

LAW OF UKRAINE

On Ecological Expertiza

A law is put in an operation from the day of publication - on February, 21, 1995

(according to Resolution of Verkhovna Rada of Ukraine from February, 9, 1995 N of 46/95-BP)

With changes and additions brought in
By the laws of Ukraine

from April, 6, 2000 N 1642 - III,
from November, 28, 2002 N 254 - IV,
from May, 16, 2007 N 1026 - V,
from March, 19, 2009 N 1158 - VI,
from February, 17, 2011 N 3038 - VI,
from June, 16, 2011 N 3530 - VI,
from October, 16, 2012 N 5456 - VI

(changes envisaged by the point of a 6 division And Law of Ukraine

from October, 16, 2012 N 5456 - VI, in part of positions that touch

delegations of powers are from the territorial organs of central organ

executive power that provides forming and will realize a public policy

in the field of the guard of natural environment, regional

To Kyiv, Sevastopol to municipal state administrations
to the executive of Autonomous Republic of Crimea bodies
entered into by on May, 19, 2013)

(In text of Law of word "Ministry of guard of natural environment and nuclear safety of Ukraine" and "Ministry of health Ukraine" in all cases are transferable accordingly words a central executive body is "specially authorized on questions ecology and natural resources" and a central executive body is "specially authorized on questions a health protection" in corresponding cases, and the words of deputies" of "people's are eliminated, - by law Ukraine from April, 6, 2000 N 1642 - III)

(In text of Law: of word a central executive body is "specially authorized on questions ecology and natural resources" a "central executive that provides forming of public policy in the field of the guard of natural environment" in a corresponding case body is transferable in all cases words; words an executive of Autonomous Republic of Crimea "body on questions ecology and natural resources" in all cases is transferable words executive of Autonomous Republic of Crimea "body on questions the guard of natural environment" in a corresponding case; words executive "bodies on places" in all cases are transferable words "local executive bodies" in a corresponding case; words executive "public authorities" in all cases to replace words "executive bodies" in a corresponding case; words are a "government of Autonomous Republic of Crimea", "Government of Autonomous Republic of Crimea" in all cases is transferable words "Council of ministers of Autonomous Republic of Crimea" in a corresponding case; words a "national economy" in all cases is transferable a word "economy" in a corresponding case; words of "Advice or them executive committees" in all cases are transferable the words of "executive committees rural, settlement, town councils" in a corresponding case; words "local Advices" and "corresponding Advices" in all cases are transferable words "local advices" and "corresponding advices" in a corresponding case by law Ukraine from October, 16, 2012 N 5456 - VI)

Division of I

Generals

Article 1. Ecological expertiza is in Ukraine

Ecological Expertiza in Ukraine is a type of research and practice activity of the authorized public organs, environmental expert forming and associations of citizens, that is base on inter-branch ecological research, analysis and estimation of pre-project, project and other materials or objects, realization and the action of that can negatively influence or influences on the state of natural environment, and sent to preparation of conclusions about accordance of the pre-arranged or carried out activity to the norms and requirements of legislation about the guard of natural environment, rational use and recreation of natural resources, providing of ecological safety.

(the article 1 is with the changes brought in according to

By the laws of Ukraine from 06.04.2000 N 1642 - III,
from 16.10.2012 N 5456 - VI)

Article 2. A legislation on ecological expertiza

Relations in industry of ecological expertiza are regulated by this Law, by Law of Ukraine "On the guard of natural environment" and other acts of legislation of Ukraine.

Article 3. A task of legislation is about ecological expertiza

The task of legislation about ecological expertiza is adjusting of public relations in industry of ecological expertiza for providing of ecological safety, guard of natural environment, rational use and recreation of natural resources, protection of ecological rights and interests of citizens and state.

Article 4. Aim of ecological expertiza

The aim of ecological expertiza is prevention of negative influence of anthropogenic activity on the state of natural environment and health of people, and also estimation of degree of ecological safety of economic activity and ecological situation on separate territories and objects.

Article 5. Basic tasks of ecological expertiza

The basic tasks of ecological expertiza are:

1) determination of degree of ecological risk and safety of the pre-arranged or carried out activity;

2) organizations of complex, scientifically reasonable estimation of objects of ecological expertiza;

3) establishments of accordance of objects of examination to the requirements of ecolaw;

(a point is 3 articles 5 with the changes brought in concordantly with Laws of Ukraine from 06.04.2000 N 1642 - III,
from 17.02.2011 N 3038 - VI)

4) estimations of influence of activity of objects of ecological expertiza are on the state of natural environment and quality of natural resources;

(a point is 4 articles 5 with the changes brought in concordantly with Law of Ukraine from 06.04.2000 N 1642 - III)

a 5) estimation of efficiency, plenitude, validity and sufficientness of measures is in relation to the guard of natural environment;

(a point of a 5 article 5 is with the changes brought in concordantly with Law of Ukraine from 06.04.2000 N 1642 - III)

6) preparation of objective, all-round reasonable conclusions of ecological expertiza.

Article 6. Basic principles of ecological expertiza

Basic principles of ecological expertiza are:

1) guaranteeing safe for life and health of people of natural environment;

2) balanced of ecological, economic, medical-biological and social interests and taking into account of public opinion;

3) scientific validity, independence, objectivity, complexity, variant, precaution, publicity;

4) ecological safety, territorial-branch and economic expediency of realization of objects of ecological expertiza, of the pre-arranged or carried out activity;

5) government control;

6) legality.

Article 7. Objects of ecological expertiza

The objects of ecological expertiza are projects of legislative and other normatively-legal acts, documentation on introduction of new technique, technologies, materials, substances, products, genetically modified organisms, realization of that can result in violation of ecological norms, negative influence on the state of natural environment.

(part is first to the article 7 with the changes brought in concordantly with Laws of Ukraine from 06.04.2000 N 1642 - III, from 19.03.2009 N 1158 - VI, from 17.02.2011 N 3038 - VI)

Ecological situations that was folded in the inhabited items and regions, and also operating objects and complexes that have considerable negative influence on the state of natural environment, can be subject ecological expertiza .

(part is second to the article 7 with the changes brought in concordantly with Law of Ukraine from 06.04.2000 N 1642 - III)

Military, defensive and other objectives, information about that presents a state secret, are subject to ecological expertiza under this Law and other special legislative acts of Ukraine.

Article 8. General requirements are in relation to realization of ecological expertiza

To documentation on the objects of ecological expertiza are added – substantiation in relation to providing of ecological safety of planned or carried out activity with the complex environmental and economic estimation of existent or predictable impact on the state of natural environment, estimation of ecological risk and the alternative prognosis variants of reduction of this impact.

(part is first to the article 8 with the changes brought in by law Ukraine from 06.04.2000 N 1642 - III)

Persons, that submit documentation on the objects of ecological expertiza, in case of necessity, will organize and finance realization of additional researches, searching and expert works, provide publicity and take into account public opinion in relation to the pre-arranged or carried out activity, guarantee the accuracy of the preliminary estimated impact on a natural environment that is reflected in Statement on the ecological consequences of activity.

(part is second to the article 8 with the changes brought in concordantly with Law of Ukraine from 06.04.2000 N 1642 - III)

Article 9. Subjects of ecological expertiza

The subjects of ecological expertiza are:

1) Central executive, that will realize a public policy in the field of the guard of natural environment, and on territories of Autonomous Republic of Crimea - executive of Autonomous Republic of Crimea body on questions the guard of natural environment, created by them establishments, organizations and environmental expert subdivisions or commissions, are specialized, body;

(a point of a 1 article 9 is with the changes brought in according to Laws of Ukraine from 16.06.2011 N 3530 - VI, from 16.10.2012 N 5456 - VI)

2) points are 2 articles 9 it is eliminated

(by law Ukraine from 06.04.2000 N 1642 - III)

3) other public organs, local advices and local executive bodies in accordance with a legislation;

4) public organizations of ecological aspiration or specialized forming created by them;

5) other establishments, organizations and enterprises, including foreign legal and natural persons that is brought over to realization of ecological expertiza;

6) separate citizens in the order envisaged by this Law and other acts of legislation.

Article 10. Publicity of ecological expertiza

Proponents of ecological expertiza of objects, that in the process of realization (building, exploitations and others like that) can negatively influence on the state of natural environment, are obliged to declare through mass medias about realization of ecological expertiza in the special Statement about the ecological consequences of activity.

(part is first to the article 10 with the changes brought in by law Ukraine from 06.04.2000 N 1642 - III)

Environmental expert organs or forming on completion of ecological expertiza report about her conclusions through mass medias.

Article 11. Participation of public is in the process of ecological expertiza

With the aim of taking into account of public opinion the subjects of ecological expertiza conduct the public listening or open meeting.

Participation of public in the process of ecological expertiza can come true by performances in mass, presentation of writing remarks, suggestions and recommendations, including of representatives of public medias in the complement of expert commissions, groups on realization of public ecological expertiza.

Preparation of conclusions of ecological expertiza and making decision in relation to further realization(use, application, exploitations and others like that) of object of ecological expertiza come true taking into account public opinion.

Division II

Forms of ecological expertiza

Article 12. Forms of ecological expertiza

In Ukraine come true state, public and other ecological expertizas.

Conclusions of state ecological expertiza are obligatory for implementation. Making decision in relation to further realization of objects of ecological expertiza, the conclusions of state ecological expertiza are taken into account equally with other types of state examinations.

Conclusions of public and other ecological expertiza have recommendation character and can be taken into account during realization of state ecological expertiza, and also at making decision in relation to further realization of object of ecological expertiza.

Article 13. State ecological expertiza

State ecological expertiza gets organized and conducted by environmental expert subdivisions, specialized establishments, organizations of regional, Kyiv and Sevastopol municipal state administrations, and on territory of Autonomous Republic of Crimea - by an executive of Autonomous Republic of Crimea body on questions the guard of natural environment, with bringing in of other executive bodies. A central executive that

will realize a public policy in the field of the guard of natural environment body conducts state ecological expertiza in relation to objects, in relation to claim(approval) of that made decision Cabinet of Ministers of Ukraine. Examination of building projects is conducted in accordance with the article of a 31 Law of Ukraine "About adjusting of town-planning activity".

(part is first to the article 13 with the changes brought in according to Laws of Ukraine from 06.04.2000 N 1642 - III, from 16.05.2007 N 1026 - V, from 17.02.2011 N 3038 - VI, from 16.06.2011 N 3530 - VI, in the release of Law of Ukraine from 16.10.2012 N 5456 - VI)

Before realization of state ecological expertiza can in the set order be attracted specialists of other establishments, organizations and enterprises, and also experts of international organizations.

Realization of state ecological expertiza is obligatory for the types of activity and objects that present the increased ecological danger. List of types of activity and objects that present the increased ecological danger, it is set by Cabinet of Ministers of Ukraine after the giving of central executive, that provides forming of public policy in the field of the guard of natural environment, and central executive that provides forming of public policy in the field of a health protection body, body.

(part is third to the article 13 with the changes brought in by law Ukraine from 16.10.2012 N 5456 - VI)

Realization of additional state ecological expertizas comes true on initiative the interested persons on the basis of agreement on the grant of environmental expert services or after the decisions of Cabinet of Ministers of Ukraine, Council of ministers of Autonomous Republic of Crimea, local executive committees rural, settlement, town councils.

Article 14. Objects of state ecological expertiza

Subject state ecological expertiza :

1) government investment programs, projects of charts of development and placing of productive forces, development of separate industries of economy;

2) projects of general layouts of settlements, charts of the district planning;

(a point is 2 parts of the first article 14 with the changes brought in by law Ukraine from 17.02.2011 N 3038 - VI)

3) documentations on redevelopment, canning and liquidation of operating enterprises, separate workshops, productions and other industrial and economic objects that can negatively influence on the state of natural environment, including military and defensive setting;

(a point is 3 parts of the first article 14 with the changes brought in by law Ukraine from 17.02.2011 N 3038 - VI)

4) projects of legislative and other normatively-legal acts, that regulate relations in industry of providing of ecological (including radiation) safety, guard of natural environment and use of natural resources, activity that can negatively influence on the state of natural environment;

(a point is 4 parts of the first article 14 with the changes brought in
by law Ukraine from 06.04.2000 N 1642 - III)

a 5) documentation is on introduction of new technique, technologies, materials and substances(including those that is bought in abroad) that can create a potential threat to the natural environment;

(a point of a 5 part of the first article 14 is with the changes brought in
by law Ukraine from 06.04.2000 N 1642 - III)

a 6) documentation is in relation to the genetically modified organisms that target at the use in open system.

(part first of the article 14 is complemented by a point 6
by law Ukraine from 19.03.2009 N 1158 - VI)

In accordance with the decisions of Cabinet of Ministers of Ukraine, Council of ministers of Autonomous Republic of Crimea, local executive committees rural, settlement, town councils to state ecological expertiza ecological situations that was folded in the inhabited items and regions, and also operating objects and complexes, can be subject , including military and defensive setting, that have considerable negative influence on the state of natural environment.

(part is second to the article 14 with the changes brought in
by law Ukraine from 06.04.2000 N 1642 - III)

Article 15. The special requirements are to documentation on the objects of state ecological expertiza

Documentation on the objects of state ecological expertiza must include:

1) complex environmental and economic estimation of influence of the pre-arranged or carried out activity on the state of natural environment, use and recreation of natural resources – organized as a separate volume (book, division) of documentation, and Statement about the ecological consequences of activity;

(a point of a 1 part of the first article 15 is with the changes brought in
by law Ukraine from 06.04.2000 N 1642 - III)

2) substantiation for introduction of modern, energy and resource efficient, small- and zero-emission technological processes;

3) provisions on the complex processing, utilization and effective utilization of wastes of production;

4) measures in relation to the economy of water resources, providing of the effective cleaning of all types of effluents, and

also their use for technical necessities without the upcast of these waters in natural waterbodies and reservoirs;

a 5) prove of effectiveness and perfection of planned measures to ensure safety of atmospheric air from contamination;

6) measures for maintenance, protection and recreation of objects of the vegetable and animal world and naturally-protected fund;

a 7) measures for protection of population and natural environment from harmful influence of anthropogenic physical, chemical and biological factors.

Documentation that is submitted for state ecological expertiza, must be approved by the concerned public authorities and to contain the estimation of possible social consequences.

Proponents of state ecological expertiza are under an obligation to prepare Statement about the ecological consequences of activity and materials that it is base on.

Article 16. Public ecological expertiza

Public ecological expertiza can come true in any sphere of activity that needs an ecological ground, on initiative public organizations or other public forming.

Public ecological expertiza can come true simultaneously with state ecological expertiza by creation on a voluntary basis of temporal or permanent environmental expert collectives of public organizations or other public forming.

Article 17. Other ecological expertizas

Other ecological expertizas can come true on initiative the interested legal and natural persons on contractual basis with the specialized environmental expert organs and forming.

An exemplary agreement on the grant of environmental expert services becomes firmly established a central executive that provides forming of public policy in the field of the guard of natural environment body.

Division III

Government control and management are in industry of ecological expertiza

Article 18. A competence of Verkhovna Rada of Ukraine is in industry of ecological expertiza

Before knowing of Verkhovna Rada of Ukraine in industry of ecological expertiza it is fixed:

a 1) legislative adjusting of relations is in industry of ecological expertiza.

2) points are 2 articles 18 it is eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

3) points are 3 articles 18 it is eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

Article 19. A competence of Verkhovna Rada of Autonomous Republic of Crimea is in industry of ecological expertiza

Before knowing of Verkhovna Rada of Autonomous Republic of Crimea in the order set by this Law and other acts of legislation, it is fixed:

- 1) co-ordination of activity of subjects of ecological expertiza;
- 2) realizations of control are after the observance of legislation about ecological expertiza;
- 3) decisions of other questions are in industry of ecological expertiza within the limits of the competence.

Article 20. Management organs are in industry of ecological expertiza

Managements in industry of ecological expertiza carry out Cabinet of Ministers of Ukraine, Council of ministers of Autonomous Republic of Crimea, local advices, local executive bodies, central executive that provides forming of public policy in the field of the guard of natural environment body, central executive that will realize a public policy in the field of the guard of natural environment body, other executive bodies in accordance with a legislation.

(the article 20 is with the changes brought in according to
By the law of Ukraine from 06.04.2000 N 1642 - III,
in the release of Law of Ukraine
from 16.10.2012 N 5456 - VI)

Article 21. A competence of Cabinet of Ministers of Ukraine is in industry of ecological expertiza

A cabinet of Ministers of Ukraine is in industry of ecological expertiza:

- 1) appoints realization of state ecological expertiza of ecological situations and operating objects and complexes negative influence of that on the state of natural environment spreads or can spread outside one area or outside Autonomous Republic of Crimea;
- 2) appoints realization of additional state ecological expertiza of marked in a point 1 the real article of objects of ecological expertiza;
- 3) determines the order of transmission of documentation on state ecological expertiza;
- 4) asserts the list of types of activity and objects that present the increased ecological danger;
- 5) carries out other functions in industry of ecological expertiza within the limits of the competence.

Article 22. A competence of Council of ministers of Autonomous Republic of Crimea is in industry of ecological expertiza

Council of ministers of Autonomous Republic of Crimea in the order set by this Law and other legislative acts :

- 1) makes decision about realization of state ecological expertiza in relation to ecological situations and operating objects and complexes negative influence of that on the state of natural environment spreads outside one district;
- 2) appoints realization of additional state ecological expertiza of marked in a point 1 the real article of objects of ecological expertiza;
- 3) decides other questions in industry of ecological expertiza within the limits of the competence.

Article 23. A competence of local advices is in industry of ecological expertiza

Local advices within the limits of corresponding territory in the order set by this Law and other legislative acts :

- 1) make decision and will organize realization of ecological expertiza in case of necessity;
- 2) determine the maximum sizes of withholdings on realization of ecological expertizas from the corresponding off-budget funds of guard of natural environment;
- 3) coordinate activity of subjects of ecological expertiza;
- 4) assist informing of population of results of ecological expertizas;
- 5) carry out control after the observance of requirements of legislation about ecological expertiza;
- 6) decide other questions in industry of ecological expertiza within the limits of the competence.

Separate plenary powers in relation to adjusting of relations in industry of ecological expertiza village, settlement, municipal soviets can give to the executive committees.

(part is second to the article 23 with the changes brought in
by law Ukraine from 16.10.2012 N 5456 - VI)

Article 24. Competence of central executive that provides forming of public policy in the field of the guard of natural environment body, in industry of ecological expertiza

Before knowing of central executive that provides forming of public policy in the field of the guard of natural environment body, it is fixed:

(an indention is first to the article 24 with the changes brought in
by law Ukraine from 16.06.2011 N 3530 - VI)

a 1) point of a 1 part of the first article 24 is eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

2) statements are in the set order of normatively-technical and instructional-methodical documents in industry of ecological expertiza;

3) points 3 parts of the first article 24 are eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

4) points 4 parts of the first article 24 are eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

a 5) point of a 5 part of the first article 24 is eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

a 6) point of a 6 part of the first article 24 is eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

a 7) co-ordination of environmental expert activity, realization of methodical guidance is on questions realization of ecological expertiza regardless of her forms;

a 8) point of a 8 part of the first article 24 is eliminated

(by law Ukraine
from 16.10.2012 N 5456 - VI)

9) realization of other plenary powers certain the laws of Ukraine and fixed on him by President of Ukraine.

(a point of a 9 part of the first article 24 is in a release
To the law of Ukraine from 16.10.2012 N 5456 - VI)

A central executive that provides forming of public policy in the field of the guard of natural environment body carries out the plenary powers fixed on him independently and through the organs on places(in case of their formation), and on territory of Autonomous Republic of Crimea - through an executive of Autonomous Republic of Crimea body on questions the guard of natural environment.

(the article 24 is complemented by part second
by law Ukraine from 16.06.2011 N 3530 - VI)

The article is a 24 1. Competense of central executive that will realize a public policy in the field of the guard of natural environment body, in industry of ecological expertiza

Before knowing of central executive that will realize a public policy in the field of the guard of natural environment body, it is fixed:

1) realization of state ecological expertiza, including additional;

2) creations are in the set order of the specialized establishments and organizations necessary for the scientific and technical providing of state ecological expertiza;

a 3) bringing in of specialists and scientists is to realization of state ecological expertiza;

4) realizations of measures in relation to providing of environmental expert subdivisions, establishments and organizations by highly skilled specialists, perfection of expert activity, forms and methods of environmental expert analysis and estimation of objects of ecological expertiza;

5) generalization of practice of realization of ecological expertiza, of application of the newest forms and methods of environmental expert analysis and estimation;

6) realization of other plenary powers certain the laws of Ukraine and fixed on him by President of Ukraine. A central executive that will realize a public policy in the field of the guard of natural environment body carries out the plenary powers fixed on him independently and through the organs on places(in case of their formation), and on territory of Autonomous Republic of Crimea - through an executive of Autonomous Republic of Crimea body on questions the guard of natural environment.

(A law is complemented by the article 24 1 according to
By the law of Ukraine from 16.10.2012 N 5456 - VI)

The article is 24 2. Competenses of central executive, that will realize a public policy from realization of state supervision(to control) in the field of the guard of natural environment, rational use, recreation and guard of natural resources, body

State supervision(control) after implementation of executive power central organs and them by territorial organs, local executive bodies, organs of local self-government of the plenary powers of executive bodies delegated to them, after inhibition, establishments and organizations regardless of pattern of ownership and manage, by the citizens of Ukraine, foreigners and persons, enterprises without citizenship, and also by legal entities - carries out a central executive, that will realize a public policy from realization of state supervision(to control) in the field of the guard of natural environment, rational use, recreation and guard of natural resources, body the non-residents of requirements of conclusions of state ecological expertiza .

(A law is complemented by the article 24 2 according to
By the law of Ukraine from 16.10.2012 N 5456 - VI)

Article 25. A competence of regulation organs of associations of citizens and other public forming is in industry of ecological expertiza

The competence of regulation organs of associations of citizens and other public forming in industry of ecological expertiza is determined them by regulation documents in accordance with the legislation of Ukraine.

Article 26. Expert and consultative advices of ecological expertiza

Expert and consultative advices of ecological expertiza can appear on a voluntary basis at public environmental expert organs, associations of citizens and other forming from the workers of research establishments, institutions of higher

learning, highly skilled practical specialists-workers of economy, of representatives of public and mass medias.

Typical position about expert and consultative advices of ecological expertiza becomes firmly established a central executive that provides forming of public policy in the field of the guard of natural environment body.

Division IV

Status of expert of ecological expertiza

Article 27. Expert of ecological expertiza

The expert of ecological expertiza can be a specialist, that has higher education, corresponding speciality, qualification and professional knowledge, owns skills of analysis of expert information and methodology of environmental expert estimation, and also has practical experience in corresponding industry not less than three years.

Article 28. Rights for the expert of state ecological expertiza

The expert of state ecological expertiza has a right:

- 1) to get on the requirement information and materials necessary for realization of ecological expertiza;
- 2) set by a question about the rejections of the materials given on ecological expertiza, that does not answer the requirements of nature protection legislation, ecological standards and norms and taking into account of that needs additional researches, searching works or selection of additional capital investments;
- 3) to make suggestions about bringing in to realization of ecological expertiza of highly skilled specialists, scientists, creation of the proper material and technical and informative base;
- 4) on exposition of the personal opinion in relation to the conclusions of the conducted ecological expertiza.

The article is 29. Duties of expert of ecological expertiza

An expert of ecological expertiza is under an obligation :

- 1) to restrain the set terms and order of realization of ecological expertiza, of norms and requirements of legislation about the guard of natural environment, rational use and recreation of natural resources, providing of ecological safety;
- 2) to provide all-round, complex, objective, quality and effective realization of ecological expertiza;
- 3) in good time to prepare reasonable and objective conclusions;
- 4) to ground suggestions about the return of documentation on the objects of ecological expertiza on a revision;
- 5) to make corresponding suggestions in relation to perfection of forms and methods of realization of ecological expertiza;

6) to declare refusal to accept at presence of the personal interest in relation to the concrete object of ecological expertiza.

Article 30. Guarantees of independence of expert of ecological expertiza

Independence of expert of ecological expertiza is provided:

to 1) realizations of ecological expertiza in the order set by a legislation;

by 2) implementations of environmental expert functions in accordance with the requirements of legislation regardless of orders of public servants of public organs, associations of citizens and other forming;

by 3) freedoms of choice of forms and methods of environmental expert analysis and estimation and exposition of the personal opinion on questions the conducted analysis;

by 4) prohibitions to interfere to somebody in realization of ecological expertiza, except for the cases of violation of requirements of legislation an expert;

by a 5) protection of the broken rights for an expert in the order set by a legislation.

Division of V

Right and duties proponents of ecological expertiza

Article 31. Rights for the proponents of ecological expertiza

The proponents of ecological expertiza have a right:

- 1) to violate corresponding solicitors and get consultations;
- 2) to give to the subjects of ecological expertiza written or oral explanations, remarks, suggestions in relation to the objects of ecological expertiza or from their separate decisions and grounds;
- 3) to meet with the conclusions of ecological expertiza;
- 4) to bustle about realization of additional ecological expertiza;
- 5) to get information about motion of realization of ecological expertiza;
- 6) to carry out and other functions in industry of ecological expertiza in the order set by a legislation.

The article is 32. Duties of proponents of ecological expertiza

Proponents of ecological expertiza are under an obligation :

1) to give on ecological expertiza necessary materials on the objects of ecological expertiza and conclusions in relation to the preliminary estimate of their influence on a natural environment;

(a point of a 1 article 32 is with the changes brought in concordantly

with Law of Ukraine from 06.04.2000 N 1642 - III)

2) to assist the subjects of ecological expertiza in objective and complex consideration of objects of ecological expertiza and them to the scientifically reasonable estimation;

3) to give to the subjects of ecological expertiza additional information and materials are needed;

4) in good time to bring in to documentation on the objects of ecological expertiza necessary corrections and changes that does not need structural researches and calculations, to pay the executed environmental expert works according to agreements;

5) to execute the requirements of conclusions of ecological expertiza;

6) to decide other questions in accordance with the legislation of Ukraine.

Division of VI

Order of realization of ecological expertiza

Article 33. Procedure of realization of ecological expertiza

Procedure of realization of ecological expertiza envisages a decision and estimation of objects of ecological expertiza, environmental expert organs or forming of tasks of expert research preparation of reasonable objective environmental expert conclusion.

Procedure of realization of ecological expertiza provides for :

a) 1) checking of presence and plenitude of necessary materials and essential elements is for the objects of ecological expertiza and creation of environmental expert commissions(groups) in accordance with the requirements of legislation(preparatory stage);

2) analytical working of materials of ecological expertiza, in case of necessity model inspections and realizations on their basis of comparative analysis and partial estimations of degree of ecological safety, sufficientness and efficiency of ecological grounds of activity of objects of ecological expertiza (basic stage);

3) generalizations of separate expert researches of the got information and consequences of activity of objects of examination, preparation of conclusion of ecological expertiza and presentation of him to the interested organs and persons(final stage).

Article 34. Terms and grounds of realization of state ecological expertiza

State ecological expertiza is conducted in time:

1) present or possible potential danger of objects of ecological expertiza for a natural environment;

(a point of a 1 part of the first article 34 is with the changes brought in

by law Ukraine from 06.04.2000 N 1642 - III)

2) acceptances of corresponding decision by Cabinet of Ministers of Ukraine, by Council of ministers of Autonomous Republic of Crimea, by the local executive committees of village, settlement, municipal soviets, of cramps and law enforcement authorities in accordance with a legislation;

3) conditionalities by national ecological interests.

State ecological expertiza of types of activity and objects that present the increased ecological danger is conducted after announcement a customer through mass of Statement medias about the ecological consequences of activity and presentation to the environmental expert organs of complete set of documents with the ground of estimation of influence on a natural environment.

The order of transmission of documentation on state ecological expertiza is determined by Cabinet of Ministers of Ukraine.

Article 35. A statement is about the ecological consequences of activity

A statement about the ecological consequences of activity must contain information about:

a) the pre-arranged activity, sweep the ways of her realization;

b) substantial factors that influence or can influence on the state of natural environment taking into account possibility of origin of ecological emergencies;

c) the quantitative and quality indexes of estimation of levels of ecological risk of the pre-arranged activity, and also measures that guarantee introduction of activity in accordance with ecological standards and norms;

d) informing of public in relation to the pre-arranged activity, her aim and ways of her realization.

(the article 35 is in the release of Law Ukraine from 28.11.2002 N 254 - IV)

Article 36. Requirements are to materials of estimation of influence on a natural environment

In materials of estimation of influence on the natural environment of the pre-arranged or carried out activity her expediency and methods are grounded realization, possible alternative variants of decisions, description of the state of natural environment of territory, kinds and levels of influence on him in normal and extreme terms, possible changes him the quality state, environmental and economic consequences of activity, measures in relation to reduction of level of ecological risk and providing of requirements of ecological safety.

Article 37. Ways of realization of state ecological expertiza

State ecological expertiza is conducted by a way:

1) analysis and estimation of objects of ecological expertiza - by the groups of specialists of environmental expert subdivisions or specialized establishments and organizations of central executive that will realize a public policy in the field of the guard of natural environment body, regional, Kyiv,

Sevastopol municipal state administrations, and on territory of Autonomous Republic of Crimea - to the executive of Autonomous Republic of Crimea body on questions the guard of natural environment, with bringing in of other executive bodies;

(a point of a 1 article 37 is with the changes brought in concordantly

with Laws of Ukraine from 06.04.2000 N 1642 - III, from 16.10.2012 N 5456 - VI)

2) environmental expert researches and estimation of objects of ecological expertiza - by the specially created commissions with bringing in of practical specialists-workers and scientists of other enterprises, establishments and organizations;

3) points 3 parts of the first article 37 are eliminated

(by law Ukraine from 16.10.2012 N 5456 - VI)

a 4) bringing in is on contractual principles of other specialized organizations for previous expert consideration and preparation of corresponding suggestions.

Examination of building projects is conducted in accordance with the article of a 31 Law of Ukraine "About adjusting of town-planning activity".

(the article 37 is complemented by part second concordantly with Law of Ukraine from 16.05.2007 N 1026 - V, part is second to the article 37 in a release To the law of Ukraine from 17.02.2011 N 3038 - VI)

Article 38. Terms of realization of state ecological expertiza

Maximum terms of realization of state ecological expertiza of objects :

by 1) groups of specialists of environmental expert subdivisions, establishments or organizations of central executive that will realize a public policy in the field of the guard of natural environment body, regional, Kyiv, Sevastopol municipal state administrations, and on territory of Autonomous Republic of Crimea - to the executive of Autonomous Republic of Crimea body on questions the guard of natural environment, with bringing in of other executive bodies - to 45 calendar days with continuation in case of necessity to 60 days, and in exceptional cases, depending on complication of problem - to 120 days;

(a point of a 1 part of the first article 38 is with the changes brought in by law Ukraine from 16.10.2012 N 5456 - VI)

2) by the specially created specialized organizations - to 90 calendar days;

(a point is 2 parts of the first article 38 with the changes brought in by law Ukraine from 16.10.2012 N 5456 - VI)

3) after the finished off materials in accordance with the conclusions of previous ecological expertiza - to 30 calendar days.

Beginning of state ecological expertiza the day of presentation to the environmental expert organ of complete set of necessary materials and documents is considered, and in case of necessity - and additional research information on those questions that arose up during realization of examination.

Article 39. Conclusions of state ecological expertiza

The conclusions of state ecological expertiza must contain the estimation of ecological admission and possibility of making decision in relation to the object of ecological expertiza and take into account socio-economic consequences.

Positive conclusions of state ecological expertiza after claim of them by a central executive that will realize a public policy in the field of the guard of natural environment body, regional, by Kyiv, Sevastopol municipal state administrations, and on territory of Autonomous Republic of Crimea - an executive of Autonomous Republic of Crimea body on questions the guard of natural environment, is founding for opening of financing of projects and programs or activity.

(part is second to the article 39 with the changes brought in according to Laws of Ukraine from 16.06.2011 N 3530 - VI, from 16.10.2012 N 5456 - VI)

Realization of projects and programs or activity without the positive conclusions of state ecological expertiza is forbidden.

In case of negative estimation of objects of state ecological expertiza a customer is under an obligation to provide their revision in accordance with the requirements of environmental expert conclusion and timely transmission of materials on additional state ecological expertiza.

Article 40. Term of action of conclusions of state ecological expertiza

A positive conclusion of state ecological expertiza is actual during three years from the day of his delivery.

If for this time realization of decision is not begun in relation to the object of state ecological expertiza, then he is subject to new state ecological expertiza.

Article 41. There is announcing of Statement realization of public ecological expertiza

With the aim of informing of population and concordance of actions with other associations of citizens the subjects of public ecological expertiza announce through mass medias Statement realization of public ecological expertiza, in that information register about composition of the public environmental expert forming, list of the specialists brought over to participating in examination, object of ecological expertiza, terms of her realization.

Application about realization of public ecological expertiza handed in a to corresponding local advices, of executive and state ecological expertiza bodies.

Article 42. Conclusions of public ecological expertiza

The conclusions of public ecological expertiza shall be published up in mass medias and sent to corresponding advices, to the local executive, bodies to the organs of state ecological expertiza, in relation to that she was conducted other interested organs and persons and proponents of objects of ecological expertiza,.

The conclusions of public ecological expertiza can be taken into account during realization of state ecological expertiza, and also by organs that make decision about realization of object of examination.

Article 43. Table of contents of conclusions of ecological expertiza

The conclusions of ecological expertiza consist of introductory(protocolary), establishing(descriptive) and final(evaluation-summarizing) parts.

In a prelimpages there are data about an organ that conducted ecological expertiza, composition of experts, time of realization, name of object of ecological expertiza, him quantitative and quality indexes, information about performers and proponents of ecological expertiza and about an organ that accepts decision in relation to realization of object of ecological expertiza.

In establishing part short description of types of the pre-arranged or carried out activity, her influence is given on the state of natural environment, degree of ecological risk of the corresponding measures, sent to neutralization and prevention of this influence, providing of requirements of ecological safety, guard of natural environment, rational use and recreation of natural resources.

(part is third to the article 43 with the changes brought in concordantly with Law of Ukraine from 06.04.2000 N 1642 - III)

In final part contained the generalized estimation of object of ecological expertiza, of remark and suggestion in relation to perfection of ground of him ecological influence, conclusions in relation to approval, return on a revision or rejection of him from further environmental expert consideration with reference to the corresponding normative documents and in relation to possibility of decision-making about further realization of object of ecological expertiza.

Article 44. Appeal of conclusions of state ecological expertiza

The legal entities interested in refutation of conclusions of state ecological expertiza or them separate positions hand in a reasonable application to corresponding advices, of executive, of state ecological expertiza and other organs that made decision about realization of such examination. In case of refuse in consideration of statement they have a right to appeal to the court bodies.

Corresponding advices, are organs of state ecological expertiza, other organs that made decision about realization of state ecological expertiza, be under an obligation in a monthly term to consider handed an in application and at presence of grounds to appoint realization of additional state ecological expertiza with bringing in of independent experts. The appeal of conclusions of state ecological expertiza does not stop them to the action.

Conclusions of additional state ecological expertiza are final for the acceptance of decision a corresponding organ in relation to further realization of object of ecological expertiza.

Article 45. Confession of conclusions of state ecological expertiza invalid

The conclusions of state ecological expertiza can be confessed by invalid in the judicial order in time:

a 1) violation of requirements of legislation is about realization of state ecological expertiza;

2) failures to observe of state sanitary norms, rules, hygienical norms, building norms and rules, requirements are in relation to the guard of natural environment, use of natural resources and providing of ecological safety;

a 3) untaking into account of important reliable information is about the state of ecological situation, that was folded in the district(place) of realization of object of ecological expertiza, that can negatively influence on the state of natural environment, natural resources, health of people;

4) violations of rights for the participants of environmental expert process, if it resulted in the untruthful conclusion of ecological expertiza.

Article 46. Appeal of the decisions accepted on the basis of conclusions of state ecological expertiza

Decisions accepted by corresponding organs on the basis of conclusions of state ecological expertiza, can be appealed by the interested legal and natural persons to the corresponding supreme bodies during a month from the day of their acceptance, and in case of disagreement with the decisions of these organs - in the judicial order in accordance with the legislation of Ukraine.

(the article 46 is with the changes brought in according to By the law of Ukraine from 28.11.2002 N 254 - IV)

Division of VII
Financing of ecological expertiza

Article 47. Financing of state ecological expertiza

Financing of state ecological expertiza comes true by her customer.

State ecological expertizas of objects that will be realized due to state capital investments are financed due to the state budget.

Financing of state ecological expertiza of ecological situations and ecologically dangerous operating objects and complexes, that is conducted in decision of Cabinet of Ministers of Ukraine, Council of ministers of Autonomous Republic of Crimea, local executive committees rural, settlement, town councils, comes true accordingly due to money of the state budget, local budgets, and also corresponding off-budget funds of guard of natural environment.

(part is third to the article 47 with the changes brought in

by law Ukraine from 16.10.2012 N 5456 - VI)

Money is on realization of state ecological expertiza of objects, that is financed due to her proponents or state capital investments, distinguished within the limits of limits of project-estimate documentation according to norms, that set by Cabinet of Ministers of Ukraine.

Article 48. Financing of other ecological expertizas

Proponents of other ecological expertizas, are the persons interested in realization of additional examinations, and also enterprise, establishments and organizations, that exploit dangerous objects, that negatively influence on the state of natural environment and health of people, conduct ecological expertizas for the account according to agreements, ecologically

Article 49. Financing of public ecological expertiza

Financing of public ecological expertiza comes true due to money of associations of citizens, public nature protection and other funds, and also having a special purpose voluntarily money payments of citizens, enterprises, establishments and organizations.

Division of VIII

Responsibility is for violation of legislation about ecological expertiza

Article 50. Offence is in industry of ecological expertiza

Offences in industry of ecological expertiza are:

1) violation of the order of realization of ecological expertiza set by a legislation;

2) grants consciously of untruthful information are about the ecological consequences of activity of object of ecological expertiza;

3) grants of permissions on special natural resources use, financing and realization of projects and programs or activity, that can negatively influence on the state of natural environment, without the positive conclusion of ecological expertiza;

(a point is 3 parts of the first article 50 with the changes brought in
by law Ukraine from 06.04.2000 N 1642 - III)

4) realizations of ecological expertiza by legally incapable enterprises, establishments, organizations, associations of citizens and other forming;

5) failure to observe during realization of object of examination of requirements in relation to the guard of natural environment, use of natural resources and providing of ecological safety in accordance with the conclusion of state ecological expertiza;

6) illegal interference somebody in realization of ecological expertiza;

there is a 7) avoiding a grant on the legal requirement of public environmental expert organs and forming of necessary information and materials;

8) preparation consciously of untruthful conclusion of state ecological expertiza.

Persons guilty in violation of legislation in industry of ecological expertiza, attracted in accordance with disciplinary, administrative, civil or criminal responsibility.

By the legislation of Ukraine responsibility can be set and for other offences in industry of ecological expertiza.

Division of IX

International cooperation is in industry of ecological expertiza

Article 51. International cooperation is in industry of ecological expertiza

International cooperation in industry of ecological expertiza comes true in accordance with international agreements.

If by an international agreement, a consent to obligatoryness of that is given by Verkhovna Rada of Ukraine, other rules are set, than those that is envisaged by the legislation of Ukraine about the guard of natural environment, then the rules of international agreement of Ukraine are used.

(part is second to the article 51 with the changes brought in
by law Ukraine from 06.04.2000 N 1642 - III)

International ecological expertizas are regulated by international agreements.

President of Ukraine
JI. KUCHMA
Kyiv
on February, 9, 1995
N of 45/95-BP