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UDC 351:62

OVERVIEW OF THE WATER REGULATORY POLICY IN EUROPEAN UNION

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SUMMARY

The article analyzes the current EU regulatory policy on water management, which is based on the provisions of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), the Water Framework Directive (WFD, 2000/60/EC) and its daughter directives: Groundwater (GWD, 2006/118/EC) and Environmental Quality Standards Directives (EQSD, 2008/105/EC), Flood Directives (FD, 2007/60/EC), and other directives related to legislation, designed to protect the waters from pollution and impairing its correct, what is included in the EU regulatory framework.

Key words: EU Regulatory Policy, Water Management, EU Water Legislation Regulatory Policy, Public Administration.

ОБЗОР ВОДНОЙ РЕГУЛЯТОРНОЙ ПОЛИТИКИ ЕВРОПЕЙСКОГО СОЮЗА

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АННОТАЦИЯ

В статье проанализирована современная регуляторная политика ЕС по управлению водными ресурсами, которая основывается на положениях Конвенции по охране и использованию трансграничных водотоков и международных озер (Водная конвенция), Водной рамочной директивы (WFD, 2000/60/EC) и ее дочерних директивах: Директивы о подземных водах (GWD, 2006/118/EC) и Директивы о стандартах качества окружающей среды (EQSD, 2008/105/EC), Директивы о наводнениях (FD, 2007/60/EC), а также других директивах, связанных с законодательством, предназначенным для защиты вод от загрязнения и ухудшения, что включено в регуляторную базу ЕС.

Ключевые слова: регуляторная политика ЕС, управление водными ресурсами, регуляторная политика водного законодательства ЕС, публичное управление.

Problem setting. The EU policy on the control of objects requires the implementation of legislation to coordinate strategic management objectives. Thus, the verification of EU water legislation is a comprehensive assessment of the policy that determines the suitability of the existing regulatory framework for the policy sector in relation to the objectives set under the Directives on the improvement of the regulatory environment. The aim is to assess the EU's effectiveness, coherence, relevance and benefit of EU water legislation, thus contributing to better and more intelligent legislation, increasing the response to current and future challenges, and implementation.

The state of the study. Among the sources of information in selected areas of research used normative documents of the EU [1-5].

Purpose of the article. There is an analysis of the EU's current water regulatory policy, based on the provisions of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), the Water Framework Directive (WFD, 2000/60/EC) and its subsidiary directives: the Groundwater (GWD, 2006/118/EC) and the Environmental Quality Standards Directive (EQSD, 2008/105/EC), the Floods Directive (FD, 2007/60/EC), as well as other legislative directives, intended to protect water against pollution and deterioration, which is included to the EU regulatory framework.

Article main body. The regulatory policy of the European Union is carried out by a legal system that is at the edge of the national law of the EU Member



States and international law. This system consists of so-called acts of primary, secondary and tertiary law.

The acts of primary law include all the founding treaties of the European Union. By their legal nature, acts of primary law are international treaties. The norms of acts of primary law have a higher legal force in relation to all other norms of the European Union, contained in acts of secondary law.

Acts of secondary law include acts issued by the institutes of the Union, as well as all other acts adopted on the basis of founding treaties. A secondary act may be adopted if there are powers for its adoption and budgetary discipline is observed. Secondary acts are mandatory and optional. Legally binding acts include: regulations, directives and decisions adopted on the basis of primary law, as well as non-legislative acts adopted in accordance with the powers provided for in the legislative act. To legally non-mandatory include recommendations, opinions and other non-mandatory acts.

As regards the acts of tertiary law, they can not be precisely defined as a source of European law. So international treaties between EU countries that facilitated the functioning of the EU, over time, have been gradually replaced by secondary law.

Today, EU water policy is based on the provisions of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), which was adopted in Helsinki in 1992 and came into force in 1996. Almost all countries sharing transboundary waters in the region of the United Nations Economic Commission for Europe (UNECE) are Parties to the Convention [1].

The Water Convention strengthens cross-border water cooperation and provides for environmentally sound regulation and protection of transboundary surface and groundwater. The Convention promotes the integrated management of water resources, in particular the basin approach. The implementation of the Convention contributes to the achievement of the Millennium Development Goals and other international agreements between it on the water, environment and sustainable development.

The Water Convention requires Parties to prevent, control and reduce transboundary impact, the use of transbound-

ary waters in a reasonable and equitable manner and to ensure their sustainable management. Parties bordering the same transboundary waters should cooperate through concluding specific agreements and establishing joint bodies. As a framework agreement, the Convention does not replace bilateral and multilateral agreements for specific basins or aquifers. Instead, it promotes their creation and implementation, as well as further development. In 2003, amendments were made to the Convention on Transboundary Water, which allows the accession of non-UNECE countries. The amendment came into force on February 6, 2013, transforming it, after transboundary waters, into a legal framework for cross-border water cooperation around the world.

The main body responsible for implementing the Convention is the Meeting of the Parties, which takes all decisions to implement the Convention. This body is responsible for defining and reviewing the Parties' policies and approaches to transboundary water use. The meeting also exchanges information on the experience gained during the conclusion and implementation of bilateral and multilateral agreements on transboundary waters and takes the decisions necessary to achieve the objectives of the Convention. The Parties meet every three years to develop their program of work for the next three years or for a longer term. The Meeting of the Parties also decides on the organizational structure and role of the bodies it creates for the implementation of its program of work.

The secondary legislation of the EU regulatory policy on water management is legally binding:

– The Water Framework Directive (WFD, 2000/60 / EC) and its subsidiary directives:

a) Groundwater Directive (GWD, 2006/118 / EC) and

b) Directive on Environmental Quality Standards (EQSD, 2008/105 / EC);

– Flood Directive (FD, 2007/60 / EC).

Let's examine in more detail the main provisions of the Water Framework Directive (WFD, 2000/60 / EC), which was finally adopted on October 23, 2000 as «Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for

Community action in the field of water policy», abbreviated as the Water Framework Directive (WFD), is abbreviated to the WFD.

The main objectives of the Water Framework Directive (Article 1 [2]) are to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater, in particular:

a) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems;

b) promotes sustainable water use based on a long-term protection of available water resources;

c) aims at enhanced protection and improvement of the aquatic environment, inter alia, through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;

d) ensures the progressive reduction of pollution of groundwater and prevents its further pollution, and

e) contributes to mitigating the effects of floods and droughts and thereby contributes to:

– the provision of the sufficient supply of good quality surface water and groundwater as needed for sustainable, balanced and equitable water use,

– a significant reduction in pollution of groundwater,

– the protection of territorial and marine waters, and

– achieving the objectives of relevant international agreements, including those which aim to prevent and eliminate pollution of the marine environment, by Community action under Article 16 (3) to cease or phase out discharges, emissions and losses of priority hazardous substances, with the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man-made synthetic substances. [2].

The Water Framework Directive also provides for the coordination of administrative measures within river basin districts [2]:

1. Member States shall identify the individual river basins lying within



their national territory and, for the purposes of this Directive, shall assign them to individual river basin districts. Small river basins may be combined with larger river basins or joined with neighbouring small basins to form individual river basin districts where appropriate. Where groundwaters do not fully follow a particular river basin, they shall be identified and assigned to the nearest or most appropriate river basin district. Coastal waters shall be identified and assigned to the nearest or most appropriate river basin district or districts.

2. Member States shall ensure the appropriate administrative arrangements, including the identification of the appropriate competent authority, for the application of the rules of this Directive within each river basin district lying within their territory.

3. Member States shall ensure that a river basin covering the territory of more than one Member State is assigned to an international river basin district. At the request of the Member States involved, the Commission shall act to facilitate the assigning to such international river basin districts.

Each Member State shall ensure the appropriate administrative arrangements, including the identification of the appropriate competent authority, for the application of the rules of this Directive within the portion of any international river basin district lying within its territory.

4. Member States shall ensure that the requirements of this Directive for the achievement of the environmental objectives established under Article 4, and in particular all programmes of measures are coordinated for the whole of the river basin district. For international river basin districts the Member States concerned shall together ensure this coordination and may, for this purpose, use existing structures stemming from international agreements. At the request of the Member States involved, the Commission shall act to facilitate the establishment of the programmes of measures.

5. Where a river basin district extends beyond the territory of the Community, the Member State or Member States concerned shall endeavour to establish appropriate coordination with the relevant non-Member States, with the aim of achieving the objectives of this Direc-

tive throughout the river basin district. Member States shall ensure the application of the rules of this Directive within their territory.

6. Member States may identify an existing national or international body as competent authority for the purposes of this Directive.

7. Member States shall identify the competent authority by the date mentioned in Article 24.

8. Member States shall provide the Commission with a list of their competent authorities and of the competent authorities of all the international bodies in which they participate at the latest six months after the date mentioned in Article 24. For each competent authority the information set out in Annex I shall be provided.

9. Member States shall inform the Commission of any changes to the information provided according to paragraph 8 within three months of the change coming into effect.

Also, the Water Framework Directive provides for environmental objectives in the implementation the measures programs specified in the plans for management of the river basin; the river basin area characteristics, review the human activities impact on the environment and economic analysis of water use; Creating a Register of Protected Areas; water markings used for abstraction of drinking water; monitoring the status of surface waters, groundwater and protected areas; accounting for the restoration of water supply costs. Combined approach for point and diffuse influences is a control tool that takes into account, where necessary, the best environmental practices outlined in:

– Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control,

– Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment,

– Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources,

– the Directives adopted pursuant to Article 16 of Directive WFD.

The following shall be repealed with effect from seven years after the date of entry into force of The Water Framework Directive:

– Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States,

– Council Decision 77/795/EEC of 12 December 1977 establishing a common procedure for the exchange of information on the quality of surface freshwater in the Community,

– Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking waters in the Member States.

The following shall be repealed with effect from 13 years after the date of entry into force of Water Framework Directive:

– Council Directive 78/659/EEC of 18 July 1978 on the quality of freshwaters needing protection or improvement in order to support fish life,

– Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters,

– Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances,

– Directive 76/464/EEC, with the exception of Article 6, which shall be repealed with effect from the entry into force of Water Framework Directive.

The Groundwater Directive (GWD, 2006/118/EC) [3] defines a regime that establishes groundwater quality standards and introduces measures to prevent or limit the flow of pollutants into groundwater. The Directive establishes qualitative criteria that take into account local characteristics and allow further improvements based on monitoring data and new scientific knowledge. Also, the directive is a proportionate and scientifically substantiated response to the requirements of the Water Framework Directive (WFD), as it concerns assessments of the groundwater chemical status, and the determination and abolition of significant and sustained trends in the growth of concentrations of pollutants. Member States should establish standards at the most appropriate level and take into account local or regional conditions.

The Groundwater Directive complements the Water Framework Directive (WFD), in particular the requirements of [3]:



- standards of groundwater quality;
- studying the pollution trends to be carried out using existing data and data that are mandatory for the WFD;
- pollution of the environment, using the measures outlined in the WFD;
- measures aimed at preventing or limiting the flow of pollutants into groundwater;
- reviews of the technical provisions of the Directives adopted in 2013 and every six years thereafter;
- compliance with chemical status criteria (based on EU standards for nitrates and pesticides and thresholds set by Member States).

Annexes I and II of the Groundwater Directive 2006/118/EC were revised in 2013 and reflected in Commission Directive 2014/80/EC of 20 June 2014. The process of consideration included the call for evidence (for information, research and scientific reports among others) and the process of public consultation. In addition, a background document was prepared for the preparation of the review.

As regards Directive 2005/105/EC of the European Parliament and of the Council on ambient water quality standards in the field of water policy, and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC was published in the Official Journal dated December 24, 2008, the EQSD has established [5]:

- in Annex I, limitation of concentrations of priority substances in surface waters: 33 priority substances and 8 other pollutants;
- a list of 33 priority substances in Annex II, as in Annex X of the Water Framework Directive (WFD);
- the possibility of applying environmental quality standards for siege and biota, not for water;
- the ability to define the mixing zone adjacent to the discharge points when the concentration of substances in Annex I may exceed their environmental quality standards;
- requirement for Member States to establish a list of exits and losses of substances included in Annex I.

By replacing the five old directives, the EQSD has promoted the initiative of the Commission for Better Regulation.

Conclusions. Thus, the European Union's water management policy is based on the provisions of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), which was adopted in Helsinki in 1992 and came into force in 1996. The secondary legal acts of the EU water regulatory policy that are legally binding for implementation are: The Water Framework Directive (WFD, 2000/60/EC, the main objective of which is the protection of inland surface waters, transitional waters, coastal waters and grants Water, and its subsidiary directives: Groundwater Directive (GWD, 2006/118/EC) and the Environmental Quality Standards Directive (EQSD, 2008/105/EC).

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