services include registration, approval of the monitoring plan, approval of the monitoring plan with changes, approval of the improvement report, acceptance of the operator's report and approval of the verifier's decision to conduct on-site verification.

At the same time, it should be noted that the Law of Ukraine "On Atmospheric Air Protection" does not currently specify the terms of issuing a permit for emissions, the list of necessary documents for its receipt, the grounds for refusal and cancellation. Also, part nine of Article 11 of this law stipulates that the list of institutions, organizations and establishments that have the right to develop documents justifying the amount of emissions for enterprises, institutions, organizations and citizens - business entities, is determined by the central executive body, which ensures the implementation of state policy in the field of environmental protection [2]. However, the law does not set requirements for such institutions, organizations and establishments.

Moreover, the absence of legally defined grounds for refusal and revocation of permits for emissions of pollutants into the atmosphere convinces of the need to supplement the Law of Ukraine "On Protection of Atmospheric Air" by Part 13 of Article 11 of the following content: "The grounds for refusal to issue a permit for emissions of pollutants into the atmosphere by stationary sources are: submission by the business entity of an incomplete package of documents required to obtain a permit; detection of inaccurate information in the documents submitted by the business entity; obtaining a negative decision of the central (territorial) body of executive power, which implements the state policy in the field of sanitary and epidemiological well-being of the population, regarding the possibility of issuing a permit; the absence of notification of the local state administration on the presence or absence of public comments on the issuance of a permit to the business entity for emissions of pollutants into the atmosphere by stationary sources. "

This is due to the fact that the Law of Ukraine "On Protection of Atmospheric Air" in Article 11 lists the conditions under which permits are issued for emissions of pollutants into the atmosphere, including:

- non-exceeding during the term of their validity of the established norms of ecological safety;
- not exceeding the standards of permissible emissions of pollutants from stationary sources;

– compliance with the requirements for technological processes in terms of limiting emissions of pollutants [2].

At the same time, the grounds for refusing to issue permits for emissions of pollutants into the atmosphere by stationary sources are still not legally defined.

Conclusions. Summarizing the above, it should be noted that the permissive means of administrative and legal security of air safety are implemented through: 1) the issuance of permits for emissions of pollutants into the atmosphere by stationary sources; 2) issuance of permits for emissions of pollutants for which the relevant environmental safety standards have not been established yet; 3) issuance of permits for activities aimed at artificial changes in the state of the atmosphere and atmospheric phenomena for economic purposes; 4) approval of projects for construction, construction and reconstruction of enterprises and other facilities that affect or may affect the state of atmospheric air; 5) consideration and approval of materials on the selection and allocation of land for construction of facilities and participation in state commissions created to address issues of construction of a facility. The outlined administrative and legal means of permitting the provision of atmospheric air require further proper regulatory and legal regulation, and the activities of public administration bodies for their implementation – the systematization, organizational and methodological streamlining.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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**Тетяна ШЕВЧУК, Андрій СОБАКАР
ДОЗВОЛИ АДМІНІСТРАТИВНО-ПРАВОВОЇ ЕКОЛОГІЧНОЇ
БЕЗПЕКИ: СУТНІСТЬ, ВИДИ ПОКРАЩЕННЯ**

Анотація. У статті на основі аналізу чинного законодавства, наявних наукових, публіцистичних та методичних джерел, у тому числі зарубіжного досвіду, визначено поняття, роз'яснено сутність та значення адміністративних засобів у забезпеченні безпеки повітряного транспорту.

Встановлено, що суть правової охорони атмосферного повітря полягає в обмеженні тих антропогенних впливів на атмосферне повітря, які мають негативні наслідки для людини та

навколишнього середовища. Здійснюючи охорону атмосферного повітря, держава в особі уповноважених органів охорони природи виходить із завдання не допустити шкоди людині та навколишньому середовищу в процесі взаємодії суспільства та атмосфери.

Підкреслено значення адміністративно-правових засобів охорони атмосферного повітря, які пропонується розглядати як правові явища, що виражаються в інструментах (установах) та адміністративно-правових діях суб'єктів адміністративно-правової охорони цієї важливої природної складової, спрямованих на збереження відновлення його природного стану, умов життя, екологічної безпеки та запобігання шкідливому впливу атмосферного повітря на здоров'я людей та навколишнє середовище.

Окреслено особливості адміністративно-правових засобів охорони атмосферного повітря, зокрема: особливу сферу впливу цих засобів, яка пов'язана з використанням виключно для збереження, оздоровлення та відновлення атмосферного повітря, запобігання та зменшення його забруднення та хімічного впливу. сполуки, фізичні та біологічні фактори; виключне застосування лише в межах адміністративно-правових відносин, що виникають під час охорони цього природного компонента; наявність широкого спектру предметів застосування; домінування серед них застосування заходів контрольно-наглядового та превентивно-примусового характеру; переважна деталізація та розробка у відомчих нормативно-правових актах та рішеннях місцевих органів влади та місцевого самоврядування; використання у застосуванні техніко-правового змісту та характеру.

Ключові слова: *атмосферне повітря, безпека атмосферного повітря, адміністративний засіб, правовий захист, адміністративно-правовий захист.*

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EFFICIENCY OF THE ACTIVITY OF GOVERNMENT AUTHORITIES IN THE FIELD OF PROTECTION AND USE OF FOREST RESOURCES

Abstract. The purpose of this article is to establish the effectiveness of state regulation and management in the field of forest resources in order to ensure their proper protection, rational use and reproduction; to define the powers of public authorities in relation to forest resources management; to establish the functions of state management of forest resources; to analyze the main tasks of state regulation and management in the field of forest relations.

The methodology includes a comprehensive analysis and generalization of available scientific and theoretical material and the formulation of relevant conclusions and recommendations. The following methods of scientific cognition were used during the research: terminological, logical-semantic, functional, system-structural, logical-normative.

As a result of the study, it was found that in our country there is a very extensive system of control of government agencies over activities in the forest sector. But its efficiency is low, because illegal deforestation is carried out en masse, and the authorities that are supposed to monitor it do not seem to notice anything, or the officials on whom the solution of a particular issue depends decide in their favor, not in favor of the state - that is, officials themselves commit illegal acts. Unfortunately, such cases are not uncommon - mostly mass. Therefore, there is a need to change, improve and increase the effectiveness of control both directly by public authorities and these bodies themselves. Procrastination can lead to the destruction of forests, animals, and the ecological network, which in turn affects the ecological environment of citizens and their lives and health.

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