

COMPARATIVE AND LEGAL ANALYSIS OF CRIMINAL AND LEGAL PROTECTION OF INDIVIDUAL COMPONENTS OF NATURAL ENVIRONMENT: EUROPEAN EXPERIENCE

The problem of criminal legal protection of individual components of the environment is relevant is that the importance of maintaining the integrity of the land, balance water resources, flora and fauna just beginning realized by individual actors, including at the international level. Until recently, for example, was a common belief inexhaustible land resources, infinite in its use samovidnovlyuvanosti fertile properties, although the lack of fresh water and pollution of the ozone layer have been actively speaking in the last century.

Today we can confidently say that most land in Europe and the world in general are in a critical condition, widespread land degradation processes, the most common are erosion, pollution, flooding. Not least among the negative process is the process of anthropogenic impact on the ground.

It should be noted that today is still a need to study the legislative experience of some European countries that have succeeded or specific achievements in resolving issues of criminal protection of individual components of the environment. Important is the need to identify areas of criminal law protection of environment as a whole and its individual elements.

Of particular interest for the improvement of the legislation are Comparative study, which is the basis comparative method. However, the use of the latter does not involve a direct transfer rules one state to another norm. You must not only investigate, examine, but also to analyze the selected rule or law.

Criminal law advanced European countries regarding the protection and use of land, water and so consider this issue primarily in the context of environmental protection as a whole and as an element of protection and conservation of wild flora and fauna.

However, noteworthy differences in the studied environmental legislation of the European countries, that lack of a clear and direct international legal mechanism of regulation of relations on the legal regime of the individual components of the environment, including protection of land, the emphasis which raised during this study. Thus, most international instruments indirectly determine land protection, as convincing evidence of the content of conventions aimed at combating and countering various types of pollution. Among these acts can mention the Convention on the assessment of the environmental impact in a Transboundary Context of 25 February 1991 Declaration on pollution from October 1, 1976 in San Paulo, the Convention on Access to Information, Public Participation in Decision-making and Access to justice in environmental matters of 25 June 1998, the Basel Convention on the control of transboundary Movements of hazardous wastes and their elimination on May 5, 1992, the Rotterdam Convention on proce py Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade on September 10, 1998 and so on.

Regarding the criminal protection of the environment in a particular country, then we note that the current Criminal Code of Germany contains the 29 "Crimes against the environment" in which there are 13 sections, 10 of which assumed responsibility for socially dangerous acts committed against individual components of the natural. For example, paragraph 324 provides for liability for soil contamination if it can cause harm to another person, animal, plant, water, or other property that is essential. Some provisions of the criminal law provides for liability for contamination of soil and for violation of transportation fuel, but only when there is a threat of injury to human health or the environment.

Studying law on criminal liability of the Republic of Poland for violating rules that protect the environment, we note that the legal basis of criminal liability for violations in the field of environmental protection act following laws: the Law of the Republic of Poland "Right of construction" of July 7, 1994, the Law of the Republic of Poland "on prevention of marine pollution by ships" of 16 March 1995, the Law of Poland "on hunting" of 13 October 1995, are not ma UT systematic character.

Thus, analyzing the environmental legislation in some European countries may be noted that indeed at the constitutional level as a priority - the protection of the environment, causing the approval of the basic principles of European countries on which the legislation aimed at protecting the environment, positive feel tends adoption and preservation stricter rules regarding the effective criminal law protection of the environment, namely the construction of warehouse s relevant rules are not as tangible and as formal or as tort risk.

However, the experience of European and international experience in the proposed field of public relations clearly demonstrates a lack of comprehensive and universal environmental standards that would holistically concerning environmental protection.

In our opinion, the logical result of the international spivtovarysta in the field of environmental protection may be the development and adoption of a single codified act that contains all rules aimed at protecting the environment and its individual components and commensurate with appropriate penalties for their violation.