

уникають відповідальності.

Таким чином, суттєве посилення відповідальності правопорушників за забезпечило стабільну динаміку зменшення кількості випадків керування транспортними засобами у стані алкогольного, наркотичного чи іншого сп'яніння та зменшило кількість постраждалих за їх наслідком проте актуальним питанням залишається вдосконалення механізму притягнення особи до адміністративної відповідальності.

Література

1. Про внесення змін до Кодексу України про засобами у стані алкогольного, наркотичного чи іншого сп'яніння або адміністративні правопорушення щодо посилення відповідальності за керування транспортними під впливом лікарських препаратів, що знижують увагу та швидкість реакції: Закон України від 07.07.2016 № 1446-19 [Електронний ресурс]. – Режим доступу: <http://zakon2.rada.gov.ua/laws/show/1446-19>

2. Кодекс України про адміністративні правопорушення [Електронний ресурс]. – Режим доступу: <http://zakon3.rada.gov.ua/laws/show/80731-10>

3. Про практику застосування судами України законодавства у справах про деякі злочини проти безпеки дорожнього руху та експлуатації транспорту, а також про адміністративні правопорушення на транспорті: Постанова Пленуму ВСУ від 23.12.2005 № 14. [Електронний ресурс]. – Режим доступу: <http://zakon2.rada.gov.ua/laws/show/v0014700-05>

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LEGAL PRINCIPLES OF ACCESS TO ECOLOGICAL INFORMATION

Formation of informative society in Ukraine brings to life new demands to legal sphere. The issue of providing any individual with the right for information as fundamental constitutional right is one of the crucial problems.

Article 34 of the Constitution of Ukraine guaranties everybody the right for free collecting, keeping, use and extension information orally, in written form or in any other form at one's option. 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. Internationally legal regime of ecological information is defined, first of all, by Aarhus Convention, Directive 2003/4/CEC of European Parliament and Council of 28 January 2003 [1].

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. The norms that regulate access to ecological information can also be found in the specialized natural resources legislation.

Agreement about partnership and cooperation between Ukraine and European Community and its states-members was signed 14-th June 1994; thus the foundation for adaptation and harmonization of ecological legislation of Ukraine to European Community’s legislation took place. That signified implementation of a number of legislative acts of EU into national legislation and their realization. According to this course these documents were passed: decree of the President of Ukraine “About ratification Strategy of integration of Ukraine to European Union” of the 11-th of June 1998, № 615/98; decree of the President of Ukraine “About providing implementation of the Agreement partnership and cooperation between Ukraine and EU and improving mechanism of cooperation with EU” of the 24-th of February 1998, № 148/98; the Law of Ukraine “ About National Program of adaptation legislation of Ukraine to legislation of European Union” of the 18-th of March 2004, № 1629-I; the Law of Ukraine “ About main principles (strategy) of state ecological policy of Ukraine for the period of up to 2020” of the 21-st of December 2010, and the other ones. It is important to indicate that norms which regulate the issues of access to information can be also found in specialized directives of EU.

From our point of view, while focusing attention on listing the objects and forms of realization of given information, a legislator indicates that it is “any information” and at the same time does not indicate the main features of such information and where it belongs to.

During the first stage the significant role was of Stockholm Declaration of the OUN concerning environment of the 16-th of June 1972 where in item 2 it was declared that a person has the main right to favorable conditions of life in the environment, the quality of which enables a person to lead worthy successful life and is responsible for protection and improvement of the environment for the benefit of the present and future generations. That is at that stage the principle of free access to ecological information was not declared yet, but the basis and preconditions for its further implementation were laid down [1].

Directive 85/337/ of EU on estimating influence of some state and private

projects on the environment of the 27-th June 1985 which was changed by the Directive 97/11/ of the 3-rd of March 1997 was of great importance for providing guarantees on ecological rights. The mentioned document in article 6 obliges the states-members to provide possibility for the public to pronounce their ideas while estimating some projects' influence on the environment, to take part in the discussions on making decisions of ecological character. According to the article 9 of the Directive 85/337/ of EU competent bodies that perform the estimation of influence have also to inform the public about made decisions in details [2].

Development of the right to access to ecological information in Ukraine is characterized by the conflict between public movement and closed power system. On the stated above we conclude that nowadays national legislation contains a lot of declarative norms resulting in problem of their effectiveness and realization.

Much clearer norms are in legislation "About Information" and specific nature-resources normative-legal acts. In addition many adopted by Ukraine international acts practically do not contain mechanism of realization and guarantee of providing. National ecological legislation in the paragraph of defining the meaning and status of ecological information has a number of gaps which also creates obstacles on the way of realization of subjective ecological rights [3, 4].

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

References

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