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PROSPECTS FOR THE DEVELOPMENT OF THE UKRAINIAN LEGISLATION ON WASTE MANAGEMENT IN THE PROCESS OF ADAPTATION TO THE REQUIREMENTS OF THE EUROPEAN UNION

The article examines the prospects for the development of Ukrainian legislation on waste management in the process of adaptation to the requirements of the European Union. It is indicated that at the present stage, considering the problematic aspects of the state of the natural environment, it is advisable to indicate that the environment is a system that exists independently and at the same time directly affects the livelihoods of humankind. The increasing consumer demands for various goods affects the change in the viability of ecosystems. As the historical course of civilisation shows, even imagining and understanding the detrimental effects of the results of their activities, a person is not able to cope with the temptation of his own enrichment and accumulation of benefits. That is why most of the problems in the natural environment are the result of human activity.

It is concluded that the analysis of European and Ukrainian legislation shows that the legislation of Ukraine partially meets the requirements of Directive 2008/98/EC (the degree of compliance is low). To harmonise with the Directive, the legislation of Ukraine in the field of waste management requires significant modification. A significant drawback in this area is the inconsistency and diversity of waste definitions. The study of the interpretation of the concept of "waste" from different points of view made it possible to generalize its characteristic features and disadvantages. The refined concept will contribute to a better understanding of their essence, which in the future will allow to develop and scientifically substantiate the classification of these objects in order to account for and control them.

It is noted that special attention should be paid to the fundamental approaches defined in Directive 2008/98/EC on the introduction of a hierarchy in addressing waste management issues. Also, provisions on determining the completion of waste status need to be enshrined in waste legislation and other regulatory legal acts of Ukraine. Regarding the issue of the correlation of Ukrainian legislation with the European one, the Ukrainian one only partially meets the requirements of the EU, it requires significant revision and as mandatory a prerequisite for the qualitative (not contradictory) implementation of European norms is the harmonisation of the terminological apparatus.

Key words: waste, ecosystem, adaptation of legislation, healthy environment, requirements of the European Union.

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ПЕРСПЕКТИВИ РОЗВИТКУ ЗАКОНОДАВСТВА УКРАЇНИ ЩОДО ПОВОДЖЕННЯ З ВІДХОДАМИ В ПРОЦЕСІ АДАПТАЦІЇ ДО ВИМОГ ЄВРОПЕЙСЬКОГО СОЮЗУ

У статті досліджено перспективи розвитку законодавства України щодо поводження з відходами в процесі адаптації до вимог Європейського Союзу. Вказано, що на сучасному етапі, розглядаючи проблемні аспекти стану природного середовища, доцільно вказати, що довкілля – це система, яка існує самостійно і водночас безпосередньо впливає на життєдіяльність людства. Зростання потреб людей в різноманітних предметах споживання впливає на зміну життєспроможності екосистем в цілому. Як показує історичний хід розвитку цивілізації, навіть уявляючи і розуміючи пагубний вплив від результатів своєї діяльності, людина не в змозі справитися зі спокусою власного збагачення і накопичення благ. Саме тому переважна більшість проблем у природному середовищі є наслідком діяльності людини.

Зроблено висновок, що аналіз європейського та українського законодавства показує, що законодавство України частково відповідає вимогам Директиви 2008/98/ЕС (ступінь відповідності низький). З метою гармонізації з Директивою законодавство України в сфері поводження з відходами потребує суттєвої модифікації. Значним недоліком в цій сфері є неузгодженість та різноманітність визначень відходів. Дослідження трактування поняття «відходи» з різних точок зору дало змогу узагальнити їх характерні риси та недоліки. Уточнене поняття сприятиме кращому розумінню їх сутності, що в подальшому дасть змогу розробити та науково обґрунтувати класифікацію цих об'єктів з метою їх обліку та контролю.

Зазначено, що окремій увазі потребують принципові підходи, визначені у Директиві 2008/98/ЕС щодо впровадження ієрархії у вирішенні питань поводження з відходами. Також, потребують закріплення в законодавстві про відходи та інших нормативно-правових актах України положення про визначення завершення статусу відходів. Щодо питання співвідношення українського законодавства з європейським, українське лише частково відповідає вимогам ЄС, воно потребує суттєвого перегляду і як обов'язковою передумовою якісної (не суперечливої) імплементації європейських норм виступає узгодження термінологічного апарату.

Ключові слова: відходи, екосистема, адаптація законодавства, здорове довкілля, вимоги Європейського Союзу.

Statement of the problem. At the present stage, considering the problematic aspects of the state of the natural environment, it is advisable to point out that the environment is a system that exists independently and at the same time directly affects the livelihoods of humankind. The increasing consumer demands for various goods affects the change in the viability of ecosystems as a whole. As the historical course of civilization shows, even imagining and understanding the detrimental effects of the results of their activities, a person is not able to cope with the temptation of his own enrichment and accumulation of benefits. That is why most of the problems in the natural environment are the result of human activity.

For most of us, the concept of "waste" is understood within household waste. But we must be aware of the real volumes and dangers that waste poses to our health and the environment.

Despite the urgency of the waste problem, today the problems of imperfection of the legislative and regulatory and methodological framework for waste management in the process of adaptation of national legislation to the requirements of the European Union remain resolved.

The article is aimed at analysing the legislation on the importance of legal regulation of waste management through the prism of European legislation, based on which further prospects for the development of Ukrainian legislation in the field of waste management are considered.

Presentation of the main material. Framework Directive 2008/98/EC of November 19, 2008, "On waste and repealing certain Directives" defines the terms and concepts of waste. According to the Article 3 of the Directive: "waste" means any substances, materials, and objects that their owner disposes of, intends or must dispose of (Directive 2008/98/EC, 2008).

Gradual approximation of Ukrainian legislation to the EU law in the field of environmental protection is carried out in accordance with Annex XXX to the Association Agreement (Article 363) (Association Agreement, 2014). It provides for certain measures in the field of waste and resource management, namely the adaptation of several EU directives in this area, in particular:

(1) Directive 2008/98/EC on waste and repealing certain Directives;

(2) Directive 1999/31/EC on the disposal of waste, as amended by Regulation (EC) 1882/2003/EC;

(3) Directive 2006/21/EC on the management of extractive industry waste and amending Directive 2004/35/EC.

The requirements of Directive 1999/31/EC (on waste disposal) provide for their entry into force 6 years after the entry into force of the Agreement, however, for any new facilities (primarily landfills), these requirements come into force immediately. Regarding Directive No. 2006/21/EC (on waste management of the extractive industry), it is envis-

aged that the legislation of Ukraine will be brought into compliance with its requirements within 5 years from the date of entry into force of the Agreement, for individual norms can be set adjustments (Association Agreement, 2014).

The Order of the Cabinet of Ministers of Ukraine dated April 15, 2015, No. 371 approved the list of acts of EU legislation, the implementation of which is carried out in accordance with the approved plans. Such acts in the field of waste management include only the first two directives mentioned above.

At the present stage of development of national legislation, waste legislation has been sufficiently formed. In particular, the basic principles and objectives of the state policy in the field of waste management are defined, the basic requirements and rules for environmentally safe waste management are fixed, measures are provided for organisational and economic stimulation of waste disposal, etc. Thus, the state policy on waste management is reflected in a number of regulatory legal acts, including: Law of Ukraine "On Waste" of March 5, 1998, (expires 09.07.2023), Law of Ukraine "On Environmental Protection" of June 25, 1991, Law of Ukraine "On Ensuring Sanitary and Epidemic Welfare of the Population" of February 24, 1994, Law of Ukraine "On Radioactive Waste Management" of June 30, 1995, Law of Ukraine "On Alternative Fuels" of January 14, 2000, Law of Ukraine "On Scrap Metal" of May 5, 1999, State Waste Classifier DK 005-96 (systematic list of waste codes and names intended for use in state statistics in order to provide comprehensive and substantiated information on the validity in accordance with the decision of the State Service of Ukraine for Regulatory Policy and Entrepreneurship Development dated 15.07.2014, No. 33 due to the fact that the generation, accumulation, treatment (processing), disposal and disposal of waste) and others.

In addition, it should be noted that last year the Law of Ukraine dated 20.06.2022, No 2320-IX "On Waste Management" was adopted. This Law defines the legal, organisational, economic basis for activities to prevent generation, reduce waste generation, reduce the negative effects of waste management activities, promote waste preparation for reuse, recycling, and recovery to prevent their negative impact on human health and the environment.

In Ukraine, in the context of implementation, the framework Directive No. 2008/98/EC is one of the main documents and directly correlates with the Law of Ukraine "On Waste Management", which will become the basis for regulating legal relations related to waste. It defines the legal, organisa-

tional, and economic principles of activities related to the prevention or reduction of waste generation, their collection, transportation, storage, treatment, utilisation and disposal, neutralisation, and disposal, as well as prevention of the negative impact of waste on the environment and human health in Ukraine (On Waste Management, 2022). Therefore, the use of the norms of this Directive and the introduction of appropriate changes and additions at the legislative level of Ukraine should be carried out through the Law of Ukraine "On Waste Management".

In accordance with Art. 3 of Directive 2008/98/EC "hazardous waste" means wastes having one or more hazardous properties listed in Annex III (Directive 2008/98/EC, 2008).

The Framework Directive sets out the main provisions for waste classification in the European Union and the Member States:

1. The classification of waste and hazardous waste shall take place in accordance with the Waste List drawn up by Commission Decision 2000/532/EC (Waste List).

2. The waste list is mandatory in relation to the definition of waste that is considered hazardous waste.

3. The classification of waste in the Waste List is carried out considering the origin of waste and its composition.

4. The classification of waste as hazardous should be based on European Union legislation on chemicals and chemicals.

5. When classifying waste as hazardous, the limit values of concentrations (established limits) that the legislation operates in the case of classifying chemicals as hazardous should be considered.

6. The classification of wastes as hazardous shall be carried out based on the properties listed in Annex III of Directive 2008/98/EC.

Waste is divided into two classes:

- 1) hazardous waste;
- 2) waste that is not hazardous.

The classification is carried out in accordance with the National Waste List and the Waste Classification Procedure, considering the List of properties that make waste hazardous.

To distinguish the hazardous properties of hazardous wastes as such and their adaptation to the relevant provisions of Regulation (EU) No 1272/2008, Annex III to Directive 2008/98/EC was updated in 2014. Thus, hazardous waste codes from H1 to H15 in Annex III to Directive 2008/98/EC have been replaced by corresponding codes from HP1 to HP15 in order to: to avoid possible confusion with the codes of hazardous properties of substances that have the same designations.

If, during identification, wastes do not exhibit any of the hazardous properties of HP1-HP15 and/or they do not contain persistent organic pollutants (POPs), they are considered, in accordance with the provisions of Article 7(3) of Directive 2008/98/EC, as safe (Zhukovskyi, 2016).

Currently, Ukraine defines waste and plans to harmonise domestic legislation with the European one by approving the National List (classifier) of waste based on the European Waste List ("List of Wastes").

When drawing up international and national waste management plans and strategies, EU legislation prescribes to be guided by the so-called "Waste Hierarchy" presented in the Framework Waste Directive.

In Art. 4 of Directive 2008/98/EC establishes requirements for Member States to apply the following waste hierarchy as a matter of priority in waste prevention and management legislation and policies: prevention; preparation for reuse; Recycling; other disposal, such as energy recovery; liquidation (Directive 2008/98/EC, 2008).

The best actions for waste – prevention of waste generation is achieved by implementing the following measures:

- 1) encouraging and supporting sustainable production and consumption of products;
- 2) encouraging the design, production, and use of resource-efficient and more durable products, including extension of their life, as well as products suitable for repair, reuse and modernisation;
- 3) separation of raw materials from waste that can be reused;
- 4) ensuring the availability of spare parts, operating instructions, technical information or other tools, equipment or software that allow repairs and ensure the reuse of products without reducing their quality and safety of operation;
- 5) reduction of waste generation considering the introduction of the best available technologies and management methods in the process of industrial production;
- 6) reduction of the content of hazardous substances in products in accordance with technical regulations;
- 7) reduction of waste generation that is unsuitable for technical or economic reasons for recycling or other waste recovery operations;
- 8) identification of products that are the main source of environmental contamination and taking appropriate measures to prevent and reduce the generation of waste from such products;
- 9) conducting informational campaigns to raise public awareness on waste prevention and environmental pollution;

10) creation by business entities, executive authorities, local self-government bodies in accordance with the competence and ensuring the operation of waste collection points for repair and preparation for their reuse;

11) reduction of food waste generation in retail and other retail chains, catering establishments and households (On Waste Management, 2022).

Waste classifications in the European Union are given in the so-called European Waste Catalogue (EWC), contained in the Annex to Council Decision 2000/532/EC of 3 May 2000 determining the list of wastes in accordance with Article 1 (a) of Council Directive 75/442/EEC (Directive 75/442/EEC, 1975). The classification of waste according to this catalogue is carried out based on considering the physical and chemical properties of waste and its origin. The catalogue is not an exhaustive list of waste, it is periodically reviewed and updated if necessary.

Other lists of wastes are contained in the annexes to Council Regulation 259/93/EEC on the supervision and control of the movement of wastes within the limits of importation into and out of the European Community. These lists (Red and Yellow (for hazardous waste) and Green (for non-hazardous waste) apply to the movement of waste and correspond to the lists in the annexes to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Depending on one or another type of waste, an appropriate regime for disposal and monitoring of the state of waste pollution in European legislation is established.

In Ukraine, the classification of waste, similar to Council Regulation 259/93/EEC, is established by the Resolution of the Cabinet of Ministers of Ukraine of July 13, 2000, No. 1120 "On Approval of the Regulation on the Control of Transboundary Movements of Hazardous Waste and Their Disposal/Disposal, as well as the Yellow and Green Lists of Waste" (Resolution of the Cabinet of Ministers of Ukraine, 2000). In addition, paragraph 30 of the above-mentioned Resolution of the Cabinet of Ministers of Ukraine stipulates that hazardous wastes in case of their transboundary transportation are subject to classification in accordance with the International Waste Identification Code, except for cases when transboundary transportation is carried out based on relevant international treaty, which specifies another method of classification.

Also in Ukraine, in accordance with the order of the State Standard of Ukraine dated February 29, 1996, No. 89, the Waste Classifier DK 005-96 was approved and put into effect.

The waste classifier provides information support in solving a wide range of issues of state waste management and resource use based on an accounting and reporting system harmonised with international systems, in particular, in the field of ecology, protection of life and health of the population, labour safety, resource saving, structural restructuring of the economy, certification of products (services) and quality systems.

The use of the Waste Classifier creates a regulatory framework for conducting a comparative analysis of the structure and volume of waste generation within the European statistics of all types of economic activity, including European production statistics, statistics of the agricultural complex, statistics of services, as well as comparative analysis of waste-related services at the intersectoral, state, interstate levels. The objects of classification in the Waste Classifier are waste, which is understood as any substances and objects generated in the process of production and human life, as a result of human-made or natural disasters that do not have their further purpose at the place of formation and are subject to disposal or processing in order to ensure the protection of the environment and human health or for the purpose of their re-involvement in economic activity as material – raw materials and energy resources, as well as waste-related services.

Among waste management operations, special attention at the level of the European Union is paid to the regulation of waste disposal, in particular such type as disposal. The need to regulate waste disposal activities at Community level is caused by several circumstances, such as the dangerousness of these activities, given the significant negative impact it has on the environment and human health. Given these and other circumstances, separate legislative acts have been adopted that establish clear requirements for waste disposal in the European Union, among which Council Directive 1999/31/EC (Directive 1999/31/EC, 1999) of April 26, 1999, on waste disposal occupies the main place.

It should be noted that in Ukraine, legal relations regarding waste management, including the implementation of certain waste management activities, are subject to legal regulation of several regulatory legal acts. In Ukraine, the legal regulation of these legal relations is provided for: the Subsoil Code of 27 July 1994 No. 132/94-BP (as amended); Water Code of Ukraine dated June 6, 1995 No. 213/95-VR (as amended); Law of Ukraine "On permitting activities in the field of nuclear energy use" of 11.01.2000; Resolution of the Cabinet of Ministers of Ukraine "On approval of the Procedure

for development, approval and revision of limits on generation and disposal of waste" dated August 3, 1998 No. 1218; Household Waste Management Program, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 265 dated March 4, 2004; Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Obtaining Permits for the Production, Storage, Transportation, Use, Disposal, Destruction and Disposal of Toxic Substances, including Products biotechnology and other biological agents" dated June 20, 1995 No. 440 (as amended) and others.

The purpose of Council Directive 1999/31/EC of 26 April 1999 on waste disposal (Directive 1999/31/EC, 1999) is to ensure the implementation of measures and procedures to prevent and mitigate to the maximum extent possible negative impacts on the environment, especially on pollution of surface and groundwater, soil, air through clear operational and technical requirements for waste and its disposal.

The main principles enshrined in this Directive are reducing the amount and hazardous properties of waste to be disposed of; waste sorting; control, management, and rehabilitation of waste disposal sites.

The directive provides for the division of waste disposal into three categories:

- 1) disposal of hazardous waste;
- 2) disposal of non-hazardous waste;
- 3) disposal of inert waste.

The directive establishes which wastes cannot be disposed of. Among those: liquid waste; flammable waste; waste containing explosives and acids; medical waste that is contagious; used tires, with some exceptions; any other waste which does not fulfil the criteria set out in Annex II to the Directive.

The Directive establishes appropriate instruments to achieve the objectives envisaged by it: Member States should develop and implement national strategies to progressively reduce the decomposition of microorganisms during their disposal; Member States should take measures to ensure that the application of the waste disposal procedure is justified and contains details of the waste; waste disposal activities are those for which special information is required authorisation by the competent authorities of a Member State; a fee is charged for waste disposal, which should ensure at the proper level not only the waste disposal itself, but also control over waste disposal sites and their recovery.

The Directive establishes a requirement to prohibit free access to waste disposal sites. In addition, the Directive stipulates that when locating

places where waste can be disposed, it is necessary to consider distance from residential areas, places of rest, waterways, agricultural land; location of groundwater and surface waters and zones of protective nature; geological and hydrogeological characteristics of the territory; risk of floods, landslides, and avalanches; cultural and natural properties of the territory. Disposal of waste may be permitted in each area only if the characteristics of such areas are considered and that they will not be threatened by environmental risk.

In order to achieve the objective defined by national legislation, tasks similar to Directive 1999/31/EC are established, principles and directions for their implementation in the field of waste disposal, which, in particular, are aimed at: minimizing waste generation and reducing its hazard; ensuring safe disposal of waste that cannot be disposed of through the development of appropriate technologies, environmentally friendly methods and means of waste management; Collateral organisation of control over existing and closed landfills of household waste to prevent harmful effects on the environment and human health, reclamation of land plots after the closure of landfills; implementation of a complex of scientific, technical and marketing research to identify and determine the resource value of waste for the purpose of its effective use; facilitating the creation of waste management facilities; mandatory waste accounting based on their classification and certification; reforming the sanitary cleaning system; creation of conditions for efficient use of household waste as an energy resource and pilot industrial implementation of complex processing and utilization of their resource-valuable components; ensuring the introduction of mechanised sorting of household waste with the removal of resource-valuable components, their processing into materials and products.

Similar to the requirements of European legislation in Ukraine, waste disposal activities require the necessary permit. The procedure for obtaining permission for production, storage, transportation, use, disposal, destruction, and disposal of toxic substances, including biotechnology products and other biological agents, is approved by the Resolution of the Cabinet of Ministers of Ukraine dated June 20, 1995, No. 440 (as amended). In accordance with paragraph 3 of this Procedure, the permit is issued by the Ministry of Ecology and Natural Resources in agreement with the Ministry of Health, the State Labour Supervision, the Ministry of Transport, the Ministry of Internal Affairs in accordance with the List of toxic substances, including biotechnology products and other bio-

logical agents, the production, storage, transportation, use, disposal, destruction, and disposal of which are carried out with permission. Moreover, paragraph 6 of the Procedure establishes that in the absence of permission for the disposal of toxic substances, including biotechnology products and other biological agents, legal entities and individuals are liable in accordance with current legislation.

In addition to this Procedure, the requirements for obtaining permits for waste disposal are contained in several other legislative acts. In particular, Article 75 of the Water Code of Ukraine stipulates that the creation of landfills for disposal in deep underground aquifers that do not contain fresh water, polluting liquid substances, production wastes and wastewater, including mineralised mine and thermal waters formed on the basis of natural waters and not amenable to purification by existing methods, is allowed in exceptional cases after special studies with the permission of a specially authorised central body executive power on ecology and natural resources, on projects agreed with specially authorised central executive bodies on health care, labour protection supervision and the relevant local council.

Also, the requirements for obtaining a permit for waste disposal are provided for in Article 22 of the Subsoil Code of Ukraine, according to which the provision of subsoil for the disposal of industrial waste and other harmful substances, wastewater discharge is allowed in exceptional cases, subject to compliance with the norms, rules and requirements stipulated by the legislation of Ukraine. Subsoil for these purposes shall be provided in accordance with Article 19 of this Customs Code based on the results of special studies and based on projects carried out at the request of interested enterprises, institutions, and organisations.

Particular attention is paid to the legislation of Ukraine on permitting activities in the field of nuclear energy use. Thus, part 2 of Article 6 of the Law of Ukraine "On permitting activities in the field of nuclear energy use" of 11.01.2000 establishes that permitting activities are an integral part of state regulation in the field of nuclear energy use and provides: licensing the activities of the operating organisation at a separate stage of the life cycle of a nuclear installation or radioactive waste disposal facility and issuing separate permits to this organisation to perform certain types of work or operations at the stages of commissioning, operation and decommissioning of a nuclear installation and at the stages of operation and closure of a radioactive waste disposal facility; mandatory certification of ionizing radiation sources, elements important for the safety of nuclear facilities, packages for

storage, transportation and disposal of radioactive waste, transport packages for transportation of ionizing radiation sources and transport packages for transportation of nuclear materials.

Similar to the requirements of the legislation of the European Union in Ukraine, waste disposal activities are carried out on a fee basis. Legal regulation of this issue is carried out at the level of the joint order of the Ministry of Environmental Protection and Nuclear Safety of Ukraine, the State Tax Administration of Ukraine dated July 19, 1999, No. 162/379, registered with the Ministry of Justice of Ukraine on August 9, 1999, under No. 544/3837 "On approval of the Instruction on the procedure for calculating and paying the fee for environmental pollution".

In addition, at the level of legislation in Ukraine, as well as in the European Union, the Procedure for developing, approving, and revising limits on waste generation and disposal has been established, which was approved by the Resolution of the Cabinet of Ministers of Ukraine dated August 3, 1998, No. 1218.

Like Directive 1999/31/EC, Ukrainian legislation contains requirements for types of waste that can be disposed of and the disposal of which is prohibited. Such regulation takes place in Ukraine with the help of the State Sanitary Rules for Planning and Development of Settlements, approved by the Order of the Ministry of Health of Ukraine No. 173 dated June 19, 1996, and registered with the Ministry of Justice of Ukraine on July 24, 1996, under No. 379/1404. In accordance with the State Sanitary Rules for planning and development of settlements, only toxic industrial landfills are subject to acceptance at a special industrial landfill waste of I, II, III hazard classes; liquid toxic industrial waste must be dehydrated at enterprises before being taken to the landfill. It is prohibited to store industrial toxic waste of I, II hazard classes at solid waste landfills; waste of III, IV hazard class can be stored together with household waste in accordance with regulatory documents defining the maximum amount of industrial waste permissible for storage at solid waste landfills.

From the comparative analysis of the legislation of the European Union and Ukraine, which establishes the legal regulation of waste disposal activities, it can be concluded that, in general, both the legislation of the European Union and the legislation of Ukraine establish identical goals, similar principles and legal instruments of legal regulation. At the same time, the legislation of Ukraine lacks clear imperative norms regarding types of waste that can be disposed of, and the disposal of which is strictly prohibited; requirements for the installa-

tion of a security and access system to waste disposal sites.

Conclusions. Given the above, it is advisable to note the prospects for further development of Ukrainian legislation in the field of waste management, the need to transform and expand the traditional for national legislation perception of the waste management process only through the prism of ensuring environmental safety and sanitary and epidemiological requirements is also evidenced by the expansion of the range of entities in the field of waste management.

Thus, Directive 2008/98/EC on waste and repealing certain Directives requires States to ensure that the original waste producer or other owner takes care of the waste independently or entrusts the care of the waste to a dealer or institution or enterprise engaged in waste treatment or entrusts it to a private or public collector. The Directive separately deduces the concepts of "waste producer" (anyone who produces waste from its activities (initial waste producer) or carries out pre-treatment, mixing or other operations that change the nature or composition of waste), "waste owner" (waste producer or natural or legal person who owns the waste) and "dealer" (any undertaking that is central to the purchase and subsequent sale of waste, including dealers who do not physically own the waste) and a "broker" (any entity engaged in the disposal or disposal of waste on behalf of others, including brokers who do not physically own the waste).

In Art. 6.1 Directive 2008/98/EC indicates the end of the waste status. We are talking about the fact that some waste ceases to be waste. This is possible when they have been disposed of, including recycled, and meet certain criteria that must be developed under the following conditions:

(a) the substance or object is widely used for a particular purpose;

(b) there is a market or demand for such substance or article;

(c) the substance or article complies with the technical requirements for a particular purpose and does not contradict applicable laws and standards applicable to products;

(d) the use of the substance or object will not result in a general deterioration to the environment or human health. The criteria shall include limit values for pollutants, as appropriate, and consider the adverse environmental impacts of the substance or object.

The criteria shall correspond to the types of waste to which such criteria shall be applied. Thus, certain criteria for the end-of-waste stage should

be considered, among others, at least for aggregates, paper, glass, metal, tires, and textiles.

If the criteria have not been established at the Community level, then the Member States may decide on a case-by-case basis whether the waste ceases to be waste, subject to the legislation in force in that case.

Thus, the analysis of European and Ukrainian legislation shows that Ukrainian legislation partially meets the requirements of Directive 2008/98/EC (the degree of the compliance is low). To harmonise with the Directive, the legislation of Ukraine in the field of waste management requires significant modification. A significant drawback in this area is the inconsistency and variety of waste definitions. The study of the interpretation of the concept of "waste" from different points of view made it possible to generalize their characteristics and disad-

vantages. The refined concept will contribute to a better understanding of their essence, which in the future will allow to develop and scientifically substantiate the classification of these objects in order to account for and control them.

Special attention should be paid to the fundamental approaches defined in Directive 2008/98/EC on the introduction of a hierarchy in addressing waste management issues. Moreover, provisions on determining the completion of waste status need to be enshrined in waste legislation and other regulatory legal acts of Ukraine. Regarding the issue of the correlation of Ukrainian legislation with the European one, the Ukrainian one only partially meets the requirements of the EU, it requires significant revision, and the harmonisation of terminological apparatus is a prerequisite for the qualitative (not contradictory) implementation of European norms.

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