



IMPORTANCE OF THE INTERNATIONAL COOPERATION IN ENSURING ENVIRONMENTAL SAFETY IN THE ANTI- TERRORIST OPERATION ZONE IN UKRAINE

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Articolul atrage atenția asupra problemelor de siguranță în utilizarea resurselor naturale în condițiile de manifestare a operațiunilor antiteroriste în Ucraina. Autorul înaintea probleme de organizare a activităților administrației publice în utilizarea resurselor naturale și a siguranței mediului în Ucraina, în anumite regiuni din Donețk și Lugansc. Autorul vine cu propuneri de îmbunătățire a cooperării internaționale în domeniul activităților de securitate ale centralelor nucleare și a altor facilități cu riscuri ridicate de mediu.

Cuvinte cheie: regim administrativ și juridic, operațiune antiteroristă, securitate energetică, resurse naturale, sistem de administrație publică, securitate nucleară.

В статье привлекается внимание к проблемам обеспечения безопасности использования природных ресурсов в условиях проведения антитеррористической операции в Украине. Автором поднимаются вопросы организации деятельности системы публичного управления в сфере использования природных ресурсов и обеспечения требований экологической безопасности в Украине в отдельных регионах Донецкой и Луганской областей. Автором сделаны предложения по совершенствованию международного сотрудничества в сфере обеспечения безопасности деятельности атомных электростанций и других объектов повышенной экологической опасности.

Ключевые слова: административно-правовой режим, антитеррористическая операция, энергетическая безопасность, природные ресурсы, система публичного управления, ядерная безопасность.

У статті привертається увага до проблем забезпечення безпеки використання природних ресурсів в умовах проведення антитерористичної операції в Україні. Автором піднімаються питання організації діяльності системи публічного управління у сфері використання природних ресурсів та забезпечення вимог екологічної безпеки в Україні в окремих регіонах Донецької та Луганської областей. Автором зроблено пропозиції по удосконаленню міжнародного співробітництва у сфері забезпечення безпеки діяльності атомних електростанцій та інших об'єктів підвищеної екологічної небезпеки.

Ключові слова: адміністративно-правовий режим, антитерористична операція, енергетична безпека, природні ресурси, система публічного управління, ядерна безпека.

Actuality of theme. Under the terms and conditions of overcoming the conflict in the East of Ukraine updating of overcoming the threats associated with nuclear facilities is required. Ukraine ranks the eighth in the world and the fifth

in Europe in terms of the established nuclear power capacity. Nuclear power has remained the main energy resource that is widely used in Ukraine and abroad for a long time. Total in Ukraine there are 15 nuclear reactors, all of them were built during

the Soviet period and still cover about half the country's needs in electricity. It has been repeatedly emphasized that the commissioning period of nuclear reactors, located in Ukraine, has been expired [1].

The purpose of the article is to establish the state of ensuring environmental safety in the conditions of the administrative-legal regime of the antiterrorist operation in the territory of separate regions of Ukraine, and to find ways to optimize the provision of its proper level.

The international and legal regulation of relations of ensuring the nuclear safety is carried out in accordance with the Vienna Convention on Civil Liability for Nuclear Damage, the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management Proliferation of Nuclear Weapons, etc.). In the sphere of the national legal framework the basis for regulation of the relations with the nuclear safety is the Law of Ukraine "On Nuclear Energy Use and Radiation Safety", "On Radioactive Waste Management", "On Physical Protection of Nuclear Facilities, Nuclear Materials, Radioactive Waste and other Sources of Ionizing Radiation, and "On Human Protection against Ionizing Radiation", etc.

The public administration in the sphere of nuclear and radiation safety are the State Nuclear Regulatory Inspectorate of Ukraine, whose competence has been determined by the Cabinet of Ministers of Ukraine dated August 20, 2014 No.363 [2]. According to paragraph 3 of the Decree of the Cabinet of Ministers of Ukraine dated August 20, 2014 No.363 the objectives of the State Nuclear Regulatory Inspectorate of Ukraine shall include: 1) ensuring the formation and implementation of the state policy in the sphere of the nuclear safety; 2) implementation of the state regulation of nuclear safety; 3) exercising the powers of the competent authority on physical protection of the nuclear material and nuclear facilities under the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities [3]; on the issues of safe transportation of radioactive materials in accordance with the rules of nuclear and radiation safety during transportation of radioactive materials; on the issues of the emergency notification and reporting under the Convention

on Early Notification of a Nuclear Accident [4]. However, the Law of Ukraine "On Fighting Terrorism" does not provide within the subjects' system for providing counter terrorism the State Inspectorate for Nuclear Regulation of Ukraine, which essentially does not allow its inspectors to take part in the inspection of nuclear facilities, located in the area of anti-terrorist operations.

The State Enterprise - Energoatom National Nuclear Energy Generating Company, which was established in the directive procedure under the Decree of the Cabinet of Ministers of Ukraine dated October 17, 1996 No.1268 [5] is responsible for the safety of nuclear power plants in Ukraine for the purpose of improving the energy supply for the national economy and population, completion of market reforms in the power and improving efficiency of the operation of nuclear power plants under the conditions of implementation of the energy market and a clear separation of economic functions.

According to paragraph 2 of the Decree of the Cabinet of Ministers of Ukraine dated October 17, 1996 No.1268 Energoatom National Nuclear Energy Generating Company has been entrusted with the following tasks: 1) coordination of the rate for electricity generated by nuclear power plants with the relevant bodies, and implementation of sales in the energy market; 2) purchase of nuclear fuel; 3) development and implementation of the technical and economic requirements unified for the Company; 4) creation of the system of use of spent nuclear fuel and radioactive waste management; 5) creation of the system of re-training and staff development of nuclear power plants; 6) improving the safety of nuclear power plants through the implementation of the modern technologies, improving performance security systems; 7) ensuring compliance with the international agreements on nuclear safety and civil liability for nuclear damage; 8) construction and reconstruction of power units, their removal from exploitation. [6] However, this subject as well is not involved in the anti-terrorist operation that makes it impossible to take part in ensuring the nuclear safety requirements in their respective territories.

According to the experts' opinion, the manifestations of armed aggression in the Eastern

regions of the country worsen the situation of nuclear safety in Ukraine. [6] Thus, in May 2014 there was an attack on the largest Nuclear Power Plant in Europe, located in Energodar. The Cabinet of Ministers of Ukraine by its letter sent to the IAEA warned about the danger of the nuclear infrastructure. Unfortunately, no actions have been taken by the international community in solving the issue of overcoming the permanent threat of the environmental and nuclear safety up till now. However, there is both the possibility of direct blows aimed at nuclear power plants and the possibility of indirect threats (it is the failure of the power supply, exceeding the established standards for the use of reactors, etc.). Another problem of the management organization in the sphere of nuclear energy is the possibility of loss of skilled young professionals, who were trained only in Sevastopol for the needs of the industry in Ukraine [6].

So, in terms of growth of military and theoretical threat in our country there is an urgent need for the development and regulatory consolidation of the strategy to ensure the physical security of the nuclear and technogenic combating terrorism. Accordingly, the objectives of the public policy for the protection of the critical energy infrastructure shall be the formation of the unified approach to the activities, focusing available resources and coordination between of interested persons' efforts. First, we should organize the scattered legal provisions and develop a single piece of legislative act for the protection of the energy infrastructure from malicious acts, which shall define the priorities for the system of protection, responsibility of the relevant subjects and the general means of the policy implementation.

Conclusions. Taking into account the fact that at the present moment a part of the territory of Ukraine is uncontrolled, the Cabinet of Ministers of Ukraine and other state authorities shall be required to settle the issue of the environmental safety requirements at the international level. It should be in the international negotiations in

different formats - with the participation of the Russian Federation, representatives of the terrorist groups "Donetsk People's Republic" and "Luhansk People's Republic", or without their participation, to raise questions on the maintenance and protection of nuclear facilities, located in the territory of individual regions - zones of anti-terrorist operations, the front line, etc. In addition, for the purpose of ensuring the nuclear safety within the subdivisions of the Armed Forces of Ukraine and law enforcement agencies, involved in making anti-terrorist operations, the experts on nuclear safety shall operate, who shall be provided with free access to the nuclear facilities, which actually shall be provided for in international agreements, like prisoners in Minsk.

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