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JUSTIFICATION OF THE NEED TO SUPPLEMENT THE LIST OF LIMITATIONS REGARDING THE USE OF LANDS AND LAND PLOTS BY ENVIRONMENTAL AND TECHNOLOGICAL LIMITATIONS

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The need for improvement and adaptation of the existing norms for land protection, rational use of land plots with the legislative norms of the European Union has been identified. The work of scientists, current land legislation, other legal acts related to ecological and technological restrictions have been studied. It was established that the existing "List of restrictions on the use of land and land plots" approved by resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821 does not provide for a complete list of restrictions on the use of agricultural land, in particular ecological and technological restrictions. Also, the main restrictions on the use of land, provided by ecological and technological groups on arable land based on the steepness of the slopes, were considered. It was noted that the current legislative norms of the Code of Ukraine on administrative offenses in the field of nature protection and use of natural resources provide for liability for violations of land use rules. It is emphasized that in the absence of ecological and technological restrictions in the information of the State Land Cadastre, landowners and land users

neglect the norms of ecological and technological restrictions in conducting economic activities on arable land, and it is established that there are no mechanisms for holding them accountable in case of their violation. Proposals are presented in addition to resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821 in the "List of restrictions on the use of land and land plots" with ecological and technological restrictions on arable land.

Keywords: *ecological-technological restrictions, ecological-technological groups, arable land, restrictions on the use of land plots, State Land Cadastre.*

Formulation of the problem. Having received a positive decision on granting Ukraine the status of a candidate for membership in the European Union on June 23, 2022, the candidate country will need large-scale transformations in its various spheres. One of the areas of adaptation is the existing legal norms for the protection of land and soil cover and their optimization with the Soil Strategy of the European Union until 2030. (EU Soil Strategy for 2030 SWD(2021) 323 final) [1]. This strategy lays down the principles of land conservation to achieve climate neutrality, a clean closed-loop economy, and stop desertification and land degradation. The implementation of the mentioned principles is necessary to overcome the loss of biodiversity, ensure healthy food and protect people's health [1]. In this connection, land use must take into account environmental and technical limitations. Restrictions on the use of land are understood as "the obligation imposed on the owner or land user of the land plot regarding prohibited types of activities and obligations to perform certain actions with reference to the regulatory legal acts, according to which the restriction is established, the period of validity of the restriction" [2].

The existing "List of restrictions on the use of land and land plots" [2,3] approved by resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821 does not include the entire list of restrictions on land use, in particular ecological and technological restrictions on arable land. Considering the fact that agricultural lands in Ukraine are decisive in terms of the occupied area and the priority of their

protection in the agricultural sphere, there is a need to revise the list of restrictions on the use of agricultural lands.

Analysis of the latest scientific research and publications. The work is devoted to the study of issues related to regime-forming objects, restrictions on the use of land and land plots, their classification Dobriak D., Tretiak A., Bulyhin S., Dorosh Y., Dorosh O., Kupriianchyk I., Barvinskyi A., Kramarov O. and other scientists [4-8].

In particular, Dorosh Y., Kupriianchyk I. substantiated the need for the formation of ecological and technological restrictions on land use and their state registration. The authors give examples of fragments of extracts from the State Land Cadastre related to filling in data on ecological and technological restrictions in the use of land plots [6].

Kramarov O. provides criteria for the use of land, taking into account the steepness of slopes, types of activities on them, and proposals for taxation of such land. The author draws attention to the fact that the existing system of land taxation of arable land does not have a stimulating role in the aspect of effective land use and the implementation of various crop rotation systems, taking into account the steepness of the land plots [7].

Dorosh Y.M., Barvinskyi A.V., Kharytonenko R.A., Bratinova M.V. proved on the example of the territories of water objects that the existing "List of restrictions on the use of land and land plots", which is set out in the resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821, needs clarifications and additions in the gradation of division and introduction of other regime-forming objects, which require the formation of restrictions on the use of land and land plots [8].

Consideration of problems related to the formation and effective functioning of the institute of restrictions on the use of land and encumbrances of rights to a land plot, disclosure of their theoretical and methodological foundations, substantiation of proposals for improvement of regulatory and methodological support for their proper functioning, disclosure of features of planning and design of territorial restrictions on

use of lands in land management schemes and projects is dedicated to the scientific work of Dorosh Y. and Dorosh O. [9, 10].

All of the above testifies to the significant contribution of scientists who researched issues related to restrictions on land use, but ecological and technological restrictions remain unexplored, the issue of including them in the "List of restrictions on the use of land and land plots" has not yet been resolved. Resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821.

The purpose of the study there is justification for the need to add to the existing list of restrictions on the use of land and land plots of ecological and technological restrictions on the use of agricultural land.

Materials and methods of scientific research. To realize the purpose of the research, the following methods of scientific knowledge were used: monographic, analysis, generalization. Thanks to the monographic method, scientific works related to restrictions on the use of land and land plots were studied. The method of analysis was the study of current norms of land legislation, other legal acts in the context of the use of land and land plots. Using the method of generalization, it is justified and proposed to supplement the existing "List of restrictions on the use of land and land plots" with ecological and technological restrictions on the use of agricultural land.

Research results and discussion. Clause "g" of Article 111 of the Land Code of Ukraine establishes a restriction on the use of land, namely: "...the condition of compliance with environmental protection requirements or performance of specified works." Article 47 of the Law of Ukraine "On Land Protection" establishes a ban on plowing slopes steeper than 7 degrees [11]. On slopes with a steepness of 3 to 7 degrees, the placement of row crops, black steam, etc. is prohibited. Such restrictive measures in the use of land and land plots are aimed at protecting them from the spread of erosion processes, preventing the deterioration of the quality and condition of adjacent land plots [11].

Restrictions on the use of arable land on sloping lands are specified in the order of the State Agency of Land Resources of Ukraine dated 02.10.2013 No. 396 "On the approval of methodological recommendations for the development of land

management projects that provide ecological and economic justification for crop rotation and land management" [12]. In clause 4.2. "Organization of arable land" of the mentioned order states - "Arable land is recommended to be divided into three technological groups" [12]. On the basis of technological groups, recommendations on restrictions on the use of arable land have been determined. The 1st technological group of arable lands includes non-eroded and slightly eroded flat areas and areas on slopes of up to 3 degrees, technologically suitable for growing row crops. Within the 1st technological group of arable land, two subgroups 1a and 1b are distinguished. Within subgroup 1a, which includes arable land, located on slopes with a steepness of up to 1 degree. Due to the lowest level of erosion danger, there are no restrictions on the direction of soil cultivation and sowing of agricultural crops. This sub-group of lands needs only field protection land reclamation and protection against deflation. Within subgroup 1b, arable land is located on slopes with a steepness of 1 to 3 degrees. This subgroup sets restrictions on the direction of soil cultivation and sowing of agricultural crops. On the arable lands of this subgroup, mandatory soil cultivation and sowing of agricultural crops must be carried out across the slopes or contour with a permissible slope to the horizontal terrain. "On such lands, crop rotation fields are placed along the longitudinal sides and forest strips on them across the slope or contour" [4,5,12].

The 2nd technological group of arable lands mainly includes moderately eroded, partly weakly and strongly eroded soils on slopes with a steepness of 3 to 5 degrees. To differentiate the density of anti-erosion measures, including agrotechnical ones, grain and grass crop rotations are placed on the lands of subgroup II a on slopes with a steepness of 3 to 4 degrees, and on the lands of subgroup II b on slopes of 4 to 5 degrees, grass field soil protection is placed crop rotation [4,5,12].

The 3rd technological group includes arable land located on slopes with a steepness of more than 5 degrees. The lands of the third technological group are excluded from the composition of arable lands and are subject to continuous leaching with their further use for hay fields. Economic use of such lands is ecologically dangerous and economically inefficient. "These lands are excluded from intensive

use, subject to conservation with their subsequent transformation into natural fodder lands or forest plantations" [4,5,12]. It is advisable to use such lands for long-term "cultivation with leguminous-cereal mixtures with a field period of 5-6 years" [4,5,12]. That is, according to the set of plants, the agrophytocenosis should be as close as possible to the natural one inherent in the given territory.

In the scientific literature, the terms "technological groups" and "ecological-technological groups" are used. Scientists of the Institute of Agriculture of the Ukrainian Academy of Sciences introduced the concept of "ecological-technological limitations" (2002), the essence of which is the division of arable land into ecological-technological groups [4]. Due to its qualitative properties, arable land is a limited natural resource for growing agricultural crops and, therefore, requires the creation of conditions of a deficit-free balance of nutrients and effective measures to protect land from erosion processes. Technological limitations are interpreted as certain production processes and a corresponding set of technological measures during the cultivation of arable land.

An additional limitation in the ecological and technological groups is the "normatives of the optimal ratio of crops in crop rotations in different natural and agricultural regions" [13] approved by Resolution No. 164 of the Cabinet of Ministers of Ukraine dated February 11, 2010.

The current legislative norms of the Code of Ukraine on administrative offenses (chapter 7) in the field of nature protection and use of natural resources provide for liability for: Article 52 "Deterioration and pollution of agricultural and other lands", Article 53 "Breach of land use rules", Article 55 "Breach of rules land management" [14].

Thus, current legal acts provide for ecological and technological restrictions on the use of arable land, as well as liability for violations of relevant norms. At the same time, ecological and technological restrictions are not included in the "List of restrictions on the use of land and land plots" [2,3] in the edition of Resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821. As a result, ecological and technological restrictions are not contained in land management documentation, are

not included in the data of the State Land Cadastre, and therefore there is no control over the use of arable land on land plots with different steepness of slopes. Such a trend does not contribute to the rationalization of land use and makes it impossible to hold land owners and land users accountable for non-compliance with the relevant norms in the practice of economic activity on arable land.

Since ecological-technological restrictions do not belong to the corresponding zones of restrictions provided for by Articles 112-115 of the Land Code of Ukraine, we propose to assign them to group 06 "Other restrictions" [2,3,15]. On the basis of the conducted research, we propose to add the following content to the "List of restrictions on the use of land and land plots" existing in the resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821 (Table 1).

Table 1. Additional list of ecological and technological restrictions concerning arable land, which are proposed to be included in the "List of restrictions on the use of land and land plots" according to resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821

Code	Name
06	Other restrictions
06.07	Ecological and technological restrictions on arable land
06.07.1	Ecological and technological restrictions on arable land with steepness of slopes from 0 to 3 degrees
06.07.2	Ecological and technological restrictions on arable land with steepness of slopes from 3 to 5 degrees
06.07.3	Ecological and technological restrictions on arable land with slopes steeper than 5 degrees

The characteristics of restrictions in the use of arable land according to the proposed list of ecological and technological restrictions are given in Table 2.

Table 2. Characteristics of restrictions on the use of arable land in terms of the list of ecological and technological restrictions additionally proposed to the "List of

restrictions on the use of land and land plots" according to resolutions of the Cabinet of Ministers of Ukraine No. 1051 and No. 821

Code	Name	Characteristics of restrictions on the use of arable land
06	Other restrictions	-
06.07	Ecological and technological restrictions on arable land	-
06.07.1	Ecological and technological restrictions on arable land with steepness of slopes from 0 to 3 degrees	- on slopes with a steepness of up to 1 degree, there are no restrictions regarding the direction of soil cultivation and sowing of agricultural crops. - on slopes with a steepness of 1 to 3 degrees, restrictions are established regarding the direction of soil cultivation and sowing of agricultural crops across the slopes or contour with a permissible slope to the horizontal terrain.
06.07.2	Environmental and technological restrictions on arable land with steepness of slopes from 3 to 5 degrees	- on slopes with a steepness of 3 to 5 degrees, it is forbidden to place black steam, row crops (technical, vegetable, melon, fodder roots, potatoes) and other erosion-resistant crops. - grain-grass crop rotations are placed on slopes with a steepness of 3 to 4 degrees. - on slopes with a steepness of 4 to 5 degrees, grass field soil protection crop rotations are placed.
06.07.3	Ecological and technological restrictions on arable land with slopes steeper than 5 degrees	- are excluded from the composition of arable lands and are subject to continuous leaching with their further use for hayfields. - slopes with a steepness of more than 7 degrees are prohibited to be plowed, are excluded from intensive use, are subject to leaching and removal from arable land and their transformation into natural fodder lands or forest plantations.

Formed on the basis of sources [2,3,4,5,9,10,11,12]

Conclusions and suggestions. The tendency to limit the actions of land owners and land users, taking into account the requirements of environmental safety in agricultural land use, should be constantly strengthened in the direction of improving the current regulatory legal acts. This is directly related to restrictions on the use of land, land plots as a means of preserving land and soil. As a research priority, attention is focused on expanding the list of ecological and technological restrictions concerning arable land, for which it is proposed to introduce changes to the "List of restrictions on the use of land and land plots" [2,3] according to the Cabinet of Ministers of Ukraine resolutions No. 1051 and No. 821. In particular, to group 06 "Other restriction" - "Ecological-technological restrictions on arable land" with their corresponding division into ecological-technological groups according to the steepness of slopes "from 0 to 3 degrees" "from 3 to 5 degrees" "over 5 degrees", which provide for appropriate restrictions on the use of arable land. Also, the characteristics of restrictions in the use of arable land in terms of the proposed list of ecological and technological restrictions are given.

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ОБҐРУНТУВАННЯ НЕОБХІДНОСТІ ДОПОВНЕННЯ ПЕРЕЛІКУ ОБМЕЖЕНЬ ЩОДО ВИКОРИСТАННЯ ЗЕМЕЛЬ ТА ЗЕМЕЛЬНИХ ДІЛЯНОК ЕКОЛОГО-ТЕХНОЛОГІЧНИМИ ОБМЕЖЕННЯМИ

Визначено потребу в удосконаленні та адаптації існуючих норм із охорони земель, раціонального використання земельних ділянок із законодавчими нормами Європейського Союзу. Вивчено напрацювання науковців, чинне земельне законодавство, інші нормативно-правові акти, що пов'язані із еколого-технологічними обмеженнями. Встановлено, що існуючий «Перелік обмежень щодо використання земель та земельних ділянок» затверджений постановами Кабінету Міністрів України № 1051 та № 821 не передбачає повного переліку обмежень у використанні земель сільськогосподарського призначення, зокрема еколого-технологічних обмежень. Розглянуто основні обмеження у використанні земель, що передбачені еколого-технологічними групами на орних землях за крутістю схилів. Відзначено, що діючими законодавчими нормами Кодексу України про адміністративні правопорушення у сфері охорони природи, використання природних ресурсів передбачена

відповідальність за порушення правил використання земель. Підкреслено, що за відсутності еколого-технологічних обмежень у відомостях Державного земельного кадастру землевласники та землекористувачі нехтують нормами еколого-технологічних обмежень у веденні господарської діяльності на орних землях та встановлено відсутність механізмів притягнення їх до відповідальності у разі їх порушення. Наведено пропозиції у доповненні постанов Кабінету Міністрів України № 1051 та № 821 в «Переліку обмежень щодо використання земель та земельних ділянок» еколого-технологічними обмеженнями на орних землях.

Ключові слова: *еколого-технологічні обмеження, еколого-технологічні групи, орні землі, обмеження у використанні земельних ділянок, Державний земельний кадастр.*