

ПРОБЛЕМИ ЕКОЛОГІЧНОЇ І ПРОДОВОЛЬЧОЇ БЕЗПЕКИ

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ДОСЛІДЖЕННЯ НЕДОСКОНАЛОСТІ ЕКОЛОГІЧНОГО ЗАКОНОДАВСТВА УКРАЇНИ У СФЕРІ ПОВОДЖЕННЯ З ВІДХОДАМИ

Анотація. У статті досліджено недосконалість нормативно-правової бази у сфері поводження з відходами в Україні. Основою для таких досліджень є критична ситуація, визначена в Національній стратегії поводження з відходами до 2030 року, яка пов'язана із зростанням екологічних загроз для нашої країни. Сучасна державна екологічна політика та існуючі економічні методи державного регулювання у цій сфері є недостатньо ефективними на місцевому рівні, що призводить до недосконалості тарифної політики та відсутності системного підходу до організації поводження з відходами. У статті проаналізовано Національний план поводження з відходами та чинне законодавство у сфері поводження з відходами, яке складається із законів України «Про охорону навколишнього природного середовища», «Про відходи», «Про забезпечення санітарного та епідемічного благополуччя населення», «Про Поводження з радіоактивними відходами», «Про благоустрій населених пунктів», «Про житлово-комунальне господарство», «Про упаковку та відходи упаковки», «Про відходи електронного та електричного обладнання», «Про відходи гірничодобувної промисловості» тощо та запропоновані шляхи їх покращення. Також визначено низку причин, які перешкоджають інтеграції Директив Європейського Союзу в національне законодавство, та висвітлено переваги їх впровадження. Визначено ключові моменти та недоліки нового законодавства «Про поводження з відходами», а також фактори, що призводять до корупційних ризиків, зокрема, запровадження нової структури – оператора (адміністратора) системи поводження з побутовими відходами. У дослідженні використовуються такі загальні методи наукового пізнання: статистичний, діалектичний, формально-стилістичний, аксіологічний, системний порівняльно-правовий, формально-юридичний та ін.

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Ключові слова: екологічні загрози, законодавство, нормативна база, тверді побутові відходи, поводження з відходами

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RESEARCH OF IMPERFECTIONS OF UKRAINIAN ENVIRONMENTAL LEGISLATION IN THE FIELD OF WASTE MANAGEMENT

Abstract: *This article examines the imperfections of the regulatory framework in the field of waste management in Ukraine. The basis for such research is the critical situation identified in the National Waste Management Strategy until 2030, which is associated with the growth of environmental threats to our country. The current state environmental policy and the existing economic methods of state regulation in this area are not effective enough at the local level, which leads to imperfect tariff policies and the lack of a systematic approach to the organization of waste management. The article analyzes the National Waste Management Plan and the current legislation in the field of waste management, consisting of the laws of Ukraine «On Environmental Protection», «On Waste», «On Ensuring Sanitary and Epidemiological Welfare of the Population», «On Radioactive Waste Management», «On the improvement of settlements», «On housing and communal services», «On packaging and packaging waste», «On electronic and electrical equipment waste», «On the mining industry waste», and there are some ways to improve them suggested. Also, a number of reasons are identified, which prevent the integration of European Union Directives into national legislation, and the benefits of their implementation are highlighted. The key points and shortcomings of the new legislation «On waste management» are identified as well as the factors that lead to corruption risks: in particular, the introduction of a new structure – the operator (administrator) of the municipal waste management system. The following general methods of scientific cognition are used in the research: namely, statistical, dialectical, formal-stylistic, axiological, systemic comparative-legal, formal-legal, etc.*

Key words: *environmental threats, legislation, regulatory framework, solid municipal waste, waste management*

INTRODUCTION

One of the most important problems of today in the environmental sphere is the problem of waste management. The constant growth of solid waste (MSW), insufficient coverage of the population with their collection services, outdated methods of disposal and low level of their utilization have led to the fact that environmental pollution in Ukraine has reached a level several times higher than in developed countries. This leads to deteriorating human health and reduced life expectancy. Therefore, solving the problem of environmentally friendly waste management today is one of the country's priorities. The National Waste Management Strategy until 2030 stipulates

that a critical situation has developed in this area, which is characterized by the further development of environmental threats: the volume of solid waste generation in Ukraine is approximately 49 million cubic meters. meters, or about 11 million tons per year, the rate of which in Ukraine averages 250–300 kilograms per year per person and tends to increase, the annual volume of industrial waste generation is 419,2 million tons, and the amount of accumulation in specially 13,27 billion.

Among the reasons for this situation is a significant problem of administrative and legal regulation in the field of waste management, which aims to regulate through administrative and legal norms of public relations connected with prevention of waste generation and management, namely: collection, transportation, sorting, storage, disposal, processing (processing), removal, disposal, control of these operations and care of their burial sites.

Analysis of recent research and publications shows that today the legal framework for treatment with waste contains a number of gaps and needs improvement, which makes this study relevant. Therefore, the issues of solid waste management have been the subject of numerous researches and discussions among scientists for more than a decade. In particular, such as Antonova T., Gorobets O., Depko H., Baitsarya I., Kupinets L., Kravchenko O.

RESULTS AND DISCUSSION

The problem of environmental pollution in Ukraine has become especially relevant in modern conditions, as waste reuse and disposal is at a low technological and legislative level of regulation. Anthropogenic impact on the environment is the result of not enough control by the state and insufficient public awareness of the reality of the threat. It is necessary to have two factors to create environmental protection of the country: sufficient environmental awareness of people and the influence of law enforcement agencies, but it is necessary to create a legal framework through which both individuals and public authorities will be motivated by the threat of punishment or encouragement. Today, the field of waste management is still regulated by the Law of Ukraine «On Waste», which was adopted in 1998. But during this time, not only the technology of waste collection, processing and disposal has changed, but also the morphological component. Plastic has become one of the main types of packaging, and the amount of hazardous waste has increased. In 2020, only 6% of solid waste and approximately 25% of hazardous waste was recycled, and the rest was disposed of in landfills. Accordingly, these rules do not promote the emergence of modern waste recycling plants and the introduction of leading European technologies. The current legal framework for waste management is outdated and needs immediate updating (taking into account world experience), stricter control mechanisms and a clearer structure of solid waste management.

The problem of inefficient solid waste management in Ukraine is caused by a number of reasons. First, it is a long-term disregard for it as a problem by the state leadership,

an underestimation of complexity, scale and specificity. Existing outdated technologies in this area (about 70% of transport is worn out) and the lack of appropriate state support, effective regulation of tariffs, the implementation of processes of treatment, adjustment and punishment for environmental pollution do not contribute to the formation of investment-attractive environment [1]. Territorial imbalances and imperfections of the infrastructure of waste collection, processing and utilization as secondary raw materials in the conditions of growth of their volumes of formation and progressive accumulation also hinder the functioning of the effective system of solid waste management; insufficient financial support for waste management, basic and applied science; lack of modern methods and sufficient capacities for waste processing and utilization, etc. This problem is exacerbated by the lack of effective state environmental policy at the local level and effective economic methods of state regulation in this area. This leads to imperfect tariff policy in the field of waste collection and disposal, and the lack of a systematic approach to the organization of solid waste collection, which would be aimed at obtaining secondary raw materials [2].

It should be noted that the system of payment for garbage removal is also imperfect. It does not encourage the reduction of waste generated and does not establish financial mechanisms for recycling instead of landfilling. Because of this, investors have many questions about the possibility of investing in this area [3, 17]. Due to the imperfect waste management system in the private sector, a significant number of unauthorized landfills are detected annually, the data show that in 2018 alone, 26 thousand with an area of 0,68 thousand hectares were liquidated. All this leads to the loss of millions of tons of resource-rich materials contained in solid waste.

The existing formula for calculating the tariff for waste management services is also incomplete. The formula lacks components such as Q_s - solid waste sorting costs, Q_t - if there is a recycling plant, P - labor costs.

Therefore, the adjusted formula for calculating the tariff for municipal waste management services should have the following view:

$$T_{wms} = (O_v \times T_v + O_{ip} \times T_{ype} + O_{iz} \times T_{iz} + Q_s + Q_t + P) / O_v$$

Summarizing the above, we can say that the tariff policy in the field of waste management has a number of disadvantages:

1. The existing tariff only partially covers the costs of removal and collection of solid waste to their disposal sites, but the disposal itself is financed on a residual basis.
2. There is a need to use tariffs for processing and disposal, which would ensure the operation at the required level and include a certain component for the implementation of investment programs.
3. The tariff needs to be adjusted in proportion to the level of change in the minimum wage to help ensure the development of the waste recycling industry and address Ukraine's waste disposal issues.
4. The implementation of measures aimed at efficient waste management requires a change in the attitude of the population and the authorities.

5. The system of payment for garbage removal is imperfect. It does not encourage to reduce the amount of waste generated, and does not establish financial mechanisms for recycling and disposal of waste instead of landfill [16, 17].

Therefore, the purpose of the proper functioning of the industry, the system of tariffs and payments should be:

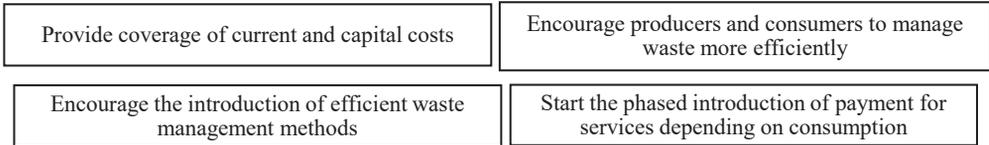


Figure 1. Ways to improve tariff policy in the field of waste management

In order to prevent further pollution of the environment it is necessary:

- to introduce in Ukraine a mandatory system of separate collection, sorting and waste separation and solid waste recycling system;
- initiate the development of legislative documents on the safe solution of the problem of garbage in Ukraine;
- strengthen the fight against landfills and the consequences of their existence;
- organize research work on the creation of environmentally friendly technologies for processing and disposal of industrial and household waste;
- launch an all-Ukrainian information and educational campaign to explain the need for proper waste collection for further disposal.

The advantages of implementing a modern system, taking into account the world experience of household waste management are presented in Fig. 2:

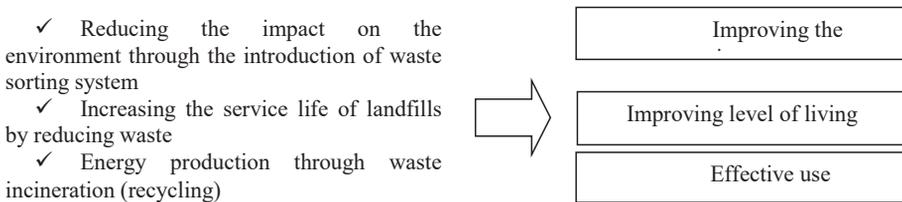


Figure 2. Advantages after implementing a modern system of household waste management

Ukrainian legislation in the field of waste management consists of a number of laws of Ukraine «On Environmental Protection» [4], «On Waste» [5], «On ensuring the sanitary and epidemiological well-being of the population», «On radioactive waste management», «On the improvement of settlements», «On housing and communal services», as well as the National Waste Management Plan and other regulations. This legal framework is aimed at regulating relations related to the problems that arise in the subjects of law in relation to waste management, as well as a system of measures for

organizational and economic incentives for resource conservation. The main principles of the legislation are:



Figure 3. Basic principles of waste management legislation

The main principles of the policy are:

- ensuring proper collection, disposal and disposal of waste;
- compliance with environmental regulations safety in solid waste management,
- reducing the amount and hazard of waste generated,
- integrated use of raw materials;
- safe disposal of waste that is not suitable for disposal through development environmentally safe methods and means of their management,
- social protection of workers engaged in waste management;
- control over the facilities where waste is placed, in order to prevent their negative impact on environment
- essential accounting of waste (classification, certification);
- adoption of new standards for the provision of waste disposal services depending on the source of education;
- implementation of a set of scientific and technical research to identify, determine res waste value and their effective use;
- implementation of the maximum possible utilization through reuse, direct or alternative use of waste.

The complexity of the situation with waste, including solid waste, in Ukraine compared to other developed countries is due to the large volume of their generation.

The study found that the regulatory framework contains a number of shortcomings that need to be addressed. The reason for this problem is inconsistencies in regulations and duplication of management functions.

For example, the Law on Waste [5] lacks one of the important terms – prevention of waste generation, which determines the basics of waste management and is a significant omission of domestic legislation.

In order to improve the law it is necessary to eliminate this shortcoming in terms of defining the concept of «waste prevention». It is appropriate to apply the following definition in Directive 2008/98 / EC [6], where the concept of «waste prevention» is defined as measures taken before a substance, material or product becomes waste that reduces:

- a) the amount of waste, including that generated after processing of products or extension of the life cycle of products;

- b) adverse effects of waste on the environment and human health;
- c) content of harmful substances in materials and products.

The term «material utilization of waste» is used in the Law to mean any technological operation of waste utilization, as a result of which waste becomes secondary material resources, not including their use as secondary energy resources or to prepare them for use as alternative fuels. This value is contrary to Directive 2008/98 / EC. It should be replaced by the definition of «waste recycling.»

Article 32 of the Law of Ukraine «On Waste» states that from January 1, 2018, Ukraine is obliged to sort waste by type of material and divide it into recyclable and hazardous waste. According to European standards, recyclable waste must be transported to the relevant enterprises, hazardous waste is taken to landfills, and hazardous waste requires operations necessary for disposal. The current Law of Ukraine «On Waste» does not contain a list and sequence of operations with waste. The rule prohibiting the disposal of unprocessed waste does not work in the absence of infrastructure. The majority of Ukraine's population collects waste inseparably and only a small number of settlements adhere to sorting and have waste sorting lines. Available glass, paper, plastic or metal processing facilities only accept materials selectively. Due to insufficient environmental awareness, the population of Ukraine incorrectly sorts garbage, for example, bring contaminated plastic to reception points. It is necessary to introduce expanded responsibility of producers and importers, which will promote sustainable production, consumption of electronic and electrical equipment, batteries and accumulators, create appropriate legal conditions for their activities and direct producers' funds to the field of household waste management.

The legal framework does not cover the amount of waste sorted in Ukraine, as well as the stage of implementation of separate waste collection initiatives. Currently, our country does not have a single plant for integrated waste recycling. In connection with the improvement of legislation in the field of waste management, the task of our state is the direct integration of EU Directives into national legislation. In Europe, the issue of waste is regulated by a number of directives on waste, its disposal, on waste management of the extractive industry, so the transformation of European standards into national legislation will modify the existing principles and mechanisms. First of all, there are three Directives that Ukraine must implement:

- Waste Directive 2008/98 / EC;
- Waste Disposal Directive 1999/31 / EU;
- Directive on waste management of the extractive industry «2006/21 / EC [3, 7].

The dominant method of waste management in Ukraine is their removal and disposal in landfills. According to experts, more than 99 percent of landfills do not meet European requirements (Council Directive 1999/31 / EC of 26.04.1999 on the disposal of waste). As a rule, due to the insufficient level of control and the lack of a proper system of household waste management, according to official data, more than 27 thousand

unauthorized landfills are formed every year. Work on certification, land reclamation and landfill rehabilitation is not carried out properly [8].

Norms of European legislation, in particular the EU Framework Directive «On Waste» (Directive 2008/98 / EC of 19 November 2008), Council Directive 91/689 EEC «On Hazardous Waste»; Council Directive 1999/31 / EC of 26 April 1999 on the landfill; Directive 2010/75 / EC of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) clearly sets out the main waste management tools, such as the obligation to manage waste in such a way as not to adversely affect to the environment or human health, promotes the use of the waste hierarchy and, as required by the polluter pays principle, to pay for the disposal of waste by the waste owner, previous owners or producers of the product, leaving the waste.

Currently, legislation in the field of waste management only partially meets EU requirements and needs a new conceptual framework in which the priority objectives of waste management will ensure the movement towards a «circular» economy with cascading use of resources and minimization of residual products [2]. The situation with the implementation of the Directives today is unsatisfactory. This is not due to a list of reasons:

- negligence;
- financial problems;
- lack of resources;
- shortcomings in the legislation.

This issue is It is very important for the legislation, as it provides the improvement of the quality of landfills and the reduction of waste.

The benefits of implementing EU legislation are presented in Figure 4:

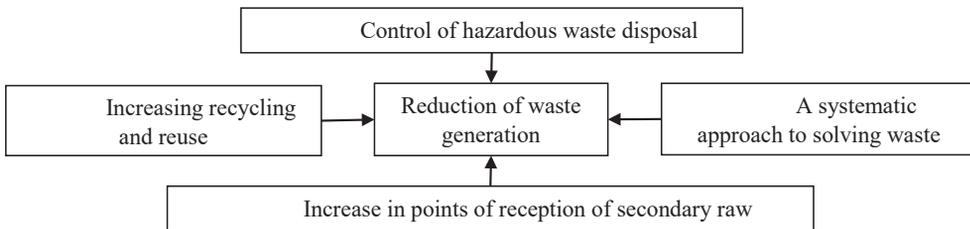


Figure 4. Benefits of implementing EU legislation

A number of bills have been registered in parliament over the last few years, but only partially reflect the provisions of the Directives. The reason for this is the political bias and corruption of stakeholders.

The draft regulation «On approval of the National Waste Management Plan until 2030» needs to be improved, taking into account the indicators of the National Waste Management Strategy and the requirements of the Waste Framework Directive, as well as ensuring a strategic environmental assessment before its adoption.

The National Waste Management Plan does not contain the following components (Figure 5):

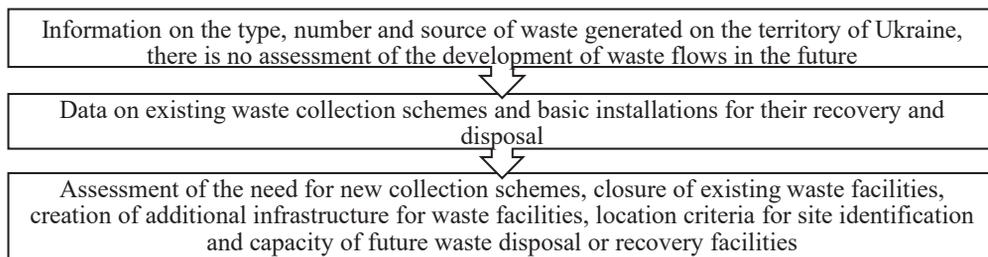


Figure 5. Disadvantages of the National Waste Management Plan

The draft regulation does not contain ways to achieve the goals presented in the National Waste Management Strategy until 2030 of November 8, 2017, namely:

- introduction of separate collection of waste suitable for reuse and recycling in settlements – 5000 units,
- creation of new facilities for recycling – 800 units;
- creation of biowaste composting facilities – 500;
- reduction of the number of places for disposal of household waste – from 6000 in 2016 to 300 in 2030.

According to the Law on Housing and Communal Services [9], Ukrainians pay for the removal of waste directly to the carrier company, which is obliged to transport waste to specially designated facilities, but in practice they are taken to unofficial disposal sites that are not controlled by the authorities. This is done in order to dispose of waste cheaper, or free of charge, by placing it in unauthorized landfills or in forest belts. It can be concluded that the waste management service is included in the list of those of general economic interest. Businesses that generate household waste have the right to choose their own carrier. This leads to the fact that most of them do not enter into contracts. As a result, garbage is dumped in the tanks of residential buildings and leads to street pollution, which is then cleaned at the expense of taxpayers. The law must clearly define the terms of the contract. In order to avoid this problem, it is recommended to develop a system for tracking the removal of waste by carriers.

Developed but not adopted the Law of Ukraine «On Packaging and Packaging Waste» dated 05.02.2016 [10], which defines the basic principles of domestic policy in the field of packaging waste management, the responsibility of producers, distributors and end users of packaging, the requirements for the introduction in circulation labeling of the composition and properties of packaging, requirements related to the collection, storage, transportation, processing and disposal of packaging, measures to minimize the generation of packaging waste, as well as the removal of packaging waste, the procedure for fulfilling obligations of packaging manufacturers and packaged goods.

Developed, but not approved the draft Law «On waste electronic and electrical equipment» №2350 of 30.10.2019 [11], which aims to establish a mechanism for full cost recovery in accordance with the principle of «polluter pays» and the principle of extended producer responsibility, which is responsible for the entire life cycle of products, from production to collection and treatment of waste generated by the use of products, the establishment of organizational, technical and environmental requirements for the activities of economic entities in the field of waste management (collection, storage, transportation, recycling), etc. In order to eliminate barriers to the use of waste, in particular electrical and electronic equipment, there is a need to qualitatively differentiate a certain classification of this waste according to their terminological characteristics and conceptual interpretation. In the European Union, the rules of law regulate and establish certain classifications of electronic waste. Ukraine should follow the example of the EU experience and apply it in the norms of national legislation, amending existing standards or creating new ones adapted to modern times. Therefore, the current challenges of a society that has become global require concrete changes in policy and the creation of strategic plans for effective state control, focused on European standards and directives, as exemplary elements of improving Ukrainian legislation. The priority in the field of environmental safety is the prevention of environmental problems [12, 13]. Therefore, the issue of clarity of the concept of electronic waste and their classification are important factors in preventing the negative consequences of improper management of such waste.

Work is just beginning on the bill «On waste management of the extractive industry», which should regulate the implementation of the classification of places (facilities) of waste from the extractive industry, development of plans for waste management of the extractive industry, introduction of economic instruments of financial guarantee for places (facilities) of waste

Unregulated waste management and delaying the introduction of extended producer responsibility do not help solve waste management problems, hamper investment to waste recycling infrastructure, which in turn leads to a deepening of the environmental crisis in Ukraine.

The consequences of improper public administration, imperfect regulatory framework in the field of waste management [14] are presented in Figure 6.

So, summarizing the above, we can say that the problem of inefficient solid waste management in Ukraine is caused for a number of reasons:

- a long-term disregard for the problem of solid waste management by the state leadership, underestimation of its complexity, scale and specificity;
- outdated technologies in this area (about 70% of transport is worn out);
- the lack of clear and unambiguous regulation of tariffs, the order of implementation of the processes of treatment, adjustment and punishment for environmental pollution do not contribute to the formation of an investment-attractive environment [15].

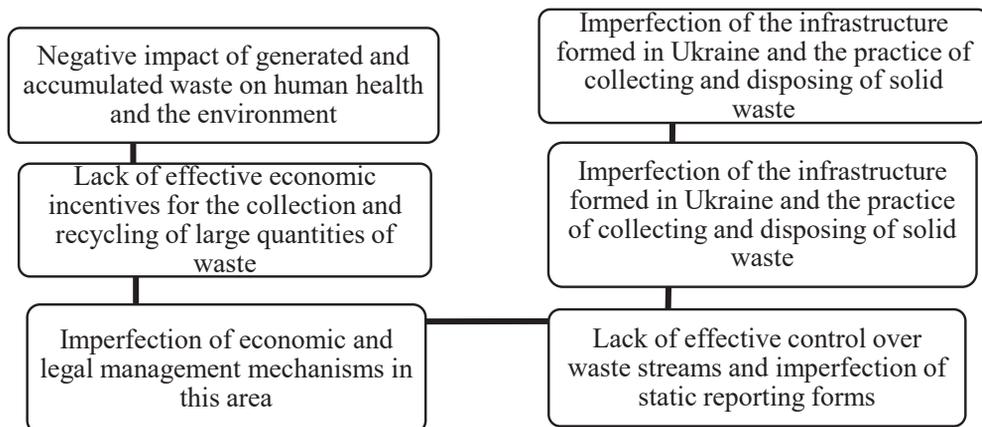


Figure 6. Consequences of improper public administration of waste management

Also hinder the functioning of an efficient solid waste management system:

- territorial imbalance and imperfection of the infrastructure for collection, processing and disposal of waste as a secondary raw material in conditions of growth of their formation and progressive accumulation,
- insufficient financial support for waste management activities, basic and applied science;
- lack of modern methods and sufficient capacity for waste processing and disposal, etc.

The lack of effective state environmental policy at the local level and effective economic methods of state regulation in this area exacerbates this problem [16].

In 2017–2019, the Cabinet of Ministers approved the National Strategy and the National Waste Management Plan until 2030, which define the main tasks and practical measures of the state necessary to create a European model of waste management in the country. During this time, the Ukrainian authorities had to develop a new framework law «On Waste Management», as a result of which other laws will be adopted for specific types of waste, which will regulate household, industrial, agricultural waste and other specific wastes, including medical, packaging waste, electrical and electronic equipment, used batteries and accumulators.

Law 2207–1-d of June 4, 2020 defines the legal, economic and organizational framework for reducing waste, reducing the negative consequences of management waste and promoting the preparation of waste for reuse and recycling in order to prevent adverse effects on the environment and human health. This law regulates relations related to waste management, which are imported into Ukraine, transported across the country and exported from it. The main idea of the bill is to introduce new transparent rules on the market, which will create a new waste recycling industry and promote environmentally friendly management.

The draft law introduces for the first time into national legislation the basic principles and provisions of European waste legislation, in particular, establishing the application

of hierarchy in waste management, establishing the procedure for terminating the status of waste, introducing extended producer responsibility, implementing self-sufficiency and proximity management principles. waste at the national, regional and local levels (ie use and application of adopted Strategies and Plans). According to these principles, waste treatment should be minimized in the early stages. In the second stage, it is planned to reuse products and things, and only then send them for recycling. Landfills should only be used when nothing more can be done with the waste. In this way, a system can be set up to prevent the negative impact of waste on human health and the environment.

In order to change the composition, appearance and reduction of waste, a waste management hierarchy has been introduced in Europe under the Zero Waste Initiative. In order to oblige those who generate waste and also those who produce the products from which they are generated, it is necessary to create a mechanism of extended responsibility, such as that used in European countries. According to this mechanism, producers are obliged to invest in their products a certain part of the funds for the collection and disposal of used products and subsequently organize the collection of waste and their subsequent disposal at the expense of these funds. As a result of this mechanism, it is possible to install more collection points for paper, plastic, glass, used batteries, used electronic equipment, mercury lamps, hazardous medical waste (syringes, droppers, medicines) [14].

Extended producer responsibility includes:

- the responsibility of the manufacturer of packaging and packaged goods for the entire life cycle of the product, even after its use;
- the obligation to collect, recycle or dispose of packaging waste;
- development of products and its components taking into account the reduction of negative impact on the environment and reduction of waste generation,
- acceptance from final consumers of waste generated by the use of products, and further management of this waste.

The introduction of extended producer responsibility requires (Fig. 7):

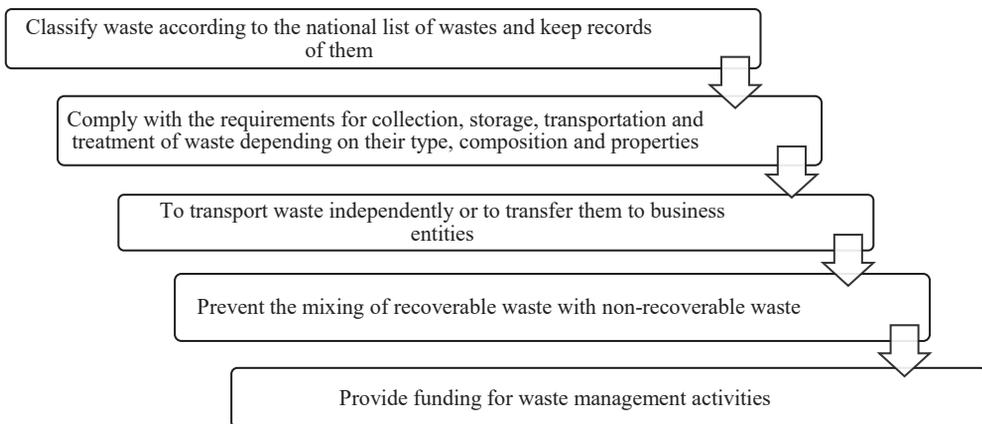


Figure 7. Obligations of the manufacturer

The key elements of the new legislation are presented in Figure 8:

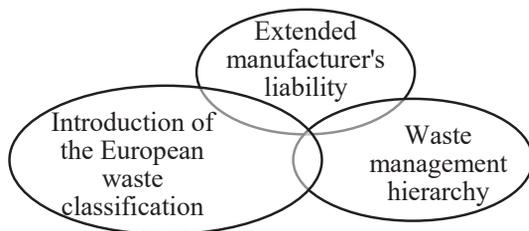


Figure 8. Primary elements of the new legislation

The draft law proposes to introduce an electronic system of permitting procedures and information and registration documents in the field of waste management. The introduction of the National Waste List to replace the State Waste Classifier will help harmonize the list of waste with the European one and will be used in the system of state statistical and other systems of waste accounting and certification; maintaining registers of waste generation, treatment and disposal facilities, registers of waste disposal facilities.

The analysis also revealed the shortcomings contained in this bill. Accordingly, the Draft Law of Ukraine «On Waste Management» [19] does not fully address the issues of prevention and reduction of waste generation, promotion of their reuse and recovery as secondary raw materials and energy resources; contains excessive pressure on entities in the field of waste management in terms of obtaining permits; does not provide for specific measures of responsibility of the manufacturer in case of non-compliance with the requirements for waste management of its products, etc.

The legislation also contains factors that promote corruption and prevent the adoption of laws quickly. An example is the model of legal regulation provided by the draft Law of Ukraine «On Waste Management». Article 27 (3) recommends that a waste management entity be authorized to carry out waste management operations and have a license to carry out a set of hazardous waste operations in order to conduct hazardous waste management activities. The draft law actually introduces double regulation of hazardous waste management activities. This creates additional barriers for businesses, significantly expands the discretion of the permitting authority in terms of the introduction of additional regulatory mechanisms and is a corruption-causing factor. Article 36 proposes that companies approve their own investment programs in local governments, but there is no approval procedure itself. The norm is written incorrectly and initiates corruption risks. In order to eliminate corruption risks, it is necessary to revise the following provisions (Fig. 9).

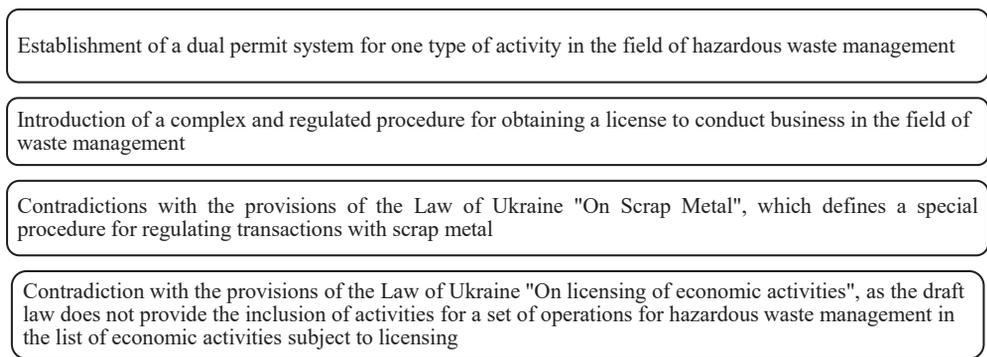


Figure 9. Regulations on corruption risks

Article 45 of the draft Law on Waste Management does not cover the definition of such a concept as «complex of hazardous waste management operations». This leads to legal uncertainty as to which activities are subject to licensing. The provisions of the Law should cover a wide range of types of waste, while in this bill attention is paid to only one type – household waste. Industrial, construction, medical, food and other wastes are practically absent, with the exception of hazardous wastes.

One of the shortcomings of the legal regulation of Ukraine in the field of waste management is the lack of a clear definition at the regulatory level of the status of waste as an object of ownership with the responsibility of the owners of such waste for their safe use, recycling and disposal. According to Article 8 of the Law of Ukraine «On Waste», waste is a specific object of ownership. Following from the provisions of this regulation, waste can be in state, municipal and private ownership. In addition, the legislation provides for a procedure for detection, accounting and management of unmanaged waste. However, a significant amount of relations that arise, change and terminate in the process of implementation by individuals and legal entities, public authorities or local governments of the rights of the owner to waste in Ukraine today at the regulatory level is not regulated. In particular, the grounds for acquiring and terminating the right of ownership of waste are not clearly defined in the draft law «On Waste Management».

Among the shortcomings of the revised bill should also be noted (Fig. 10):

The next version of the revised bill, although it contains a number of shortcomings, generally introduces the main European tools and approaches to waste management: the principle of extended producer responsibility, termination of waste status, waste management hierarchy. Unfortunately, the current version of the bill retains the existing permitting system in the field of waste management: permits, licenses, declarations. Such a system of regulating waste management operations, including hazardous ones, has proved its inefficiency and corruption over the years of its existence, so there is a need to change it radically.

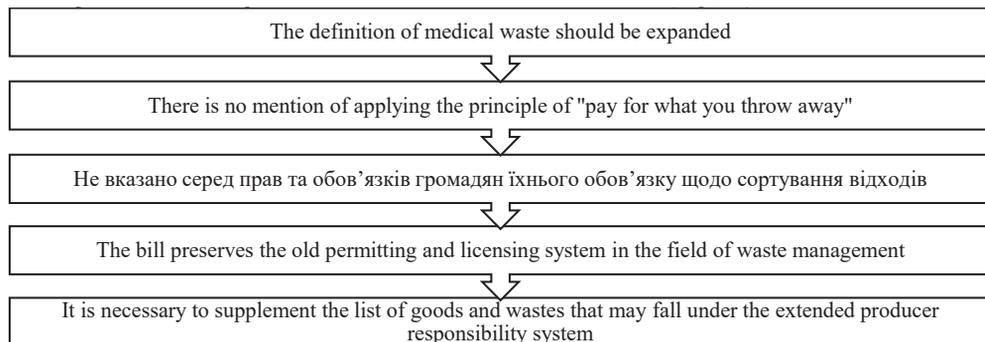


Figure 10. Disadvantages of the law «On waste management»

To separate some functions from others, the bill “About waste management «a new structure is introduced – the operator (administrator) of the municipal waste management system. The administrator of the local municipal waste management system is a municipal commercial enterprise with a non-profit status, which provides the provision of municipal waste management services to the territorial community or territorial communities within the framework of their cooperation. The powers of the administrator include (Fig. 11):

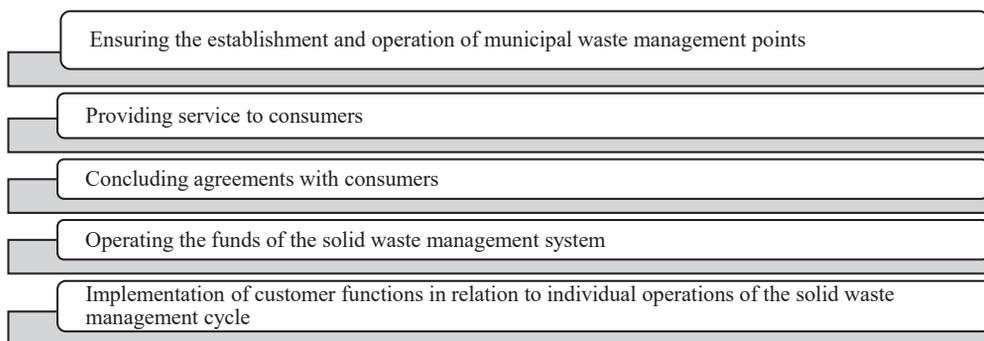


Figure 11. Administrator powers

The administrator of the municipal waste management system does not independently perform any of the operations of the waste management cycle and does not select business entities to perform certain operations of solid waste management. It should also be noted that the term «operator of the municipal waste management system» is not correct, as in Ukraine there are no «municipalities» as management bodies of administrative-territorial units. It would be appropriate to use the term «territorial» or «local» waste management systems.

Waste collection and disposal is only part of the whole cycle, only a separate element of a complex structure, called a solid waste management service. According to the

competition of local self-government bodies, a carrier is selected, which automatically becomes an administrator. A company that deals with only one individual component of solid waste management becomes the administrator of the entire system by default. The carrier-administrator independently manages the finances in the waste management system. In particular, he pays for the collection and removal, independently builds relations with the operator of the landfill. Often the carrier is also the operator of the landfill. The draft law «On waste management» provides for the establishment that the operator of the municipal system of household waste management can only be a utility company, but this rule violates the constitutional principles of equality of all forms of ownership. It is necessary to introduce an administrator of the municipal waste management system regardless of the form of ownership, which will be in line with the Constitution of Ukraine and will allow choosing an operator in accordance with logistics, staffing and experience in this field.

In the amendments to the new law it is necessary to pay attention to the need to harmonize with the legislation of landfills and ensure effective operation and provide state support to economic entities that manage landfills.

CONCLUSIONS

Ukraine has chosen a priority area of development in the field of waste management and is confidently working to improve modern legislation, using international experience in these matters.

Solving existing and hidden problems waste management should be regulated at the state level, through the improvement of existing and implementation of effective regulations, namely:

- reforming the permitting activities of economic entities engaged in the disposal, treatment and disposal of hazardous waste,
- development and approval of technical regulations, standards and BAT for hazardous waste operations and economic entities that will be engaged in such activities;
- introduction of a system of strict accounting, reporting of all operations with hazardous waste in the system «generator / owner → carrier → business entity for the final removal / disposal of hazardous waste». Registration of relevant operations and entities.

Having worked out all the difficulties and shortcomings and improved the law «On Waste Management», Ukraine will fulfill its obligations to Europe and will reduce the risks posed by hazardous waste to the environment and health of Ukrainian citizens.

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