

Ключевые слова: исполнительное производство, принципы, судебные решения, нормы, государственная исполнительная служба, государственные исполнители, частные исполнители.

Julia P. Iliina. Standard Fixing of some Principles of Executive Production within the Framework of the Reform. – Article.

Summary. In article reveals the content of some principles, found legislative fixing in the bill of Ukraine "About bodies and the persons which are carrying out compulsory execution of judgments and decisions of other bodies" and the bill of Ukraine "About executive productions" who were assumed as a basis in the first reading on October 8, 2015. Each of the principles is considered from the point of view of their influence and application at the organization and activity of bodies of PES.

Key words: executive production, principles, court decisions, norms, government executive service, state performers, private performers.

УДК 341.1/8

Victoria L. Kachuriner,
Senior lecturer,
International humanitarian university,
Odessa, Ukraine

ENVIRONMENTAL POLICY OF THE EUROPEAN UNION

Summary. Environmental protection is an important question at the political and legal level and a significant problem that exists at the national, regional, European and international levels. The EU has become the base platform for the solution of global problems facing humanity, including the legal basis for the establishment of a unified environmental strategy and the development of common European principles and national legislation on the protection of the environment.

Key words: environment, environmental protection, the European Union policy.

The beginning of XXI century is characterized by two most important destructive tendencies in development of civilization: threat to international security and degradation of natural environment.

Environment protection is the most urgent problem of the European region.

The history of establishment and development of EU Environmental law backs to the period 1957–1971 which was the initial stage of EU legal competence formation in environmental sphere. At that time only individual actions were carried out. Initially, the establishing Treaty of Rome 1957 did not give the European Union the powers in the field of environment protection and consequently, during this period EU actions only indirectly affected this sphere and were undertaken to attain other economically and socially significant purposes. Environmental activity was optional [1, p. 214].

Importance of environmental law of the European Union may be stated for several reasons. Firstly, it is intensively developing. Secondly, it is much younger than international law and national ecological and legal systems. Thirdly, diversified means of ecologically significant behavior regulation of the EU Member States, legal entities and individuals having various legal forms, unequal legal force and political and legal value are presented in its framework. Fourthly, studying of environmental law of the EU countries is required during training of legal specialists [2, p. 329].

The EU law in the field of environment protection is conditioned by several features:

- EU environmental competence is joint with the Member States;
- EU environmental activity is inseparably connected with other directions of the European integration [1, p. 222].

European environmental policy emerges from an institution that is primarily devoted to economic integration and the establishment and maintenance of the internal market. It co-exists with other policies

pursued in the same institutional framework, above all single market policy. It also co-exists with the domestic environmental policies of the member states. A policy decision adopted in one of these areas may generate undesired, and occasionally unexpected, consequences in other areas. For example, the development of packaging waste policy in Europe illustrates this effect [3, p. 352].

The environmental policy of the European Union is nested within a broader institution devoted predominantly to market integration. It also co-exists with the domestic environmental policies of the member states. This institutional arrangement has important consequences for environmental governance in the present Union. Not only does the wide scope for domestic environmental action generate different logics of harmonization for the regulation of products and processes, it also creates an institutional preference for European product standards because this type of regulation allows a trade-off between environmental and single market concerns. This effect is demonstrated by the development of the originally purely environmentally motivated and process-related directive on packaging and packaging waste adopted in 1994.

Every year, some 2 billion tonnes of waste – including particularly hazardous waste – are produced in the Member States of European Union, and this figure is rising steadily. Stockpiling waste is not a viable solution and destroying it is unsatisfactory due to the resulting emissions and highly concentrated, polluting residues. The best solution is, as always, to prevent the production of such waste, reintroducing it into the product cycle by recycling its components where there are ecologically and economically viable methods of doing so.

With a view to breaking the link between growth and waste generation, the European Union has provided itself with a legal framework aimed at the whole waste cycle from generation to disposal, placing the emphasis on recovery and recycling.

Dangerous waste must be stored and treated in conditions that ensure the protection of health and the environment. They must not, in any case be mixed with other dangerous waste and must be packaged or labelled in line with international or union regulations.

In March 2007 started the process of negotiations between Ukraine and the EU on concluding a new enhanced agreement. For 2007–2012 held the 21st round of negotiations on the Association Agreement and 18 rounds of negotiations on Agreement on deep and comprehensive free trade area. On August 9, 2013 the draft Association Agreement was published on the government website. The signing of the Association Agreement between Ukraine and the EU had two stages: the political part and economic part [4].

According to the report on implementation of the Association Agreement between the European Union and Ukraine the following draft Laws of Ukraine were elaborated: «On Environmental Impact Assessment» and «On Strategic Environmental Assessment» [5, p. 17].

Ukraine shall endeavour to ensure that its legislation will be gradually made compatible with that of the EU. And the approximation of laws shall extend to the following areas in particular: protection of health and life of humans, animals and plants, the environment, consumer protection, technical rules and standards, nuclear laws and regulations, transport and etc.

The environment can be viewed as a resource that amongst other functions is used as a sink for emissions and all other waste created by human production and consumption.

Ukraine shall take measures necessary to ensure that aqueous effluent, emissions into the air and solid waste arising from the use of asbestos are reduced at the source as far as possible, recycled or treated, using the best available technology not involving excessive costs.

The national environmental policy based on the availability of science knowledge, develop the rules and principles of ruling; the development of legislative and other measures in the field of environmental protection; research to develop the knowledge base in relation to working environment and the health and safety of workers; strengthening participation in the process of dialogue with environmental NGOs through appropriate support, including funding from the EU; the exchange of scientific and technical information, effective monitoring of pollution levels and assessment of environment; system of information on the state of the environment; exchange of information and experts, including information and experts dealing with the transfer of clean technologies and the safe and environmentally sound use of biotechnolo-

gy. Ukraine shall support the development of modern methods of information handling, including the media, and stimulate the effective mutual exchange of information.

REFERENCES

1. Vyshnyakov O.K. EU Economic Law : Textbook / O.K. Vyshnyakov and Y.V. Yulinetska (ed.) ; National University "Odessa Academy of Law". – Odessa : Yurydychna literatura, 2011. – 312 p.
2. Kramer L. EU Environmental Law / L. Kramer. – London : Sweet and Maxwell, 2000.
3. Gehring Thomas. Governing in nested institutions: environmental policy in the European Union and the case of packaging waste / Thomas Gehring // Journal of European Public Policy 4:3, September 1997 : 337-54.
4. Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським Співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони [Електронний ресурс]. – Режим доступу : http://www.kmu.gov.ua/control/publish/article?art_id=246581344
5. Report on implementation of the Association Agenda and the Association Agreement between the European Union and Ukraine. – Kiev : Secretariat of the Cabinet of Ministers of Ukraine, Government Office for European Integration, 2015. – 159 p.

В.Л. Качурінер. Екологічна політика Європейського Союзу. – Стаття.

Анотація. Нині захист навколишнього середовища є ключовим питанням в політичному та правовому просторі й важливою проблемою, яка існує на національному, регіональному, європейському й міжнародному рівнях. ЄС став базовою платформою для вирішення глобальних проблем, які постають перед людством, у тому числі для становлення правових засад єдиної екологічної стратегії і розробки загальноєвропейських принципів і національних систем законодавства про охорону навколишнього середовища.

Ключові слова: навколишнє середовище, охорона навколишнього середовища, політика Європейського Союзу.

В.Л. Качурінер. Экологическая политика Европейского Союза. – Статья.

Аннотация. На современном этапе защита окружающей среды является ключевым вопросом в политическом и правовом пространстве и важной проблемой, которая существует на национальном, региональном, европейском и международном уровнях. ЕС стал базовой платформой для решения глобальных проблем, стоящих перед человечеством, в том числе для становления правовых основ единой экологической стратегии и разработки общеевропейских принципов и национальных систем законодательства об охране окружающей среды.

Ключевые слова: окружающая среда, охрана окружающей среды, политика Европейского Союза.

УДК 347.27(477)"8/13":340.114

О.С. Кізілова,

доктор юридичних наук, професор,
Міжнародний гуманітарний університет,
м. Одеса, Україна

ЗАСТАВА У ПЕРШИХ ДЖЕРЕЛАХ ПРАВА НА УКРАЇНСЬКИХ ЗЕМЛЯХ У ІХ - ХІV СТОЛІТТЯХ

Анотація. У статті аналізуються перші джерела національного права ІХ–ХІV ст., у яких вперше згадується про застава – це звичаєве право, договори Русі з Візантією, княже законодавство, Руська правда. Встановлено, що застава мала особисту форму. Тобто стягування за забезпеченням основного боргу накладалося на особу боржника.

Ключові слова: застава, джерела національного права, особиста форма застави.