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УДК 342.7 (043.2)

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## **ACCESS TO ECOLOGICAL INFORMATION AS A HUMAN RIGHT**

Improving of executive-legal mechanism for access to public information is one of important directions of European integration of Ukraine thanks to which effective providing of the other directions of cooperation is possible.

The important problem is inconsistency of state informative policy in the sphere of preservation of natural amenities which is based on disagreements of perspective of the ways of development of Ukraine in the future, absence of clear program of further activities and their effective realization etc. Range of problems concerning absence of mechanism for realization of implemented into Ukrainian legislation norms in the sphere of access to ecological information still exists.

Therefore, the need in detailed study, analyzing and research of legal base of providing human right for access to ecological information under the condition of European integration of Ukraine that is: the legal nature of the given right and legislation in this sphere, still exists.

At the domestic level the legal regime of ecological information is defined by the Constitution of Ukraine, the Laws of Ukraine “About Preservation of Natural Amenities”, “About Information”, “About Access to Public Information”, “About Public Appeals” and the other laws and implementing regulations.

According to part 1 article 5 of the Law of Ukraine “About information” everybody has the right to information that provides the possibility of free receiving, use, spread, keeping and defense of information needed for realization of person’s rights, freedom and legitimate interests.

Direction of the Cabinet of Ministers of Ukraine “About approval of developed by the Ministry of Ecology and natural resources plans of implementation of some acts of the EU legislation” of the 15-th of April 2015 № 371-p defines the list of acts of the EU legislation, implementation of which has been performed according to approved plans (p.3 Attachment to the Direction of the Cabinet of Ministers of Ukraine of the 15-th of April 2015 № 371-p). Directive 2003/4/EU of European Parliament and Council of the 28-th January 2003 “About access of public to ecological information and cancel

Directive of the Council 90/313/EU” belongs to this list [1; 2].

Despite rather developed legislative base and theoretical groundwork in this sphere, jurisprudence just starts its development in Ukraine [3]. That is considered that great deal in the development of the right to access to ecological information was performed by the public. From our point of view it is a unique practice when in the result of implementation of international Aarhus Convention, the public received levers of influence at national level. Nowadays we still have a lot of problems in the sphere of access to ecological information. Some of them are absence of mechanism of realization and declarativity of legal norms, practically absence of jurisprudence etc.

However participation of public in decision-making formed the basis for a new period of the development of the right to access to ecological information. Adoption of the Law of Ukraine “About access to public information”, introduction nothree-phase testet care among significant achievements. The development of ecological education and interest of population in the information about present ecological hazards and dangers have been taken place for the last years. The process of study the rights in this sphere has begun. Factually the first case in precedent in Ukraine became the decision of Obukhiv regional court of Kyiv oblast that passed a judgment on case№ 372/4399/15-П about fires at oil base near Kyiv to the benefit of sufferers. It was the first time in Ukraine when the court on the 17-th of November 2016 paid a claim of population suffered from ecological disaster [4].

Implementation of electronic system of access to ecological information is an act of great importance. On the 26-th of December in the Ministry of ecology and natural resources of Ukraine roundtable “Implementation of unified electronic system of access to ecological information about permission, licensing, statistics reports, materials of control, monitoring in the sphere of environmental defence” for governmental bodies, market participants took place. Thus, nowadays active development of mechanism for providing the right to access to ecological information can be watched. We consider that active state support public, namely public ecological organizations is necessary [5].

To our mind access to ecological information includes education in this sphere. According to article 7of the Law of Ukraine “About Environmental Defence” improving of the ecological culture of the society and professional training of specialists are provided through universal compulsory complex education and training in the sphere of environmental defence including preschool in the system of general secondary education, professional training, high school, advanced training and job retraining. Ecological knowledge is compulsory qualification demand for all officials whose activity is connected with usage of natural resources and results in effect to environmental state. That is why we make conclusion that right now in Ukraine the process of development of legislation in the sphere of access to ecological information has

been taking place. The mechanism of realization the right to ecological information has been forming.

In general, firstly, we propose to focus on the development of education in this sphere that is on realization article 7 of the Law “About Environment Defence”; and secondly, to create and concentrate on implementation of unified electronic system of access to ecological information. On the stated above we conclude that nowadays national legislation contains a lot of declarative norms resulting in problem of their effectiveness and realization.

Therefore, national legislation and adaptation of legislation of Ukraine to legislation of EU in this sphere is in the process of development at present.

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УДК 342.3(043.2)

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## **КОНСТИТУЦІЙНА РЕФОРМА ЯК ЧИННИК ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЇ ЄДНОСТІ І СТАБІЛЬНОСТІ УКРАЇНИ**

Конституційна реформа з урахуванням новітніх викликів постає одним із наріжних каменів творення національної самосвідомості й консолідації нації та держави. Водночас модернізація інститутів суспільства й організації влади покликана також змінити спосіб життя та мислення громадян.