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**RADIOACTIVE WASTE MANAGEMENT AND ENSURING FAVORABLE ENVIRONMENT IN BELARUS**

*Аннотация: Мақалада қолайлы қоршаған ортаға конституциялық құқықты жүзеге асыру контекстінде қарастырылады. Қолайлы қоршаған ортаға құқық заңнамалық және нормативтік талаптарды егжей-тегжейлі көрсету арқылы қол жеткізілетіні атап өтілген. Қолайлы қоршаған ортаға құқықты қамтамасыз ету радиациялық қауiпсiздiк туралы заңнама талаптарын орындау арқылы алынуы тиiс деген қорытынды жасалған.*

*Түйін сөздер: радиоактивті қалдықтар; ядролық энергия; заңнаманы дамыту; мемлекеттік бақылау; радиоактивті қалдықтардың классификациясы; АЭС; қауіпсіздік.*

*Аннотация.* В статье рассматривается вопросы реализации конституционного права на благоприятную окружающую среду. Отмечается, что право на благоприятную окружающую среду достигается за счет детализации законодательных и нормативных требований. Делается вывод о том, что обеспечение права на благоприятную окружающую среду достигается через реализацию требований законодательства о радиационной безопасности.

*Ключевые слова:* радиоактивные отходы; атомная энергия; нормотворчество; государственный контроль; классификация радиоактивных отходов; АЭС; безопасность.

*Annotation:*The article considers in the context of the implementation of the constitutional right to a favorable environment. It is noted that the right to a favorable environment is achieved through detailed of legislation and regulatory requirements. The conclusion is made that ensuring of the right to a favorable environment should be received through the implementation of the requirements of the legislation on radiation safety.

*Keywords:*radioactive waste; nuclear energy; legislative development; state control; classification of radioactive waste; NPP; safety.

**Introduction.** The issue of classifying nuclear energy as a "clean energy" continues to be debated on a global measure. It supplies base-load energy with low operational costs and does so without CO2 emissions, a feature that appeals to the international community in tackling climate change [1]. The public is concerned about radioactive waste as nuclear and radiation safety ensuring, which is an inevitable result of the operation of a nuclear power plant. In this regard, the study of the legal support of the fundamental right of citizens to a favorable environment when handling radioactive waste is of particular relevance.

The legal basis of environmental rights compose constitutional norms, among which the right to a favorable environment (Article 46 of the Constitution of the Republic of Belarus). According to Article 11 of the Constitution of the Republic of Belarus, foreign citizens and stateless persons enjoy the rights, freedoms and perform duties on a par with citizens of the Republic of Belarus.

The scientific and theoretical basis for the study of environmental safety issues is put on the works of S. A. Balashenko, G. I. Balyuk, S.A. Bogolyubov, M. M. Brinchuk, M. I. Vasilieva, A. P. Getsman, D. M. Demichev, A. A. Zhloba, N. A. Karpovich, V. V. Kostytsky, M. V. Krasnova, O. I. Krassov, E. V. Laevskaya, V. E. Lizgaro, T. I. Makarova, O. V. Moroz, V. V. Petrov, B. Rakoczy and other scientists-ecologists [2-10].

Recognizing the unconditional significance of the research carried out on the basis of the generally provisions of the ecological doctrine, it is possible to identify the features of the content and the main directions of ensuring the constitutional right to a favorable environment in relations related to the management of radioactive waste generated as a result of the operation of a nuclear power plant.

The methodology of this study is based on the recognition of the need to expand the range of legal measures aimed at preventing environmental problems associated with the implementation of the first nuclear power program by the Republic of Belarus, and eliminating negative environmental changes during the operation of the Belarusian nuclear power plant, as a result of the generation of radioactive waste.

**Main part***.* The right to a favorable environment is based on conceptual provisions of the theory of law, where “the central place in the legal status of the individual is given to constitutional rights, which constitute the core for the formation of freedoms and duties and other elements” [8, с. 577]. The Constitution contains general rules for regulating public relations. This postulate is generally accepted [2, с. 38; 5; 6, с. 41; 8, с. 577; 9]. The norms of legal regulation defined in the general form subsequently disclosed in the legal acts and regulatory requirements. The Constitution of the Republic of Belarus forms the basis of environmental legislation, which “is detailed on the basis of a combination of decision-making of all state bodies, based on the principle of separation of powers” [5].

In accordance with the terminology contained in the Law of the Republic of Belarus of November 26, 1992 “On Environmental Protection”, a favorable environment is an environment whose quality ensures ecological safety, sustainable functioning of natural ecological systems, other natural and natural-anthropogenic objects (Article 1).

Radioactive waste of Belarussian NPP is radioactive waste generated as a result of the operation of a nuclear installation for which there is no intention or that cannot be used for its intended purpose, the content of radionuclides in which exceeds the levels established by hygienic standard. Radioactive waste management relations are regulated by legislation on the use of atomic energy, radiation safety, sanitary and epidemiological welfare of the population and other legislation. In this regard, it seems viable to consider the term “favorable environment” through the concept of “radiation safety”.

The term “radiation safety of the population” is contained in article 1 of the Law of the Republic of Belarus of June 18, 2019 “On Radiation Safety”, according to which radiation safety is a state of the population protection, personnel and the environment from the harmful effects of ionizing radiation. In term of the scope and completeness of proposed definition, the Law of the Republic of Belarus of June 18, 2019 “On Radiation Safety” thoroughly reflects the constitutional norm on the right to a favorable environment, reasonably including in the state of radiation protection not only humans, but also the environment, considering man and the environment as a single living organism [3, с. 22 – 23; 10, с. 45].

To ensure radiation safety, Article 6 of the Law of the Republic of Belarus dated June 18, 2019 “On Radiation Safety” defines the following elements: regulation in the field of radiation safety; establishing requirements in radiation safety of ionizing radiation sources; licensing; safety expertise in the use of ionizing radiation sources and state sanitary and hygienic expertise; accounting and control of ionizing radiation sources; metering of public exposure and occupational exposure; environmental impact assessment and state environmental impact assessment; state supervision in radiation safety and state sanitary supervision of compliance by audited entities with regulations in sanitary and epidemiological welfare of the population in terms of radiation safety and other elements.

In turn, standardization system in the field of radiation safety, which involves setting radiation dose limits, radiation dose limits, reference levels and other standards for maximum permissible exposure ionizing radiation, as well as setting standards for permissible emissions and discharges of radioactive substances in the environment, which must be observed when carrying out activities in the field of the atomic energy use, including radioactive waste management.

**Conclusion***.* Thus, on the basis of the considered regulatory legal requirements, we would like to note that the fundamental right to a favorable environment when dealing with radioactive waste of Belarussian NPP is implemented by ensuring compliance with the requirements of the legislation in atomic energy, radiation safety, environmental protection and rational use of natural resources, as well as legislation of sanitary and epidemiological welfare of the population, as well as the establishment of exposure dose limits, dose limits, reference levels and other standards for the maximum permissible effects of ionizing radiation, standards for permissible emissions and discharges of radioactive substances into the environment in order to protect the environment from harmful effects of ionizing radiation.

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**references:**

1. Anni Huhtala, Piia Remes. Quantifying the social costs of nuclear energy: Perceived risk of accident at nuclear power plants // Energy Policy. June 2017. P. 320-331.
2. Balashenko, S. A. Environmental law: a textbook / S. A. Balashenko, T. I. Makarova, V. E. Lizgaro. – Minsk: Higher School, 2016 . – 382 p.
3. Brinchuk, M. M. Favorable environment – the most important category of law / Journal of Russian law / founder of the Institute of Legislation and Comparative Law under the Government of the Russian Federation. – Moscow: Norma, 2008. – No. 9. – P. 37-52.
4. Hetsman, A. P. Ecological human rights in the national and international legal doctrine / A. P. Hetsman, V. V. Kostytsky // Problems of legality, 2013, – № 124, – P. 68-80.
5. Karpovich, N. A. Constitutional foundations of the interaction of domestic law and the EAEU law in the field of environmental protection / N. A. Karpovich // The influence of interstate integration processes on the development of agrarian, environmental, natural resource and energy law / [editorial board T. I. Makarova (ed. Ed.) And others]. – Minsk: BSU, 2018, Р. 44-50.
6. Krassov, O. I. Ecological law: a textbook / O. I. Krassov. – 4th ed., Revision. – Moscow : Norma: INFRA-M, 2016 . – 528 p.
7. Laevskaya, E. V. Protection of the right to a favorable environment: problems of theory and practice: [monograph] / E. V. Laevskaya; NZTSPI. – Minsk : StroyMediaProekt, 2016 . – 386 p.
8. Makarova, T. I. Criteria of the effectiveness and value of law: a view from the perspective of sectoral legal sciences / Law in modern Belarusian society: Sat. scientific works / Nat. Center for Legislation and Legal Research of the Republic of Belarus. – Minsk: Kolorgrad, 2018, – P. 573-582.
9. Rakoczy, Bartosz Legislative concept of environmental protection law in Poland vs new technological solutions [Electronic resource]. – Mode of access: <https://apcz.umk.pl/czasopisma/index.php/PYEL/article/view/PYEL.2011.001/340>. – Date access: 02.08.2021.
10. Vasilieva, M. I. Public interests in environmental law / M. I. Vasilieva; Moscow state. Un. M.V. Lomonosov, Faculty of Law. – Moscow: Publishing house of Moscow University, 2003 . – 424 p