

O. I. Lohvynenko,
Candidate of Juridical Sciences, Docent

S. I. Khomyachenko,
Candidate of Juridical Sciences, Docent

STATE WOOD CORPS OF ITALIAN POLICE: LEGAL REGULATION OF ITS ACTIVITY

The attempt to investigate specifics of the functioning of modern structure of public safety in Italy, in particular, of the power and functions of the State forest corps is made in the article. The authors recognize that the state created a fundamental basis for training of professional policemen in the sphere of nature protection of Italy. Special attention is paid to the question of holding a competition for positions of the State forest corps and the analysis of standards of the legislation on the organization of its activity is carried out.

Key words: State forest corps of Italy, public authorities, public safety, rating, forest commissioner, competition.

О. І. Логвиненко, С. І. Хом'яченко

Державний лісовий корпус поліції Італії: правове регулювання діяльності

У статті зроблено спробу дослідити специфіку функціонування сучасної структури громадської безпеки в Італії, зокрема, Корпусу Державної лісової охорони, його повноваження та функції. Автори визнають, що державою створено ґрунтовні засади для підготовки професійних працівників поліції у природоохоронній сфері Італії. Окрему увагу приділено питанню проведення конкурсу на посади Державного лісового корпусу та здійснено аналіз норм законодавства стосовно організації його діяльності.

Ключові слова: Державний лісовий корпус Італії, державні органи, громадська безпека, рейтинг, лісовий комісар, конкурс.

Е. И. Логвиненко, С. И. Хомяченко

Государственный лесной корпус полиции Италии: правовое регулирование деятельности

В статье сделана попытка исследовать специфику функционирования современной структуры общественной безопасности в Италии, в частности, Государственного лесного корпуса, его полномочия и функции. Авторы признают, что государством созданы фундаментальные основы для подготовки профессиональных работников полиции в природоохранной сфере Италии. Отдельное внимание уделено вопросу проведения конкурса на должности Государственного лесного корпуса и осуществлен анализ норм законодательства по организации его деятельности.

Ключевые слова: Государственный лесной корпус Италии, государственные органы, общественная безопасность, рейтинг, лесной комиссар, конкурс.

Statement of a problem and its relevance. In the last decades the international community began to realize that in the world where the environment is being promptly destroyed, a reasonable development and healthy society is impossible. The world economy cannot steadily develop if not to stop destroying the environment. Deterioration of the state

of the environment is a global tendency which covers such phenomena as climate change, global warming and desertification, destruction of an ozone layer, acid rains, etc. The problem of the next years consists in transferring this understanding to specific affairs in each country and eventually to

carry out the transition to steady forms of development and a rational conduct of life.

Analysis of researches and publications. Separate aspects of legal regulation of environmental protection in foreign countries were an object of research in works of such famous Ukrainian scientists as V.I.Andreytseva, A.P.Getman, P.F.Kulinich, T.A.Kovalenko, A.M.Miroshnichenko, N.R.Malysheva, Y.S.Shemshuchenko, M.V.Shulga, and also other researchers. However the detailed analysis of the modern structure of public safety in Italy, in particular, of the Corps of the State forest protection, its power and function were not carried out and that caused relevance and novelty of this article, scientific and practical value of its separate provisions.

The purpose of the article is the research of specifics of the functioning of modern structure of public safety in Italy, in particular, of the State forest corps, of its power and functions.

Statement of the main material. In the 21st century, the problem of pollution and degradation of the environment became urgent for the survival of mankind. The first principle of Rio-de-Janeiro declaration on the environment and development in 1992 proclaims that care of the person is the central link of activities for ensuring sustainable development [1].

In the 19th century, the problem of the environment was not so global. Each state could cope with it independently. However, at the end of the 19th century, the question of international cooperation in the field of the environment arose because of the growth of scales of pollution. It crossed the borders of one country and could do harm to others. This circumstance also induced the states to cooperation in environmental protection.

Many constitutions of the European countries contain provisions, which are the conceptual basis of the right to the safe environment. So, in the Constitution of Croatia nature protection is recognized as the supreme value of the constitutional system of the Republic together with freedom, equality, national equality, social justice, respect of human rights, and inviolability of property. According to provisions of the Constitution citizens, public and economic organizations and associations have to show special care for the protection of human health, the nature and the environment within their

powers. In Poland, the public power also pursues the policy ensuring ecological safety to present and future generations. France also proclaims the rights and duties of environmental protection at the constitutional level. The most important element of the central administration of France is the ministries and departments, including ones in the field of environmental protection [2, p. 771]. Art. 19.8 of the constitution of the Republic of Chile demonstrate that the constitution guarantees all the right to live in the pure environment. Ensuring this right and environmental protection is an obligation of the state [3, p. 239]. Environmental protection is an obligation of public authorities. They are obliged to support the actions of citizens directed to environmental protection and improvement.

At the present stage of development of society, we understand ecological policy as a system of the legislative, administrative and economic measures undertaken by the state or the states for the solution of environmental problems. Environmental policy of the state is a system of the actions connected with the purposeful impact of society on nature for the purpose of the prevention, minimization or elimination of negative for the person and the nature consequences of such influence. It is necessary to agree with scientists who note that environmental policy aims not only at environmental protection, rational use of natural resources and ensuring ecological safety. It, first of all, has to care for preservation and development of social sphere that provides normal activity of the person.

In many countries of the world, special public authorities are created for the successful performance of tasks of environmental policy. So, in Italy, these functions are performed by the State forest corps (Corpo Forestale dello Stato). The modern structure of public safety in Italy exists since 1981. The Ministry of Internal Affairs is responsible for public order and safety in Italy. The department of public safety in the Ministry of Internal Affairs of Italy is headed by the Police chief - the CEO of public safety. The police chief is appointed by the Minister of Internal Affairs and is approved by the decision of the Government. The activity of police in Italy is regulated by a large number of regulations, the main of which are: Law No. 121 of 1981., the Law No. 196 of June 30, 2003, the Legislative

decree No. 334 of October 5, 2000, the Decree of the President No. 256 of August 1, 2006, the Decree of the President No. 129 of April 28, 2005. The woods occupy 34 percent of the territory of Italy which belongs to the countries in which the private woods prevail: 3687 thousand. Hectares of the Italian woods are in a private ownership (81 %), the others are the state woods, generally municipal and municipal property. A considerable part of the state woods passed from the central authorities into regions as a result of processes of regionalization in rural and forestry in the 1970th [4]. Therefore it is quite logical that public authorities of Italy pay considerable attention to the protection of the woods. Among them - the State forest corps of Italy, specializing in the field of protection of natural heritage and landscapes, in the prevention and suppression of ecological crimes and crimes in the field of the agrifood industry. Workers of the State forest corps carry out coordination of the actions directed to compliance with the law about food and consumer products safety in the field of livestock production, meat-and-milk production, olive oil, wine, GMO, certification of production, protection of agricultural production against pesticides and pollutants, do analyses on safety of the foodstuff which is responsible for safety of consumers and appropriate implementation of instructions of the EU in the field of rural and forestry, the guidelines concerning safety of food and agricultural products, distribution and knowledge of safety of food and agricultural products, state of environment. Besides, ensuring public order, public safety on ecological objects, monitoring of national parks and reserves of the state, control in the field of international trade in types of wild fauna and flora, that were under the threat of disappearance, and in the sphere a hunting and fishings in the woods and on internal reservoirs, and also criminal prosecution for the fraud in the agrifood sphere and the sphere of forestry committed in damage of the European Union belongs to duties of forest police [5]. Besides, the workers of the state forest corps have powers to take measures for prevention of illegal recycling and fraud in the field of safety of foodstuff. Service, provided to the population by the State forest case, includes planning and coordina-

tion of the actions connected with the state help and national civil protection in fight against wildfires by means of aircraft, coordination of activities of control centers for fight against wildfires also treat with forecasting, the prevention and active fight against wildfires, forecasting of risks during snowfalls and the shift of avalanches. Functions of regional divisions depend on the general direction of the agrifood industry of the region and an originality of a natural cover.

The personnel of the state forest corps is divided into two big categories - the military personnel - the heads, inspectors and public officials having the qualification of staff of judicial police and public safety; - technicians - operators, auditors, appraisers.

To get access to initial qualification to any position, it is necessary to participate in an open competition. The exception makes only the deputy of chief position, appointment to which is carried out only through the internal competition. The message on a competition is posted online on the website of the State forest corps.

The competition at a position of the State forest case is not constant. It is announced in case of need. Citizens of Italy both men and women not older than 30 years old can only be candidates for positions (on separate positions is not older than 32 years old). They file documents and pass tests in an open competition only during the period specified in the announcement of a competition.

As it is provided by item 1, Art. 16 of the Law No. 226/2004 (The early termination of passing of conscription service and the fixed discipline of military group of volunteers, and delegation of the government for further coordination with industry provisions), from January 1, 2006, to December 31, 2020, positions will not be completed, however the positions of the workers who are on long vacation can be filled only with volunteers. Procedures for selection consist in the determination of the best rating of qualities of the applicant for training (point 3) [6].

Heads and inspectors, agents and assistants belong to the military personnel [7]. 55 percent of the persons enlisted on training at the positions of agents and assistants have to have high rates in rat-

ing. These applicants are selected from persons, who only begin their work. Other 45 percent of places are created for the persons starting the career after service in Armed Forces (point 4) [8].

The persons enlisted at the positions study at School of the forest corps within twelve months. After the termination of a training course, students of school take examinations. If examinations are successfully passed, qualification of law enforcement officers and staff of judicial police is appropriated to applicants for positions of agents and assistants. After appointment to officer positions, they to go to one of places of work at once to the woods which exist in all territory of the country, except for regions with the special status. From an initial position of the agent career development can rise to a position of the assistant and the deputy head. Retraining of workers happens once in five years.

Applicants for a position of the deputy head have to pass an examination after they within the last four years served on active service and were in a reserve to a position of the deputy head. Besides, they study on courses, lasting not less than three months before their appointment. Promotion happens each seven years on condition of positive characteristics and high rates of work.

Applicants study during fifteen months for the inspector's position. And 50 percent of persons which already work at other positions in the State forest corps, and 50 percent of the persons starting a labor career participate in a competition. In a state competition to a position of the inspector allowed the persons who are having the Italian citizenship and aged from 18 up to 32 years; successfully graduated from secondary school of the second step, with the corresponding psychophysical abilities and are suitable for work in special conditions. Applicants have a possibility of career development: the following step is the position of the senior inspector.

Except for the military personnel, the technicians which carry out scientific and technical, administrative and technical and tool examinations work in the State forest corps. According to the Law No. 216 of March 6, 1992 [9] regulating the activity of technicians of the State forest corps the Italian citizens of both sexes who meet the requirements established by the Decree No. 201 of

May 12, 1995, can participate in a competition at a position of operators, auditors, and experts.

To a position of the operator, applicants should take open competitive examinations. Persons who won a competition visit a training course lasting six months and then they are given assignments of the operator. In case of successful performance of official duties, professional development, they subsequently can be appointed as the deputy head.

On training to a position of the assistant auditor, candidates are taken according to such proportionality: 70 percent of places on the basis of the internal competition and 30 percent on the basis of the open competition. After that the applicants for a position of the assistant auditor study for not less than twelve months. Advance on higher qualifications - the auditor and the leading auditor - can be received only after seven years of service.

Training to a position of an expert on training also takes twelve months. In an open competition the citizens of Italy of both sexes, with the secondary education of the second step have the right to participate for 50 percent of applicants for a position. Other 50 percent are appointed to the expert's position due to the internal competition and on the basis of qualification examinations. Subsequently, experts are appointed by the chief appraiser and the leading expert.

According to item 3 of Art. 1 of the Law on March 31, 2000 No. 78 during reorganization of the State forest corps which performs police functions since March 15, 2001 its administrative board has the following structure: the forest commissioner, the chief forest commissioner, higher commissioner of forestry, the first officer, the senior head, the CEO - the head of the department.

The State forest department if necessary announces an open competition for the specified positions in which professionals who are citizens of Italy and not older than 32 years can participate, according to the Law of May 15, 1997 No. 127, have necessary physical abilities and psychophysical qualities according to points 2 and 4 of Art. 1 of the Law of June 7, 1990, No. 149 [10].

On the basis of competitive state exams, they are enlisted on training. After passing an admission examination - two written tests and an interview the students are enlisted on two-level system of studies.

The first cycle - at the Highest institute of police, the second - at universities. An obligatory element of training is a training in practical structures of the State forest corps.

During the study the applicants for the highest senior positions in the State forest corps while getting the bachelor's degree have to study such courses as chemistry, statistics, economy, law, engineering disciplines, veterinary medicine, agricultural sciences, biological sciences, forest sciences, sciences about the earth, natural sciences according to item 95 of Art. 17 of the Law of May 15, 1997, No. 127. Besides, during the training at the second level, they have to receive an academic degree (master) from one of the specialties legal, economic or technical compliance with the Law of August 23, 1988, No. 400.

Persons who study on the first cycle can stop training in case the state refused a course;

the competent opinion at the end of the first cycle on an assessment of unfitness to service in the State forest case is received;

they do not pass the test or they do not achieve all planned training objectives;

they do not take the last examination in a course;

if for more than ninety days they are absent for any reason, but it is not consecutive, or one hundred and eighty days they are absent because of a disease or because of service at other positions of the State forest corps, or motherhood.

If the commission establishes that the reasons for the absence were valid (disability due to illness, a maternity leave, etc.), after the definition of their psychological and physical state they are allowed to continue their study.

For serious disciplinary violations reduction of a salary for the term of more than one month, dismissal and an exception of a course are provided and it has to be accepted by the decree of the head of an executive general body of the State forest corps on the proposal of the director of the Highest police.

At the end of their training applicants pass a training in one of the technical or operational structures after which they have to pass their final examination and take the oath. Their candidacies are approved and appointed in the State forest corps in a rank of the forest commissioner [11]. At appoint-

ment to the highest position, they undergo compulsory education for a period of three months.

Conclusions. So, it is possible to draw a conclusion that the state created thorough principles for the training of professional employees of police in nature protection sphere. From the analysis of standards of the legislation on the organization of activity of the State forest case, we can see that there is a careful selection of applicants for all the positions that is especially important, considering the specifics of activity of this division and the tasks set for it. And also granting by the state an opportunity to gain the corresponding knowledge during training and retraining should be noted. The two-level system of training allows satisfying the requirements of the State forest corps with workers of different level of training completely.

References

1. *Deystvuyuschee mezhdunarodnoe pravo. Dokumenty v 2-h tomah. T. 1 / sost.: Yu. M. Kolosov, E. S. Krivchikova* – M.: Yurayt, Mezhdunarodnyie otnosheniya, 2007. – 768 p.

2. *Oleynikova A. Ya. Zarubezhnyiy opyt ohranyi okruzhayuschey sredy v aspekte upravleniya / A. Ya. Oleynikova // Elektronnoe nauchnoe izdanie «Uchenyie zametki TOGU». – 2014. – Tom 5, № 4. – S. 767-775 – Rezhym dostupu: http://pnu.edu.ru/media/ejournal/articles/2014/TGU_5_276.pdf*

3. *Ryizhenkov A. Ya. Pravovoy opyt ohranyi okruzhayuschey sredy v zarubezhnyih stranah: voprosy vzaimovliyaniya / A. Ya. Ryizhenkov // Biznes. Obrazovanie. Pravo. Vestnik Volgogradskogo instituta biznesa. – 2012. – № 4 (21). – S. 237-241.*

4. *Ofitsiynny sayt Korpusu Derzhavnoyi Lisovoyi Okhorony [Elektronnyj resurs]. – Rezhym dostupu: <http://www.corpoforestale.it/Home>*

5. *Legge 6 febbraio 2004, n. 36 «Nuovo ordinamento del Corpo forestale dello Stato», pubblicata nella Gazzetta Ufficiale n. 37 del 14/02/2004.*

6. *Legge 23 agosto 2004, n. 226 «Sospensione anticipata del servizio obbligatorio di leva e disciplina dei volontari di truppa in ferma prefissata, nonché delega al Governo per il*

conseguente coordinamento con la normativa di settore», pubblicata nella Gazzetta Ufficiale № 204 del 31/08/2004.

7. *Decreto* Legislativo 12 maggio 1995, n. 201 «Attuazione dell'art. 3 della legge 6 marzo 1992, n. 216, in materia di riordino delle carriere del personale non direttivo e non dirigente del Corpo forestale dello Stato», pubblicato nella Gazzetta Ufficiale n. 122 del 27/05/1995 - Supplemento Ordinario n. 61; *Decreto* Legislativo 28 febbraio 2001, n. 87 «Disposizioni integrative e correttive al decreto legislativo 12 maggio 1995, № 201, in materia di riordino delle carriere del personale non direttivo e non dirigente del Corpo Forestale dello Stato», pubblicato nella Gazzetta Ufficiale n. 77 del 2/04/2001

8. *Legge* 23 agosto 2004, n. 226 «Sospensione anticipata del servizio obbligatorio di leva e disciplina dei volontari di truppa in ferma prefissa-

ta, nonché delega al Governo per il conseguente coordinamento con la normativa di settore», pubblicata nella Gazzetta Ufficiale n. 204 del 31/08/2004.

9. *Legge* 6 marzo 1992, n. 216. pubblicata nella Gazzetta Ufficiale 7 marzo, n. 56.

10. *Legge* 15 maggio 1997, № 127 «Misure urgenti per lo snellimento dell'attività amministrativa e dei procedimenti di decisione e di controllo», pubblicata nella Gazzetta Ufficiale n. 113 del 17 maggio 1997 – Supplemento ordinario.

11. *Decreto* Legislativo 3 aprile 2001, n. 155 «Riordino delle carriere del personale direttivo e dirigente del Corpo Forestale dello Stato, a norma dell'articolo 3, comma 1, della legge 31 marzo 2000, n. 78», pubblicato nella Gazzetta Ufficiale n. 99 del 30/04/2001.