

LEGAL CERTIFICATE OF OWNERSHIP OF WASTE

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The article is devoted to the characterization of legal documents for waste. In particular, it is noted that the legal documents for waste may be: contracts (sales, mines, gifts, etc.); a certificate of inheritance; judgment; transfer act, distributive balance; the statute of the legal entity in combination with the decision of the authorized body of the legal entity on the introduction of waste into the authorized capital of the legal entity (this list is not exhaustive). The proposal on the certificate of ownership of the waste generated in the course of the owner's activity by the waste passport is introduced and substantiated, as well as the proposed changes to the legislation regarding the form and content of the waste passport. According to the current legislation of Ukraine, waste acts as a specific object of ownership. Waste from the process of circulation can adversely affect the state of the environment, for which it is the responsibility of the individual - their owner. Therefore, these issues require specific legal regulation of environmental law. At present, a significant amount of relations that arise, change and terminate in the course of realization by the natural and legal persons, state authorities or local self-government authorities of the owner in relation to waste at the regulatory level is mainly regulated by the general provisions of the civil legislation. Thus, the problem of certifying the ownership of waste generated in the course of the activity of the waste owner needs to be addressed, improving the legal regulation of waste management relations as a specific object of ownership.

Contracts. Transfer of ownership of waste can be made on the basis of contracts, which means that in such a case such contracts, in particular, contracts of sale, mines, gifts, etc. are the legal documents for waste for their purchaser under such contract. The current legislation does not require mandatory notarization of waste ownership transfer agreements.

Certificate of inheritance right. Due to the fact that the current legislation of Ukraine does not exclude the possibility of entering waste into the heritage, one of the legal documents for waste may be a certificate of inheritance. It can be obtained by a person as a result of inheritance by law or by will.

The court's decision. A person shall not be deprived of the opportunity to recognize the right of ownership of the waste by court order, and as a result of satisfying such claims, the right of ownership of the waste may be confirmed by the relevant decision of the court, which has come into force in accordance with the procedure established by law.

Transfer acts, distributive balances. These documents can be recognized as legal documents for waste in the case of reorganization of legal entities in the event that such waste is indicated in the said documents in the composition of property that passes from one legal entity to another in the process of reorganization.

The following should be noted separately. The current legislation of Ukraine does not provide for state registration of ownership of waste. However, the legislator does not prohibit the registration of waste encumbrances in accordance with the Procedure for keeping the State Register of encumbrances for movable property.

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